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SWW

"THE SUCCESSION LAW EMAG"

IN THIS ISSUE:

I ALREADY HAVE AN EPA DO I NEED AN LPA?

SHOULD I REVIEW MY WILL?

PRINCE PHILLIP'S SECRET WILL

AND MORE...

The Society of Will Writers

ISSUE 18 | WINTER 2021

Happy Holidays

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A LETTER FROM THE EDITOR

Ruby Nott

Dear Reader,

I would like to thank Anthony for introducing me in the previous issue, and welcome you to the latest Winter issue of Focus SWW! Having taken over editing this magazine from Anthony earlier this year, I hope to bring a new and vibrant flare that I hope you all enjoy. On behalf of everyone here at the Society of Will Writers, I would like to wish everybody a very happy holidays and a wonderful new year! We all deserve a better year than the last two, so here's to 2022!

This issue is packed full of insightful information and research put together by our amazing team here at the society who put a lot of time and thought into the articles in this issue. I would therefore like to congratulate Siobhan Rattigan-Smith on her promotion to Technical Director. She is an integral part of the SWW team and we are sure she will be able to bring a lot more to the society through this new role.

As the new year approaches, I would remind everyone to make sure that their wills and estate plans are all up to date. A will is an immensely important piece of documentation and having it in place and correct could be the difference between a good and a bad year for you and your family and friends. Make sure that writing and maintaining your will and estate plan is your new year's resolution.

On that note, here at the SWW we are extremely excited to be welcoming people back for face to face courses at the College of Will Writing. Education on and around will writing is extremely important and we will always recommend you to attend the courses at the college here in Lincoln. We hope to see many more familiar and new faces attending in this next year as we look forward to a return to "normal". We will of course still be running the distance learning course but it's lovely to see the college in regular use again!

If there are any questions about the content of this issue or any queries in general, please feel free to email info@willwriters.com or ring the office on 01522687888 and we will be happy to help.

I hope you all have a lovely Winter and I wish you all the best for the coming months! I look forward to the next issue!

R. Nott

Ruby Nott
Graphic Design and Marketing
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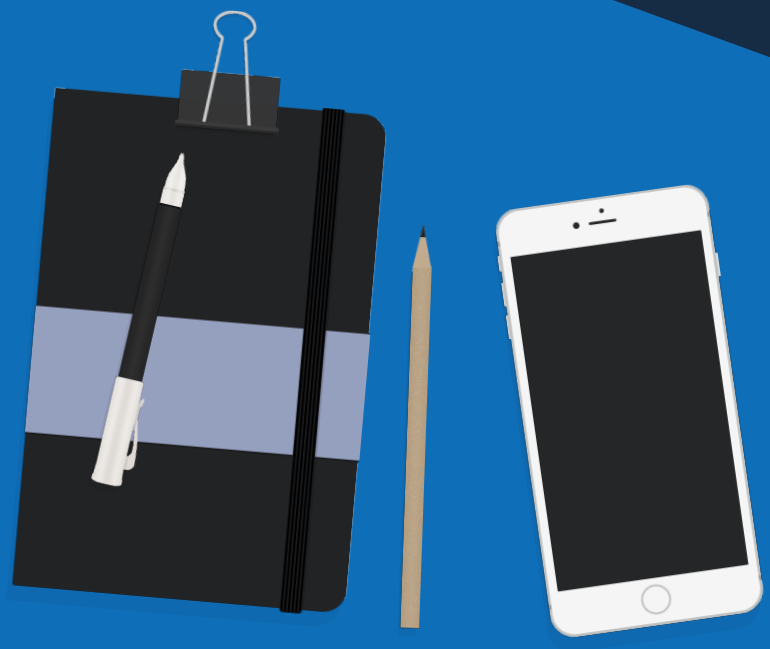

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SWW CONTINUES ANNUAL CHARITY FOOD DRIVE

Many of us look forward to Christmas as a time to spend with family and friends, where we gather for gifts, dinners, games and all else which fills us with joy. There are of course those less fortunate and it's important that they aren't forgotten and left out this Christmas.

