

Making your Will



Who we are

Age Scotland is the Scottish charity for older people. We work to improve the lives of everyone over the age of 50 and promote their rights and interests.

Our vision is a Scotland which is the best place in the world to grow older.

Our mission is to inspire, involve and empower older people in Scotland, and influence others, so that people enjoy better later lives.

We have three strategic aims:



We help older people to be as well as they can be



We promote a positive view of ageing and later life



We tackle loneliness and isolation

How we can help

We know that growing older doesn't come with a manual. Later life can bring changes and opportunities to your life and you may need to know about rights, organisations and services which are unfamiliar to you.

That's why we provide free information and advice to help you on a range of topics including benefits and entitlements, social care, legal issues such as Power of Attorney, housing and much more. All of our guides are available to download for free from our website, or you can contact our helpline team to have copies posted to you for free.

Our **helpline** is a free, confidential phone service for older people, their carers and families in Scotland looking for information and advice.

Later life can bring times when you just need someone to talk to. Our **friendship line** is part of our wider helpline and older people can call us for a chat. We're here to listen, provide friendship and offer support.



Call us free on: 0800 12 44 222
(Monday – Friday, 9am – 5pm)



Visit agescotland.org.uk
to find out more.

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Please note that the inclusion of named agencies, websites, companies, products, services or publications in this information guide does not constitute a recommendation or endorsement by Age Scotland or any of its subsidiary companies or charities.

Making your Will

Whatever your age, it is never too soon to think about making a Will.

Making a Will allows you to make decisions about what happens to your money, property and other possessions after you die.

If you die without making a Will, called **dying intestate**, there are laws in Scotland about how your estate will be divided up. However, this may not be done in the way you would have wanted. A Will can also help to avoid uncertainty, disputes and legal expenses after your death.

See page 5 for information about the inheritance rights in Scotland and how these apply with and without a Will.

Writing your own Will

You can write a Will yourself, but it is better to use a solicitor to write or check your Will if possible. Problems can arise after your death if mistakes have been made, if the Will is not entirely clear or it has not been properly signed or witnessed.

If you decide to use a pre-printed Will form, check that it applies to Scotland, as the rules in England and Scotland are very different.

Using a solicitor to write your Will

The cost of writing a Will varies depending how complex it is and which solicitor you use, so you should shop around before choosing a solicitor. Most Wills are not complex and solicitors may be able to give you a fixed price before starting work.



Free Will writing service

Age Scotland offers an accessible free Will writing service in partnership with **Bequeathed**. This allows you to write your Will for free from the comfort of your own home, either online or over the phone. The service is quick, easy and provides the reassurance that your Will has been checked by a Scottish legal firm.

While there is no obligation to leave a gift, by remembering Age Scotland in your Will, you can help us to continue supporting older people for generations to come. This includes tackling loneliness and isolation through services like our Friendship Calls, and our work with local community groups that bring older people together.

For more information please visit www.age.scot/FreeWills or call the **Age Scotland helpline** on **0800 12 44 222**.

Will Aid is a partnership between the legal profession and seven different UK charities. Participating solicitors volunteer their time to write basic Wills and invite a voluntary donation to Will Aid in return. This is divided equally between its partnering charities. Call **0300 0300 013** or visit www.willaid.org.uk for information.

You might qualify for help with the legal costs of writing a Will. You can check if you are likely to be eligible for legal aid on the **Scottish Legal Aid Board** website, at www.slab.org.uk/new-to-legal-aid/eligibility-estimators. You can search for solicitors who are registered for legal aid at www.slab.org.uk/new-to-legal-aid/find-a-solicitor.

What to include in your Will

Whether you are creating a free Will yourself, or meeting with a solicitor, it is useful to give some thought to what you would actually like to include in your Will, for example:

- Who will your executor(s) be? These are the people who will sort out your estate after you die, making sure your wishes are carried out.
- Do you want to make any particular arrangements for your funeral?
- Who will be the beneficiary or beneficiaries of your Will? These are the people you want to leave money or possessions to.
- Are there any specific items you want to leave to particular people, for example a piece of jewellery that has sentimental value?
- What do you want to happen if a beneficiary dies before you do?
- If you are responsible for children under 16, who do you want to look after them?
- What do you want to happen to any pets that you have?
- Is there a charity you would like to leave some money to?



Choosing an executor or executors

Executors take care of your estate when you die, distributing your property, possessions and other assets according to the instructions in your Will. Someone named as your executor can also be a beneficiary of your Will.

When choosing your executor, you should consider who would be best placed to carry out the role. For example, it may be difficult for someone living abroad or who has poor health to act as your executor. An executor needs to be organised and in a position to gather information and documents about your money, property and other possessions. They will also need to deal with legal paperwork, make payments of any debts, fees, Inheritance Tax and other expenses, and distribute the estate to the beneficiaries.

