

FOCUS

SWW

“THE NEW SUCCESSION LAW EMAG”

IN THIS ISSUE:

THE DANGERS OF DIY WILLS

APPOINTING GUARDIANS IN YOUR WILL

BUSINESS SUCCESSION PLANNING

AND MORE...



ISSUE 4 | SPRING 2017



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A Letter from the Director General

Dear Reader,

Welcome from The Society of Will Writers to this Spring and Easter issue of Focus SWW.

This issue marks almost a year of the publication and according to the statistics from the previous issue, total views reached 500 with well over 2,500 total page views since it went live on January 3rd 2017.

Focus SWW is the only emag to be published catering for both the professional and the consumer, as a guide through the maze of making a Will and the difficulties in decision making associated with the busy and growing complex situations families find themselves in.

Whether you are a consumer needing help or advice or you are a professional, please feel free to contact the SWW either by email at info@willwriters.com or give us a call on 01522 687888.

In most people's minds, spring is the best time of the year. The advent of daffodils and crocuses heralds a new beginning, as well as the birth of spring lambs and the trees and hedgerows bursting into greenery. But sadly, all too short, showing that life is fragile.

So why not use this time of year to prepare for the unforeseen and unexpected, to show those you love and who depend you, that you cared enough to plan.



Doing it yourself, is not an option today, life is too complex, you do need the help and guidance of a professional.

Traditionally, it was always considered that a solicitor was the only option, but for over 25 years, there has been an alternative, one great advantage of using a professional Will Writer is that you can plan the meeting around you, and in the privacy and comfort of your own home without having to watch a clock. Using a member of the Society of Will Writers, means that the consultant taking your instructions has been properly trained and maintains their knowledge through yearly continuous professional development.

If you have trouble locating a member near you, call or email the Society's head office and they will put you in touch with members in your area.

Brian McMillan
Director General
The Society of Will Writers and Estate Planning Practitioners

Want to have your business featured in FOCUS SWW?

Do you have a relevant article you would like to have featured in the magazine?

Would you like to have an advert for your business placed in the magazine?

There are various options available for you if so!
For details contact: thomas.s@willwriters.com



A typical advert for your business would be 250x250 pixels, larger sizes are available. Please contact us for more information.



THE DANGERS OF DIY WILLS

You could of course write your own Will. In fact, high street stationary shops will even sell you a kit to enable you to do so. But whilst the low cost of these DIY Will kits may seem very appealing at first, the £10 you spend writing one now could in fact cost you a lot more later down the line when changes need to be made, or when your family need to go through probate after you have passed. This can be very stressful for those that you leave behind, and during a time when they should be mourning, and having to deal with your estate using a Will which is

incorrect, or worse invalid, will be that last thing you would want for them.

If your wishes are quite simple, for example you're married and you wish to leave everything to your spouse or children, then a DIY Will may well be a viable option. However, when things start to get a bit more complex, for example if you're not married, or you own a business or perhaps have assets overseas, then it would be far more sensible to seek out professional advice to avoid any mistakes.

DANGERS OF WILLS

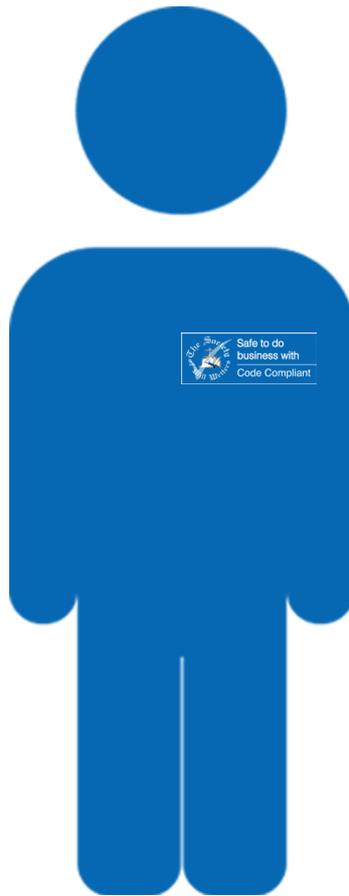
The most common issue with a DIY Will is when it comes to witnessing the document. For a Will to be valid it must be signed by the person making the Will (the testator) and two independent adults. Neither of these witnesses can be beneficiaries under the Will or the spouses or civil partners of any of the beneficiaries. If the Will is not signed correctly it will be invalid, meaning your estate will pass in accordance with the laws of intestacy and most likely end up with your estate not being distributed as you would have liked. With this being the case, it is advised

that you use a professional Will Writer to not only draft the document for you, but to also ensure it is signed and witnessed correctly avoiding any difficulties upon death.