The Society of Will Writers has for 15 years now supported The Nomad Trust, part of YMCA Lincolnshire which provides emergency access accommodation for those who are homeless. A tradition started by Brian McMillan, initially donating yule logs and other sweet treats for Christmas, the Society's annual food drive has expanded greatly over the years with support from staff and partner organisations to include fresh fruits, meats, juices, and a variety of other goods to help Nomad through the Christmas period.

This year Sam Smith and Libby Robinson from the membership team had the pleasure of making the drop-off at their night shelter in Lincoln city centre. Commenting on the delivery Society Director Anthony Belcher said, "The Nomad Trust do an excellent job all year round and during these unprecedented times with the pandemic, it's especially important that we provide what support we can for the homeless." He added, "my team and I are

particularly keen to keep up with these donations and continue supporting Nomad for years to come."

The Society of Will Writers wishes everyone at The Nomad Trust the very best this Christmas, and thanks you deeply for all you do for the people you help and support.

For more information about The Nomad Trust, please visit their website here.

https://www.lincsymca.co.uk/accommodation/night-shelter/

HELPING YOU DO MORE FOR YOUR CLIENTS IN 2022

It's fair to say we all deserve the chance to really enjoy the Christmas break. And given what we've gone through, this year's festivities will hopefully feel that little bit more special.

2021 began with the UK under the cloud of another national lockdown, before the speedy roll out of vaccinations helped life return towards something approaching normal. The last few months of the year have not been easy – from rising inflation impacting on our bills and everyday spends, to the unwelcome emergence of a new Covid variant.
It all means that, going into 2022, many of us have a lot on our minds.

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A number of your clients are likely to have some questions about their long-term financial future. The service you're providing them with planning their legacy is so important. You're providing them valuable peace of mind about their future plans for when they're no longer here. But what about the years before then?
At Skipton Building Society, we could help you to help your clients even further. We're proud to work closely with the Society of Will Writers, and by working together you could offer your clients access to personalised financial advice.

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3 reasons why 2022 could be an opportunity to help your clients further with Financial Advice.

1 To try and stay ahead of the rising cost of living. Inflation is higher than normal at the moment and could reduce the future spending power of your clients' savings over the long-term. So it might be worth them thinking about their options.

2 Investing could offer a greater chance of achieving long-term goals. Stock markets have not been immune to recent events – but have generally done well over the past 12 months. If your clients are happy to commit their money for at least five years, and accept some risk to their capital, investing could be right for them.

3 Your clients deserve a fulfilling retirement. Whether they're still a few years away or have already made the leap, it could be worthwhile having a chat about their financial goals for retirement. At Skipton, our experts can review any plans or provisions they have in place to assess if they are likely to achieve the lifestyle they aspire to have, in retirement.

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WILL DRAFTING CONSIDERATIO

TRANSGENDER AND NON-BINAR

June is Pride month, a month where the LGBTQ+ community is celebrated, and awareness raised about the issues members of the community face. As Pride month draws to a close a look at what Will Writers can do to promote equality and sensitivity in this area when drafting wills seems apt.

This article will focus on transgender and non-binary people as these are the two types of gender identities that can cause drafting confusion. In some cases this may cause offence, and if care isn't taken the testator's wishes might not be fully met.

A person who is non-binary identifies as neither male nor female. Non-binary is not legally recognised in the UK as a gender identity despite a large petition asking for the extension of the Gender Recognition Act 2004 to include them. When drafting wills, it is common to refer to the testator, their executors, and their beneficiaries by their title (Mr, Mrs, etc.). When drafting for a non-binary testator or including a non-binary beneficiary consider omitting their title in order to be respectful to their gender identity.

Alternatively, the title "Mx" is now widely accepted as a gender-neutral honorific. Many councils and institutions in the UK accept the use of this title, among them HMRC, the DVLA, and most major banks. The House of Commons also accepts the use of Mx by MPs.

Since The Gender Recognition Act 2004 was introduced individuals have been able to apply for a gender recognition certificate which recognises their change of gender for legal purposes. This means that a person who has obtained a gender recognition certificate (GRC) is treated as their acquired gender. I will use the term 'acquired gender' here as this is the term used in the GRA 2004.

Drafting complications can arise where a person mentioned in the will is living as their acquired gender but has not obtained a GRC. The will needs to be sufficiently clear in who it refers to. If they are going by an alternative name but have not legally changed their name then the will would need to refer to them by their current legal name at least once. It is fine to then refer to them by their chosen name thereafter.

