

**YOUR  
STEP-BY-STEP  
GUIDE TO  
MAKING A  
WILL**

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MACMILLAN.  
CANCER SUPPORT**

This is part of a series of leaflets about making a will, leaving a legacy and inheritance planning. The other leaflets in the series are:

- *Charitable legacies and inheritance tax: how to make your money go further*
- *Codicil form: for adding a gift to your will*
- *Legacy clause wordings.*

You can also read more about wills and financial arrangements for end of life in our booklet *Sorting out your affairs*. Our booklet *Your life and your choices: plan ahead* has information on both financial and care arrangements.

To order any of these, visit **[be.macmillan.org.uk](http://be.macmillan.org.uk)** or call **0808 808 00 00**.

# **This leaflet is a step-by-step guide to making or updating your will.**

**This leaflet explains:**

- **how to make or update your will**
- **what to include in your will**
- **who to include in your will**
- **whether you should use a solicitor**
- **how inheritance tax is calculated**
- **further sources of information and other useful organisations.**



**Over 28 million of the  
UK adult population (58%)  
are currently without a will.**

Unbiased.co.uk research

## Making or updating your will

Whatever you leave when you die is called your estate. This is everything you own, including your share of things you own jointly, minus everything you owe. It may include money, property and belongings.

A will is a legally binding document that includes your instructions for what you would like to happen to your estate after your death. It gives directions about your finances and personal belongings. It may also include instructions for funeral plans and, if relevant, details of who will look after young children.

An up-to-date, professionally written will is incredibly important. It's the only way to ensure your wishes are carried out after you die and that your loved ones are provided for in the way you want them to be.

If you die without making a will, you are called an 'intestate person' and the law decides who inherits your estate. This may not be the way you would like to leave your money and possessions.

Your property, money and belongings would be shared out according to the statutory rules of intestacy. These rules are very strict on who inherits an estate and don't, for example, provide for unmarried partners or stepchildren.

Making or updating your will may be easier and more affordable than you think. This step-by-step guide will help you prepare for a meeting with your solicitor.

Depending on where you live, the rules that apply to wills will be slightly different. Your solicitor will explain how these rules might affect your will. They will also explain who will inherit your estate if you die without a will.

You have to be at least 18 in England, Northern Ireland and Wales, or 12 in Scotland, to make a will.

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

It's surprising how the value of your home and possessions can add up. The following checklists will give you an idea of the value of your estate and can also help you make a record of everyone you would like to include in your will.

Completing these will only take a few minutes, but will save time when you are with your solicitor.

### Everything I own (assets)

House value	£ _____
Car	£ _____
Jewellery	£ _____
Furniture/antiques/collectables	£ _____
Bank accounts – current balance	£ _____
Building society – current balance	£ _____
ISAs/saving certificates/premium bonds	£ _____
Stocks and shares	£ _____
Life assurance policies	£ _____
Other possessions	£ _____
<b>Total assets</b>	<b>£ _____</b>

### Everything I owe (liabilities)

Mortgage – outstanding balance	£ _____
Overdrafts	£ _____
Credit card debts	£ _____
Bank loans	£ _____
Other debts	£ _____
<b>Total liabilities</b>	<b>£ _____</b>

<b>Total assets</b>	£ _____
<i>minus</i> <b>Total liabilities</b>	£ _____
<b>= Total net estate value</b>	<b>£ _____</b>

You should also make a record of any money owed to you by other people.

### Money owed to me

(by \_\_\_\_\_) £ \_\_\_\_\_





## **Property and assets abroad**

These may need to be covered by a will in that particular country. To be sure, consult a solicitor.

## **Executors**

You will need to choose who you want to act as your executors (people responsible for carrying out the instructions in your will). It is important that these are people who you have complete trust and confidence in.

## **Guardians**

If you are a parent with young children, you should also decide who you want to be your children's guardian or guardians, in the event that both parents die when the children are under 18 (16 in Scotland).

For many people, this is the most difficult decision they have to make while writing their will, though it may be the most important.

## Who to include in your will

Make a list of all the family and friends you want to remember and consider the types of gifts you want to leave them.

For example, you might want to give a specific amount of money, or an item with financial or sentimental value.

Once you've provided for your loved ones, you may want to consider supporting your favourite cause. You can give a percentage of what's left of your estate, or a specific sum of money. Legacies left to charities can make a vital difference.