If you have not yet written a Will and would like to do so, we have Will Writers located throughout the country.

To locate a Will Writer in your area, visit:
<http://www.willwriters.com/members/>

Who is your Will Writer?



- All SWW Members will provide up to date advice in line with current legislation.
- All SWW Members adhere to our Code of Practice.
- All SWW Members complete compulsory annual CPD.
- All SWW Members carry at least £2m of insurance cover.

If you have doubts about an SWW member give us a call on 01522 687888.
If you would like to join the SWW then please email info@willwriters.com for application forms or an information pack.

THE ONE WHO MADE IT
DIDN'T WANT IT.

THE ONE WHO BOUGHT
IT DIDN'T NEED IT.

THE ONE WHO USED
IT DIDN'T SEE IT.

WHAT IS IT?



APPOINTING GUARDIANS

IN THE EVENT OF YOUR DEATH, WHAT IS IT YOU WOULD LIKE TO HAPPEN TO YOUR CHILDREN?

Currently in the UK, only 67% of adults have a valid Will, and whilst not all of them will have needed to appoint guardians for their children, it is certainly something that many of them will have considered. Deciding who you would like to bring up your children is likely to not be easy, however the thought of knowing that someone you trust will be looking after them after you're gone should certainly bring some comfort to the matter. After all, the alternative is letting the courts decide on their guardians, something that surely any parent would wish to avoid.

The appointee will only become the child's guardian if at the death of the testator:

- A. No parent with parental responsibility survived him; or
- B. There was a residence order in his sole favour relating to the child.

Without any guardians in place, under Section 5 of the Children Act 1989 the courts can appoint guardians for a child if there are no parents with parental responsibility, i.e. not named on the child's birth certificate. Guardians may also appoint a successor, and this is not something that needs to be done in the testator's Will.

