

# FOCUS

SWW

“THE SUCCESSION LAW EMAG”

IN THIS ISSUE:

SOCIAL MEDIA ACCOUNTS AND DEATH

LPAS AND THE REGISTRATION FEE

GIFTS TO CHARITIES

AND MORE...

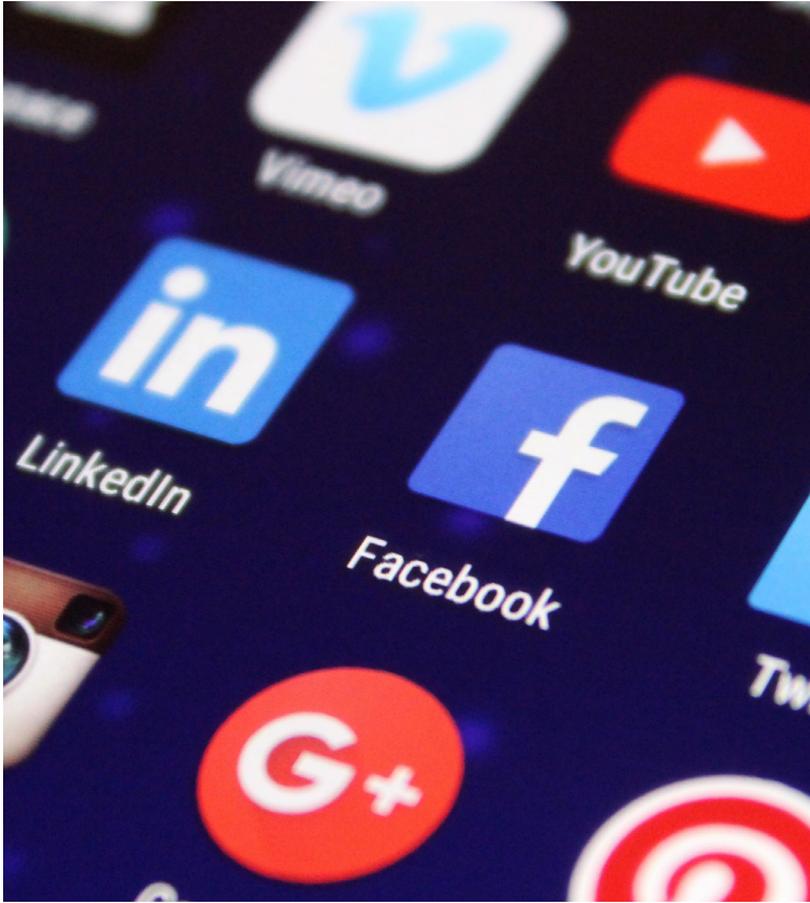


ISSUE 5 | SUMMER  
2017



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# A Letter from the Director General

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Dear reader,

Welcome from the Society of Will Writers to this Summer issue of Focus SWW.

This issue marks one year in publication, and a very good year it has been. Viewing figures from the most recent issue have quadrupled from those of the first, and reader engagement from members of the public, as well as members of the Society has been very positive. In this second year, we aim to not only expand the content of the magazine, but also its reach to firmly cement Focus SWW as The Succession Law Emag.

As mentioned in previous letters, Focus SWW is the only Emag which caters to both the professional and the consumer with regard to the making of a Will, and all the complexities that they can often involve.

At The Society of Will Writers, we believe strongly in promoting the need for a Will, and only through educating the public and our members can we ensure successful and efficient Estate Planning. As always, we encourage anyone seeking advice, or looking to locate a SWW member to contact us either by phone, on 01522 68 78 88, by email at [info@willwriters.com](mailto:info@willwriters.com) or by visiting our website at [www.willwriters.com](http://www.willwriters.com).

With the Summer months ahead, many of us are no doubt looking forward to spending time with our families and enjoying the company and joy that they bring us.



