

# *Wills and estate planning*



Practical advice about making  
and updating your will

**Money  
matters**



# **Information and advice** you need to help you love later life.

## **We're Age NI, the leading charity for older people in Northern Ireland.**

Our society is ageing. More than 350,000 older people live here today.

Age NI believes that living longer should be celebrated and that those who need help should be supported to do so.

As we grow older, we may face challenges like poor health, poverty or loneliness. However, we still want to lead a fulfilling later life - be healthy, stay independent and do the things that we love.

Age NI exists to support people to love later life now and in the future.

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# Introduction

Making a will is vital if you want to be certain that your wishes will be met after you die – and it can also make sure you don't pay more Inheritance Tax than you need to. It can be easy to put off making a will, but the process may not be as difficult as you think. This guide is designed to highlight the benefits of making a will, the issues you should think about and the areas in which you need to seek professional advice. Remember, it's important to review and update your will regularly to make sure it always reflects what you want to happen to your estate.

Throughout this guide you will find suggestions for organisations that can offer further information and advice about your options. Their contact details can be found in the 'Useful organisations' section (see pages 20–21). If you have difficulty finding local organisations, or for further information about any issue raised in this guide, please contact the Age NI Advice Service on freephone **0808 808 7575**.

# Why is it important to make a will?

There are many reasons why you should make a will.

- **Looking after your loved ones.** Although it's hard for loved ones to talk about death, making it known how you would like your estate to be distributed can save everyone a lot of worry. Deciding who you want to leave your possessions to (your beneficiaries) can help you make sure that everything goes to the people and causes you care about.
- **Protecting your assets for future generations.** A well-structured will can ensure that assets are kept within the family and are passed on down the generations.
- **Reassurance.** A will is one way to make sure your savings and possessions (your estate) go to the people and causes you intended.
- **Avoiding disputes between relatives.** If there is no will, disputes can occur among family members and may require a solicitor to resolve. Leaving a will should remove any doubt about who you want to leave your estate to and avoid added stress and upset at an already difficult time. (Close relatives and dependants may still be able to make a claim on your estate, but a solicitor can advise you on how likely this is and the best way to prevent it).
- **Your funeral.** Your will can be a way to let people know whether you would prefer to be buried or cremated, and the type of funeral service and music you would like.

- **Saving on Inheritance Tax.** With a carefully planned will, it may be possible to reduce the Inheritance Tax bill payable on your estate after your death. For example, Inheritance Tax will usually not need to be paid on anything you leave to a spouse or civil partner who has their permanent home in the UK. Gifts to charity in the UK are also tax free. Inheritance Tax can be complex so take professional advice if you're uncertain about your liability.

## ***What happens if I don't make a will?***

If you don't make a will, in legal terms you will die 'intestate' and your estate may not go to the people you intended. In this case, there are special rules called the Intestacy Rules for how your estate will be distributed. Your estate means everything you own, including money, property, possessions and investments (your assets). These assets will only be distributed after all of your debts and funeral expenses have been paid.

Under the Intestacy Rules, if you have a spouse or civil partner and children, your spouse or civil partner will inherit all your personal possessions and at least the first £250,000 of your estate. If there is one child, the spouse inherits half of the residue, and a third if there are 2 or more children.

If you have a spouse or civil partner, and do not have children, your spouse or civil partner may inherit up to £450,000 but this is not absolute. Any excess above this is shared between your spouse or civil partner and your parents (if living) or your siblings.

# ***How to make a will***

You can make your own will, or you can instruct a solicitor or a professional will-writing service to do it for you.

If you decide to make your own will, you must make sure that it will be valid and that it will lead to your wishes being carried out exactly as you specify them.

It's usually best to get advice from a solicitor, except in very simple cases. You may wish to speak to a solicitor who specialises in wills and probate. Contact the Law Society of Northern Ireland for a list of solicitors (see page 21).

Ask the solicitor to confirm their fee for writing your will. Often solicitors will charge a fixed fee for this work rather than their hourly charging rate.

Your solicitor may be able to store your will safely for you. Check whether there will be an extra charge for this. You must let your executors know where it's kept. You can also request copies of your will to keep yourself and, if you wish, give to your executor(s).