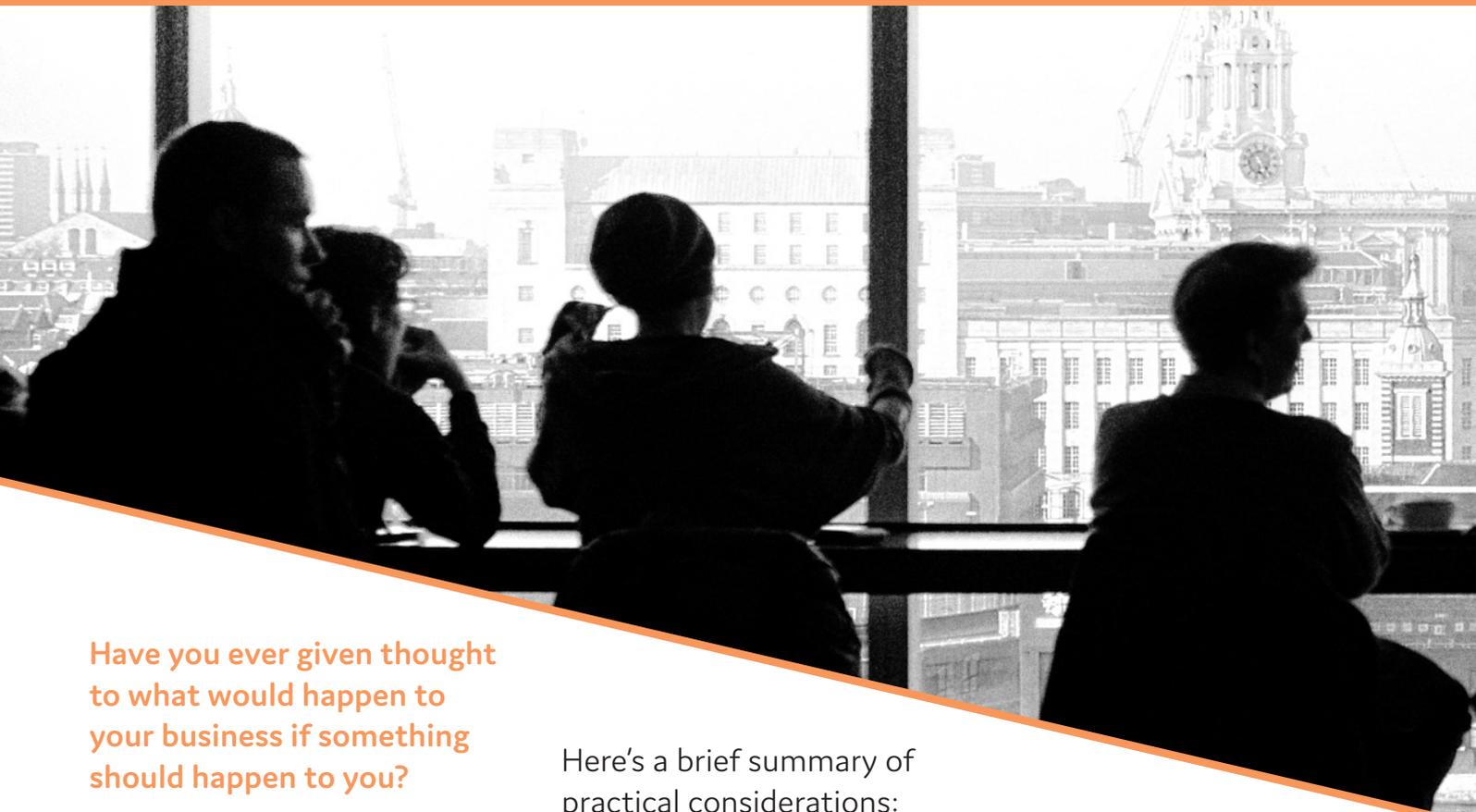
It may seem obvious, but when appointing guardians in your Will, we always advise that you seek consent of those you wish to appoint, prior to naming them in your Will. The loss of a friend or family member can be shocking enough without unexpectedly having to take on the responsibility of children. You may also want to consider leaving a gift to the children in your Will as this may be paid to the guardians to use towards the maintenance, education and benefit of the children whilst they are minors.

Having appointed guardians for your children, you may also want to think about writing a letter of wishes to lay out how you want your children to be raised specifically. You could perhaps express how you wish for your children to continue with certain activities such as music lessons, or after school clubs. Other examples may include guidelines as to religion, or their education. It should however be remembered that a letter of wishes is just that. It is not legally binding and cannot be enforced, and as such it is advisable that when appointing guardians, you choose somebody who will follow the wishes you have set out.



Business Successio

What happens to your business if you were to die?



Have you ever given thought to what would happen to your business if something should happen to you?

No one wants to think about their own mortality least of all me, but I do accept that I am faced with risks on a daily basis. This could be anything from driving to work, tripping over literally anything or dare I say it, my wife's cooking.

There is often a lot of confusion around what you need to do to ensure the continuity of your business but when it comes to it, it's really quite simple.

Firstly it depends on how you own/hold/run the business.

Here's a brief summary of practical considerations:

Sole Practitioner – A gift of the business can be made in the testator's Will stating the beneficiary they wish to inherit. It might be prudent to appoint the beneficiary as the executor relating specifically to the business assets.