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of beneficiaries such as "my sons" that a child of the testator who was born as his daughter but acquires a GRC and becomes legally recognised as male will benefit under that description and will take an equal share to the testator's other sons. Had the will been executed prior to 4 April 2005 he would not have been added to the class and would not have benefitted.

The GRA 2004 provides some protection to beneficiaries who have changed gender since a will was made. It also provides some protection for personal representatives.

Under section 17 the personal representatives are under no duty to enquire as to whether a beneficiary has acquired a GRC. If this affects the distribution of the estate and as a result a transgender beneficiary does not receive the assets they are entitled to they have no claim against the PRs personally for misadministration. The beneficiary can however trace the assets.

Under section 18 the court also have powers to vary the distribution of the estate where expectations are defeated by a beneficiary acquiring a GRC.

SEVERANCE OF JOINT TENNANCY

As a technical team, we come across queries on the subject of severances on a daily basis so we thought this article might help answer those common questions or misconceptions.

If you hold your property as joint tenants with another person, you may decide that you want to now change the ownership so it is held as tenants in common. This will then enable you to gift your share of the home to whomever you wish in your Will. It is important for us to add that where the property is held as joint tenants and there is a life interest trust included in the Will, the title would need to be severed in order for the share of the property to enter the trust.

Let's first have a look at the difference between holding the home as joint tenants and tenants in common.

How is your property held?
Joint Tenancy

If you hold your property as joint tenants with another person, this means that both owners own 100% of the property, not a divided share. You have equal rights to the whole property, and if the property is sold you will each be entitled to an equal share of the proceeds.
A joint tenancy creates rights of survivorship. The result is that when one owner dies the remaining owners will automatically own the whole property. This means that a joint tenant cannot gift their interest in the property to anyone by their Will.
Tenants in Common

If you hold your property as tenants in common, you will each have a divided share in the property. This is often an equal share, but it is also possible to hold the property in unequal shares. This is an attractive option for people purchasing a property together and contributing different amounts towards the deposit. shares. This is an attractive option for people purchasing a property together and contributing different amounts towards the deposit.
Under a tenancy in common, each owner can deal with their share in the property separately, allowing them to gift their share to their own beneficiaries by their Will. This also opens up more opportunities for planning to protect their share of the property by using trusts in their Will.

It doesn't need to refer to the reasons for the unilateral severance.

Is there a fee to submit the SEV form?
There is no fee for submitting the SEV form.

Is it the same process if my home is unregistered?
If your home is not registered with the land registry, you can only complete the notice of severance. The SEV form is only completed for properties that are registered with the land registry.

We would encourage you to register your home during your lifetime if your property is unregistered.
What happens if I die before the title register is changed?
If the notice of severance has already been signed, this evidences your intention to hold the property as tenants in common. It is the notice of severance and not the SEV form that indicates the intention to hold the property as tenants in common.
If, however, no notice of severance was signed before you pass away, the property would still be held as joint tenants and therefore the deceased's share would automatically pass to the

How can I check how my property is held?
Your estate planner will be able to download the title register from the land registry website and confirm how you hold your property.

Can a title be severed from joint tenants to tenants in common?
Yes, it can be.

To sever the title so the home is held as tenants in common, a notice of severance would need to be completed and signed by all the owners. We would advise 3 copies are signed – one kept with the estate planner, one copy remains with you and the other copy is stored with the Will.

A SEV form would also be completed and sent to the land registry who will then update the title register.

A common misconception is that the SEV form itself is evidence of the severance to tenants in common but this is not the case. The notice of severance is the document which evidences your intention to own the property as tenants in common.

Do I have to instruct a conveyancer to carry out the severance?
No. The severance can be carried out by your estate planner. If you would prefer to instruct a conveyancer however, you can do so.

Does the severance have to be mutually agreed between the home owners?
No. There may be a situation where a home is owned jointly by husband and wife. However, they are no longer on talking terms and wife wishes to sever the tenancy. This can be done and is otherwise known as a unilateral severance.

