

Making a Will

It can be hard to think about making a Will. Often it will be emotionally challenging and loved ones may find it difficult to talk about. However, it can be comforting to know that making a Will is one way of planning for the future and making sure that your loved ones are provided for.

This fact sheet gives you information about what a Will is, why you might want to write one and what you need to know before you write one. (This fact sheet provides information which applies to England, Wales and Northern Ireland. The law on Wills has some differences in Scotland. If you live in Scotland please see the Further Information section at the end of this fact sheet).

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What is a Will?

A Will is a legally binding document which enables you to instruct who gets your property, possessions and money after your death. This is known as your estate. For many people, having a valid Will can be reassuring as it means that you have made provision for the people and causes you care about the most.

Writing a Will involves specifying what assets you have (such as property, valuables and savings), choosing who you want them to go to (the beneficiaries, e.g. family, friends and charities), how they will be allocated and the person(s) you want to carry out the allocation (the executors).

Why would I want to make a Will?

You do not have to make a Will, but there are a number of reasons you might want to make a Will:

- To decide what you want to happen with your assets after you die. If you don't have a Will, the 'intestacy' rules will apply which determine who should benefit from your estate. As a result, the people or causes that are important to you may not receive anything. *Intestacy rules work according to the circumstances of the deceased person. For more information visit: gov.uk/inherits-someone-dies-without-will*
- To name a guardian for your child. If you have children or dependants under the age of 18 who may not be able to care for themselves without you. Appointing a guardian ensures that a person you choose will care for your child in the event of your death. If you have children who are under 18, and you don't name a guardian for them, the court will have to appoint one.
- To leave something to a partner (who you are not married to) or a close friend after you die. You can generally only do this by writing a Will. The law does not automatically recognise cohabitants as having the same rights as family or married spouses - no matter how long you have lived together.
- To settle possible disputes that might occur between family members or friends over your belongings. Even if you think that this cannot happen between the people you love, making

a Will can ensure that your loved ones won't have to think of how to divide your belongings amongst themselves.

- To give something to a cause or charity you really care about after your death.
- To leave instructions about your funeral, burial or cremation. Thinking of leaving such instructions can be distressing, but it could make it a lot easier for your relatives and friends who will already be going through a process of bereavement after you pass away.
- You may wish to donate your body to science. If you want to help research into brain tumours after your death, you can leave instructions about gathering tumour samples which will be used to help researchers understand their development. Speak to us and to your health team if this is something you are interested in doing. (The Brain Tumour Charity Support & Info Line - 0808 800 0004 or support@thebraintumourcharity.org)

How do I make, or update a Will?

There are a number of things to do in order to make a Will:

Decide who will write your Will

You, your solicitor, or a professional Will writer can write your Will. However, a solicitor is the most suitable professional to write your Will, even though this option might be more expensive. If you choose to write it yourself, you should still seek the advice of a solicitor as a Will is a formal legal document which could, in some cases, be quite complex. Without the help of an expert you run the risk of making mistakes that can make it difficult for the will to be carried out in the future. (For more information about how to find a solicitor or Will writing services, please see the last section of the fact sheet)

Make a complete list of everything you own

Your 'estate' refers to everything you own (including property, personal valuables, cars, bank accounts, insurance policies etc.) minus any debts. You should make a list of everything you own and everything that's in your name and their value. This process might initially appear quick and easy. However, in some cases, once you begin this process you might find that more and more

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things come up which you didn't initially think of as valuable belongings.

Some things may not have any monetary value, but have sentimental value, that you particularly want to leave to someone.

List those who you will remember in your Will

At this stage you will decide who receives something in your Will. This is entirely up to you and it could be anyone, including family, friends and charities.

Choose an executor

It is wise to have at least two executors in case one of them is unable to perform their duties for any reason. An executor is important because they will be the person(s) carrying out your wishes as outlined in your Will. For this reason executors should be people you trust. You can ask a solicitor to act as your executor.

Updating a Will

Even if you already have a Will, you may want to review it if it was made some time ago. If your circumstances have changed, for example, if you got married or if a grandchild has been born since you made your Will, it may be inadequate. You can make amendments using a document called a codicil. Like the original Will, apart from a list of amendments, the codicil will have to be signed by you and two other independent witnesses (they don't have to be the same witnesses as in your original Will). A codicil can be a complex document so you might want to seek legal advice before writing one.

Signing and storing a Will

To be valid, a Will must be signed by the person making the Will in the presence of two independent witnesses who also sign in his/her presence. There are a number of rules about signing a Will, including that witnesses cannot benefit from a Will and nor can their married partners. Often the staff at a solicitors office will act as witnesses of the Will if they have prepared it.

