

What is a will?

A will is a legal document that details your wishes about what do with your possessions upon your death. It also includes details about what you want for any children under 18 that you may leave behind. That means it's not only good to have a will if you have any savings or assets, but also if you're starting a family.

Why it is important to make a will?

Even if you think you don't have much worth considering, it's still important to make a will because:

- If you die without a will, you don't have any control over what happens to your possessions or savings. As a result, they may go to people that you would prefer not to have them.
- Even if you're in a relationship, if you're not married or in a civil partnership you can't inherit from each other unless there is a will. That means if one person dies, the other may end up in serious financial difficulty.
- If you have children, a will lets you make arrangements for the children in case you die
- A will can reduce the amount of inheritance tax you pay.

What if I don't make a will?

When a person dies without leaving a valid will, they are called an **intestate person**, and they have died **intestate**. All their assets and savings (this is called **the estate**) must be shared out according to certain rules called the **rules of intestacy**.

Even if you think you've made your wishes clear and written them down, unless it's in an official will then those wishes will be ignored and the **rules of intestacy** apply instead.

Is it necessary to use a solicitor?

Don't worry! You don't have to use a solicitor, although if the will is going to be complicated you may prefer to. In fact, there is no need for a will that you make to even be witnessed by a solicitor.

The most common mistakes when writing a will are:

- not following the formal requirements needed to make a will legally valid
- not taking account of all the money and property you have
- failing to plan for a beneficiary (that's someone you're leaving stuff to) dying before you do
- Changing the will later without doing it properly
- Not changing a will when you get married or divorced, or enter into or dissolve a civil partnership

Generally speaking, it's a good idea to have a solicitor check a will you have drawn up to make sure you've got it right. This is much cheaper than having them draw it up, but they will charge for this too.

What makes it complicated enough to use a solicitor?

Some things are pretty complicated and – even though you can try it yourself – we really recommend you get a solicitor to help draw up the will. Things to watch out for are:

- If you share a property with someone who is not your husband, wife or civil partner. This means any long-term relationship, even if you have children.
- If you have a dependant who is unable to care for themselves
- If you have a complex family situation where several people may want to claim your assets. For example, a second wife or estranged children may want to claim
- If your permanent home is not in the UK
- You have overseas property
- You own or part-own a business of any kind

How much does a solicitor cost?

The first thing to do is to write out what you want the will to include. The more detail you include, the better: you can take as long as you want doing this, and then that's time you won't need to pay the solicitor for. Finally, before you look for a solicitor, try checking the following:

- Your trade union: some of them offer free will-writing services.
- Check with your insurance policies: some of them cover solicitor costs when it comes to wills.
- If you are writing your will at the end of the year, consider using Will Aid. This is a charity that operates across the UK and it is active in November. At this time, it encourages participating solicitors to provide basic wills in exchange for a £95 donation (or £150 for two 'mirror' wills). Details can be found at <http://www.willaid.org.uk>

If those options don't work out, then check with a few local solicitors to find out what they charge before you make your decision. The cost can vary depending on the solicitor and the complexity of your will. We do recommend you use the free will planner on the WillAid site before you go: it explains a lot of helpful terms, and will also get your planning started. It can be found [here](http://www.willaid.org.uk/sites/default/files/Will_Planner_Download.pdf) at http://www.willaid.org.uk/sites/default/files/Will_Planner_Download.pdf or your adviser can provide one.

Can I get other help when writing a will?

You can use pre-printed forms to help you draw up a will at the Post Office, or from most stationers. There's also help online, which is a lot cheaper than buying self-help guides.

What should be included in a will?

We do recommend you use the free will planner on the WillAid site to help you plan your will: it explains a lot of helpful terms, and will also get your planning started. It can be found [here](http://www.willaid.org.uk) at

http://www.willaid.org.uk/sites/default/files/Will_Planner_Download.pdf or your adviser can provide one.

In general, you should consider such things as:

- how much money you have, including property and savings. This includes pensions and shares.
- who you want to benefit from your will.
- who should look after any children under 18 that you are responsible for
- who is going to carry out the instructions in your will. These are called the **executors of your estate**.

Remember - Executors are the people you choose to be responsible for carrying out the instructions of your will. They will have to deal with all the assets and paperwork, and also pay all the debts, taxes, funeral and administration costs. These costs normally come out the estate. They are also responsible for making sure that assets and savings are given to the correct beneficiaries.

Requirements for a valid will

In order for a will you write to be valid:

- You must be over 18
- It must be made voluntarily
- It must be made by a person who is of sound mind.
- It must be in writing
- You must sign it in front of two witnesses
- The two witnesses then have to counter-sign it in front of you.
- Although it will be legally valid either way, it can be a very good idea to date the will when you sign it, in case you make later versions.

Remember - As soon as the will is signed and witnessed, it is complete.

Remember – A witness (or the married partner of a witness) cannot be one of your beneficiaries.

Remember – if the will is not valid, it does not count at all and the **rules of intestacy** apply. Your adviser can explain what this means.