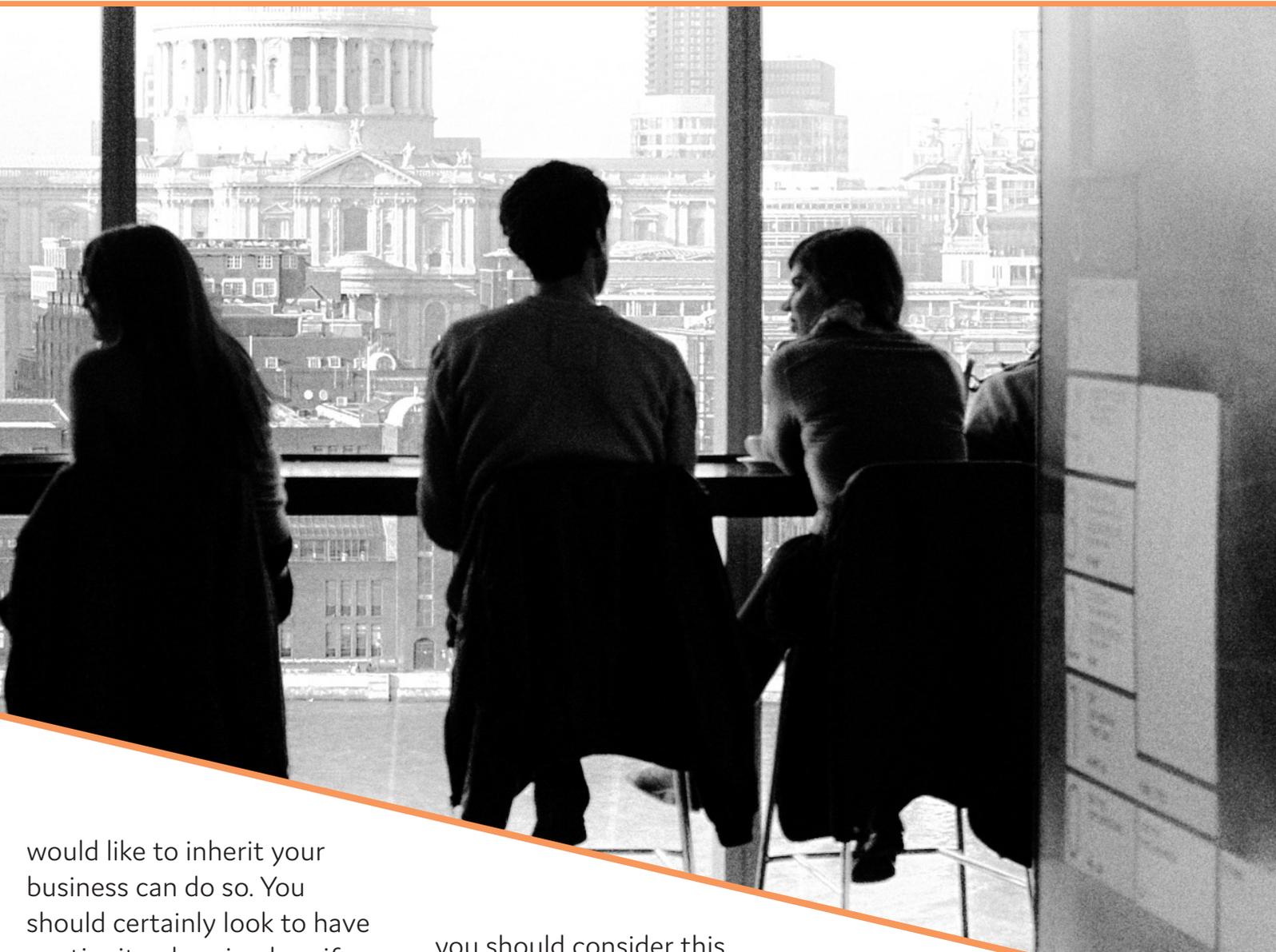
Partnership – It is wise to check any partnership agreement before making a gift in a Will. It may be that the agreement confirms that a surviving partner can purchase the deceased's

share but there could be tax implications regarding business property relief. This should be checked with an estate planning professional.

Incorporated – In this instance the testator can leave their shares to anyone they wish in their Will subject to any conditions in the articles of associations.

If you would like your business to continue then obviously planning has to be done to ensure that the person/people that you

Business Planning



would like to inherit your business can do so. You should certainly look to have continuity plans in place if you employ staff.

If you don't want the business to continue then the necessary steps have to be taken. Employees need to be taken care of, customers should be notified, outstanding bills should be settled, and any tax should be paid. For more information on closing your business

you should consider this information from the GOV.UK website.

Who would you like to inherit the business? This should be carefully considered before writing your Will. Is the person you want to inherit the business able to run the business? If not, is there someone that can help them? Will they run the

business in accordance with your business ideals? What is their financial position like? Are they likely to damage the reputation of the business?

Would you want the business to be sold and the money to go to anyone?

Article by Thomas Stansfield



SWW welcomes new tutor - Ingrid

The training arm for the Society of Will Writers, The College of Will Writing is pleased to announce the appointment of a new tutor who has taken over the advanced trusts and business succession planning courses.

Ingrid McCleave of The Probate Department Limited Solicitors is a barrister and practising Solicitor who specialises in trusts and taxation.