Once a Will is signed it must be kept in a safe place and you should tell someone you trust where it is. Sometimes Wills are stored at a solicitor's office in a safe.

How much does it cost to make a Will?

How much it will cost to make your Will depends on how complex your affairs are and whether you use a solicitor. On average, a single Will drawn up by a solicitor can cost between £150 and £300, depending on which part of the country you are in. Joint Wills for couples can cost between £200 and £400. If your affairs are complex (e.g. if you are also setting up discretionary trusts), it will cost more – perhaps up to £1,000.

If you don't already have a solicitor in mind, it's a good idea to research Will writing costs (for more information on how to find a solicitor in your area, please see the Further Information section at the end of this fact sheet). Many solicitors take part in schemes where they will draft a Will for free if you leave a gift to charity or if you are over a certain age.

There are a number of charities that provide a Will writing service for free, but because Will writing is time consuming and usually expensive, you might want to make a donation.

Gifts and inheritance tax

As of 2015, if your estate (everything you own) is valued over £325,000, a percentage may have to go to the government in the form of inheritance tax. Any amount over £325,000 is taxable at a rate of 40%.

Generally, assets left to spouses or civil partners are exempt from inheritance tax, as are gifts to charity.

Additional allowances have been announced to take effect for deaths after April 2017.

Further information

If you don't already have a solicitor in mind, it is a good idea to research Will writing costs. You might find the resources below useful:

- For general advice and information about Wills visit the Citizen's Advice Bureau website: adviceguide.org.uk/england/relationships_e/relationships_death_and_wills_e/wills.htm

- To find a solicitor in England, Wales and Northern Ireland visit: lawsociety.org.uk/findasolicitor or call 020 7320 5650.

Making a Will in Scotland

Largely, the information above applies to Wills made in Scotland. However, there are some differences in the law covering Wills in Scotland. For example, under Scottish Law you cannot make a Will that does not include spouses or descendants. Follow the links below to read more about Will writing in Scotland:

- Finding a solicitor in Scotland: lawscot.org.uk/find-a-solicitor/
- Rules regarding Wills in Scotland: scotland.gov.uk/Topics/Justice/law/damages/succession

Will writing schemes

There are also several Will writing schemes in which your Will can be drawn up by a solicitor free of charge or for a suggested donation:

- **Free Wills Month** (England and Wales) – this runs twice a year, usually in March and October in specific parts of England and Wales: freewillsmoonth.org.uk
- **Will Relief in Scotland** runs every September: willreliefscotland.co.uk/
- **Will Aid** (UK wide): willaid.org.uk

To leave something to The Brain Tumour Charity

For information on how to leave something to The Brain Tumour Charity in your Will, please call 01252 749996 or visit:

thebraintumourcharity.org/get-involved/donate/leave-us-a-gift-in-your-will/

What if I have further questions?

If you require further information, any clarification of information, or wish to discuss any concerns, please contact our Support and Information Team:

Call: 0808 800 0004

(free from landlines and most mobiles:
3, O2, Orange, T-mobile, EE, Virgin and Vodafone)

Email: support@thebraintumourcharity.org

Join our closed Facebook group:
bit.ly/supportonfacebook

About us

The Brain Tumour Charity makes every effort to ensure that we provide accurate, up-to-date and unbiased facts about brain tumours. We hope that these will add to the medical advice you have already been given. Please do continue to talk to your health team if you are worried about any medical issues.

The Brain Tumour Charity is at the forefront of the fight to defeat brain tumours and is the only national charity making a difference every day to the lives of people with a brain tumour and their families. We fund pioneering research to increase survival, raise awareness of the symptoms and effects of brain tumours and provide support for everyone affected to improve quality of life.

We rely 100% on charitable donations to fund our vital work. If you would like to make a donation, or want to find out about other ways to support us including fundraising, leaving a gift in your will or giving in memory, please visit us at thebraintumourcharity.org, call us on 01252 749043 or email fundraising@thebraintumourcharity.org

About this fact sheet

This fact sheet has been written and edited by The Brain Tumour Charity's Support and Information Team. The accuracy of information has been verified by a solicitor. Our fact sheets have been produced with the assistance of patient

and carer representatives and up-to-date, reliable sources of evidence. If you would like a list of references for any of the fact sheets, or would like more information about how we produce them, please contact us.

This fact sheet is for general guidance purposes only. No steps should be taken relying only on it. Appropriate professional advice should be sought before any course of action is pursued. If you would like any further information, please let us know.



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Your notes

Research | Awareness | Support



Registered office:
Hartshead House
61-65 Victoria Road
Farnborough
Hampshire
GU14 7PA
01252 749990
enquiries@thebraintumourcharity.org
thebraintumourcharity.org
Registered Charity 1150054 (England
and Wales) SC045081 (Scotland).