

Making your Will



Who we are

Age Scotland is the national charity for older people. We work to improve the lives of everyone over the age of 50 so that they can love later life.

Our vision is a Scotland which is the best place in the world to grow older.

Our mission is to inspire, involve and empower older people in Scotland, and influence others, so that people can make the most of later life.

Our three strategic aims are to:



Help older people to be as well as they can be



Promote a positive view of ageing and later life



Tackle loneliness and isolation

How we can help

We know that growing older doesn't come with a manual. Later life can bring changes and opportunities to your life and you may need to know about rights, organisations and services which are unfamiliar to you.

That's why we provide free information and advice to help you on a range of topics including benefits and entitlements, social care, legal issues such as Power of Attorney, housing and much more. All of our guides are available to download for free from our website, or you can contact our helpline team to have copies posted to you for free.

The Age Scotland **helpline** is a free, confidential phone service for older people, their carers and families in Scotland looking for information and advice.

Later life can bring times when you just need someone to talk to. Our **friendship line** is part of our wider helpline and older people can call us for a chat. We're here to listen, provide friendship and offer support.

For information, advice and friendship



Call us free on: 0800 12 44 222
(Monday – Friday, 9am - 5pm)



Visit agescotland.org.uk
to find out more.

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Making your Will

It is important to make a Will. In Scotland there are legal rules for dividing up property if someone dies without a Will, but there can be uncertainty, disputes and legal expenses, and surviving relatives may need to go to court to sort things out.

Writing your own Will

You can write a Will yourself, but it is better to use a solicitor to write or check your Will as problems can arise after your death if mistakes have been made, the Will is not entirely clear or it has not been properly signed or witnessed.

If you decide to use a pre-printed Will form, check that it applies to Scotland, as the rules in England and Scotland are very different.

Using a solicitor to write your Will

The cost of writing a Will varies depending how complex it is and which solicitor you use, so you should shop around before choosing a solicitor. Most Wills are not complex and solicitors may be able to give you a fixed price before starting work.

Some solicitors offer a free Will-writing service in return for a donation to charity. This could either be through Will Relief Scotland in September - **Willreliefscotland.org** - Will Aid in November - **www.Willaid.org.uk** - or Age Scotland's partnership with Solicitors for Older People in Scotland **www.ageuk.org.uk/scotland/services/support--legal/free-will-writing-service**.

You might qualify for help with the legal costs of writing a Will. The **Scottish Legal Aid Board's** website **www.slabb.org.uk** includes information about solicitors who do work which is funded, or part-funded by legal advice and assistance.



What to include in your Will

No matter how much money, or how many possessions you have, there are some things you should make clear in your Will.

If you use a solicitor they are likely to ask you:

- who do you want to sort out your estate when you die, to be the **executors**?
- do you want to make any particular arrangements for your funeral?
- who do you want to inherit your estate, to be your **beneficiaries**?
- do you want to leave specific amounts of money or specific items such jewellery to particular people?
- what do you want to happen if a beneficiary dies before you do?
- if you have children under 16, who do you want to look after them?
- who do you want to look after your pets?
- do you wish to make any donations to charity?

Choosing an executor or executors

Executors sort out or wind up your estate, distributing your property according to what you have stated in your Will. An executor can also be a beneficiary of the Will.

You should think about who is best for this role. It may be difficult for someone living abroad or who has poor health to act as your executor. An executor needs to be organised and able to cope with day-to-day matters to do with your home as well as handling the work of sorting out your estate.

If someone tries to make you name them as your executor or tries to force you to leave them money in your Will, see our guide [Staying safe from abuse](#) and get legal advice if you need it. It is your decision who to leave your property to and this should not be influenced by anyone else.

Executors can claim expenses involved in their work; they do not generally receive payment for their time unless the Will specifically allows this, as it would need to if the executor was a solicitor or other professional.

See the Scottish Government leaflet [What to do after a death in Scotland](#) for more information; you can call the Age Scotland helpline for a copy or search for it on the Scottish Government website www.gov.scot.



Changing a Will

Your Will belongs to you, and you can change it at any time, for any reason. Changes in family and financial circumstances can affect how you wish to share out your estate so it is particularly important to review and update your Will if you get divorced, get married, enter into a civil partnership or have children.

You can make small changes to your existing Will in a separate legal document called a codicil, but you should get legal advice to ensure that the changes you wish to make are very clear and that the codicil has been written correctly. A codicil must be witnessed and kept with your Will.

Where to keep your Will

You could keep your Will at home with other important papers or leave it with your solicitor. When a solicitor makes your Will, they normally keep the original and send you a copy, but you can keep the original yourself if you wish. Your executors will need the original Will when you die.

You may choose to keep the contents of your Will private, or you may want to discuss it with friends and family so people know what your wishes are. After a death, it is very common for a solicitor to register the Will with the Registers of Scotland.

Legal rights to inherit

In Scotland, the law states that if someone chooses not to leave anything to their family in their Will, a widow, widower, civil partner or child (of any age) always has a right to claim their **legal rights** in the estate. Legal rights are fixed rights to a proportion of the **moveable estate**, such as money, cars, shares, and jewellery, but not property and land.