Talking on her appointment, SWW Director General Brian McMillan said: "The College has really gone on from strength to strength and the stress we place on students investing in their own knowledge is key. Being able to attract tutors like Ingrid is key to the continuing success of the College and we're really pleased to welcome her on board".

Tom Stansfield, head of communication for the SWW highlighted that 'there is a real buzz about training at the moment and people are hungry to develop their skills and competencies'. He added how pleased all of the team at the SWW and College were to be working with Ingrid and that they were looking forward to promoting the courses.

Ingrid's newly designed courses went live earlier this year on the **College of Will Writing website**.

Diane Mandeville, who is responsible for organising the courses urges delegates to book well in advance to avoid the disappointment of any courses booking up.



id McCleave

the college of willwriting



WHAT WOULD HAPPEN TO YOUR
FAMILY OR ANYONE DEPENDENT ON
YOU IF YOU LOST CAPACITY?

GET AN LPA.



§
Power of Attorney

Consumer Confidence

The role of the SWW

The Society of Will Writers turns 23 this year! In April of 1994 five gentlemen including the current Director General, Brian McMillan started a trade association for Will Writers. Over the last 23 years the SWW has grown to become the largest and most respected organisation of its type. This organisation still has the same two basic principle functions that it had all those years ago:

1. To act as a representative body for Will Writers providing training, support and assistance to those professionals who are active in our field.
2. To provide a regulatory framework for those who want to demonstrate that they are 'safe to do business with'.



Of course it is a little more complicated than this but ultimately the SWW invites professionals in the estate planning profession to come under its banner and work in accordance with the SWW Code of Practice.

Following the decision by then Lord Chancellor, Chris Grayling not to regulate the profession of Will Writing the SWW listened to Mr Grayling's suggestions for stronger self-regulation and have acted accordingly.

For those people out there that are wondering why the profession of Will Writing is unregulated the best answer we can come up with is that there was little or no appetite to regulate Will Writers and that those estate planners who were active in the market place weren't causing problems sufficient enough to bring about the need for statutory regulation. As a result, the SWW have committed to working even more closely with members, tightened our grip with regard to the expectations we place on members and made joining the SWW a more attractive proposition.

For prospective clients looking for a Will Writer we would encourage you to consider the following:

- Use an SWW member. Check with us that they are a member or check using our find a member function on our website.
- Use a solicitor (someone regulated by the SRA).
- If you propose to use a Will Writer check that they have valid insurance, are up to date with relevant legislation and have complaints procedure in place (SWW members must have all of this).

For professional Will Writers, you could provide real consumer confidence by joining the SWW, adhering to our Code of Practice and providing us with proof of insurance.



WHO ARE YOUR *beneficiaries?*

It is extremely important that any named beneficiaries in a Will can be easily identified. An Executor must be able to say with certainty that an individual either is or is not a beneficiary under that Will. There are many things that you can do to assist your Executors and make your beneficiaries as identifiable as possible:

- Include the full name of each beneficiary and where possible, their relationship to you as the Testator. Simply gifting “£1,000 to John Smith” with no explanation or obvious link to you as the Testator is not sufficient and will make it extremely difficult for the Executor(s) to identify a beneficiary when dealing with the estate.

- Any names by which the beneficiary is also known may also be included “my friend John Smith, also known as “Jonny”.
- Full addresses of each beneficiary should be included. Even where beneficiaries have moved after the Execution of the Will and where the address in the Will has not been updated to reflect this, it will provide useful as one of their last known addresses – any address is better than no address in helping to track down an individual.
- Think about including a list of addresses to be stored with your Will – this will assist the Executors when required to contact beneficiaries.

There are no legal requirement to include specific details of individual beneficiaries in a Will, however, these will prove useful when contacting beneficiaries during the administration process once the Testator has passed away.

You should always bear in mind that ultimately, where there is uncertainty of who a legacy or gift is intended for in a Will, then that gift shall fail. It will then subsequently either fall to an alternative beneficiary, fall to residue, or in severe cases, mean that the estate is partially intestate.

- Article provided by SWW Trust Corporation.



Did you or anyone you know take part in Dry January? Whilst it can be a great idea to take a month off alcohol, it can be very easy to get straight back into bad habits when February rolls around.

