Why should I make a Will?
A WILL IS A WRITTEN LEGAL DOCUMENT WHERE A TESTATOR DIRECTS HOW HIS OR HER ASSETS ARE TO BE DISTRIBUTED UPON THEIR DEATH.

WHY SHOULD I MAKE A WILL?

The main reason to make a Will is to ensure that your assets go to the people of your choice. Making a Will can also be important for other reasons such as tax planning, appointing guardians for children under 18 years old etc. but the most common reason is to ensure that the people you want to benefit, do.

Your Will does not ever expire. It will be revoked by the following events:

- If you destroy it with the intention of revoking it
- If you make a new Will
- If you get married without including a clause in your Will to say that it is made in contemplation of your impending marriage

Getting divorced doesn’t revoke your Will, however it will make any gift to your ex-spouse invalid and any appointment of an ex-spouse as an Executor will be invalid after divorce or nullity.
WHAT HAPPENS IF I DON’T MAKE A WILL?

If you don’t make a Will then the rules of intestacy will apply. These set out the order of who benefits from your estate and how much they get. You should note that under the intestacy rules unmarried partners do not benefit, step families do not benefit and neither will any friends or charities. A separated but not yet divorced spouse can also potentially benefit under the intestacy rules so it is important that you make a Will directing where your assets are to go instead.

Your estate will be collected in and divided equally between everyone who falls into the next class of people on the list. You cannot exclude anyone from a class and everyone in that class will have a right to be your personal representative and be involved in collecting and distributing your estate.

WHAT DO I NEED TO THINK ABOUT WHEN I MAKE MY WILL?

When making your Will, you need to consider the following:

- **Who do you want as your Executors?** This is the person or people who will collect all your money in, pay any debts and then distribute your estate. You should bear in mind that if you are leaving anything to anyone under the age of 18, you will need at least 2 Executors. This is because the gift will have to be held on trust for them until they turn 18 and it is a legal requirement to have at least 2 Trustees of any trust for a minor. You should also consider whether you want to appoint substitute Executors in case your first choices are not able to do it.

- **Do you have any funeral wishes you want to include?**

- **Do you wish to appoint any guardians of children under the age of 18?** If you do not appointment anyone in your Will then Social Services will decide who looks after your children in the event of the death of both parents.

- **Do you wish to leave any specific gifts?** This can be specific items or gifts of specific amounts of money.

- **What do you want to happen to everything that is left over?**

- **If you own a property with another person who will automatically inherit your share when you die, do you wish to change ownership to be able to leave your share in the house to someone other than the joint owner?** This can have benefits when it comes to paying care home fees.

- **You should also think about what happens if someone named in your Will dies before you. Do you want their children to inherit their share?**

CAN I JUST MAKE MY OWN WILL?

It is unadvisable to make your own Will. The law in relation to Wills is very complex and getting it wrong can be very costly to your estate. It can also be very stressful to your Executors and your friends and family members to put right after your death. The simplest way to ensure that your Will has been made and signed correctly is to have it prepared by a fully trained and qualified professional as they will be able to advise you on the best way to structure your Will to achieve your objectives and ensure that all the legal requirements are met.
Factsheet - WILLS

Legal Services for GMB and CWU Members and their Families

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- Shareholder Agreements
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- Inheritance Tax
- Disabled Person Trusts
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