



Law Society of Scotland – Making a Will

Making a Will

Making a will is one of the most important things we can do – after all it determines how our most personal possessions and hard-earned savings will be shared among close family and friends. It is often a simple and inexpensive process. But failure to make a will can pose major difficulties for those left behind, for instance, by paying more tax than necessary. Your estate – money, other assets and possessions – could be distributed according to the law rather than your wishes. It is particularly important to leave instructions if you own property.

The Contents of a Will

It is advisable to consult a solicitor before deciding what to put in your will. A will can cover a range of issues, including:

- who should inherit your property, money, other assets and possessions;
- how your children should be cared for;
- who should be responsible for looking after your estate (the executors);
- special arrangements for your funeral; and
- charitable donations you would like to make.

How a Solicitor Can Help

Wills are often straightforward but some involve complicated arrangements and financial affairs, such as inheritance tax – all the more reason to ensure they are drawn up by a qualified solicitor. Even if your will is simple and you want to write it yourself, it is advisable to consult a solicitor to avoid pitfalls and ensure all the legal formalities have been followed correctly, otherwise it may be invalid. DIY and internet wills are available but there are obvious risks where no personal advice is given.

Helping with Arrangements. Your solicitor can help your family or executors contact undertakers and arrange for the death certificate to be issued by the Registrar of Births, Deaths and Marriages.

Acting as an Executor. Executors are responsible for dealing with assets of the estate. Solicitors are often named as executors when a will is drawn up. Others, such as family members, can also act as executors.

Going to Court. If there is no will, it may be necessary to apply to the sheriff court to appoint an executor. A solicitor will have to prepare the forms for the court to appoint the executor.

Changing a Will. Changes can easily be made to wills – a solicitor will ensure they are legally binding.

Keeping a Will Safe. It is important to keep your will safe. If your solicitor has drawn up the will, he or she will usually keep the original and send you a copy.

Keeping Costs Down. A simple will can cost very little and some solicitors offer a free service in return for a donation to charity (for instance, see <http://www.willreliefscotland.co.uk>). Others may qualify for legal aid funding. Anyone looking to keep costs down should phone two or three solicitors and ask them to quote a fee.

For all matters relating to making a will, the best way to get advice is to see a solicitor. For information on finding a solicitor, contact the Law Society of Scotland on 0131 226 7411, check the Yellow Pages or visit the Citizens Advice Bureau.