It can of course serve as a reminder that the time we get to share with the ones we love is precious, and not be taken for granted. All too often families are left to deal with all of the stress that comes when trying to deal with the deceased's estate at a time when they really ought to just be grieving.

It would be wise to use this time of year to plan for the future and really show those you love that you care for them enough to remove as many as possible of the burdens and stresses that will arise after you're gone.

I, along with the rest of the team here at The Society of Will Writers wish you the very best for this summer, and hope you make the most of few days of sunshine we'll be lucky to get. Remember to plan for the future, and to always ensure you use a professional to ensure this is done correctly.

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

# Want to have your business featured in FOCUS SWW?

The SWW is pleased to offer a variety of advertising opportunities within Focus SWW as well as across our other platforms.

To find out more information, or to see our rate card, please email either [thomas.s@willwriters.com](mailto:thomas.s@willwriters.com) or [anthony@willwriters.com](mailto:anthony@willwriters.com)



Box, quarter, half and full page adverts are available. All advertisement sizes and specifications are detailed in our rate card.





# SWW CONFERENCE LAUNCHED

**A**sked about the launch SWW Director General Brian McMillan said “The team have got some way to go to top last years event which went fantastically but I’m confident with the line up of speakers we have it will be very attractive to both new and existing members”.

This years event will be held on the 9th and 10th of October at the Abbey Hotel and Country Club in Redditch, just south of Birmingham.

Anthony Belcher who is responsible for assisting with the launch of the conference and manages the audio for the event highlighted how the event is open to both members and non-members and that the professionals he has spoken to are all already looking forward to the event.

Diane Mandeville who processes all the bookings for the event joked how she had already received two bookings based on the success of recent years prior to the launch.

What delegates can expect from this years event is a host of engaging speakers including; Tim Farmer, Ingrid McCleave, Caroline Bielanska, Craig Ward, Sally Jones and Adam Johnson.

These names should be familiar as all are industry leading experts, authors, tutors and speakers.

The focus for this years event is on vulnerable clients and delegates who have attended previous events have called for the return of speakers like Tim and Sally so we are pleased to be able to welcome them back to present at this years event. For those who have not had the pleasure of attending any of their presentations, Sally is the Head of the Legal team at the Office of the Public Guardian and will be giving a workshop on 10 years of the OPG. Tim Farmer attended a conference a couple of years ago and went down incredibly well. We’re delighted to have Tim back for a slot on day 1 to talk about mental capacity assessments.



New faces for this years event include Caroline who is a specialist solicitor and a part of the group 'Solicitors for the Elderly', and Ingrid who is also a solicitor and the newest tutor for the College of Will Writing specialising in Tax and Trusts. Adam Johnson is also a new speaker for the conference and has attended many in the past. Adam handles the training for his regional group, is part of the SWW's Professional Standards Board, is STEP qualified and is a partner of St James's Place and takes training very seriously. He is looking forward to giving an interactive workshop on lifetime care.

Attendees will be more than familiar with Derek Forbes who is our MC for the event. Derek was responsible for the organisation of our earliest conferences and has had an active involvement with the SWW over many years.

Delegates who wish to join us for our private dinner on the Monday evening will no doubt enjoy the delicious food, table illusionist and evening entertainment.



We are pleased to announce that the 2017 SWW annual conference has now gone live. This marks the launch of the 21st annual conference held by the Society of Will Writers.