She would need to serve a written notice of the change (notice of severance) on her husband, complete the SEV form, prepare any supporting documents and send it all to HM Land Registry's Citizen Centre. The supporting documents would be a letter certifying that she has given the notice to her husband or left it at his last known home or business address (if he has one) in the UK.
She would also need to confirm how the notice was served. We advise to service a unilateral notice by recorded delivery so there is proof that it was served.

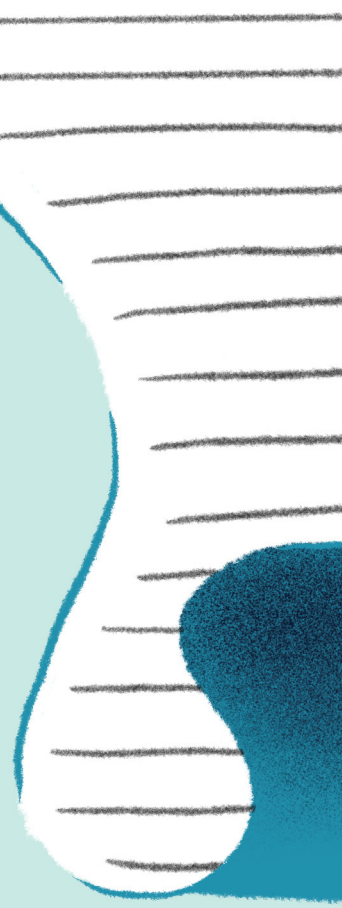
surviving owner.
What do I do if the title register is in my maiden name still? Should I change my name with the land registry first?
There is no need to wait for the name to be changed before the title is severed. There is no need to wait for the name to be changed before the title is severed.

The notice of severance and SEV form can be completed in your married name. You can also send form AP1 to the land registry with regards to the change in name. This can be sent at the same time as the SEV form so it can all be processed by the land registry together. It is likely the land reg istry will need proof of the name change i.e. marriage certificate.

How long is the turnaround time for processing applications?
The notice of severance will be drafted by your will writer so it depends on their turnaround time to get this drafted for you and then for it to get signed. Remember, once it is signed, it shows your intention to hold the property as tenants in common. The SEV form is only for the land registry to update their records so it is reflected on the title register. Unfortunately, we cannot comment on how long the turnaround time is for the land registry to update the title register but once this is done, they will send confirmation of the severance, along with a copy of the updated title register to either yourself, your will writer or the conveyancer.

You should discuss severance of tenancy as part of your estate planning with a professional. For the the best advice and support, speak to a member of The Society of Will Writers today. You can find a member by visiting our Find a Member page, or call the office on 01522 687888 and our team will be more than happy to help.

I ALREADY HAVE AN EPA DO I NEED AN LPA?



You may have an Enduring Power of Attorney (EPA) in which you have appointed people you know and trust, or a professional, to act as your attorney. This may be to help you manage your affairs now or limited to allow your attorneys to make decisions for you in future if you lose capacity to make decisions yourself. EPAs were replaced by Lasting Powers of Attorney (LPAs) from 1st October 2007, so it has not been possible to create new EPAs since then.

If you have an EPA in place already you may be wondering whether or not you need an LPA. Often the answer to this question is no, there's no need to replace your existing EPA if it was drafted and signed correctly and if your wishes remain the same. That's not to say there aren't good reasons for considering an LPA though.

1. EPAs only cover financial affairs

At the time you made your EPA it wasn't possible to appoint attorneys to make decisions about your personal welfare. An EPA only deals with your finances and allows attorneys to make decisions about selling your home, making gifts, and managing your bank accounts and bills. To give someone legal authority to make decisions about your health, care, and life sustaining treatment you need a Health & Welfare LPA in place.

2. Creation of LPAs is more secure

The process of making an LPA is a bit more involved as there are more safeguards in place. For an LPA to be valid it must be signed by a certificate provider; this is a person who can confirm that you have capacity to make the LPA and that no one is placing any undue pressure on you to coerce you into making the document or appointing them as an attorney. This provides more protection for you if later on an attempt is made to set aside your LPA on the grounds of lack of capacity, as the certificate provider would be able to verify that you have capacity at the time the document was made.