### Family

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### Friends

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### Charities/organisations

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# Important information

**Executors** (the people chosen to make sure your instructions are carried out)

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**Legal guardian(s)** (if you have children under 18, or under 16 in Scotland)

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**Funeral instructions**

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**Care of my dependent relative(s)**

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**Care of my pet(s)**

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**Previous wills and codicils** (see page 10), or **foreign will details** (if applicable)

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**Other**

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## Making changes to your will

A codicil is a supplement to a will that makes changes and allows additions to be made.

Many charities produce these forms to make it easier to add a gift to your will. To order Macmillan's codicil form, visit [be.macmillan.org.uk](https://www.be.macmillan.org.uk) or call **0800 107 4448**.

For some people, creating a new will may be the best way to make changes.

## Should I use a solicitor?

We recommend you use a solicitor when making or updating your will. This ensures all legal procedures are followed. The process needn't be lengthy or expensive, but don't be afraid to shop around or ask for a quote.

Wills can be made face to face with a solicitor or over the phone.

After your first call or meeting with a solicitor, he or she should arrange a follow-up appointment to check your will has been written how you want it to be. You will then need to sign it with two witnesses present, or one witness for a Scottish will. The witnesses must also sign the will for it to be valid.

## Finding a solicitor

To find a local will and probate solicitor in England and Wales, contact The Law Society on **020 7242 1222** or visit **[lawsociety.org.uk](https://www.lawsociety.org.uk)**

In Scotland, contact The Law Society of Scotland on **0131 226 7411** or visit **[lawscot.org.uk](https://www.lawscot.org.uk)**

In Northern Ireland, contact The Law Society of Northern Ireland on **028 9023 1614** or visit **[lawsoc-ni.org](https://www.lawsoc-ni.org)**

To find out if you qualify for legal aid to help make a will, ask the solicitor you have chosen.



Macmillan has a discounted will writing service. We've hand-picked a choice of will writing organisations you can trust and that can offer you a will at a reduced price. You don't have to leave a gift to Macmillan to get a discount. The organisations cover England, Scotland and Wales and offer a range of online, telephone and face-to-face services.

Visit [macmillan.org.uk/willwriting](https://www.macmillan.org.uk/willwriting) to find out more.



# Inheritance tax

Inheritance tax will be paid on any part of your estate that is greater in value than the 'tax-free threshold' (also called the 'nil rate band'). The tax-free threshold is set by the UK government and is currently £325,000 per person. This amount is frozen until April 2018.

So, if your estate is worth less than £325,000 after anything you owe is taken out, there won't be any inheritance tax to pay at all.

Any amount above the tax-free threshold is taxed at 40%. For example, if your estate is worth £400,000 after anything you owe is taken out, the first £325,000 is free of tax. Tax of 40% will be paid on £75,000, which is £30,000.

There are some exceptions to this rule, where inheritance tax doesn't have to be paid.

If you die and leave your estate to your surviving husband, wife or civil partner, your tax-free threshold is unused. Your whole estate will pass to them free of inheritance tax. When your surviving spouse or civil partner dies, they can pass on an amount of up to £650,000 (two tax-free thresholds) free from inheritance tax.

## Charitable legacies

If you leave a gift to a charity in your will (known as a charitable legacy) it will be deducted from your estate before the amount of inheritance tax is calculated.

If you leave 10% or more of the net value of your estate (after the deduction of anything you owe and the tax-free threshold) to charity, any part of your estate that is subject to inheritance tax will be taxed at 36% rather than 40%.

For advice on saving inheritance tax, speak to your solicitor when making your will or, if you prefer, a financial adviser. See page 19 for some organisations that can help.



You can find out more about this in our leaflet *Charitable legacies and inheritance tax: how to make your money go further.*



## We're here to help

Our legacy advisers are happy to help answer general questions you may have about wills, legacies or Macmillan, but we are not qualified to give legal advice.

We also have legacy advisers in your area who can call or speak to you face to face.



Call the Macmillan Legacy team for a confidential chat on 0800 107 4448, email [leavealegacy@macmillan.org.uk](mailto:leavealegacy@macmillan.org.uk) or visit [macmillan.org.uk/legacies](https://macmillan.org.uk/legacies)

For help with inheritance tax, estate planning and power of attorney, contact our Financial Guidance Service on **0808 808 00 00**.