The choice of who will be an executor or beneficiary of your Will should be yours alone. If anyone tries to bully or pressure you into decisions about your Will, this is a form of abuse. Our **Staying safe from abuse** guide provides more information. You can also contact **Hourglass** who support older people to stay safe from abuse. Call **0808 808 8141** or visit **www.wearehourglass.scot**.

Executors can claim reasonable expenses to cover the costs of managing your estate, for example legal fees or travel. They do not usually receive payment for their time, but you could specify this in your Will if you wanted to.

For more information about the role and duties of an executor, see the **Scottish Government** leaflet What to do after a death in Scotland at **www.gov.scot/collections/what-to-do-after-a-death-in-scotland**. You can also call our **helpline** on **0800 12 44 222** and ask for a printed copy.



Inheritance rights

In Scotland, certain people have **prior rights** or **legal rights** to a deceased person's estate. Prior rights apply only if there is no Will in place; legal rights apply with or without a Will.

Prior rights

When a person does not leave a Will, called **dying intestate**, the rules of succession law decide who inherits their estate. A surviving spouse or civil partner who lives in the deceased person's property has **prior rights** to different parts of the estate, up to certain fixed values. They are entitled to inherit up to the value of:

- £473,000 from the property
- £29,000 from furniture
- £50,000 in cash value from other assets if the deceased has children; or £89,000 if there are no surviving children.

For the value in each category, the spouse or civil partner will receive up to the amount the estate is worth in that category. If there is still value in the estate after the prior rights have been met, this will be divided according to legal rights.

Legal rights

Legal rights entitle a surviving spouse, civil partner or child (of any age) to a fixed proportion of the moveable estate. This includes money, shares, cars and jewellery for example, but not property or land. The proportion each person is entitled to depends on how many people stand to inherit and who they are.

If a Will does not take legal rights into account, the surviving spouse, civil partner or child can choose to make a claim for their entitlement. Succession law, also known as inheritance law, is complex; speak to a solicitor for more information about succession rights or challenging a Will.



Changing your Will

Your Will belongs to you. You can update it at any time, for any reason, so long as you have the mental capacity to understand the decision you are making. People often update their Will after changes in their financial or family circumstances, like the birth of a grandchild or the purchase of a new property.

Updates can be made to your existing Will by creating a separate legal document called a **codicil**. You should get legal advice to ensure the changes you wish to make are clear and the codicil has been written correctly. You can add as many codicils to your Will as you like. Each must be witnessed and kept with your Will. For major changes, it may be better to write a new Will.

Marriage, civil partnership and divorce

In Scotland, entering a marriage or civil partnership gives your new spouse legal rights to your estate. However, you may want to update your Will to specify additional rights for your new partner.

If your marriage or civil partnership ends and your spouse or civil partner is named as a beneficiary or executor in your Will, this is no longer valid. You will need to update your Will if you want to specify your wishes in your new circumstances.

Where to keep your Will

It is important to keep your original Will and any codicils together and in a safe place, as your executors will need these when you die. If a solicitor makes your Will for you, they will normally keep the original and send you a copy, but you can keep the original yourself if you wish.

You may choose to keep the contents of your Will private, or you may want to discuss it with friends and family so people know what your wishes are. After a death, it is very common for a solicitor to register the Will with the Registers of Scotland.

Inheritance Tax

Inheritance Tax is a tax payable on the value of a deceased person's estate. It may also include gifts that the person made in the 7 years before they died, although some gifts are exempt.

There is usually no Inheritance Tax to pay if the total value of the estate is less than £325,000. This is called the Inheritance Tax Threshold. This is due to stay the same until April 2026.

The current Inheritance Tax rate is 40 percent. This is usually payable on any amount above £325,000 that is not left to a spouse or civil partner, or a charity or community amateur sports club. You may be able to pay a lower rate of 36 percent if you leave at least 10 percent of your net estate to charity.

The executor of your Will usually arranges to pay any Inheritance Tax due from your estate.

You can find detailed information about Inheritance Tax at **www.gov.uk/inheritance-tax** or call **HMRC** for advice on **0300 123 1072**.

For advice about Inheritance Tax planning, speak to an Independent Financial Adviser. You can find information about choosing a financial adviser on the **MoneyHelper** website, at **www.moneyhelper.org.uk/en/getting-help-and-advice/financial-advisers**.

You can also contact the **Society of Later Life Advisers (SOLLA)**, a membership organisation for accredited financial advisers who understand financial needs in later life. Call **0333 2020 454** or visit **www.societyoflaterlifeadvisers.co.uk**.



Useful contacts

Age Scotland helpline **0800 12 44 222**

The Age Scotland helpline provides information, friendship and advice to older people, their relatives and carers.

If you need an interpreter, call **0800 12 44 222** and simply state the language you need e.g. Polish or Urdu. Stay on the line for a few minutes and the Age Scotland helpline will do the rest.

You can call us for a copy of our publications list. You can also view or order copies of our publications at **www.age.scot/information**.

Law Society of Scotland

Regulates and represents all solicitors in Scotland and can provide details of local solicitors.