3. LPAs let you appoint replacement attorneys

Under an EPA it wasn't possible to name replacement attorneys, so if your original attorneys could no longer act for any reason the EPA would cease. This would leave you with no one in place to make decisions on your behalf unless an application was made to the Court of Protection to appoint a Deputy. In an LPA you can nominate replacement attorneys to step in and act if your original attorneys die or stop acting. This provides an additional safeguard for you.

4. More flexibility

LPAs allow a wider range of options for you to make your wishes known to your attorneys. Under an EPA you could include

to be registered once you have lost or are starting to lose capacity. This unfortunately opened EPAs up to abuse by unscrupulous attorneys and was part of the reason that LPAs were introduced to replace them.

An LPA for financial affairs can be used either while you still have capacity or only after you've lost capacity (you can state which) but it must be registered with the OPG before the attorneys can use it.

The registration fee for both EPAs and LPAs is £82, payable directly to the OPG.

If you have an EPA in place now is a good time to consider reviewing your planning. Whether it is to keep your existing EPA in place but draw up an LPA for your Health & Welfare, or to replace your EPA with an LPA for Property & Financial affairs to take advantage of the stronger safeguards and flexibility.

For professional advice and support with creating an LPA, you should speak to a member of The Society of Will Writers. You can find a member local to you by using our Find a Member search, or call us on 01522 687 888 and a member of the team will be more than happy to help.

restrictions on how your attorneys can make decisions, or what they can make decisions about. This is still present in an LPA, now titled 'instructions', but additional to this an LPA lets you state your preferences. These are not binding on your attorneys but nevertheless still useful for letting your attorneys know how you would like them to act and what you would prefer they consider when making decisions on your behalf.

5. Stronger supervision

LPAs are safer. Unless you have included a restriction in your EPA that states otherwise, your attorneys can use your EPA only needs

ADULT CHILDREN A
OF THEIR FINANCES

When your child is a minor, as the parent, you are able to manage their finances for them. However, what happens when they reach the age of 18 and considered to be an adult?

This article will focus on adult children who may suffer from a disability from birth, a brain injury or even learning disabilities which may make them unable to manage their own finances.

There are many parents that may be in the position where they have children who are dependent on them as a result of a disability and/or where continuous care is required. As the children grow older, they will most likely need to the support from loved ones also.

Once the child turns 18 however, as a parent you cannot continue to manage their finances for them in the same way you could previously.

Depending on the capabilities of your child, they may have the capacity to manage their own finances but may also require your support. There may be other instances where the child simply does not have the required mental capacity to manage their own finances and therefore understand the effects of some of the financial decisions made by them.

Your options are therefore putting a Lasting Power of Attorney (LPA) in place or an application to the Court of Protection for a deputy to be appointed.

An LPA can be created which will enable the appointed attorney(s) to help make decisions on the

