

Guide to Wills and Legacies



Leaving a gift in your Will to International Cat Care

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Thank you for enquiring about leaving a gift in your Will to International Cat Care. We receive no government funding so every gift we receive in a Will, large or small, makes a vital contribution to our work – and means a great deal to us.

This document covers:

- 1 Making your own Will
- 2 Using a solicitor
- 3 Other professional Will-writing services
- 4 Your estate
- 5 Legacies
- 6 Appointing executors
- 7 Making sure your Will is valid
- 8 Signing the Will
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- 10 Changing a Will
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- 12 Inheritance Tax
- 13 What happens if you don't make a Will?



Claire Bessant
Chief Executive

Appendix A – useful organisations

Appendix B – leaving a gift in your Will to International Cat Care



1 Making your own Will

If you wish you can make your own Will. 'Do It Yourself' Will-writing packs are available on the internet and from some shops, such as stationers. However, except for simple cases, it is usually best to work with a professional adviser as this will ensure that your Will is correct (problems with the Will could prevent your wishes from being carried out or create difficulties for the executors).

2 Using a solicitor

The cost of making a Will through a solicitor can increase with complexity. However, some legal firms offer a fixed fee arrangement. The Law Society's Wills and Inheritance Quality Scheme (WIQS) is the recognised quality mark for legal experts in drafting Wills and dealing with your estate after your death.

3 Other professional Will-writing services

You can also use Will-writing services provided by people who are not qualified solicitors (including banks and building societies). They can be cheaper, however they are not regulated in the same way as solicitors and also may not have the same level of experience, skills or qualifications.

You can check if they are members of the Society of Will Writers and also the Institute of Professional Will Writers. Both have a code of practice and require their members to have professional indemnity insurance.

See Appendix A for details of organisations who can help you to write your Will.

4 Your estate

Your **estate** is everything you own at the time of your death. You should consider how you wish to distribute your estate to your **beneficiaries** (the people you are leaving gifts to). Remember that all your debts must be paid first – including funeral expenses.

You should also consider any jointly owned property. There are different types of joint ownership and these have implications for your Will. If you're not sure about the type of joint ownership that you have, or if you wish to make a change to the arrangement you have, you should seek independent advice. If you have a joint bank account, the funds in the account will automatically pass to the other account holder on your death.

NB – if you leave property to a spouse and the marriage then ends, the gift will not be allowed (unless you've made specific provisions to ensure that it does).

5 Legacies

You may wish for individuals and/or an organisation, such as a charity, to benefit from your Will. The most effective way to do this is to leave them a Legacy (a gift made in a Will).

See Appendix B – leaving a gift in your Will to International Cat Care.

However you choose to make a gift in your Will, it is vital to be clear about what is being left and to whom. Include full details of any items you are leaving and make sure that the beneficiaries can be identified. Think too about what might happen if a beneficiary dies before you, or if the value of your estate changes significantly.

6 Appointing executors

The Will should name one or more **executors**. Executors deal with your estate after your death, and can be relatives, friends or a professional, such as a solicitor, accountant or bank. Executors can also be beneficiaries. Check that your proposed executors are willing to take on this role before naming them in your Will, as it can be a big responsibility.

Executors may have to deal with administration of your estate before it can be distributed (they can claim expenses from the estate for this). Executors should also be aware that they can be personally liable if they fail to administer the Will or distribute the estate properly. It is often a sensible idea to appoint more than one executor.

If the estate is large or complex you may instead appoint a **professional executor**, such as a solicitor, accountant or bank. A professional executor will charge for the work and these costs will have to be met from your estate.

The *Official Solicitor and Public Trustee* (an independent public body appointed by the Lord Chancellor) can act as the executor of last resort. It also steps in where a beneficiary is an incapacitated adult or dependent child likely to outlive both parents and other close relatives.

See Appendix A for contact details.

7 Making sure your Will is valid

For a Will to be valid:

- it must be in writing
- it must be signed and witnessed
- you must be over 18 when you make it
- you must have the mental capacity to make the Will and understand its effect
- you must not have been pressurised into making the Will by someone else
- you must not have made any gifts in the Will fraudulently
- at the beginning of the Will you should make a statement that this Will revokes all others, and earlier versions should be destroyed

8 Signing the Will

You must sign the Will in front of two **witnesses** present at the same time.

However, the Will may legally be signed on your behalf by someone else, but only if you are in the room and it is signed at your direction. A Will signed on your behalf is valid if you had the mental capacity to make the Will despite being physically unable to do so and if the contents reflected your wishes and that all other formalities were complied with. Any Will signed on your behalf must contain an 'attestation clause', stating that you understood the contents of the Will before it was signed.

If you are suffering from a serious illness, it is recommended that a medical practitioner's statement is obtained when the Will is signed, certifying that you comprehended what it was that you signed.

9 Witnessing the Will

Your signature to the Will must be witnessed by two people should be over the age of 18 and who can see you sign. They must both be present when you sign the Will and there should be an 'attestation clause' in which the witnesses confirm that you have signed the Will in their presence.

The witnesses (or their husbands, wives or civil partners) must not benefit from the Will. Therefore you must choose the witnesses from people you do not intend to leave any of your estate to. The witnesses must not be the same people as the executors of the Will.

10 Changing a Will

It is a good idea to review your Will regularly to ensure that it takes into account any changes in your life or your wishes.