If you would like to have your business featured at this years conference please contact:

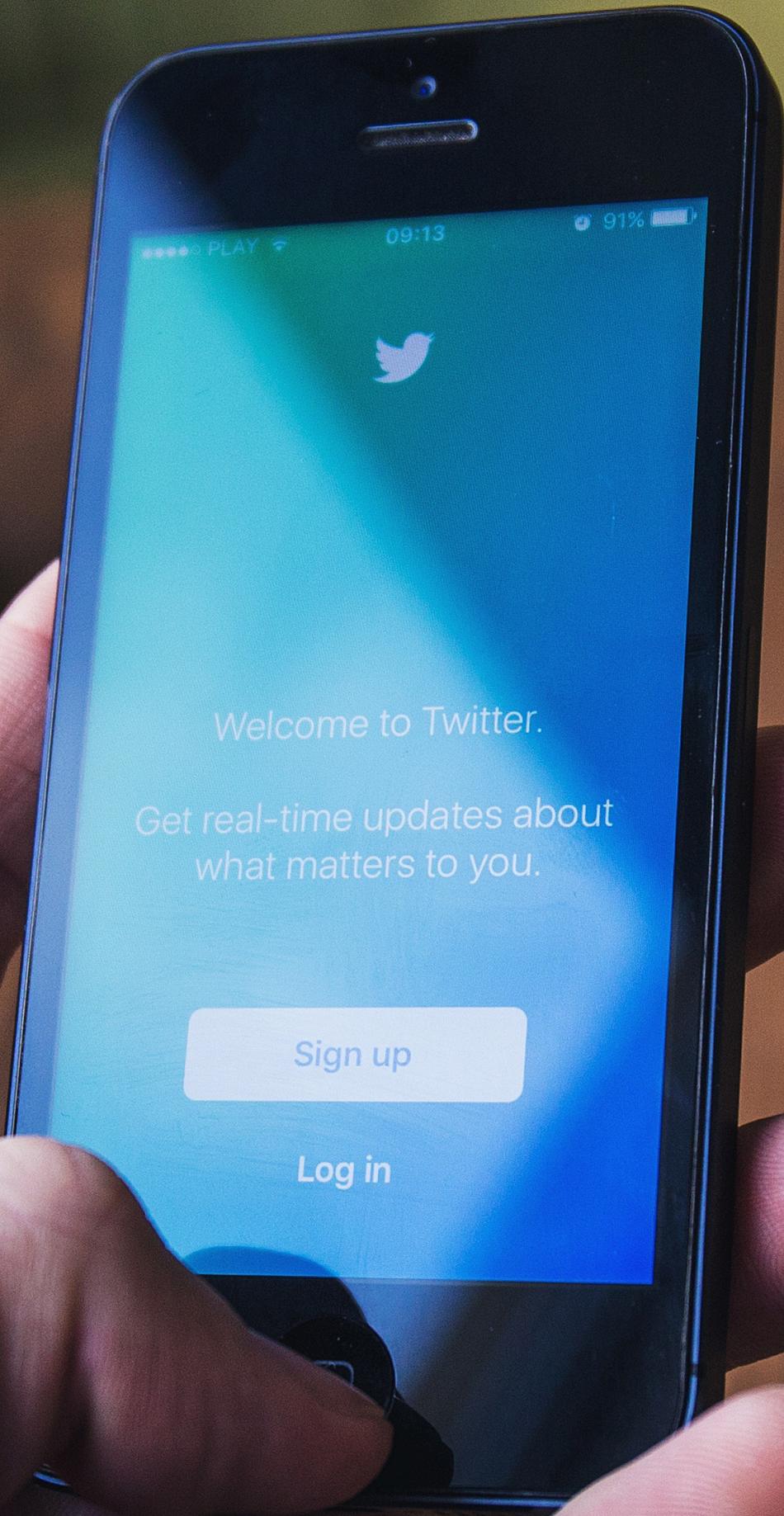
[Thomas.s@willwriters.com](mailto:Thomas.s@willwriters.com)  
for pricing.

If you would like to book onto conference then please complete this:

[SWW Conference Delegate Booking Form](#) and email it back to The Society of Will Writers  
([diane@willwriters.com](mailto:diane@willwriters.com)).

A close-up photograph of a hand holding a smartphone over a wooden table. In the background, a white coffee cup and saucer are visible. The text "SOCIAL MEDIA ACCOUNTS AND DEATH" is overlaid in large, white, bold, sans-serif font.