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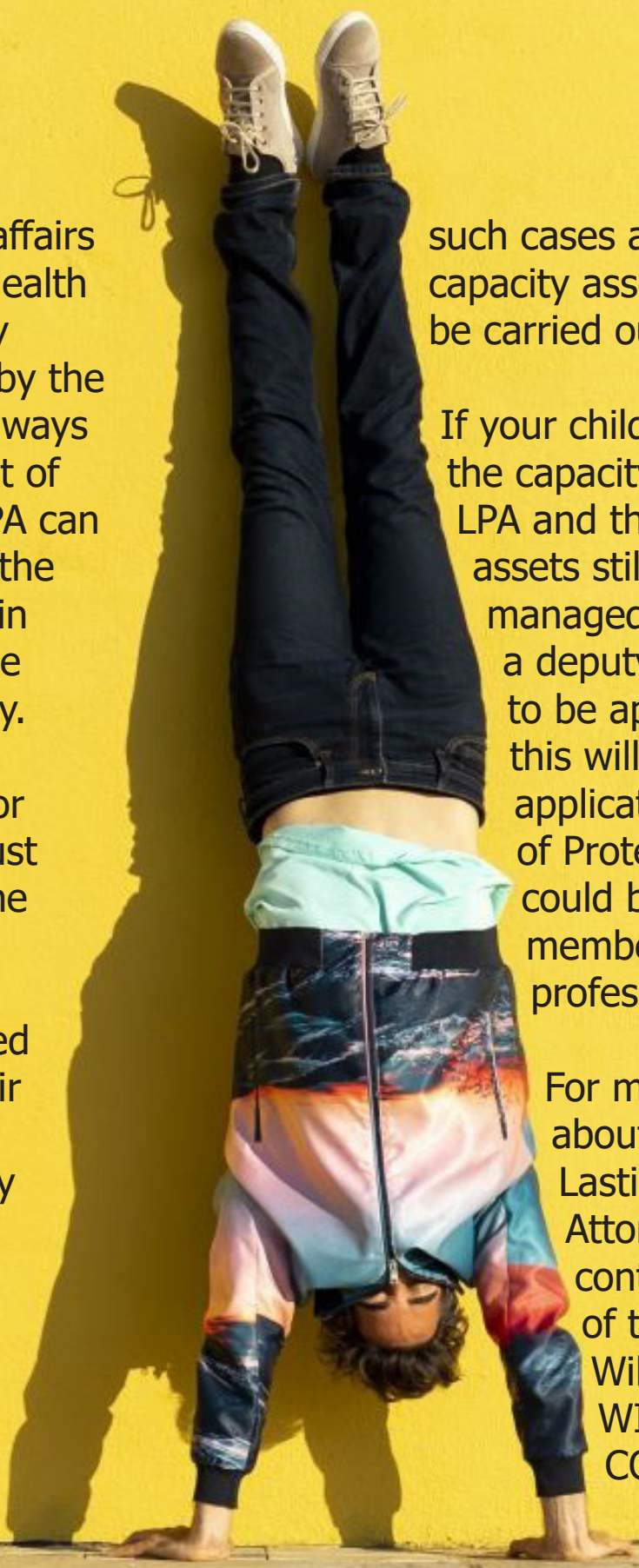


child's financial affairs and even their health and welfare. Any decisions made by the attorney must always be in the interest of the donor. An LPA can only be made if the donor, the child in this case, has the requisite capacity.

It is important for us to add that just because someone does not have the capacity to make complicated decisions on their finances, does not automatically mean they do not have the capacity to understand and make an LPA at all. In such cases a professional capacity assessment should be carried out.

If your child does not have the capacity to make an LPA and their financial assets still need to be managed by someone, a deputy will need to be appointed and this will require an application to the Court of Protection. A deputy could be a family member or even a professional deputy.

For more information about making a Lasting Power of Attorney, please contact a Member of the Society of Will Writers. WWW.WILLWRITERS.COM

SHOULD I REVIEW MY WILL?

Here at the Society of Will Writers we recommend that you review your estate plan every 3-5 years. This is to make sure that your will still matches your current wishes. We also recommend reviewing your planning when you have a change in your personal circumstances, or when a beneficiary has a change in circumstances.

Many a bitter feud has been fought over an inheritance which could have been avoided had the deceased kept their will up to date. For a recent example of this we need only look at the will of Joyce Appleby. In this case a dispute arose over Joyce's will which she had written in 2009. In her will she had left a share of her estate to her son Don, or if he died before her to "his wife Cindy". Don later divorced Cindy and remarried Maya. He then died before Joyce, and a dispute arose over whether her estate should pass to Cindy or Maya. The basis for Maya's argument was that as his wife at the time of his death the estate should pass to her, as Cindy no longer fit the description of "his wife".

Ultimately Maya lost and it was decided that the half share of Joyce's £840,000 estate should pass to Cindy.

You should review your estate planning upon any of the following events:

1. Marriage

If you marry your existing will is automatically revoked unless it was written in contemplation of that marriage and an appropriate clause included in the will to state this. If you are engaged and planning on marrying make sure you tell your Will Writer so they can help you plan your will accordingly.

2. Divorce

If you divorce any gifts in your will to your former spouse or civil partner are made void. As are any appointments of them as an executor, trustee, or guardian. Even though gifts to former spouses will fail after your divorce has been finalised it is still a good idea to review your will planning. After the divorce your financial circumstances may have changed, or you may want to reconsider how other beneficiaries will be provided for now you aren't providing for your spouse. You should also review your will planning if a beneficiary of yours divorces or is in the process of going through a divorce. This avoids disputes like we have seen above in the Joyce Appleby case. There is also planning you could put in place to avoid a beneficiary's share of your estate passing to their spouse in a divorce.

