

Making a will

A guide to why you should have one



A will is a legal document that sets out who will get what when you die. Having one avoids uncertainty, unnecessary expense and long legal delays that can occur if you don't have one.

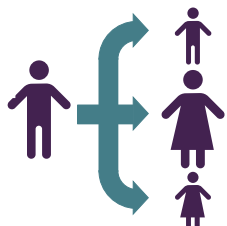
Why have a will?

The main reason for writing a will is to set out how your money and possessions (your estate) are divided up when you die. If you die without a will (known as “dying intestate”), your estate will be distributed according to the rules on intestacy, which could be very different to your wishes.

A will ensures your estate goes to the people you want it to.

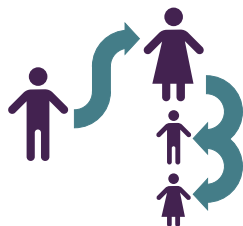
WITH NO WILL

The estate might go to people you don't want it to



WITH A WILL

You can choose who you leave the estate to



There are several other things you can do in a will.

- Say who you want to be guardians of any children you have under 18 (under 16 in Scotland); if you don't do this, the state will.
- Set up trusts and other arrangements to keep any inheritance tax bill on your estate to a minimum.
- Leave details of the kind of funeral you want.
- Leave details about what you want to happen to your pets.
- Say what should happen to your digital assets (such as social media, email and other online accounts).
- Name the executors of your will. These are the people who ensure the instructions in your will are carried out when you die.
- Make gifts to charity.

If you die without a will

If you die without a valid will, the intestacy rules apply. These set out who is entitled to inherit from your estate if you don't leave a legally valid will. The rules are designed to protect your family but there are several potential problems:

- If you live with a partner but are not married to them or in a civil partnership, they have no automatic right to inherit from you.
- Under the intestacy rules, your children are only those related to you by blood or legally adopted and not step-children.
- If you are separated from your spouse or civil partner but not divorced, they will inherit some or all of your estate under the intestacy rules.
- Children inherit equally under the laws regardless of their needs.
- Your assets may have to be sold so that your estate can be split among your heirs; this could mean your husband or wife having to move out of the home you live in.
- If you have no immediate family, distant relatives you have never met may inherit from you rather than friends.
- If you have no living relatives, the state gets everything.

Who should have a will?

All adults should have a will but it's particularly important once you own your own home, have children, start a business or have savings and investments. In England and Wales anyone 18 or over can write a will. In Scotland the minimum age is 12.

You can use a solicitor, professional will writer or online will writing service to write your will, or you can write your will yourself.

You need to be very careful if you decide to write your own will. It's easy to unwittingly make a mistake which makes it unclear or invalidates it. A solicitor can ensure your will is clear and legally valid and can also offer advice on how to make it tax-efficient by reducing any potential inheritance tax bill.

How much does a will cost?

As a rough guide, expect to pay between £150 and £250 to have a simple will drawn up by a solicitor. For a more complex will, you may pay more. Costs can vary so shop around and get a few quotes first.

If your affairs are simple, you could use a professional will writer. They tend to be cheaper than solicitors but aren't regulated in the same way. If you go down this route, make sure you choose one that is either a member of The Society of Will Writers or the Institute of Professional Willwriters.

Online will writing services are another option for simple wills and again cost less than using a solicitor. They vary in terms of what they offer so check you understand what service you're getting. Some will offer phone support and will check your will before you sign it.

Charity and reduced-cost wills

Check to see if your employer or any trade union you're a member of, offers any special deals on will writing.

Alternatively, you could take advantage of one of the schemes below to help you get your will written in exchange for a donation or bequest to charity.

- Will Aid month in the UK in November when solicitors agree to write your will for free in exchange for a donation to charity (suggested donation of £100 for a single will).
- Free Wills Month in the UK in March and October when solicitors write simple wills for free if you're over 55 and in exchange ask you to leave something in your will to charity.
- Will Relief Scotland in September when solicitors will write your will for free in exchange for a donation to one of the four Scottish charities it has linked up with which are tackling poverty and injustice around the world.
- If you're a supporter of a charity you may be able to get a simple will written for free through the National Free Wills Network providing the charity is one of those signed up to the network. There's no obligation to leave a gift to the charity in your will, but most people do.



Changing your will

If you want to change your will you can either make a new one (which will cancel any previous will you have made) or alter the existing one by adding what's known as a codicil.

You should review your will whenever your circumstances change such as getting married or entering a civil partnership, getting divorced, having a baby, buying property, moving home or receiving an inheritance.

Storing your will

It's important to keep your will safe and to tell your executors where it is. You can file it at home but make sure it's in a safe place away from the risk of theft, fire or water damage. If a solicitor draws up your will they will usually keep the original and send you a copy.

If you have written it yourself you could store it with a bank (although not in a bank safety deposit box as this is unlikely to be accessible to your executors), solicitor or private will storage facility for a fee. Alternatively, you could deposit it with the Probate Service (England and Wales only) for a small one-off charge.

Where to find out more

The Law Society

Find a solicitor in England and Wales at:

solicitors.lawsociety.org.uk

Find a solicitor in Scotland at:

lawscot.org.uk/find-a-solicitor

Solicitors for the elderly

Find a solicitor with expertise and experience in dealing with older and vulnerable clients at:

sfe.legal/find-a-lawyer

Other places to look

Society of Will Writers – willwriters.com

Institute of Professional Willwriters – ipw.org.uk

Free Wills month – freewillsmoonth.org.uk

Will Aid month – willaid.org.uk

Will Relief Scotland – willreliefscotland.org

The Probate Service

How to deposit a will with the Probate Service:

gov.uk/government/publications/store-a-will-with-the-probate-service/how-to-store-a-will-with-the-probate-service

Your notes



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Registered office: 55 Gracechurch Street, London, EC3V 0RL.