



Who should make a will

If you care about what happens to your property after you die, you should make a will. Without one, the State directs who inherits, so your friends, favourite charities and relatives may get nothing.

It is particularly important to make a will if you are not married to your partner. This is because the law does not automatically recognise partners as having the same rights as husbands and wives. As a result, even if you've lived together for many years, your partner may be left with nothing if you have not made a will.

A will is also vital if you have children or dependants who may not be able to care for themselves. Without a will there could be uncertainty about who will look after or provide for them if you die.

Your solicitor can also advise you on how inheritance tax affects what you own.

You should also consider taking legal advice about making a will if:

- several people could make a claim on your estate when you die because they depend on you financially;
- your permanent home is not in the UK or you are not a British citizen;
- you live here but you have overseas property; or
- you own all or part of a business.

Once you have had a will drawn up, some changes to your circumstances (for example, marriage, separation or divorce) can make all or part of that will invalid or inadequate. This means that you must review your will regularly, to reflect any major life changes. A solicitor can tell you what changes may be necessary to update your will.

Using a solicitor

Although it is possible to write a will without a solicitor's help, this is generally not advisable as there are various legal formalities you need to follow to make sure that your will is valid. Without the help of an expert, there's a real risk you could make a mistake, which could cause problems for your family and friends after your death.

Finding a solicitor

If you need to make a will but don't have a solicitor, visit our website at www.solicitors-online.com and search under 'Wills and Probate' to get details of solicitors in your area. Or you can call the Law Society on 0870 606 6575.

What your solicitor will need to know

Once you have appointed a solicitor, they will need the following details from you.

What you own

Details of everything you own, including property, cars, personal valuables, stocks and shares, bank accounts, insurance policies, any businesses you own, and pensions.

Who gets what?

Who do you want to leave these assets to? How do you want to divide your property between your loved ones, friends or charities? Are there any conditions you want to attach to these gifts?

Family and other beneficiaries

Details of your family and marital status. Are you divorced, re-married or living with a partner? Do you have any children or any other dependants? Anyone who depends on you financially can ask a court to review your will if they feel you have not provided properly for them. If you give your solicitor relevant details, they can tell you about any legal pitfalls.

Guardians

If you have any children that may still be under 18 when you die, you may need to name someone as their legal guardian.

Other wishes

Do you have any particular wishes for your funeral? Do you want to be buried or cremated? Are there any other instructions? For example, if you want to be an organ donor this can be included in your will. However, it is also a good idea to carry an organ-donor card.

Executors of your will

You must also name the people you want to appoint as 'executors' of your will - the people who carry out the administration of your will after your death. These could be friends or family members, or a professional such as your solicitor. A good combination would be a friend or family member and a professional. Ideally, you should choose someone who is familiar with financial matters. Make sure you ask your executors whether they are happy to take on this duty as there are long-term responsibilities involved. It is a good idea to ask someone younger than you are.

Signing the will

Once the will has been drawn up it is not effective until it has been signed. There are several rules affecting the signature process which, if not followed correctly, will make your will invalid. For example, witnesses and their husbands and wives cannot benefit under the will. Many people use staff at their solicitor's office to act as their witnesses for this reason.

Where to keep the will

It is important to keep your will in a safe place and tell your executors or a close friend or relative where it is. People often ask their solicitor to store their wills for them. Most solicitors will do this for free, but sometimes there is a small fee.



Keeping your will up to date

You should review your will at least every five years and after any major life change such as getting separated, married or divorced, having a child or moving house. It is best to deal with any major changes by getting a new will drawn up. But it is also possible to make minor changes (or 'codicils') to your existing will. In both cases it is best to consult a solicitor.

Costs

Charges for drawing up a will can vary between solicitors. They also depend on:

- the experience and knowledge of the solicitor; and
- how complicated your will may be.

Before you decide who to use, check with a few local solicitors to find out how much they charge. But remember that cost should not be the only consideration. It is equally important to find a solicitor who is approachable and whose advice you understand.

More information

This is one of a series of leaflets covering the most common types of legal services which solicitors provide. Other leaflets in the series are listed below. You can get them from your solicitor or by phoning the Law Society on 0870 606 6575.

Your guide to buying a home
Your guide to getting a divorce
Your guide to problems at work
Your guide to setting up a business
Your guide to making a personal injury claim
Your guide to financial matters for the elderly
Your guide to setting up home with your partner
Your guide to renting out your property
Your guide to renting a home
Your guide to using a solicitor
The Client's Charter: your solicitor's customer care standards