

# Your Will: How to make it or change it

## Your Will workbook includes

- A step by step guide to making your Will
- How to work out what you are worth
- Tips on making a Will that reflects your real wishes
- Help with tax, the law and legal terms
- Wording to use if you want to remember Practical Action



# Start here

This workbook is made both to read and to write on: there is space for you to work out the value of your estate, and note down your questions and decisions (page 3). If you have any questions about Wills, or about Practical Action's work, just call our Legacy Officer, Mary Harwood, on 01926 634400.

## **Making your Will? Follow these six simple steps**

- Choose your solicitor. To be sure that your Will is correct, legally binding, and truly reflects your wishes, you'll need expert advice. If you don't have a solicitor, ask friends or the Citizens Advice Bureau to recommend someone.
- Work out what you are worth. Before you see the solicitor, use page 3 to work out the value of everything you own and any debts. Doing this will help the solicitor, and may save you tax.
- Decide what to do with your estate. Think about what you want to leave, and make notes on page 4. As well as items like property or heirlooms, you can leave 'residuary gifts' – shares of what is left after specific gifts and expenses have been taken off.
- Choose someone to carry through your wishes. Choose an Executor (Executor Nominate in Scotland) to see that your instructions are carried out. You can pick anyone, even if they benefit from your Will. You may of course appoint a professional executor, such as a bank, Solicitor or accountant, but bear in mind that these people will charge for their services.
- Make your Will. It takes a few minutes, and probably costs less than you think – and you'll feel great knowing that everything is sorted.
- Put your Will in safe hands. Leave it with your bank or solicitor, and keep a copy for yourself (let someone you trust know where to find it). After all your careful thought don't leave it to chance.

## **Changing your Will? Here's how**

To change or add something to a Will you have already made, you can make a codicil. This is a simple form of wording that attaches to your existing Will. It is cheap and easy to do, but you should still use a solicitor to avoid confusion. If you feel you need to rewrite your Will completely, follow the steps above.





# What legal terms mean

**Beneficiary** or **legatee**: anyone you leave a gift to in your Will; anyone entitled to the benefit of property held on trust

**Children**: under Will law, legitimate, illegitimate and legally adopted children, but not step-children (they will need to be specifically mentioned if they are to benefit)

**Codicil**: Document adding to or altering the terms of an existing Will

**Crown** or **Treasury**: the tax authorities

**Executor**: person or institution appointed in a Will to administer the Estate and carry out your instructions

**Intestate**: having died without leaving a valid Will

**Pecuniary gift**: gift of a specific sum of money

**Letters of Administration**: Authority to administer your Estate, granted by the Probate Registry, where there is a Will but no Executor

**Probate**: Binding confirmation that your Estate will be administered by one or more of the Executors named in your Will

**Residuary gift**: gift of all or a percentage of what's left of your Estate once all specific gifts, administration expenses and liabilities have been taken out

**Testator** or **testatrix**: the person making the Will

**Trustee**: an executor looking after any part of your estate left in Trust

## How Scottish and English law differ

*Please see your solicitor for the details of your particular Will*

### Under Scottish law

- The minimum age for making your Will is 12
- Marriage and divorce do not automatically revoke an existing Will
- Your spouse and children have a greater right to challenge your Will
- If you write your Will by hand (a holographic Will), you do not need witnesses but you must sign the bottom of each page.

### Under English law

- You must normally be 18 to make your Will
- Marriage and divorce invalidate an existing Will
- A spouse and children cannot automatically challenge an existing Will (important after remarriage or when more children are born)
- You must sign the Will in the presence of two or more witnesses present at the same time.

# How to make the most of your Will

- Make an appointment with yourself to go through your affairs, using this workbook as a guide. Write it in your diary – keep it.
- Ask friends whom you trust, for any advice they have from making their own Wills.
- If you wish, talk through your ideas or concerns with those who stand to benefit. They may raise issues you had not considered, and they can come to understand the reasons behind any decisions you make.
- Couples may consider making their Wills together, as a joint venture – and even making Wills that ‘mirror’ each other.
- Promise yourself that you’ll review your Will every five years, just to keep it up-to-date. You could choose a significant date to do it on, just so that you will remember.
- Start now. Why wait?

Please note:

We are not solicitors, but we have done our best to ensure that the information given here is accurate and appropriate. We strongly recommend that, once you have made your decisions, you visit your solicitor.

May I reassure those supporters who have already made bequests naming ITDG, or Intermediate Technology Development Group Limited, in their Wills, that there is no need to take any action due to our change of name as both of these, as well as our new name Practical Action, are registered with the Charity Commission. Our registered charity number of 247257 remains unchanged for all these names.

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