Take the British Liver Trust's advice and make sure you are taking 3 consecutive days off alcohol a week, and drink within guidelines when you do.

For iPhone users the charity has a handy app, called Spruce, which will

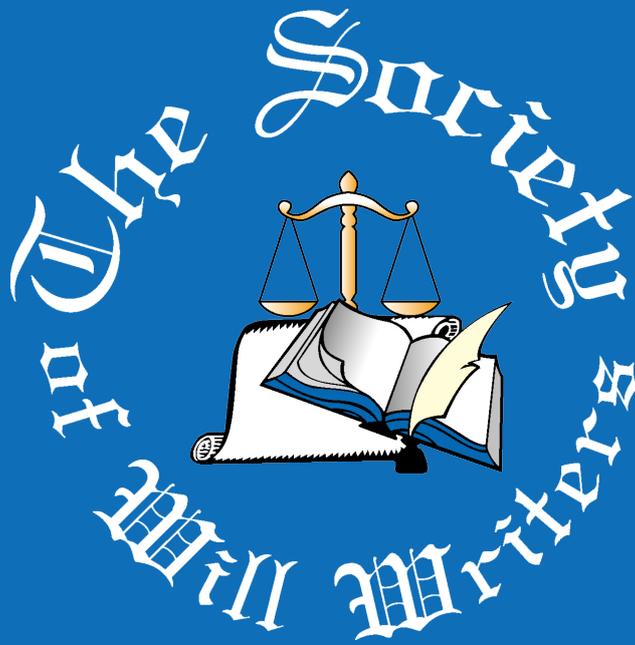
help you stick to 3 days off, and for all of us, why not take the Trust's 10 minute questionnaire to make sure you are not at risk of preventable liver damage.

For advice and support on any liver health condition, the charity has a helpline and a useful website.

The British Liver Trust is the Society's charity partner, to find out more and support their work, please email audrey.cornelius@britishlivertrust.org.uk

WHAT HAPPENS AFTER DRY JANUARY?

BRITISH
LIVER
TRUST



**If you have any questions about Wills, or any of the content in this magazine, contact
The Society of Will Writers:**

**Chancery House, Whisby Way,
Lincoln, LN6 3LQ**

Telephone: 01522 687888

Web: www.willwriters.com



The Final Word from Golden Leaves

Golden Leaves have always led the funeral plan market by delivering innovative plan products that offer product differentiation coupled with ground breaking features and benefits to our agent partners. Add to this leading commercials and an unrivalled partnership style and it is easy to see why sales partners across the United Kingdom are flocking to offer our products over most of our competitors.

With this at the forefront of our mind and to aid our partners in responding positively to the "funeral poverty" issue that is gaining momentum throughout the country currently. We have instigated two additions to our FROM50 suite of funeral plans, as well as offering discounts on our original range for a limited period.

We have introduced two new plan types into our suite which are active immediately:

The Copper Plan

This plan is a direct cremation service, which provides a very basic collection of the deceased, cremation and return of Ashes service. This is our most cost effective plan, priced from £1,745.

The Zinc Plan

This plan provides a simple cremation funeral service, with specifically applied limitations to those services including (amongst others) the client having no choice over the time and date of the funeral service. This limited service plan is priced at just £2,825.

These two plan types offer exceptional value to the client, whilst offering the customer the choice of matching affordability to a simpler funeral service option. These new simpler and more cost effective plan types may not only appeal to those on a lower budget, but potentially also to sections of the populace where generational trends have moved them away from desiring the traditional style of funeral service.

Discounted prices until 30th April

Our newly discounted plan prices are listed below, please be aware that these will be effective from the 17th of February and will run until the 30th of April inclusive:

Copper - £1,745 (NEW)
Bronze - £2,295 (SAVE £75)
Zinc - £2,825 (NEW)
Silver - £3,270 (SAVE £150)
Gold - £3,625 (SAVE £175)
Platinum - £3,875 (SAVE £245)

Download your new paperwork using the links below:

[Comparison Table](#)
[Application Form](#)
[Payment Forms 12-60 months](#)
[Instalments Page](#)
[Payment Form in Full](#)
[Terms & Conditions](#)

Contact Us

Call our offices in Lincoln on
01522 697007

Or visit
www.trustwillsprobate.co.uk

FROM50
FUNERAL PLANS