If you have a low income and savings you may be able to get help with the legal costs of making a will under the green form scheme. For more information, contact the Legal Services Agency Northern Ireland (see page 20).

## ***Signing the will***

You must sign your will in the presence of two witnesses, who must then also sign it in your presence – so all three people should be in the room together when each one signs. If the will is signed incorrectly, it will not be valid.

It is very important to make sure that beneficiaries of the will (or their spouses or civil partners) do not act as witnesses, or they will lose their right to the inheritance.

## ***Choosing executors***

When you make your will, you will need to choose your executor(s). These are the people who will deal with distributing your money and property after your death. Being an executor can involve a lot of work and responsibility, so consider carefully whether the people you want to appoint would be suitable. Explain to them what's involved and check that they're willing to act on your behalf.

You can appoint any number of executors in Northern Ireland. Executors apply for Grant of Probate, the official document that is needed to deal with your estate. It's a good idea to choose more than one executor, so that they can share the responsibility of dealing with your estate, and in case one of them dies before you do. The same people you choose to act as your executors can also inherit something from your will, but they aren't paid for their work as executors.

Executors are usually appointed as trustees as well, in the event that a trust is created within your will. A trust is a way of looking after assets for other people, for example when someone is too young to manage their affairs. If anyone under the age of 18 is to be a beneficiary of the trust, you should appoint at least two trustees/executors. Take professional advice about creating a trust.

Acting as an executor is not an easy task and it may be that your family and friends would prefer not to take on the role. Another option is to appoint a professional executor, such as a solicitor or an accountant.

They could be especially useful if your estate is particularly large or complicated, or there is likely to be a family dispute. They will charge for their services and this will be paid for out of your estate. The Law Society of Northern Ireland (see page 21) provides a list of solicitors in Northern Ireland. If you have several options, contact a few solicitors to compare the service they offer including any fees.

# Valuing your estate

Before arranging to have your will written, it's worth drawing up a list of your assets and debts. This will give you a clearer idea of what your estate is worth.

## **Assets that typically make up an estate include:**

- your home, and any other properties you own
- savings in bank and building society accounts
- National Savings, such as premium bonds
- insurance, such as life assurance or an endowment policy
- pension funds that include a lump sum payment on death
- investments such as stocks and shares or investment trusts
- motor vehicles
- jewellery, antiques and other personal belongings
- furniture and household contents

## **Debts may include:**

- mortgage
- credit card balance
- bank overdraft
- loans
- equity release

Get your assets valued regularly. You may find that your house price or pension fund, for instance, has increased dramatically without you realising.

# ***What to include in your will***

You should make sure that it's absolutely clear what you want to happen to your whole estate. You can make specific gifts to particular people and then state where the residue of the estate (any property or money left over) is to go. Alternatively, you can divide your estate between a number of people in certain proportions, for example, half to your spouse and a quarter each to your two children. You should also state what you want to happen if a beneficiary should die before you do. You can leave money to charities in your will too.

## *Leaving a gift in your will*

After you've remembered those close to you, we hope you will consider leaving us a gift in your will. It is one of the most affordable ways to support the causes you care about. Leaving a gift in your will provides an opportunity to give more than you might have been able to during your lifetime. A gift in your will can also help reduce your inheritance tax bill. Any amount will help us do more and make sure we are always here for the people who need us now and in the future.

## *How to leave a gift to Age NI in your will*

You can decide what kind or size of gift you'd like to leave. If you don't have a will, we can help guide you on what to do and where to start. If you already have a will we can help you update it or include a codicil which adds to your existing will.

## *Types of legacy*

**There are 3 main types of legacy you can leave:**

**Residuary** – this is usually expressed as a percentage of the value of your estate after all your other wishes have been met and expenses paid.

**Pecuniary** – this is a fixed sum, such as £500 or £5,000. It does not take into account inflation or the final value of your estate.

