



**Law
Commission**
Reforming the law

Making a will



Our plans to
change the law



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Introduction



We, the **Law Commission**, have been looking at whether there should be some changes to the law about making a **will**.



The **Law Commission** has been set up by the Government to look at whether there should be changes to certain laws.



This document explains some of the changes we want to make.



We want to know what you think. Please read this document and tell us what you think of the changes. Our email and post address are on page 18.

What is a will?



A **will** explains what we want to happen to our money and things after we die.



Your will should say who should deal with your money and things after you die.

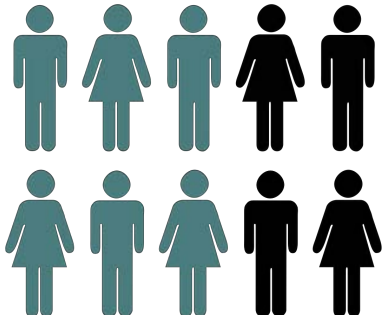


A will is an important document. It might control how thousands of pounds are passed from one person to another.



There are often arguments about a person's will after they have died. The courts often have to decide what to do.

What happens if you don't write a will?



About 4 out of every 10 people do not write a will.



This means that their money and things may not go to the people they want when they die.



If you haven't written a will the law will decide what happens to your money and things after you die.



This law was made many years ago and is not always right for:

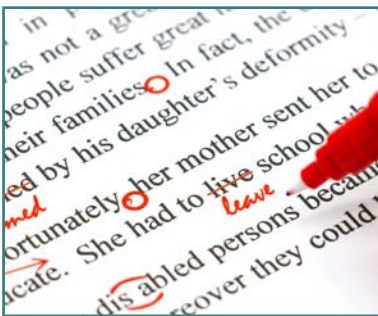
- People who are not married, but live together
- People who have second families
- People who want to give some money to charity

Why change?

We think there should be some changes to the rules about making a will because:



- The current law is out of date



- Often your money and things don't go to the person you want because of a small mistake in the way the will has been written



- There needs to be more protection for vulnerable people

Out of date



The law about writing a will is now 180 years old.

Many things have changed since then that affect our wills like:



- People are living much longer



- Many people suffer from dementia and might not be able to understand their will



- We now think that many people with certain health problems or disabilities are able to make decisions for themselves



- We now use computers and other new technology for writing instead of paper



- People live in different ways like:
 - ▶ Living together without getting married
 - ▶ Having second families



- Many more people have money and things. It is important that these go to the right people when they die

What should change

We think that there should be some changes to the law about writing a will:



- Make it easier for people to pass on their money and things to the people they want when they die



- Protecting vulnerable people, who might be bullied into giving their money to someone

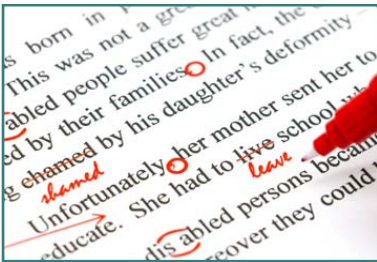


- Making the law clear

Making it easier

We want the law to make it easier for people to pass on their money and things to the people they want.

We want to change the law so that:



- Small mistakes won't affect the will



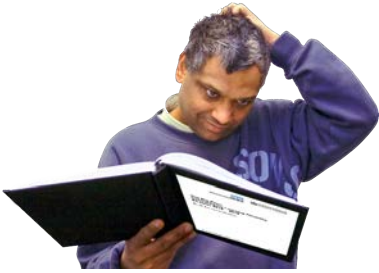
- People can have support to decide how to write their will



- People can make their will on a computer



- Children can make a will



Small Mistakes

There are some complicated rules about how to write a will.



Sometimes a person's money and things does not go to the right person because of a small mistake in the way that the will has been written.



We think that a court should be able to decide what the person wanted and make it happen.

Support



Many people have an advocate or a friend who helps them to make important decisions.



We are thinking about ways to help people to have some support when they write their will.

This might help more people to make a will.



Using a computer

Many people find it easier to write things on a computer than on paper.

Many important documents are now on computers and not on paper.



We are thinking of ways that people can make a will on a computer.

The main problems are:



- How people can sign a document on a computer
- How we can be sure that the will has been signed by the right person



- How we can be sure that the will has not been altered by someone

18+

Children making wills

At the moment you have to be 18 to make a will.



Most children will not need to make a will.



But it would be good if some children could make a will.



For instance children who have received money because of an injury.



Children whose parents have split up may want to choose which parent can make decisions about what happens if they die.



We think that the law should let children make a will so long as they understand what it means.

Protecting vulnerable people



Vulnerable people should be able to make a will.

But the law should make sure that they are not being made to give their money to someone they don't want to.

Financial abuse



Financial abuse is where a vulnerable person is talked into giving their money to someone they don't want.

We think that you should have to explain why you want to leave your money to:

- A trustee
- A doctor
- The person who helped you to write your will
- A professional carer
- The person who helps you with your religion



Understanding

It is important that the person making the will:

- Knows what they are doing
- Understands the will that they are making



Signing for someone

Some people are not able to sign for themselves.

They need someone else to sign for them.



We want the law to say that the person who signs a will for someone cannot inherit any money.

Witnessing a will

A witness signs to say that the person has signed the will.

They also say that the person understands the will.



We want the law to say that a witness or anyone in their family cannot inherit any money under the will.

Making the law clear



Sometime the law can be confusing. We want to make some changes that will make the law clear.

Can the person make their own decisions?



These days we realise that many disabled people and people with a mental health problem are able to decide things for themselves.



We want the law to help those people to make a will if they want to.

Cancelling a will



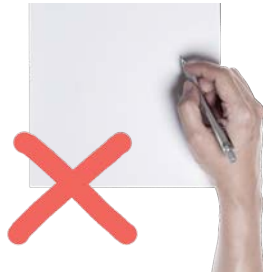
The current law says that your will is cancelled if you get married.

This means that the children from your first marriage would get nothing if you don't make a new will.



We are asking whether it might be best to get rid of this rule.

Wills that don't have to be written



The law says that certain people don't have to write down their will.



These are members of the armed forces who are involved in a war.



It also covers any sailor on a ship.



We want to change the law so that it only covers members of the armed forces and the people who work with them.

What do you think?



We want to know what you think.

Please tell us:



- If you know about any problems with making a will
- What issues cause problems when you are making a will



- Why people do or do not make a will



- If you know about any problems or arguments caused by someone's will



Please let us have your ideas and comments by Friday 10th November 2017

Please tell us by:



email:

propertyandtrust@lawcommission.gsi.gov.uk

Or by writing to:



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