

REWRITE YOUR WILL IF YOU ARE ENTERING INTO A CIVIL PARTNERSHIP

As the introduction of the Civil Partnership Bill looms, the Institute of Professional Willwriters (**08456 442042**) is urging same sex couples who are planning to become Civil Partners to update their Will before they sign any paperwork, or they could find their previous inheritance arrangements invalidated.

Many gay and lesbian individuals already provide for the future of their same sex partner by having a Will that allows their partner to inherit everything, should they die. This action has typically been taken because the current intestacy laws do not recognise the rights of a gay or lesbian partner. Now, the Civil Partnership Bill will put a Civil Partnership, in inheritance terms, on a par with marriage. Just as a marriage revokes any Will that one of the partners had before the ceremony, so too will a Civil Partnership.

The impact of this is that if a pre-existing Will is not amended before a couple enter into a Civil Partnership, and a new Will is not made afterwards, then the Civil Partner who has drawn up that Will is going to die intestate – probably without their knowledge. Their true wishes in relation to their estate could be ignored and the provision that they had made prior to their Civil Partnership will become totally irrelevant.

Although the Civil Partner, who would probably have been the beneficiary of the previous Will, would inherit under intestacy laws, they might not inherit everything. Under the new law, if the deceased has no children, their Civil Partner would receive the deceased's personal chattels, the first £200,000 of the estate and half of any residue over that amount. The other half of the residue would pass to the deceased's parents, if still alive or, if not, to siblings and then to other relatives.

Paul Sharpe, Chairman of the IPW, says: *"We are convinced that many same sex couples are overlooking this fundamental aspect to the Civil Partnership legislation, with the majority being totally unaware that it could overturn previous provisions that have been made for partners. There has been much focus on pension rights, life assurance and taxation regulations, but very little mention of the impact this legislation has on inheritance."*

“Where a Will already exists, it needs to be rewritten, making it clear that the Will is being drawn up ‘in contemplation of Civil Partnership.’ This will prevent the Will being revoked by that Civil Partnership.

“Where no Will has been written, the couple need to recognise the impact that a Civil Partnership is going to have on inheritance, which will be exactly the same as marriage. They need to write a Will if they wish their partner to inherit everything, or the law will dictate where the estate is allocated.

The impact that marriage has on a previous Will is equally lost on many individuals, who fail to have their Will rewritten to take account of their changed circumstances. These aspects to intestacy laws are something that the IPW continuously strives to highlight, always encouraging consumers to check that their Will ‘Is Perfectly Worded’, as poor use of language, or inadequate phraseology, is a common reason for disappointment amongst family and friends, once a Will is read.

Those deterred by the cost of a Will can take heart from the fact that a fully trained, regulated and experienced IPW member can typically produce a Will for an individual, for around £50-£70. This is much lower than the charge made by a solicitor and avoids the individual falling into the trap of invalidating their own wishes by writing a Will wrongly, in an attempt to do it themselves. Such a strategy can prove to be a very false economy, in the long run.

IPW members are located across England and Wales and details of a local member can be found by ringing **(08456 442042)**. The IPW website at www.ipw.org.uk also gives details of the organisation’s strict code of conduct and ethics, being a self-regulating body that chooses to impose restrictions on its members, to ensure that the interests of consumers are protected. The law currently imposes no such restrictions and the lack of mandatory regulation leads to a situation in which there are many untrained willwriters in the market, many of whom are not capable of drawing up watertight Wills. This is another topic upon which the IPW has strong views.

IPW members have to pass a strict entrance exam, undergo on-going and continuous training and have a minimum of £2 million professional indemnity insurance. With these assurances, anyone needing to change their Will as a result of entering a Civil Partnership can have the peace of mind of knowing they are in safe hands within a market that riddled with inadequate advice and professionalism.

Press calls: Jane Hunt/David Aaron, Catapult PR, 01253 851188

Note to Editors

The other pitfall to using Willwriters who are not IPW members is that, in some cases, they give a low initial quote and then, once the Will is produced, add another charge, which has been known to be as high as £300.

The IPW has many examples of Wills that have been drawn up by willwriters who have reneged on their original quote for journalists who wish to examine this aspect to the lack of regulation in the willwriting profession.

Paul Sharpe is also happy to give interviews on any aspect of willwriting and his mission to bring much higher standards of regulation to the industry.