
Q&A: Why people think they don't need to make a Will...

"I am married, so it all goes to my wife anyway."

Wrong. Depending on your circumstances, your wife may end up with only a small part of what you own.

"She is my common law wife, so it all goes to her anyway."

Wrong. There is no such thing as a 'common law spouse'. Your partner will probably get nothing.

"I am not rich enough to need a Will."

What has "rich" got to do with it? However much you are worth, a Will is your one chance to pass it on to the people you choose.

"I am not old enough to need a Will."

You must have a very good crystal ball. The trick is to make your Will before you die and, unless you know what the future holds, today is a better day to do it than tomorrow.

To write a Will, you need to understand the family and financial circumstances, and the wishes, of the person making the Will. You also need a thorough knowledge of succession law, trust law and Inheritance Tax, and of large elements of property law, family law, company law, insolvency law, Capital Gains Tax and Income Tax – only Solicitors are trained and professionally qualified in all these areas. For something as vital as your Will, why even think of gambling by doing it yourself or using an amateur, when you can go to a professional?

You may think that your affairs are very simple and that all you need is a simple Will but, until you have talked to a Solicitor, you cannot be sure you are right. If all you need is a simple Will, then that is what we will write for you, but you will know that nothing has been missed.

If your finances or your family circumstances are more complicated, you may need more sophisticated estate planning, possibly using trusts to shelter assets from unnecessary tax and from claims by third parties, or to protect beneficiaries. We can do all that for you, but the starting point for all estate planning is a properly-constructed Will.

If you have a Will already, when did you last look at it? The usual advice is that, whenever there is a significant change in your personal, family or financial circumstances, or in the relevant law (and, in any event, about every three years, in case the law changed when you weren't looking), you should get out your Will, read it, and check it against reality. If the two no longer match, change the Will.

If you have made a Will your beneficiaries could enter into a Deed of Variation to secure a better outcome, whether in tax terms or otherwise. No Will, no Deed of Variation option...