0131 226 7411

www.lawscot.org.uk

Scottish Legal Aid Board

Provides information on how to get legal aid in Scotland and services to help the legal aid process. You can only apply for legal aid through a solicitor that does legal aid work.

0131 226 7061

www.slabb.org.uk

Society of Later Life Advisers (SOLLA)

A membership organisation for accredited financial advisers who understand financial needs in later life.

0333 2020 454

www.societyoflaterlifeadvisers.co.uk

Solicitors for Older People Scotland (SOPS)

A group of Scottish Law firms with a particular interest and experience in older people’s issues. They are regulated by the Law Society for Scotland and provide legal services to older people in a caring and sensitive way.

0800 152 2037

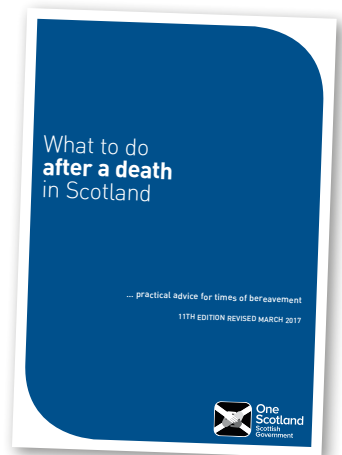
www.solicitorsforolderpeoplescotland.co.uk

Scottish Government Publications

What to do after a death in Scotland

This booklet provides information about what to do after someone dies, and about succession and inheritance law in Scotland.

You can view the booklet online at **www.gov.scot/collections/what-to-do-after-a-death-in-scotland**. If you do not have access to the internet, call the **Age Scotland helpline** on **0800 12 44 222** and we will print and send out a copy.



How you can help

Our vision is a Scotland which is the best place in the world to grow older.

All the information we provide is free and impartial. It helps older people access their rights and entitlements and can be life changing.

We are also a lifeline for older people who are feeling lonely and isolated. You can help us to support older people who need us most.

Together, we can make a difference.



Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

- ▶ Call **03330 15 14 60**
- ▶ Visit **age.scot/donate**
- ▶ Complete the **donation form** and return by Freepost



Fundraise

Whether it's having a bake sale or running a marathon, there are so many ways to raise vital funds to support our work. To find out more, call **0333 323 2400** or visit **age.scot/fundraise**.



Leave us a gift in your Will

By choosing to leave us a gift in your Will, your legacy will help us to continue being there for older people for generations to come. To find out more, call **0333 323 2400** or visit **age.scot/legacy**.

Please donate today



Complete the form and return by Freepost to RSBS-KEHC-GBBC, Age Scotland, Edinburgh, EH9 1PR

Your details

Title:	Forename:	Surname:
Address:		
	City:	
Postcode:	Date of birth:	

By providing us with your telephone number and email address you are consenting to us contacting you via phone, text and email.

Email:	
Home tel:	Mobile tel:

I WOULD LIKE TO DONATE

£75 £50 £25 Other (£)

I wish to pay by (please tick):

MasterCard Visa CAF

CharityCard Cheque (payable to Age Scotland)

Signature

Name on Card

Card No.

Expiry date Security code

Date

I prefer not to receive a thank you acknowledgement for this donation

I would like information about leaving a gift in my Will

I WOULD LIKE TO MAKE MY DONATION WORTH 25% MORE

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I want Age Scotland** and its partner charities to treat all donations I have made for the four years prior to this year, and all donations I make from the date of this declaration until I notify you otherwise, as Gift Aid donations.

I am a UK tax payer and understand that if I pay less income tax and/or capital gains tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference.

Yes, I want Age Scotland** to claim Gift Aid on my donations

I do not wish you to claim Gift Aid on my donations

Date

Keeping in touch

We will stay in contact by post unless you ask us not to. We will never sell your data and we promise to keep your details safe and secure. You can change your mind at any time by emailing us on contact@agescotland.org.uk or calling us on 0333 323 2400.

You can read Age Scotland's privacy policy at [age.scot/privacypolicy](https://www.agescotland.org.uk/age.scot/privacypolicy).

**Age Scotland, part of the Age Network, is an independent charity dedicated to improving the later lives of everyone on the ageing journey, within a charitable company limited by guarantee and registered in Scotland. Registration Number: SC153343. Charity Number: SC010100. Registered Office: Causewayside House, 160 Causewayside, Edinburgh, EH9 1PR

Age Scotland is the Scottish charity for older people. We work to improve the lives of everyone over the age of 50 so that they can love later life.

Our vision is a Scotland which is the best place in the world to grow older.

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Let's keep in touch

Contact us:

Head office

0333 323 2400

Age Scotland helpline

0800 12 44 222

Email

info@agescotland.org.uk

Visit our website

www.agescotland.org.uk



Sign up to our newsletter

Our regular newsletters by email contain details of our campaigns, services and how you can support our work.

Sign up today at [agescot/roundup](https://www.agescotland.org.uk/agescot/roundup)



Follow us on social media

Our social media channels are a great way to keep up to date with our work and issues that affect older people.



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