If you want to challenge a Will it is best to speak to a solicitor.

Inheritance Tax

Inheritance Tax is complicated and you should seek professional advice if you think your estate may be liable for this tax. There are special rules if you leave your estate to your husband, wife or civil partner.

Inheritance Tax is a tax payable on the estate left after a death. It also includes gifts which the person made in the 7 years before they died, although some gifts are exempt.

The amount of Inheritance Tax charged depends on the current rate and the tax-free threshold, which may vary from year to year. which can vary from year to year.

Currently, the tax-free threshold is £325,000. Anything over this amount is taxed at 40%.

If your estate is less than the tax-free threshold, no tax is charged.

You can find detailed information about Inheritance Tax on the government websites **www.gov.uk** and **www.hmrc.gov.uk**, or call the **HMRC Inheritance Tax helpline** on **0300 123 1072**.



What happens if you do not have a Will?

If you do not make a Will, you die **intestate** and your property will be divided according to legal rules, including changes made in the Succession (Scotland) Act 2016 which came into force on 1st November 2016.

The main change is that if you make a Will in favour of your spouse or civil partner, or appoint them as an executor under the Will, this will no longer be valid if you get divorced, your civil partnership is dissolved or your marriage is annulled. If you still want your spouse or civil partner to be your executor or inherit in these circumstances, your Will needs to make this very clear.

Useful contacts

Law Society of Scotland

The Law Society of Scotland regulates and represents all solicitors in Scotland and can provide details of local solicitors.

Tel: **0131 226 7411**
www.lawscot.org.uk

Scottish Legal Aid Board

The Scottish Legal Aid Board administers Legal Aid. You can only apply for legal aid through a solicitor that does legal aid work.

0131 226 7061
www.slabb.org.uk

Society of Later Life Advisers (SOLLA)

The Society of Later Life Advisers (SOLLA) aims to assist consumers and their families in finding trusted accredited financial advisers who understand financial needs in later life.

Tel: **0333 2020 454**
www.societyoflaterlifeadvisers.co.uk

Solicitors for Older People Scotland (SOPS)

SOPS is a group of Scottish Law firms that have particular experience and interest in older people's issues. They provide legal services to older people in a caring and sensitive way and are regulated by the Law Society for Scotland. They work in partnership with Age Scotland.

Tel: **0800 152 2037**
www.solicitorsforolderpeoplescotland.co.uk

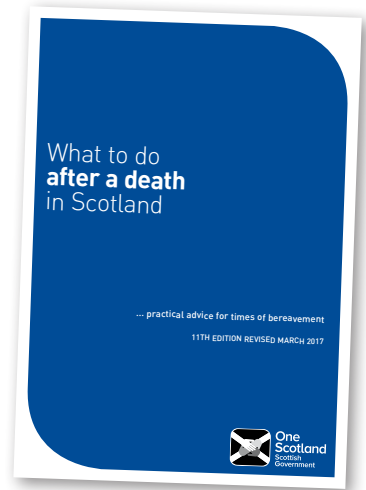


Scottish Government Publications

What to do after a death in Scotland

This booklet provides information about what to do after someone dies, and about succession and inheritance law in Scotland.

Call the Age Scotland helpline and ask for a copy or find it on the Scottish Government website **www.gov.scot/collections/what-to-do-after-a-death-in-scotland**



Age Scotland helpline 0800 12 44 222

The Age Scotland helpline provides information, friendship and advice to older people, their relatives and carers.

If you need an interpreter call **0800 12 44 222** and simply state the language you need e.g. Polish or Urdu. Stay on the line for a few minutes and the Age Scotland helpline will do the rest.

You can call us on **0800 12 44 222** for a copy of our **publications list** or download / order copies from our website at **www.agescotland.org.uk**.



How you can help

Our vision is a Scotland which is the best place in the world to grow older.

All the information and advice we provide is free and completely impartial and in helping people access their rights and entitlements, it can be life changing.

We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.



Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

- ▶ Call **03330 15 14 60**
- ▶ Visit **age.scot/donate**
- ▶ Text **LATERLIFE** to **70085** to donate £5.*



Fundraise

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, there are so many ways to raise vital funds to support our work. To find out more, call **0333 323 2400** or visit **age.scot/fundraise**.



Leave us a gift in your Will

By choosing to leave us a gift in your Will, you can help Age Scotland to continue being there for vulnerable older people in the years to come. To find out more, call **0333 323 2400** or visit **age.scot/legacy**.

* Texts cost £5 plus one standard rate message

Let's keep in touch



Sign up to our newsletter

Our regular newsletters by email contain details of our campaigns, services and how you can support our work.

Sign up today by visiting [**age.scot/roundup**](https://age.scot/roundup)



Follow us on social media

Our social media channels are a great way to keep up to date with our work and issues that affect older people.



[**/agescotland**](https://www.facebook.com/agescotland)



[**@AgeScotland**](https://twitter.com/AgeScotland)



[**@age_scotland**](https://www.instagram.com/age_scotland)



[**/AgeScotland**](https://www.linkedin.com/company/AgeScotland)

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Head office

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Email

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Visit our website

www.agescotland.org.uk

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