



GARDEN HEDGE WILL?

Your Concerns

Now is a difficult time. People who have not made a Will are looking to put one in place. Those who have an old Will and whose circumstances have changed are looking to review it.

Evidence suggests that in the last month or so, Will enquiries have increased by anywhere between 30% and 70%.

Can I get a Will done?

Most Will providers will now be able to take instructions for a Will by telephone, by video appointment, or by email.

If you are not familiar with it, video conferencing, particularly using an app called Zoom has increased significantly over the last few months.

Is there anything to stop me from doing a Will now?

You can get a will done – but it is a little bit more difficult!

Covid-19 government restrictions including social distancing and a clause in the Wills Act 1837, which is now almost 200 years old, are the main reasons why it is more difficult to make a Will now.

Section 9 of the Wills Act 1837 requires;

- (i) The Will to be in writing.
- (ii) The Will to be signed by the person making the Will (technical term the 'Testator') in the presence of two independent witnesses (who must be present at the same time).
- (iii) The witnesses must each sign the Will in the presence of the Will maker (Testator).

Putting the Will in writing is the easy bit but what you can't do, is have your Will witnessed by members of the same house or children, as in essence they are likely to be a beneficiary (basically benefiting from the Will), or be related to somebody who gets something from the Will. If they were to witness the Will, then there would be a real risk of them not recovering anything under the terms of the Will.

You might think that electronic signatures would be acceptable, however, they are not. And even popular video conferencing cannot be used for witnessing the will in in England and Wales, although the rules have been relaxed in Scotland in recent days.

What can you do?

Garden Hedge or Fence Will

Current government requirements on social distancing mean it is very difficult for a Will to be properly witnessed. One suggestion is that with the help of neighbours, you can sign a Will in your garden and ask them to witness the Will over the fence, or the garden hedge, or indeed through a window!

Even then, as part of the requirement to stay safe, everybody should use their own pen and preferably everybody concerned should wear gloves!

Are there likely to be any changes?

It is important that the government urgently reviews the rules around witnessing Wills, and that is being done now but any change is likely to be temporary at best.

In the meantime, if you are concerned about putting a Will in place, then you might need to consider the garden hedge, fence or window Will.

How can we help?

We are:

1. Taking instructions by telephone, video or email.
2. Providing you with a Will questionnaire to complete in order to speed up the process.
3. Providing our Wills with clear plastic covers, front and back, which can be easily wiped down to reduce any concerns any witnesses might have.
4. Providing you with a document which clearly explains what needs to be done to ensure the Will is valid and witnessed properly.
5. Providing a free helpline – simply call us if you have any concerns or queries. We are here to help.

When the current crisis is over, we can, if you want, visit you in your own home to ensure you are fully happy with what is set out in your Will.

If you aren't ready or able to make a Will at this time, or simply want more information about Wills, Estate Planning, saving Inheritance Tax or protecting your property, please just get in touch with us.



LIFE PLANNING



Lee Evans

Managing Director

NWL Life Planning

T: 0808 164 8042

E: LeeE@nwllp.co.uk

W: nwllife.org

