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What is a Will?

Making a Will is the only way to make sure your money, property, possessions and investments (known as your estate) go to the people and causes you care about.

Your Will should cover your whole estate, so it's a good idea to draw up a list of your assets and debts. Then you have a clear idea of how much it's worth, which can help you decide how to distribute it.

Your Will needs to state clearly how you want your estate to be distributed, and who should be responsible for distributing it

Wills and estate planning

Practical advice for making and updating your will



Role of Executors

Executors are legally responsible for dealing with someone's estate after their death. It can involve a lot of work and responsibility, so it's important to choose your executor (or executors) carefully.

When you're choosing who to appoint, you should talk to them to check they understand what's involved and that they're happy to do it

How to be an **executor**

What to expect and
key responsibilities



For a Will to be valid

It must be signed by you and witnessed by 2 people

You must have mental capacity to make the Will and understand the consequences of making it

You must have made the Will voluntarily and without pressure from anyone else

The beginning of the Will should state that it revokes all others. If you have an earlier Will, you should destroy it. The government advises burning it safely or tearing it up.



Signing and witnessing the Will

You must sign your Will in the presence of 2 independent witnesses, who must also sign it in your presence – so all 3 people should be in the room together when each one signs. If the Will is signed incorrectly, it isn't valid.

No one listed in the Will as a beneficiary should act as a witness – they'll lose their right to their inheritance. They shouldn't even be in the room when the Will is signed. It's also best not to ask an executor to act as a witness.

If you can't sign your Will, it can be signed on your behalf as long as you're in the room and it's signed at your direction. Any Will signed on your behalf must contain a clause saying you understood the contents of the will before it was signed.

If you have a serious illness or dementia diagnosis, you can still make a Will – but you need to have mental capacity for it to be valid. Your solicitor should make sure of this, and you may need a medical practitioner's statement at the time the Will is signed, certifying that you understand what you're signing.

Where should I store my Will?

You can leave your Will with a solicitor or bank or with the Probate Service.

Alternatively, you can store it safely at home.

You must let your executors know where your Will is kept.

It's important not to attach any documents to the will with paperclips or staples – if they detach and leave marks it'll raise questions about whether the Will is missing any parts or amendments.

How do I update my Will?

You should review your Will every 5 years or after a major change in your life – such as the birth of a new grandchild or moving house. But it's important you never make alterations to the original document.

If you want to make a minor change to your Will, you can add a supplement, known as a **codicil**. This must be signed and witnessed in the same way as the Will – although the witnesses don't have to be the same as the original ones. If you want to make a major change, you should make a new Will and cancel your old one.

Do I need to change my Will if I get remarried or divorced?

If you marry, remarry or enter a civil partnership, this cancels a previously existing will. Divorce doesn't automatically invalidate a will made during the marriage – but it does exclude your ex-spouse or ex-civil partner from benefitting if they're mentioned. You should arrange to make a new will if you marry, separate or divorce.

How do I write my Will?

There are a few different ways you can write your Will:

1.It's usually best to get advice from a **lawyer** (such as a solicitor or chartered legal executive). You might want to choose one who specialises in Wills and Probate. Check they're licensed with the relevant professional body, such as the Solicitors Regulation Authority.

2.Some **charities and campaigns** offer free Will-Writing services to encourage people to make Wills and leave charitable legacies.

3.Some **banks** offer Will-Writing services and advice about estate planning. An adviser at your local branch can explain what's on offer. Some banks charge high fees for these services – so it's important to read any small print carefully.

It's possible to use a **professional Will Writer** to make your will, but they aren't qualified solicitors and may not be regulated – so if you decide to use one, first check whether they're a member of the Institute of Professional Will writers or the Society of Will Writers.

You can also **make your own Will**, but it's easy to make mistakes or miss out important details. While it might seem like the best option now, it could cause costly legal problems for your executors and beneficiaries further down the line, so it's normally better to get professional advice.

Free Wills

Will aid: November Will Aid is an annual Will making campaign run collaboratively by eight leading charities, Age UK, British Red Cross, Christian Aid, Crisis, NSPCC, Shelter, SCIAF and Trocaire. Will Aid would not be possible without the nationwide support of the legal profession, who generously volunteer their time and expertise to write basic Wills. Instead of charging their normal fees, they will invite you to make an upfront donation to Will Aid. Donations raised through the campaign support the vital work of our eight partner charities.

[All about Will Aid the charity Will writing scheme - raised over £20m for charity](#)

Free wills month: March and October Free Wills Month brings together a group of well-respected charities to offer members of the public aged 55 and over the opportunity to have their simple Wills written or updated free of charge by using solicitors in selected locations across the UK.

[Free Wills Month | Make or update your simple Will for free](#)

What happens if I don't make a Will?

If you don't make a Will, you're said to have died **intestate** – and your estate may not go to the people you want.

If you have a partner and you aren't married or in a civil partnership, they have no automatic right to inherit from you if you haven't made a Will – even if you've lived together for a long time or have children.

Intestacy rules are:

If you're survived by a spouse or civil partner and children, your spouse or civil partner will inherit all your personal possessions and at least the first £322,000 of your estate, plus half of anything above this amount. Your children are then entitled to the other half of this balance

If you're survived by a spouse or civil partner but don't have children, your spouse or civil partner will inherit your whole estate, including any personal possessions

If you're survived by children but not a spouse or civil partner, your children will inherit everything, divided equally between them.

If you don't have a spouse, civil partner or children, then other relatives inherit in a set order

If you have no surviving relatives who can inherit, your estate will pass to the Crown

What is the difference between a Will and Power of Attorney?

A Power of Attorney is a way of giving someone you trust the legal authority to make decisions on your behalf if you're no longer able to make them yourself – or if you don't want to.

A Power of Attorney is valid whilst you are alive and dies with you. A Will then steps in

There are a number of reasons why you may need someone to make decisions on your behalf. It may be a temporary measure, if you're going into hospital and need help with everyday financial tasks like paying your bills. Or it may be part of long-term planning – if, for example, you've been diagnosed with dementia and want to plan ahead in case you lose mental capacity to make your own decisions in the future.

There are two types :one for making financial decisions and another for making health and care decisions. You can set up both types.

Advance decisions (Living wills)

A living will – also known as an advance decision – is legally binding and allows you to choose and explain which medical treatments you don't want in the future.

It's a good idea to put your advance decision in writing, giving a copy to your loved ones and all the professionals involved in your care. But you don't have to – you can set up a valid advance decision simply by telling your doctor which treatments you don't want and in what circumstances you don't want them.

If your advance decision is a decision to refuse life-sustaining treatment, like being put on a ventilator, then it must be in writing and signed by yourself and a witness.

If you have or are considering a Power of attorney, get advice about how this impacts your advance decision

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Age UK Norfolk, Henderson Business
Centre

51 Ivy Road, Norwich, NR5 8BF

Registered Charity No: 1077097

