

We are now able to safely carry out face to face meetings and will continue to offer remote meetings, if this is your preference.

**Thank you for your patience and understanding at this time.**



### Where there's a Will there's a way .....

Covid-19 has caused our personal and professional lives to change suddenly, almost beyond recognition. With the country adhering to the Government's social distancing measures this has impacted on the signing and witnessing of Wills.

For a Will to be valid it must:

- Be in writing
- Be signed by the person making the Will (the testator) or by another person at their direction if they cannot sign in the presence of two independent witnesses: and
- These two witnesses must also sign the Will in the presence of the testator and in the presence of each other.

In normal circumstances these conditions are simple to adhere to however with the social distancing measures in place further thought is needed.

People often ask us if family members can be witnesses, a witness must be independent to the testator, this means that immediate family, particularly if they are benefiting under the Will, cannot act as witnesses.

Perhaps your neighbours can help? It is important to remember to adhere to the social distancing measures. It may, therefore, now be necessary to take place outside so that you are still a safe distance apart.

It is important that your witnesses see your Will and see you sign it. Your witnesses must also ensure that they adhere to social distancing between themselves.

We are continuing to closely monitor government guidelines on Covid-19 and are now back in the office and fully operational. If you would prefer to have your Will witnessed at the office, please do ask.



### DIY Wills and the pitfalls

When making a Will, many people choose to use a DIY kit or online template for a variety of reasons. Research shows that 37% of us thought it would be cheaper than going through a qualified Will Writer, whilst others thought it would be quicker to do it ourselves. Sadly, this approach means that millions of Britons could potentially be leaving their loved ones to deal with disputes over the distribution of their assets after they die.

#### Common Errors when creating your Will yourself

- Only one witness has signed
- testator amending the Will later and not having the amendments witnessed
- no witnesses at all
- witnessed by beneficiary
- witnessed by the beneficiary's spouse
- Copied from someone else's Will.
- No Executor appointed
- No expert advice as to potential disinheritance
- No expert advice on how to protect valuable assets





## Why a General Power of Attorney is good news?

With the ongoing coronavirus pandemic many people are understandably concerned about getting documents in place to allow someone else to make decisions on their behalf and manage their financial affairs. With many vulnerable people currently being advised to self-isolate this means having an attorney to carry out certain tasks on their behalf is incredibly useful.

Normally when we think of powers of attorney we think of Lasting Power of Attorney (LPAs). These documents allow a donor (you) to appoint attorneys to make decisions on your behalf should you lose the capacity to make your own decisions. They can be made to appoint someone to make decisions about health and welfare as well as property and financial affairs. In the case of managing financial affairs an LPA can also be used while you still have capacity to make your own decisions, making them useful for someone who has mental capacity but maybe still needs a bit of extra support.

General Powers of Attorney (GPAs) are very different. The donor (you) appoint someone (attorney) to manage your financial affairs and is only valid while you have mental capacity. As soon as capacity is lost the GPA is no longer useable and your attorney can't make any more decisions for you.

## So why choose a General Power of Attorney right now?

At the moment LPA applications are progressing quite slowly, as like many companies right now they are running on reduced staff. This means that it's taking longer to get an LPA registered.

For a person who needs someone to make decisions for them right away a GPA can be a great alternative currently. There is no registration requirement, so the document is ready to use as soon as it has been properly signed.

The GPA is executed as a deed poll by you and the witness. The witness must be over 18, have capacity, and cannot themselves be a party to the deed.

This means that someone else in the household could act as the witness, allowing the document to be made without placing anyone at any risk.

## What this *doesn't* mean...

This doesn't mean that LPAs should be forgotten about altogether. Since a GPA ends if the donor loses capacity it is still best to make sure that steps are being taken to get an LPA put in place as soon as it's possible to do so.



Please contact either **Linda or Sarah** if you have any questions about your Will or need help with planning your estate – we are always happy to provide you with expert advice and guidance suited to your needs and circumstances.

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