

MAKE A WILL AND SAVE FUTURE HEARTACHE

In this country, many people fail to confirm their final wishes by making a Will. There are various things that prevent us from taking this step – not wishing to think about our own mortality, the perceived cost of making a Will and apathy being high up the list. However, these should pale into insignificance when compared to the consequences of not making a Will, if we stopped to think about it.

Making a Will is all about protecting your family's future, or that of those you care about most. It should give you the peace of mind of knowing that your wishes will be carried out and that your loved ones will not suffer emotionally or financially.

Those who don't make a Will are often those who haven't understood what will happen as a result of this oversight. Many people mistakenly believe that everything will naturally pass to their partner, wife or husband, so that they can then decide what to do with any property or possessions that come their way.

Unfortunately, that is not the case. If no Will has been made, the person who has passed away is said to have died intestate. This sets legal bells ringing, as what happens next is a legal decision – not one based on emotion, family situations or speculations about what the deceased really wanted to happen.

Intestacy has a set pattern, followed regardless of individual cases or family set-ups. Under intestacy rules, the first person considered by the law will be your wife or husband, or your partner if you have entered into a Civil Partnership. However, this does not mean that they will automatically inherit everything you have left. What they receive will depend on how much is in your estate when you pass away and which of your blood relatives survive at the time this happens.

This means that intestacy may not be in line with your wishes at all. We live in a society where many couples are not legally joined together, co-habiting rather than being officially married or in a Civil Partnership. In this situation, your partner might not receive what you expected them to naturally inherit.

Similarly, if you are married or legally joined by Civil Partnership, but also have children, your spouse or partner probably will not automatically inherit all of your estate unless you specify this is your wish by making a Will.

Intestacy takes choices away from you. It will treat your children as equals, though you may have always wished to thank one child more than another, according to how your relationships have evolved. If you have neither a spouse or legal partner, nor children, your estate could pass to your parents under intestacy rules. Again, this may not be what you would want to happen, as your bequest may simply be used to fund their care costs, to the benefit of a local authority.

Similarly, depending on which relatives survive, it could pass to whole blood brothers or sisters, but not to step-brothers or step-sisters, with whom you might have enjoyed just as strong a relationship. In other cases, you might find the law deciding that a distant aunt or uncle should inherit, rather than perhaps an extremely good friend who has helped you throughout your lifetime.

The permutations of what could happen are numerous, but all of this can be easily avoided by stating your wishes in a Will. Rather than leaving the law to decide who is technically your closest relative, you can use your emotional attachment to people to dictate where your property and possessions will find their best home.

If you do not have relatives, you may believe that your money can be given to charity, but this will not be the case unless you state your intentions in a Will. If there is no relative to whom to pass the money, the Crown will take your estate.

Clearly, a lot of hassle results when a person dies intestate and whilst some cases may not differ from what the deceased would have chosen to happen, many more differ significantly. This creates a whole lot of anxiety and grief for those left behind, which could have been avoided at a relatively low cost.

Wills have traditionally been associated with solicitors, who may levy expensive hourly charge rates that make a Will seem to be an expensive purchase. However, times have changed and lawyers are not the only option and are not, in many cases, the best option.

Whilst lawyers do not need to have necessarily qualified in Willwriting during their training, or have kept up-to-date with ever-changing law in relation to Wills, members of the Institute of Professional Willwriters have to do so. This has been the case since the IPW was formed in 1991 and the requirement is still as strong today. Its Code of Practice has passed the first stage of approval under the Office of Fair Trading's Consumer Codes Approval Scheme, which means that the code promises to provide consumers with a high level of customer service.

As the only Willwriting organisation to have meaningful regulation in place, the IPW can provide a professional, highly competent and technically advanced Willwriting service that other Willwriters find hard to match. Despite this, the IPW's charges are significantly lower than those charged by solicitors and many other non-members. A ballpark figure for a single Will would be around £75, depending on location and complexity.

For this price, heartache can be avoided and wishes clearly stated. A Will can also do more than that, naming guardians who you might wish to nominate to bring up your children, if anything happened to you. Unless you decide who is to do this, your local authority and the courts will decide for you.

A Will can also be used as a tool that helps reduce tax burdens resulting from Inheritance Tax. Used correctly, it can also help protect an estate from possible charges for care in a care home and it can also be used as a vehicle through which responsibility for financial decisions can be passed to a relative or friend, should a mental illness such as Alzheimers strike.

All of this sounds like common sense, but the irony is that many of those who appreciate the real need to have a Will in place often get it wrong. The compulsion to leap at the chance to buy a do-it-yourself Willwriting pack has led many a person to come unstuck.

Whilst such packs look fine in principle, the wording of a Will is read in legal terms, rather than layman's terms. You may think you are expressing something correctly, but the law can interpret it in a completely different way. Should any confusion of this nature arise, the Will can be declared invalid and you are back at square one – technically intestate.

Rather than find yourself in this position, it makes sense to spend a little extra to get a professional on board. Here again, you need to be careful, as there is no legal requirement for a Willwriter to have any training or qualifications. To avoid falling prey to a conman or woman, it pays to take no risks and the no risk option is to look for an IPW member, who will display the two tick logo on their literature.

You can ring the IPW on 08456 442042 to get the contact details of a member local to you and can visit www.ipw.org.uk for more information about this organisation.

Don't take risks with your legacy. Make things simple and secure for your loved ones and make a Will today.