

# WILLS + COVID-19 YOUR QUESTIONS

With coronavirus (COVID-19) cases increasing across the world, many of you have been in contact to ask about drafting or altering wills and trusts. We know this is a worrying time for everyone, so our second Coronavirus (COVID-19) resource focuses on Wills.

This should not be treated as legal advice. If you have any other questions or concerns, book your free 30 minute consultation by phone or video today.

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**STAY SAFE:** follow Government guidelines at: <https://www.gov.uk/coronavirus>

## 1 I NEED TO DRAFT A WILL. WHAT CAN I DO IF WE'VE BEEN ADVISED TO STAY AT HOME?

Your Will lets you decide what happens to your money, property and possessions after your death. A legally valid Will needs to be formally witnessed by two people and signed in person; a solicitor can witness your will. Social distancing and the recent Government policy to stay at home and away from others, makes this harder to do.

The Law Society has called on the Ministry of Justice to temporarily relax the rules for signing wills during this period. In the meantime, we must work around the current restriction. Remember:

- **Law Firms are open:** solicitors can take your instructions by telephone or video call (Zoom, WhatsApp for Business, FaceTime).
- **Window Witnessing:** once you have shared your instructions, your legal team will draft your will for signature. Signatures are valid as long as each party can see the other sign. During this time, we can arrange for a member of our team to witness your Will being signed through a doorway, window, or outside from a safe distance. This ensures your Will is legally valid.

## 2 WHAT SHOULD I WRITE IN MY WILL?

A straightforward Will should include:

- who you want to benefit from your will
- who should look after any children under 18
- who is going to sort out your estate and carry out your wishes after your death (your executor)
- what happens if the people you want to benefit die before you
- your burial requirements

## 3 WHO CAN WITNESS A WILL?

You should choose someone who is independent.

- They cannot be related to you
- They must be over 18 years of age
- They cannot be a beneficiary of the Will (or related by blood, marriage or civil partnership to the beneficiary)
- An executor can witness the Will as long as they are not a beneficiary

## 4 DO I NEED A SOLICITOR TO WRITE MY WILL?

The short answer is no. You can write your own Will. In order for it to be a legally valid document, it will need to be formally witnessed by two people and signed in person.

- If your estate is not straightforward, you may wish to speak to a solicitor. For example (this is not an exhaustive list):
  - if you have a business or complex finances
  - if you share a property with someone who is not your husband, wife or civil partner
  - if you have several family members who may make a claim on your will, such as a second spouse or children from another marriage
  - if you have property overseas

## 5 HOW MUCH CAN IT COST?

Prices will vary depending on requirements or firm. At SKB Law, our prices start at £180 (total cost for a straightforward Will).