# SOCIAL MEDIA ACCOUNTS AND DEATH



The sad truth is that there is one thing that we can never escape and that is death. Following the death of a loved one closing down someones Facebook is almost certainly never going to be on the top of the agenda but in the social age it's likely to become a consideration. With over 30 million UK users on Facebook alone there are a lot of people that will ask this question at some point: 'what happens to my social media accounts when I die or what do I need to do to close an account after someone has died?'

Facebook report that there are over 30 million users that have died and continue to exist somewhere in the world wide web. That is just one platform. These figures don't take into account the number of people that use other social media platforms like Twitter or Instagram.

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## Here are the answers we have gathered:

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Facebook allows you to add a 'legacy contact' who can take limited control of your account after you've passed away. You also have the choice as to whether you would like your Facebook account permanently deleted after you've died or if you would like to have your profile memorialised meaning friends and family can post messages of remembrance.

For information please visit the [Facebook Help Page](#).

Twitter says that in the event of the death of one of its users they can work with a person authorised to act on the behalf of the estate (an executor), or with a verified immediate family member of the deceased, to have an account deactivated.

In the event of the death of a user the account provider (Twitter for example) will be likely to ask for





identification from the family member or executor including a copy of the death certificate. Access to the twitter profile will not be given to anyone else.

For more information please visit the [Twitter Help Page](#).

Much like Facebook, Instagram will memorialise the account of the deceased person on notification of their death. Posts the deceased person shared stay on Instagram and are visible to the audience they were shared with, but memorialised accounts don't appear in public spaces like searches.

For more information please visit the [Instagram Help Page](#).

If you have an iTunes account and music then there could be problems if you were to die. When you sign up for an Apple ID you agree to the iTunes Store Terms and Conditions. It doesn't mention what happens in the event of a death, but it does feature the following statement:

'You may not rent, lease, lend, sell, transfer distribute, or sublicense the Licensed Application and, if you sell your Mac Computer or iOS Device to a third party, you must remove the Licensed Application from the Mac Computer or iOS Device before doing so.'

This suggests that when you die, your iTunes content becomes inaccessible. But this isn't necessarily the case. The content remains locked to that account and there is no way that you can pass it on to another person.

You can appeal to Apple staff directly at [iTunesStoreSupport@apple.com](mailto:iTunesStoreSupport@apple.com) to discuss the situation. We know that in the past Apple staff have stepped in to offer help to people, although they may ask you to prove that the relative has died and prove that they owned the account you are trying to gain control of.

# LASTING POWERS OF ATTORNEY AND THE REGISTRATION FEE

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**A** Lasting Power of Attorney is a document that allows you to choose someone you trust to make decisions for you in the event that you are unable to make them yourself (for example if you lost capacity). These people are referred to as your attorneys.

There are two types of LPA. You don't have to have both but it certainly provides peace of mind to both you and your family if the documents are prepared and ready for registration.

The two types cover your:

- Health and Welfare
- Property and Finance

The LPA will need to be registered before it is valid and usable. There are therefore normally two costs associated with the creation of an LPA.

Firstly, a professional estate planning professional will charge for assisting with the completion of the LPA forms. This will help to make sure that the forms are completed correctly and will not be rejected when they are sent for registration.

Secondly, when you decide you would like to give your attorneys the power to make the decision (enforce the LPA) then you will have to send the documents off to the Office of the Public Guardian (OPG). The OPG are a government body who deal with the applications for LPAs and Deputyships and provide protection for people who don't have the capacity to make decisions for themselves. They charge an LPA registration fee to make the document valid. This fee has just been reduced from £110 per document (Health and Welfare or Property and Finance) to £82. If the forms are rejected then there is a re submission fee and this figure has also been reduced from £55 to £41.