3. Change in law

It is important to keep abreast of changes in law that may affect your estate planning. This is especially important if you have a large estate that will be liable to inheritance tax (IHT) as if tax law changes and your will isn't kept up to date your estate may end up paying more IHT on your death. In 2017 there was a large change to tax law that introduced the residence nil rate band – a special IHT allowance where your home is gifted to your children (or other direct descendants). If you haven't updated your will to take advantage of this new allowance you ought to contact a Will Writer for a review as soon as possible.

4. General change in circumstances

It is also advised to review your will after other general changes in circumstances, such as when a beneficiary dies, or has children of their own. Relationships change over the years and unfortunately friends and family we were once close to may drift away so it is important to make sure your will always reflects your wishes; you probably don't want to make that gift to the friend you fell out with! You may even wish to change your will to exclude a person who you previously inherited, but make sure you seek professional advice on this first. On a happier note perhaps you have repaired a relationship with a formerly distant child and now want to change your will to benefit them.

If it's been a while since you've reviewed your will or if any of your circumstances have changed then maybe it's time to break it out of the safe and check you're still happy with the contents. For a full review and to make sure your will is up to date with current law contact a Member of the Society of Will Writers. WWW.WILLWRITERS.COM

CARE FEES

We receive many queries daily on care fees assessment and how a home can be protected from care fees and whether it counts towards the means test carried out by the local authority, so we thought we would put together some information for you.

Say you are a couple and live in a home worth £850,000 and as you grow older you are worrying more about ensuring it is protected from care fees so it can be passed to your children. Is there anything you can do? Let's look at how care fees are assessed and some scenarios.

Care fees Assessment
When someone goes into care, the local authority will carry out a financial assessment. As part of their assessment, they local authority will calculate the cost of the care and how much the individual can contribute from their own resources.

When carrying out a means test, the local authority may consider the value of the property as well as any income, savings or pension.

It is worth noting that The Care and Support (Charging and Assessment of Resources) Regulations 2014, Schedule 2, Regulation 4 states that "A local authority may disregard the value of any premises which is occupied in whole or in part by a qualifying relative of the adult as their main or only home where the qualifying relative occupied the premises after the date on which the adult was first provided with accommodation in a care home under the Act." A qualifying relative is defined as a spouse/civil partner, partner, former partner, the person's minor child, or a relative who is over 60 or incapacitated.

If someone has savings of over £23,250, they will have to fund the care themselves.

If someone has savings of between £14,250 and £23,250, they will need to contribute towards the cost of their care from income such as pensions and a tariff based on their capital, but the local authority will fund the rest.

Once someone's capital reaches below £14,250, they will no longer pay a 'tariff' income based on their capital, but they must continue paying from income included in the means test. The council pay the remaining cost of their care.

Scenario 1
Richard and Amy are married. Richard falls unwell and needs to move into a care home where he is in the best hands. Is the value of the home considered when the local authority carry out the means test? Would Amy be liable for care home fees and could the local authority put a charge against the home?

The good news here is that if Richad goes into care and Amy continues living in the home, then the value of the home isn't considered by the local authority when carrying out the means test. This is because, as stated above, the local authority may disregard the value of any premises which is occupied in whole or in part by a qualifying relative of the adult as their main or only home where the qualifying relative occupied the premises after the date on which the adult was first provided with accommodation in a care home under the Act." As she is his spouse, she falls under the definition of qualifying relative.

Amy would not be liable for care fees as only Richard's individual's assets would be considered.

The local authority could not put a charge against the home for as long as it is being disregarded in the means test.

Scenario 2
If Richard and Amy both go into care during their lifetime would the home be part of the means test and could it be sold to fund their care?

If they both go into care during their lifetime then the home would no longer be disregarded for care fees unless there was still a relative under 18, over 60, or incapacitated living in it.

This means the value of the home would be considered for their individual means tests and it could also be sold to fund their care if they don't have enough capital to fund themselves.

Scenario 3
Adrianna owns her home solely with no-one else living with her. Can she protect her home from care fees in the event she needs to go into care during her lifetime by gifting it to her children?

We would not be able to advise on any lifetime planning to protect her property. If she gave her property away to her children or to trust in lifetime and the intention was to avoid paying for care, then this would be classed as deliberate deprivation. In this instance, if the local authority decide that some has committed deliberate deprivation for the purposes of the financial assessment, they can still treat the person as if they own that asset.