Codicils (additions to a Will) can be added to an existing Will. These must be signed and witnessed in the same way as the Will, but the witnesses need not be the same as for the original Will. You should not make amendments on the original Will. If anything substantial needs to be changed you should make a new Will revoking the former one.

See Appendix B if you wish to add a codicil in favour of International Cat Care.

It is also usually necessary to change your Will during or after divorce. If you marry, remarry or enter into a civil partnership your Will becomes invalid (unless it was made in contemplation of that marriage or partnership) and you should make a new Will.

11 Storing your Will

Your Will should be kept at home safely or stored at a solicitors or a bank (they may charge for this service). It can also be lodged at the Probate Registry, also for a fee. Let the executor(s) know where the Will is held. When solicitors make a Will, it is usual for them keep the original and send you a copy – but you may have the original if you wish.

12 Inheritance Tax

Currently Inheritance Tax (IHT) is payable if your taxable estate is worth more than the IHT threshold. Not all of your estate counts towards the threshold (eg, anything left to a spouse is excluded from the value of your estate, as long as you are both permanently domiciled in the United Kingdom). There are also exemptions for certain gifts, but there are restrictions regarding the timing of those gifts to prevent people avoiding paying IHT by giving away their estate before they die.

Please note that there may be upcoming changes to the way that Inheritance Tax (IHT) operates so please check for up to date information.

See Appendix A for organisations that can provide detailed advice on taxes.

13 What happens if you don't make a Will?

If you die without having made a Will there will be intestacy. Your property will be divided according to the Administration of Estates Act and your wishes may not be fulfilled. You also will not have appointed your preferred executor to administer the estate. Instead, it will be your closest relative (according to a set order) who has the responsibility of collecting in and distributing your estate.

We've made every effort to ensure that the information included in this document is accurate, but it is always a good idea to seek expert advice for your personal situation. The information given is applicable in England and Wales. Different rules may apply in Northern Ireland and Scotland.

Nothing in this document should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action.

This information was correct at the time of publication – July 2015.

Appendix A – useful organisations*

Age UK

Age UK combines Age Concern and Help the Aged. It provides advice and information for people in later life.

www.ageuk.org.uk

Citizens Advice Bureau

National network of free advice centres.

www.citizensadvice.org.uk

Free Wills Month

Free Wills Month is a scheme that runs each March and October offering free Wills for people over 55 in specific towns/cities around the United Kingdom.

www.freewillsmoonth.org.uk

HM Revenue and Customs (HMRC)

The customer guide to Inheritance Tax is available from HM Revenue and Customs.

www.gov.uk/inheritance-tax

Institute of Professional Will Writers

A self-regulating professional body regulating and promoting the profession of Will writing: all its members have professional indemnity insurance for each Will written and have to comply with the IPW Code of Practice.

www.ipw.org.uk

Law Society

The Law Society is the representative body for solicitors in England and Wales. It has a searchable database to help you find: a solicitor; advice on what to expect; guides to common legal problems; and what to do if things go wrong.

www.lawsociety.org.uk or <http://solicitors.lawsociety.org.uk/>

Offices of Court Funds, Official Solicitor and Public Trustee

www.justice.gov.uk/about/ospt

Probate Registry

Part of the Family Division of the High Court, this deals with ‘non-contentious’ probate business, and issues ‘grants of representation’, which appoint people known as personal representatives to administer the deceased person’s estate.

www.gov.uk/wills-probate-inheritance

Solicitors for the Elderly (SFE)

SFE is a national organisation of lawyers providing and promoting independent legal advice for older and vulnerable people, their family and carers.

www.solicitorsfortheelderly.com

Society of Will Writers and Estate Planning Practitioners

A non profit-making, self-regulating, professional body for the Will-writing profession. Members are covered by professional indemnity insurance and its Code of Practice.

www.thesocietyofwillwriters.co.uk

*please note that inclusion in this list does not imply endorsement or recommendation.

Appendix B – leaving a gift in your Will to International Cat Care

Leaving a Legacy

If you would like to leave a gift in your Will to International Cat Care, then there are three main ways to do this.

Residuary Gift: this is the most valuable type of Legacy for International Cat Care and allows you to make a gift of all (or part) of the value of your estate after the payment of all debts, liabilities and other Legacies.

Pecuniary Gift: this is a gift of a specified sum of money.

Specific Gift: this is a gift of a specified item (eg, jewellery or a work of art).

For a residuary gift, you might like to use the following suggested wording:

'I wish to leave all (or _% share of) the residue of my estate to International Cat Care (Registered Charity Number 1117342, High Street, Tisbury, Wiltshire, SP3 6LD, UK) for its general charitable purposes. I direct that the Treasurer or duly authorised officer shall be a valid and appropriate form of discharge'.

Adding a codicil to an existing Will

If your Will has already been made and you would like to add a gift to International Cat Care, then you can add a codicil (a supplement to a Will).

You might like to use the following suggested wording:

'I (name) of (address) declare this to be my first codicil to my last Will dated (date).

I wish to leave (specify details of Legacy) to International Cat Care (Registered Charity Number 1117342, High Street, Tisbury, Wiltshire, SP3 6LD, UK) for its general charitable purposes. I direct that the Treasurer or duly authorised officer shall be a valid and appropriate form of discharge. In all other respects I confirm my Will'.

If you have included a gift in your Will to International Cat Care – or if you intend to do so – please accept our sincerest thanks. We are committed to ensuring that your love of cats will live on, so please get in touch to help us understand what matters to you and how you would like the world to be a better place for cats after your death. We would love to hear from you.

For further help or advice please contact:

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