There is no obligation to seek a professional's assistance in the creation of an LPA but they will be experienced in the completion of these forms and as such should be able to prevent mistakes that will lead to the rejection of these forms by the OPG.

For more information on Lasting Power of Attorney documents please contact a local member of the SWW. You can find them on the SWW website: <http://www.willwriters.com/members/>



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er of Attorney





**LIVER HEALTH HELPLINE: 0800 652 7330**  
**10AM TO 3PM MONDAY TO FRIDAY**  
**EMAIL: [INFO@BRITISHLIVERTRUST.ORG.UK](mailto:INFO@BRITISHLIVERTRUST.ORG.UK)**  
**WEBSITE: [WWW.BRITISHLIVERTRUST.ORG.UK](http://WWW.BRITISHLIVERTRUST.ORG.UK)**

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# You've got to... **LOVE YOUR LIVER!**

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How much do you really know about your liver? Chances are it's not a great deal – most of us take our liver for granted, and for the majority of us it will soldier on for years without complaining. It is quite incredible; it is responsible for processing **everything** that goes into our bodies and performing over 500 essential functions.

**BUT...** more than one in five of us are at risk of preventable liver disease. What we eat, drink and how much (or little) we exercise, and if we put ourselves at risk of viral hepatitis, all can have a devastating impact on our liver.

**Love Your Liver** aims to encourage more of us to care about this amazing organ by taking three simple steps to good liver health – eating and drinking healthily, reducing our risk of obesity, and being aware of viral hepatitis.

**Love Your Liver** week runs from 19th to 25th June and the British Liver Trust wants the nation to get behind the campaign.

**You** can get involved today by:

- Taking a 10 minute liver health screener to see if you are at risk
- Displaying posters or distributing leaflets
- Selling **Love Your Liver Raffle tickets**
- Holding a fundraising event – **anything from a coffee morning to a sponsored run!**

The British Liver Trust will also be out on the road with a mobile screening and scanning unit from 19th to 30th June – look out for your nearest event and come along if you can. At previous events we have found 20% of people needed to be referred for further tests. One attendee at our Norwich event said “I had some awareness already as my father was ill with liver problems. They need to do more of these as there was a high demand.”

For further details of the campaign, roadshow locations and the online screener, please visit the British Liver Trust website:

[www.britishlivertrust.org.uk/lyl-2017](http://www.britishlivertrust.org.uk/lyl-2017)

The British Liver Trust is a UK registered charity whose mission is to reduce the impact of liver disease and support everyone affected by any liver condition.



# Gifts to Charities



Gifts to charities are exempt from Inheritance Tax (IHT) whether they are made in lifetime or by Will. Likewise a gift to a trust that is established for charitable purposes is exempt from IHT. The Charities Act 2011 defines a “charitable purpose” as one that falls into one of 13 categories defined in the Act and is for the public benefit. The 13 categories are:

- The prevention or relief of poverty
  - The advancement of education
  - The advancement of religion
  - The advancement of health or the saving of lives
  - The advancement of citizenship or community development
  - The advancement of the arts, culture, heritage, or science
  - The advancement of amateur sport
  - The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
  - The advancement of environmental protection or improvement
  - The relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
  - The advancement of animal welfare
  - The promotion of the efficiency of the armed forces of the Crown or of the efficiency of the police, fire and rescue services or ambulance services
  - Any other charitable purpose
- 

In most cases a straightforward gift will be sufficient to gain the exemption. HMRC define a “straightforward” gift as a gift to charity that is given absolutely and unconditionally. A gift will not be straightforward if it is expressed to be for a special purpose, although an expression of a non-binding wish as to how the legacy should be used is acceptable. A gift will not be straightforward if it is made to a private or family charity or a subsidiary fund of an organisation.

To qualify for the exemption a charitable gift must be to a UK registered charity and must be outright (not subject to any conditions) and immediate. Although a gift that is subject to a condition may qualify for the exemption only if that condition is satisfied within 12 months.



