



WHAT HAPPENS IF YOU DON'T LEAVE A WILL?

If you don't have a will when you die, your money, property and possessions will be shared out according to the law instead of your wishes. This can mean they pass to someone you hadn't intended – or that someone you want to pass things on to ends up with nothing.

Why you shouldn't die without a will

Don't let this happen to you

When you die without leaving a will, the law decides who gets what and how much.

It doesn't matter what your relationship with those people was like when you were alive.

By leaving a will that says clearly who should get your property and money when you die, you can prevent unnecessary distress at an already difficult time for your family or friends.

Some parents have had to sue their own children to get a share of their partner's estate when their unmarried partner dies.

The law says that in this situation the children get everything.

Common rules if you don't make a will

- If you're married, your husband or wife might inherit most or all of your estate and your children might not get anything (except in Scotland). This is true even if you are separated but not if you're divorced.
- If you have children or grandchildren, how much they are legally entitled to will depend on where you live in the UK – but if you make a will you can decide this yourself.
- Any Inheritance Tax that your estate has to pay might be higher than it would be if you had made a will.

- If you die with no living close relatives, your whole estate will belong to the Crown or to the government. This law is called *bona vacantia*.

Note: any assets that you own jointly with someone will not pass under the intestacy rules but will pass by survivorship to the surviving joint owner.

But be careful, you need to own the asset as 'joint tenants' and not as 'tenants in common' for survivorship to apply.

Who will inherit if you die without a will?

You can find out exactly who will inherit your property if you die without a will by using the online calculator on the GOV.UK website.

This covers variations in the rules for England and Wales, Scotland and Northern Ireland.

£10 million

Total money and property that went to the government last year because people didn't leave a will

The calculator uses some legal terms that might be unfamiliar, so here's a quick guide to what they mean:

- **Remoter issue:** grandchildren, great-grandchildren and so on: your direct descendants in later generations than your children.
- **Per stirpes:** Latin for 'by branch'. This means that each branch of the family gets an equal share of your estate. For example, if you had three children, each of them would get a third of the total. But if one of your three

children died before you, that child's children would share their parent's third of the estate between them.

- **Chattels:** things you own, like furniture, jewellery, cars or books.

Work out Who will inherit your possessions visit GOV.UK website.



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