

Why use a solicitor for a will?

In this day and age of busy lives and an expensive cost of living it can be stressful enough to worry about what is going to happen to you during your lifetime, never mind what happens to you (or rather what happens to your estate) when you die. However, for those with loved ones and assets a Will is arguably one of the most important things you can do. For those of us who have decided to make a Will, but due to time constraints and costs, we may choose to do a homemade will or go to a cheaper will-writer. As I write this article, I open up the internet and am invited to do a Will for £47.00. People are, it seems nowadays, less and less inclined to instruct Solicitors in relation to the preparation of a Will due to the other options available but here are the reasons why you should be seeking the help of a solicitor:

1. The Will-Writing industry is currently unregulated. This means that there is no professional body overseeing the standards of these writers or ensuring they are keeping up to date with changes in the law. This lack of regulation creates several risks for consumers. The recent case of Tedford v Clarke & Others is a classic example of what can happen if somebody is trying to save on costs when preparing a will: The cost of using unqualified, unregulated or inexperienced will-writers can be devastating, both financially and emotionally, for those left behind. As solicitors we are required to undertake regular Continuing Professional Development so that we are continuously up to date with the law and can advise our clients accordingly. We are also regulated by the Solicitors Regulation Authority who ensure that our clients get the service they expect and have redress if the required standards are not met.
2. There are strict rules as to how a will should be executed. I recall once a lady came to see me about amending her will. I had asked to see a copy of any existing will she previously had and she showed me a homemade will whereby the one beneficiary was one of the two witnesses! This would have made her gift null and void. As solicitors we are experienced in how a will should be executed and are also able to provide two appropriate witnesses
3. Whilst a solicitor may be more expensive than a Will-Writer or a homemade will it is important to ensure that your will is worded and executed correctly for it to achieve the desired outcome. Failure to comply with the strict requirements to properly compose a will could result in either part of or all of the will failing, which will result in either partial or full intestacy. Other possible consequences are increased tax and legal costs when you die which could significantly eat up the majority of your estate.

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