# Checklist

Everyone should have an up-to-date will, regardless of age or health, and it's easy to make one. Here's a reminder of the most important points to consider:

## 1. What do you have to leave?

Make a list of everything you own and everything you owe to give you a good idea of the value of your estate. The form on page 5 can help you do this.

## 2. Who would you like to include in your will?

Make a list of the people, pets, charities and organisations you'd like to leave a gift to in your will.

## 3. Who should be the executors and guardians (if appropriate)?

Decide who you want to fulfil these vital roles in your will.

## 4. Use a solicitor and ask about inheritance tax

See page 11 for details of how to find a local will and probate solicitor.

## 5. Update your will to reflect major life changes

In England, Northern Ireland and Wales, marriage or civil partnership will revoke (cancel) an existing will, unless it specifically states it takes a forthcoming wedding or civil partnership into account. So if you have married or become a civil partner since making your will, you may need to make a new one.

In Scotland, the rules are slightly different. Marriage or civil partnership does not revoke an existing will.

Divorce or dissolution will also impact on any existing will (but will not revoke it). In this case, you should review your will. If you've had children or grandchildren, or met a new partner, you may need to update it to include them. Not including your children may revoke a Scottish will.

You may also need to change your will to take account of changes in your finances.

## 6. Keep it safe

Leave your original will document in a place where it will be secure and easily found, for example, with your solicitor. Keep a copy yourself and make sure your executors know where it is. You may also want to leave important documents together in a safe place where they can be easily found, for example, with insurance policy details.

You or your solicitor can register your will with Certainty, the National Will Register, for free (normally £30).

Visit [certainty.co.uk/macmillan](https://certainty.co.uk/macmillan) and quote the code mac2013, or call us for more information on **0800 107 4448**.

You don't have to leave a gift in your will to Macmillan to use this service. But any gift you do leave, no matter how small, will help us provide vital support to people affected by cancer.

## Further information

We have more information about cancer types, tests, treatments and living with and after cancer.

We also have details of other helpful organisations and support groups in your area. You can contact us using the following details:

### **Macmillan Cancer Support**

89 Albert Embankment, London SE1 7UQ

**General enquiries** 020 7840 7840

**Questions about cancer?** Call free on **0808 808 00 00** (Mon–Fri, 9am–8pm)

Alternatively, visit **macmillan.org.uk**

**Hard of hearing?** Use textphone 0808 808 0121, or Text Relay.

**Non-English speaker?**

Interpreters available.

To order any of our booklets, log on to **be.macmillan.org.uk**

## Useful organisations

### **The Law Society**

The Law Society's Hall,  
113 Chancery Lane,  
London WC2A 1PL

**Tel** 020 7242 1222

**[www.lawsociety.org.uk](http://www.lawsociety.org.uk)**

### **The Law Society of Scotland**

26 Drumsheugh Gardens,  
Edinburgh EH3 7YR

**Tel** 0131 226 7411

**[www.lawscot.org.uk](http://www.lawscot.org.uk)**

### **The Law Society of Northern Ireland**

96 Victoria Street,  
Belfast BT1 3GN

**Tel** 028 9023 1614

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

### **Personal Finance Society –**

**'Find an Adviser' service**

**[www.findanadviser.org](http://www.findanadviser.org)**

Use the website to find qualified financial advisers in your area.

## Disclaimer

We make every effort to ensure that the information we provide is accurate and up to date but it should not be relied upon as a substitute for specialist professional advice tailored to your situation. So far as is permitted by law, Macmillan does not accept liability in relation to the use of any information contained in this publication, or third-party information or websites included or referred to in it. Some photographs are of models.

## Thanks

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## Sources

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More than one in three of us will get cancer. For most of us it will be the toughest fight we ever face. And the feelings of isolation and loneliness that so many people experience make it even harder. But you don't have to go through it alone. The Macmillan team is with you every step of the way.

We are the nurses and therapists helping you through treatment. The experts on the end of the phone. The advisers telling you which benefits you're entitled to. The volunteers giving you a hand with the everyday things. The campaigners improving cancer care. The community there for you online, any time. The supporters who make it all possible.

Together, we are all Macmillan Cancer Support.

For cancer support every step of the way, call Macmillan on 0808 808 00 00 (Mon–Fri, 9am–8pm) or visit [macmillan.org.uk](http://macmillan.org.uk)

Hard of hearing? Use textphone 0808 808 0121, or Text Relay.  
Non-English speaker? Interpreters available.  
Braille and large print versions on request.

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