

MAKING A WILL FACTSHEET

Q What is a Will?

A A Will is a legal document that contains your instructions as to how you want your property, money and possessions (known as your 'estate') to be distributed after your death. It names the people you want to benefit, as well as details of your possessions at the date of your death.

Q Do I need to make a Will?

A Every adult should have a Will. Without one, you are considered "intestate," which means your estate will be distributed according to the 'rules of intestacy'.

Q What are the rules of intestacy?

A In England & Wales, there is a statutory set of rules that are enforced if you die 'intestate'. Your estate would be divided according to this fixed set of rules, irrespective of what your intentions actually were, and that means your estate might not be divided in the way you expect or want. Without a Will, the court will decide who has the legal right to deal with your affairs if you die.

In Scotland and Northern Ireland there are slight variations to the rules of intestacy. You can find more information here: <http://adviser.royallondon.com/technical-central/trusts/intestacy>

Q How does a Will work?

A When you die, your assets (money, property and possessions) become part of your "estate". In your Will you should identify someone who will be responsible for making sure that the Will is carried out as written and that the assets are distributed as directed. This person is known as the 'executor'.

The executor can hire someone else, usually a solicitor, to do this job. Generally, a solicitor charges a fee for this service, which is usually on a time spent basis.

Q Does my Trust money form part of my estate?

A Any Trust grants that have been drawn down by you will form part of your estate. Any Annual Grant monies not yet drawn down will also form part of your estate. However, if you have any money held at the Trust in your Health Grant account, or if you have a 'memorandum account', these funds will revert back to the Trust and will not form part of your estate.

Q How do I write my Will?

A You can write your Will yourself, but this is not recommended as there are various legal requirements that need to be satisfied to ensure that your Will is valid. In particular, you should seek legal advice if your Will isn't straightforward (see 'when would I need to seek legal advice' section below).

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Q What should I consider when writing my Will?

A You need to consider including the following:

- How much money and what property and possessions you have, for example, property, savings, occupational and personal pensions, Annual Grant funding held for you by the Trust, insurance policies, bank and building society accounts and shares. You do not, however, need to specifically set out these assets in your Will.
- Who you want to benefit from your Will. You should make a list of all the people to whom you wish to leave your assets or possessions to.
- Who should look after any children under 18 and anyone else that may be dependent upon you. You may need to consider making financial provision for other family members, not just children.
- Who is going to sort out your estate and carry out your wishes as set out in the Will? This person or people are known as the 'executors'.
- What happens if the people that you want to benefit die before you?

Your Will must be signed and witnessed by two independent people in order for this to be valid. There are certain legal requirements that need to be complied with to ensure that this does not invalidate the Will.

Q When would I need to seek legal advice?

A You should always consider obtaining advice from a professional due to the strict requirements for making a valid Will. Particularly if:

- You own jointly held property.
- You want to leave money or property to a dependant who can't care for themselves.
- You have family members who may be able to make a claim against your estate, for example, a spouse or children from another marriage, or any other dependent adult or child.
- You have assets outside of the UK.
- You have business or agricultural assets.

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Q How do I make sure my Will is legally valid?

A For your Will to be legally valid, you must:

- Be 18 or over; and
- Make it voluntarily, without pressure from any other person; and
- Be of sound mind. This means that you must be fully aware of the nature of the document being written or signed and aware of the property and the identity of the people who may inherit; and
- Make it in writing; and
- Sign it in the presence of two witnesses who are both over 18.

Please note: Your witnesses (or their spouse) must not be a beneficiary of your Will.

Q Where should I keep my Will?

A It is important that you keep your Will safe. You can keep your Will at your home but if so, this should be kept in a fire proof storage facility or you can store it with:

- Your solicitor
- Your bank
- The London Probate Service

You should tell your executor (the person you've chosen to carry out your Will) where your Will is.

Q Should I update my Will?

A You should review your Will every 5 years and after any major change in your life, for example:

- Getting separated or divorced
- Getting married (this cancels any will you made before)
- Having a child
- Moving house
- If the executor named in the Will dies
- If any of your other circumstances change in respect of your assets

Q Can I make changes to my Will?

A You cannot amend your Will after it has been signed and witnessed. The only way you can change a Will is by making an official alteration called a Codicil or just by making a new Will.

You must sign a Codicil and get it witnessed in the same way as witnessing a Will.

Whilst there is no limit as to how many Codicils you can add to a Will, some people prefer to simply make a new Will so that the Executors do not have to deal with multiple documents with varying wishes.

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Q Can I make a new Will?

A If you plan to make major changes from your original Will you should make a new Will. Your new Will should explain that it revokes all previous Wills and Codicils. You should destroy your old Will.

Q Who can I contact to discuss setting up a Will?

A Ladders Solicitors LLP, who attended the NAC Annual Conference back in 2015, can provide you with further information about setting up a Will. You can contact Jessica Beddows (Senior Associate Solicitor) on 01789 206142 or 01242 229087 or email her on jessica.beddows@ladders.co.uk

Please note: Ladders Solicitors LLP are not an official partner of The Thalidomide Trust. They have provided support to a number of Trust beneficiaries and would be happy to answer any questions you may have about setting up a Will. Of course, you can also contact any reputable solicitor in your local area that specialises in preparing Wills. We would advise that you use a solicitor that is authorised and regulated by the 'Solicitors Regulation Authority'.

Q Can I use 'Free Wills Month' to help write my Will?

A Yes. 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 participating solicitors in selected locations around England, Northern Ireland and Wales.

Those taking up the offer are under no obligation to leave a gift to one of the Free Wills Month charities, however it is hoped that those using this as a 'free' service will see this as a chance to help their favourite cause.

There are limited monthly windows open each year for 'Free Wills Month' and you can find out further information by visiting www.freewillsmoonth.org.uk

Q Where can I find further information about making a Will?

A There is lots of useful information on the government website: <https://www.gov.uk/make-will> or you can contact Jeff Prevost (Finance Co-ordinator – Beneficiary Support) at the Thalidomide Trust on 01480 474 074 or email jeff.prevost@thalidomidetrust.org