

Why make a will?

January 2016

With the number of wills challenged through the courts in the UK in 2015 continuing to rise, and the high profile case of Heather Illott successfully challenging her mother's will putting the issue under the spotlight, understandably more people are beginning to wonder whether it's even worth bothering to make a will at all.

It is difficult to say exactly why such claims against estates are on the rise. Some feel that it is a consequence of more complex family structures where there may be second or even third marriages, step-children or individuals living together without marrying. Others think that with house prices increasingly significantly over the decades, insurance policies and savings most estates are worth considerably more than we might expect and so the potential gain from a challenge seems worth the effort. "DIY" and homemade wills are also blamed due to their frequent lack of clarity or issues which are overlooked.

With 2016 seeing the introduction of testamentary freedom in Alderney, following Guernsey's lead in 2012, this hot topic is getting more than it's fair share of attention. And, in some respects the attention is unfair.

Whilst it's true that more wills may now be open to challenge in Guernsey and Alderney, a will is vital to ensure that your wishes are made clear and carried out by the people you leave behind. Whilst you can't completely protect against the risk of a will being contested, there are ways to minimise that risk.

Make sure it's properly drafted. Be clear about why your will is being made in the terms that it is. Don't leave it to the last minute.

If you don't make a will you won't have any say over what happens next. Face the issue and don't put off until tomorrow what you could be getting on with today.

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