**Specific** – this means leaving something of value like a painting or piece of jewellery.



*‘Mum lives alone in Belfast since Dad died. It’s such a worry as we live in Enniskillen and can’t get to her straight away if she needs us. Age NI helped her apply for the benefits she’s entitled to, they’ve also arranged for an Age NI Personal Alarm to be fitted and helped her get some adaptations done to the house so it’s safer. That’s why I’m remembering Age NI in my will - so older people like my mum don’t have to cope alone.’*

# Getting it right

Your solicitor can advise you about legacy wording, however here are some examples:

## Wording for a Residuary legacy

*'I give a ...% share of my residuary estate to Age NI, 3 Lower Crescent, Belfast, BT7 1NR (Registered with the Charity Commission for Northern Ireland NIC104640) for its general charitable purposes. I direct that the receipt of the Treasurer or other proper officer shall be a full and sufficient discharge for the said gift.'*

## Wording for a Pecuniary legacy

*'I give the sum of £... (amount in figures and words) to Age NI, 3 Lower Crescent, Belfast, BT7 1NR (Registered with the Charity Commission for Northern Ireland NIC104640) for its general charitable purposes. I direct that the receipt of the Treasurer or other proper officer shall be a full and sufficient discharge for the said gift.'*

# Questions to consider

A gift to Age NI in your will can help older people feel secure, supported and reassured that they always have someone to turn to. If this is something you believe is important, the answers to these commonly asked questions may help you decide:

## **I haven't written my will yet. How important is it that I write one and how complicated is it?**

Writing a will is a crucial way to ensure that your wishes are carried out after your death and something that you should do sooner rather than later. It needn't be a complicated process and it means your loved ones can carry out your wishes easily. Your solicitor will be able to guide you.

## **I'm not sure what to leave as a gift. What are the different types?**

You can choose to leave a residuary gift (a share of your estate after taxes and debts have been paid), a pecuniary gift (a fixed sum of money) or a specific gift (a gift of property, a specific possession such as a painting or stocks and shares).

Many people think they have nothing of value to leave but even leaving your favourite chair to an Age NI Day Centre or donating your books to our charity shops can make a difference. Whatever the value of your gift, it will go a long way to help someone who needs us.

## How can I take care of my family and leave a gift to Age NI too?

Once your loved ones have been taken care of, we hope you will consider leaving us a gift in your will. If you're worried about not having enough to leave, you could consider a residuary gift rather than a fixed sum, as it's less likely to devalue over time.

Any gift made in your will to Age NI also has the added benefit of being exempt from inheritance tax (IHT) and could even reduce the liability for your loved ones if your estate is over the IHT threshold. For further information visit [www.hmrc.gov.uk/inheritancetax](http://www.hmrc.gov.uk/inheritancetax) or speak to your solicitor.

## How easy is it to leave a gift to Age NI in my will?

It's very easy to include a gift to Age NI in your will. If you already have a will, there's no need to rewrite it. A qualified professional such as a solicitor can draft an amendment (called a codicil). Visit [www.ageni.org/giftsinwills](http://www.ageni.org/giftsinwills) to find a codicil form and the suggested wording for your will.

Adding an amendment also provides an opportunity to update your will. Circumstances change and it is a good idea to review your will every few years.

# *Junk the Jargon*

Here we ‘junk the jargon’ and explain some of the commonly used terms that you may come across when you write your will.

**Beneficiary** – a person or organisation that will receive a gift in your will

**Bequest** – a gift you leave in your will to individuals and/or charities

**Codicil** – a change or addition to your will

**Conditional Legacy** – A gift subject to the fulfilment of a condition (e.g. ‘if my partner dies before me, I leave the residue of my estate to Age NI’)

**Estate** – the total sum of your possessions including property and money once debts have been taken into account

**Executors** – the people you have chosen to carry out the wishes in your will after your death

**Intestacy** – the legal situation arising if you die without a valid will

**Legatee** – a person or charity who receives a gift in your will

**Pecuniary Legacy** – a specific amount of money left as a gift in your will

**Probate** – the legal procedure that establishes that a will and codicil are valid

**Residuary Legacy** – a proportion of the remainder of your estate

**Reversionary** – a gift that passes to a named beneficiary after the death of everybody with a life interest in the estate

**Specific Legacy** – a particular named item left as a gift in your will

**Testator** – the person making a will

## *How to change a will*

You should review your will at least every five years and after any major change in your life, such as having a new grandchild or moving house. If you don't, it can lead to complications and upset for your family, for example, your will may refer to a house you no longer own, or mention older grandchildren but not younger ones. Arrange a new will if you marry, separate or divorce. Be aware of changes in the law that may affect your will.

