

## **WILL 'THE ARCHERS' HELP MAKE THE CIVIL PARTNERSHIP SCENARIO ANY CLEARER?**

As Civil Partnership tops the agenda of long running radio show 'The Archers', the Institute of Professional Willwriters is hoping that script writers might be able to educate couples about the impact of such a union more effectively than the registration process has done.

The IPW says the majority of same sex couples have no idea how a Civil Partnership affects their inheritance arrangements, although there have been 30,000 Civil Partnerships since the new legislation allowing Civil Partnerships came into force in December 2005.

One female same sex couple recently turned to the IPW to quickly put matters right once it became clear that the existing Will of one of the partners, drawn up by a solicitor, had been revoked without her knowledge, following her Civil Partnership. In her case, this would have meant her dying intestate.

The Institute of Professional Willwriters (**08456 442042**) is so concerned about this situation it has written to the National Statistician and Registrar General for England and Wales, to highlight the lack of knowledge existing in relation to the impact of marriage, re-marriage and Civil Partnership on an existing will.

This case that sparked this letter occurred near Blackpool, where Lancashire's first gay affirming Church, Liberty Church Blackpool, began to hold services in May. One of the founders of the Church, Nina Parker, says: "*Many of our worshippers were unaware of the impact a Civil Partnership has on inheritance. We support the IPW's efforts in lobbying the National Statistician and Registrar General for England and Wales so that registrars can potentially pass on information, at the time a Civil Partnership is registered.*"

The IPW's stance is that those entering a union of any kind should be made aware, during the required Civil Partnership or registration process, of the impact this will have on their will. In that way, if they were to die intestate, it would be through choice and not by accident.

Where a will has been made before a marriage or Civil Partnership, the participants become intestate (i.e. without a valid will) because any previous will is revoked, unless it has a specific wording to say that it will not be revoked by such a situation. In this way, the will can say that there is an anticipation of a future marriage or Civil Partnership.

If one party has made a will allowing their partner to inherit everything, but does not have such wording in their will, they need to amend the will prior to entering into a legal union, or write a new one as a matter of urgency afterwards.

If a will is not drawn up, or has been revoked by a marriage or Civil Partnership, the law dictates what will happen. Their partner would only be left with the deceased's personal chattels, the first £200,000 of the estate and half of the residue over that amount, assuming the deceased had no children. The other half of the residue would pass to parents, if still alive, or to siblings and then other relatives.

If the deceased had children, then the partner would only be left with the deceased's personal chattels, the first £125,000 of the estate and the income (but not capital) on half of the residue over that amount. The remainder would be held in trust for the children until they reach 18. The capital that generates the income for the surviving spouse, or Civil Partner, passes to the children when the surviving spouse or Civil Partner has died.

Disputes with family members about unions of any kind are not uncommon and for some people the last thing they would want is for some of their estate to be left to possibly distant family members, rather than their partner. There is a general lack of awareness about this point and too great an assumption that a partner will inherit everything as a matter of course.

Paul Sharpe, Chairman of the IPW says: *'Even where people do realise that marriage affects inheritance, they do not feel this exists in relation to Civil Partnerships. Whilst the 2005 legislation was intended to give same sex couples more security, in the case of inheritance it has often removed much of the financial security that existed previously.'*

*"We will continue to campaign for this situation to be explained at the time couples are registering for Civil Partnership, or for marriage. However, there is no sign that this will be the case, so we hope that perhaps The Archers can enlighten their audience so that more people will be aware of what the law dictates on this issue."*

The IPW says this area needs to be handed carefully and professionally. It is the only will writing body to insist on professional standards and strict codes of conduct and ethics and it continuously campaigns to enhance consumer rights in a market unregulated by the Government. It has members nation-wide who are well placed to offer advice to those contemplating such a union, with information available at [www.ipw.org.uk](http://www.ipw.org.uk) or by phoning **08456 442042**. **ENDS**

### **Notes to Editors**

The IPW was founded in 1991 on the basis of self-regulation. Members must pass a stringent entrance exam, undertake on-going training and have a minimum of £2 million professional indemnity insurance in place, if they wish to join.

Despite an insistence on the highest standards, the IPW typically charges much less to draw up a will than a solicitor or other will writers in the market, many of whom have few, if any, qualifications.

The IPW also plans to work with groups such as Liberty Church Blackpool, wherever possible, offering professional advice to those who wish to enter into Civil Partnership.

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