

StChristopher's

Do I need to
make a Will?

**INFORMATION FOR PATIENTS,
CARERS AND FAMILIES**

This leaflet is intended for general guidance only and we suggest that you obtain proper legal advice if you are in doubt about the meaning of anything. Some of the legal terms used in this leaflet are explained below.

Crown The state

Beneficiary The person (persons) nominated in the Will to receive property, personal possessions and/or money from the estate

Estate The net worth of a person, i.e. the sum of the assets (less any liabilities) at any given time, whether the person is alive or dead. Assets include property, money and possessions

Executor The person responsible for arranging the funeral and then carrying out the terms of the Will. An executor can be a beneficiary in your Will but must not sign the Will

Intestate Dying intestate is the legal term for someone who had died without first making a Will

Life interest Where a person is given an interest in a property or other assets for life, or for a shorter period of time

Tenants (in common) Where each tenant owns a set share of the property, this can either be half each or a defined percentage

Tenants (joint) Where tenants jointly own the whole of the property

1 Do I need to make a Will?

You do not always need to make a Will.

A Will helps you to decide what happens to your property, money and possessions (your 'estate') after your death, and making a Will ensures that your wishes will be carried out when the time comes.

However, if your affairs are straightforward it may not be necessary to make a Will. For example, if the person who has died has just enough money to cover the cost of their own funeral, then a Will may not be necessary as most building societies and banks will issue payment to the funeral director on production of the final bill and a copy of the death certificate.

If you are uncertain, then please seek further advice.

2 What if I die without making a Will?

Under current legislation, if you were to die intestate (without a Will) your assets are distributed according to the rules of intestacy. This means that partners may get nothing. Currently in England and Wales if a person is married, or in a civil partnership, then the surviving partner receives the entire estate, but only if it is worth less than £250,000 (including the value of any property).

If your estate is worth more than £250,000 then your spouse or civil partner will get the first £250,000, personal belongings, plus half of the remainder. The balance will be shared by any children, once aged 18 years old. If you are married or have a civil partner, but don't have children, then your spouse/civil partner would get £450,000, personal belongings, plus half of the remainder. The balance would go to any surviving parents or siblings, or descendants of whole blood and then half-blood if both parents have died.

If your estate is worth more than £250,000, if you are married or have a civil partner, and you do not have any surviving children, parents or brothers and sisters or whole blood or of half-blood, then your spouse inherits everything.

If you don't have a spouse or civil partner then your estate will be shared between your children. If you don't have a spouse or civil partner, and there are no children, then the estate will go first to parents, then any siblings of whole blood, then siblings of half-blood, then grandparents, then whole blood uncles and aunts, then half-blood uncles and aunts. If none of these relatives survive you and you haven't made a Will, then your entire estate will go to the Crown.

It is important to note that the rules of intestacy make no provision for step-children even where there are no surviving relatives. If you want to provide for your step-children you should make a Will.

3 How do I make a Will?

You can write your own Will as long as you are at least 18 years of age and of sound mind. Completing a Will form is generally safer than writing your own Will. Standard forms are available from most good stationery shops and larger high street supermarkets.

If you want to be completely confident that your Will conveys your wishes, then you are advised to take proper legal advice from a solicitor.

This is particularly important if your estate is complicated, for example if you own a property abroad, you own a business or where inheritance tax is relevant. Solicitors and other professional advisors will charge for their services.

Check with charities who often offer a list of solicitors who will provide a free Will writing service in exchange for a donation to the charity.

4 Important points to remember

- All Wills need to be witnessed by two independent individuals, whether you have written your own Will, filled in a standard form or used a solicitor
- Anyone whose Will was made before his or her present marriage or civil partnership needs to make a new Will, unless it includes a clause which ensures it will continue to be valid
- Divorce changes but does not revoke your Will. However, the former spouse can no longer be a beneficiary, although can still be an executor. Consider whether this may cause problems
- Many couples own property as 'joint tenants'. This means that if one of the couple dies, then the surviving person automatically inherits the whole property
- If the property is held as 'tenants in common' then the person who has died could leave their share of the property to whomever they want
- It is worth checking how your property is held. If you change it to a joint tenancy this can mean you don't need to make a Will as the property will transfer automatically to the surviving person.

5 If you are a patient at St Christopher's

If you are a patient at St Christopher's and you need to prepare your Will, please note that our staff are unfortunately unable to assist you with arranging a solicitor and with witnessing your Will. However, we are able to give general guidance as to whether it is advisable for you to make a Will or not.

It is really important for your care
that the information you give us is as
full and accurate as possible.



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