Scenario 4
Richard passes away and he has a PPT in his Will so his share of the home passes to the trust. Amy then needs to go into care. Would the home be assessed for care fees and would the home need to be sold to pay for care or a charge placed on it?

Amy would be assessment on her share of the property only and not the share that is in trust since this is protected. If she needs to self-fund but doesn't have enough capital to cover this without selling the property, the local authority will seek to place a charge on her share of the property to reclaim their fees when the property is sold. This is usually referred to as a deferred payment scheme.

What can be done by Will to protect the home from care fees?
It is important to note that a Will speaks from death so any provisions in there will take place on death only.

A life interest trust can protect part of the home from care fees since the deceased's share of the home has transferred to the trust so will not be counted as part of the means test assessment carried out by the local authority.

New proposals to Adult Social Care
This month the government announced proposed changes to adult social care. Currently, before someone can receive publicly funded social care, they are assessed and the value of their assets are taken into account.

Currently if an individual has assets above the £23,250 threshold, they must fully fund their own care, rely on friends or family or even go without care.

The proposals put forward by the Government would make the means test more generous so instead of the individual having to pay for all their care in the event their assets are above £23,250, from October 2023, they would only have to fully fund their care if their assets are more than £100,000.

Currently if someone has assets from £14,250, they must contribute towards the cost of their care. This figure will now be £20,000.

There is also set to be a cap on the amount an individual has to pay for care during their lifetime which is set at £86,000. However, this cap would only cover the cost of a care home that an individual's local authority was willing to pay for (not all care homes). Alternatively, if someone required home care, it would only cover the number of hours their local authority thought was needed and at the price it would be willing to pay. This cap would not include the living expenses in a care home i.e. food.

PRIN
PHILL
SECRET

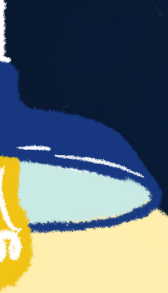
A recent ruling in the Family Divisio
the Duke of Edinburgh's will is to be
will remain secret for the next 90 ye
wills. The value of the estate was a
the grant of

The sealing of wills belonging to mem
and the late Duke of Edinburgh is not the
will hidden from public view. Since 1910 it has
to be made to seal a senior Royal's will to prote
back to the death of Prince Francis of Teck who
was quickly sealed to avoid a potential scandal
large legacy he had left to his mistress. This set the
circumstances where public inspection of the doc

Sir Andrew McFarlare, President of the Family Divisio
decision to publish his judgement so for the first time t
considering these types of appli

In his judgement Sir Andrew said that there is 'no true public inte
private arrangements in a Royal Family member's will]'. Additiona
un-sealed in future. Whereas previously sealed wills were sealed ind
senior Royals will last for 90 years. At this point the wills will be unseal
of the Royal Archives, the attorney general and any living personal
Once reviewed a will may either be left un-sealed meaning it becor
secret

For the general public this should serve as a reminder that wills are published an
include messages to family, or non-binding wishes, or explanations as to why a c
kinds of sentiments confined to a separate letter for this very reason



NCE LIP'S T WILL

on of the High Court means that e sealed. This means its contents ears, joining some 30 other Royal lso ordered to be excluded from probate.

bers of the Royal Family is not new first Royal to have the contents of his s been commonplace for an application ct it from public scrutiny. The practice dates died suddenly at the age of 40 and whose will bringing the Royal Family into disrepute due to a precedent for applications for wills to be sealed in cument would be 'undesirable or inappropriate'.

n, heard the application in private but made the he legal framework and factors considered when ication is publicly available.

rest in the public knowing this wholly private information [the lly, he set out a process that may lead to sealed wills becoming definitely Sir Andrew has now held that orders sealing wills of the ed and reviewed by the monarch's private solicitor, the keeper representatives of the late Royal whose will is being un-sealed. mes a public document, or it may be sealed again and remain .

d do become public documents once probate is granted. While it is fine to certain person has been left out in a will we often recommend keeping these – Especially if the message or explanation is particularly personal.

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

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- All SWW Members will provide up to date advice in line with current legislation.
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