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Where a gift is made by Will to a charity the exemption will not be available if the gift is not immediate. For example, where a testator leaves their estate to a person on a life interest with the charity as remainder beneficiaries. In this case the charity exemption would not be available on the testator's death as the gift to the charity is not immediate. On the life tenants death the charity exemption will be available.

The gift cannot be defeasible i.e. capable of being defeated on a future event. This may be a gift that could be revoked, or where property is held by trustees with an overriding power to appoint it to someone other than the charity.

The gift must be of the whole of the deceased's interest in an asset or the whole of a lesser share. The gift cannot be for a limited period. For example, if a testator owns the freehold of a property and gifts a half share of it to charity the exemption will apply. If they gift a leasehold of the property to the charity, or gift the whole property for a limited time only, the exemption is lost.

The Society of Will Writers and Estate Planning Practitioners have worked with CAF – The Charities Aid Foundation for a number of years. They support our members and their clients by allowing a mechanism for leaving a lasting charitable legacy. CAF are by definition a charity but they can hold money on trust for other charities. For information on CAF and helping people give money to the charities they care about, check out the CAF website.

**CAF** Charities Aid Foundation

# Preservation of Assets

When someone passes away, it is important to make sure that the relevant people, companies and organisations are informed. You will also need to ensure that any assets of the deceased are preserved until such time when they can be collected, sold or distributed.

Informing the appropriate companies and organisations about the death of a friend or relative can be an emotional task at an extremely difficult time. However, doing this as soon as possible will help prevent any overpayments to or from the deceased into or out of any bank accounts; particularly any overpayments of benefit from any government organisations. It will also allow companies to put any accounts on hold and will provide you with more time to deal with assets and any liabilities in the long run.

Companies you might need to inform include:

- Any government organisations (HMRC, DWP, DVLA, Passport Office, local council)
- Banks, mortgage, pension or insurance providers
- Investment companies or share registrars
- Utilities (gas, electricity, telephone, broadband, water & sewage, TV licence)
- Any other companies who you think might need to know (care companies, landlords, subscriptions or memberships, employers, health professionals)

You may call, write to or email companies and organisations to inform them of a death and most will require a copy of the death certificate for their records.

Some organisations offer assistance to make the process as smooth and as straightforward as possible. For example, when you register the death, often the registrar will ask whether you would like to use the 'Tell Us Once' service. This is a service that allows you to report a death to most government organisations in one go and helps to prevent overpayments. The registrar will either complete this service for you at the time of your appointment, or will provide you with a unique reference number to access this service. You can also access this service online at:

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<https://idp-death-tellusonce.direct.gov.uk/Death/Enrich/BeforeYouStart>

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Information you will need to assist you in reporting the death includes:

- Date of birth
- Date of death
- Address
- National Insurance number
- Any relevant reference numbers
- Occupation
- Marital status

Once informed, any bank accounts will be frozen, which will help preserve and protect any funds. However, this will obviously also mean that any direct debits or standing orders will not be paid, so it is important that you ensure that all affected companies are informed.

Whether the deceased owned or rented a property, it is crucially important that steps are taken to preserve both the property itself and the assets and personal possessions kept inside the property:

- If the property is owned, make sure that adequate insurance is in place for the building and its contents. If the property is unoccupied, make sure the insurance policy provides cover for this.
- Ensure that all door locks and windows are secure.
- Make sure that keys are kept in a secure place and that you are in possession of any other sets of keys or at least aware of who else may have a set of keys to the property.

- Do not allow anyone to enter or remove anything from the property without consent.
- Make note of any valuable items at the property (remove these or store these in a secure place if possible)
- Gather all relevant paperwork together which will assist you in contacting the relevant companies and organisations to inform them of the death.
- Also gather all original documents such as birth certificates, death certificates, marriage certificates, divorce papers and any Deed poll documents.
- In Winter months ensure that heating is left on low or the system is drained down to prevent water damage and comply with insurance.