If you want to change a will, you can either revoke (cancel) the old will and make a new one or add a codicil to the original will. A codicil is a supplement to the will that makes amendments or additions and must be signed and witnessed in the same way as an original will.

If you revoke a will you should destroy it and state on the new one that it revokes all previous wills. If you marry, remarry or enter a civil partnership, this will usually revoke a previously existing will. Divorce does not automatically invalidate a will made during the marriage, but will exclude your ex-spouse or civil partner from benefit if he or she is mentioned in the will.

# *Important documents relating to your will*

It may help your executors to know where you keep important documents, such as:

- the will itself
- deeds to your property
- insurance policies
- documents relating to savings accounts
- passport
- driving licence
- documents relating to a mortgage or loan
- documents relating to pensions
- utility bills

## **what next?**

If you require further information about any of the issues raised in this guide, please contact the Age NI Advice Service on **0808 808 7575**.

# *Useful organisations*

## **Age NI**

Age NI offers independent and confidential advice, information and support to older people, their families and carers on a range of issues in later life including money, care, housing and health.

3 Lower Crescent  
Belfast  
BT7 1NR

Tel: Freephone **0808 808 7575**

E: **info@ageni.org**

**www.ageni.org**

## **Legal Services Agency Northern Ireland (LSANI)**

2nd Floor,  
Waterfront Plaza  
8 Laganbank Road  
Belfast  
BT1 3BN

Tel: **028 9040 8888**

E: **enquiries@lsani.gov.uk**

**www.lsani.gov.uk**

**NI Direct**

**[www.nidirect.gov.uk](http://www.nidirect.gov.uk)**

**The Law Society of Northern Ireland**

Representative body of solicitors in Northern Ireland with an online solicitor directory

96 Victoria Street

Belfast

BT1 3GN

Tel: **028 9023 1614**

**[www.lawsoc-ni.org](http://www.lawsoc-ni.org)**

# *We'll be here day after day*

*If you remember  
us in your will*

By leaving a gift in  
your will to Age NI,  
you'll help us be  
here for everyone  
who needs us.

Find out more call  
**028 9024 5729** or visit  
**[www.ageni.org/giftsinwills](http://www.ageni.org/giftsinwills)**



# Donate today!

Age NI relies on donations to ensure that we continue to support people in Northern Ireland to love later life. Please complete and return the form to Age NI, Freepost RRTU-HSZY-LTHZ, 3 Lower Crescent, Belfast, BT7 1NR. Alternatively call 028 9024 5729 or visit [ageni.org/donate](http://ageni.org/donate)

Every donation makes a difference. Thank you.

Title:	First Name:	Surname:
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Address:	Postcode:
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Tel:	Email:
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I would like to make a gift of: £

I enclose a cheque/postal order made payable to Age NI.

I wish to donate by credit/debit card (please tick)

Card no.

<input type="text"/>					
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Expiry date  /  Issue no. (Maestro only)  Security code

Signature:

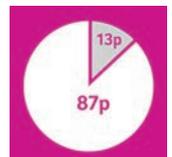
I prefer not to receive a thank you for this donation

Please send me information on giving regularly by direct debit

We'd like to keep in touch to let you know about the vital work we do for older people, our products, services and how you can support us. If you prefer we don't contact you in future please tick the preferred box

No marketing by post  No email marketing  No telemarketing  No SMS

**For every £1 you donate, 87p directly benefits older people.\*** \* Nov 16



**By leaving a gift in your will to Age NI, you'll help us be here for everyone who needs us [ageni.org/giftsinwills](http://ageni.org/giftsinwills)**



# Contact Age NI

For more information on the issues covered in this guide, please contact the Age NI Advice Service on freephone **0808 808 7575** or email **[advice@ageni.org](mailto:advice@ageni.org)**

Age NI also offers free, independent and confidential advice to older people, their families and carers on a range of issues including care, health, housing and money.

3 Lower Crescent, Belfast BT7 1NR  
Tel: **028 9024 5729** E: **[info@ageni.org](mailto:info@ageni.org)**  
**[www.ageni.org](http://www.ageni.org)**

