



## Making a Will

The following is a basic guide to the types of things that you will need to think about before giving instructions for your Will:

### 1. **Executors**

Your Executors are the people responsible for the day-to-day administration of your estate. If there is going to be a Trust contained in your will, then your will is usually drafted so that the Executors also act as your Trustees. If you are going to need any form of Trust in your will (e.g. if you have children under the age of 18) then you will need a minimum of two Executors and Trustees. In any event, the maximum number permitted is four. Executors can always ask for legal advice, but they may have to make decisions on investments etc. so you should choose somebody who not only you trust completely, but who also have good decision-making skills.

### 2. **Guardians**

If you have children under the age of 18, you should appoint a legal Guardian in your will, who will have parental responsibility should something happen to both your child's parents. This can be one of your Executors if you wish, or someone else. If you have children under the age of 18 but who do not live with you, then you should consider their maintenance. You should also consider at what age children should control their own inheritance - the law fixes entitlement at 18, unless you state otherwise in your will (e.g. if you think this is too young, you can provide for them to inherit at 21 or 25).

### 3. **Personal Gifts**

If you wish to make individual gifts of chattels (i.e. jewellery, paintings, furniture, items of sentimental value etc.), then give some consideration to what you would like to leave and to whom.

### 4. **Legacies**

You may also wish to leave gifts of money to family or friends and/or your favourite charity. Again, give some consideration to how much you would like to leave and to whom. If you are making a gift to charity (other than a well-known national charity – we can check these for you) then you should look up the address of the registered office or treasury/secretary to whom the gift should be left, as these details need to be included in your will.

**5. If you are married – remember that despite any age/health differences, you cannot say with certainty who is going to die first**

Many married couples (or same-sex couples in a registered civil partnership) would like everything to go to their survivor. If this is not the case – perhaps because you have children from a previous relationship, or for tax reasons – then consider what other provision you wish to make. If you have children then you may wish everything to be shared between them, although if they are not adults you may wish to leave everything in trust for them. If you do not have children, it is often the case that people divide their assets as a couple into two and make provision for each spouse's own family members.

**6. Cremation/Burial/specific funeral wishes**

Some people like to include their wishes in this regard in their will. It is not obligatory, although it is advisable if you have very strongly held preferences.

**7. Inheritance (Provision for Family and Dependants) Act 1975**

You should consider whether you have a “duty” towards - this could include your spouse, children, grandchildren, godchildren, nieces, nephews, parents, siblings, etc. Under the legislation, anyone who is financially dependent upon you could have a claim on your estate and they should therefore be considered when you make your will.

**8. Finally...**

You should prepare a list of the full names (including middle names) and dates of birth, and addresses (if they do not live with you) of any children you have. You should include all your children, even if you are not in contact with them for any reason, or if they are no longer alive.

You should also prepare a list of the full names and address of all the people who are going to appear in the will, e.g. anyone that you wish to benefit, your Executors, Trustees and Guardian if applicable, and specify their relationship to you.

You may also like to make a note of any questions that you want to ask!

*This handout does not constitute legal advice – it has been produced for information purposes only and should not be relied upon. Please consult one of our specialist solicitors for legal advice.*

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