Once you have done all of this, you will have the relevant paperwork and information to allow you to begin dealing with the administration process for the deceased's estate.





**WHAT  
HAPPENS  
WHEN  
THERE'S NO  
EXECUTOR?**

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As part of writing their Will a testator will choose people they trust to act as their executors after their death. These are the people who will deal with the administration of their estate and distribute it following the terms of the Will. Of course sometimes many years pass between the writing of the Will and the testator's death and in this time things can change. The executors could pass away before the testator, or lose capacity, or when the time comes be otherwise unable or unwilling to act. So what happens if there are no executors to act when the testator dies?

Where there is no executor a person must be appointed to act as an administrator and apply for a grant of administration with the Will annexed. There is a set order of who may apply for such a grant. This is set out in Rule 20 of the Non Contentious Probate Rules 1987 and is as follows:

(a) the executor

(b) any residuary legatee or devisee holding in trust for any other person. This is any person to whom the residuary, personal or real estate is given on trust.

(c) any other residuary legatee or devisee (including one for life) or where the residue is not wholly disposed of by the will, any person entitled to share in the undisposed of residue under the intestacy rules.

(d) the personal representative of any residuary legatee or devisee (but not one for life, or one holding in trust for any other person), or of any person entitled to share in any residue not disposed of by the will.

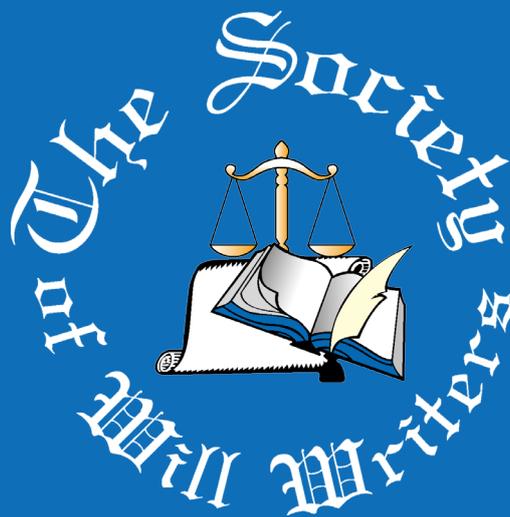
(e) any other legatee or devisee (including one for life or one holding in trust for any other person) or any creditor of the deceased.

(f) the personal representative of any other legatee or devisee (but not one for life or one holding in trust for any other person) or of any creditor of the deceased.

An applicant for a grant of letters of administration with the Will annexed must clear off all those who have a prior right. For example if a person who falls into category c above wishes to apply they must clear off all those in category a and b. The executor in category a is cleared off automatically as they have predeceased. If are any people in category b they must first renounce or be cited to accept or refuse a grant. Once they are cleared off the person in category c may apply for the grant.

Where there are people entitled in the same degree any of them may apply for a grant without giving notice to the others.





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

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

**Telephone: 01522 68 78 88**

**Email: [info@willwriters.com](mailto:info@willwriters.com)**

**Web: [www.willwriters.com](http://www.willwriters.com)**



# The Final Word from Golden Leaves

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## Why do I need a Funeral Plan?

- Planning your funeral will spare your family and friends the burden of organising the funeral during a difficult time
  - Planning your own funeral will also ensure your preferences are respected and followed as closely as possible
- 

## Why choose the FROM50 Funeral Plan?

- Protection against rising funeral costs
  - Funeral director's costs set at today's prices
  - No intrusive medical health checks
  - Flexibility on both funeral choices and payment options
  - Help remove some of the financial burden and emotional stress from your loved ones
- 

### Contact Us

Call our offices in Lincoln on  
01522 697007

Or visit  
[www.trustwillsprobate.co.uk](http://www.trustwillsprobate.co.uk)

**FROM**50  
FUNERAL PLANS

