

Statutory Wills



'We would thoroughly recommend using Hegarty Solicitors. We have been with them for quite a few years now and have never had a problem at all.' Wills, Trusts and Probate Client

Our team of experts can assist with Statutory Will applications and advise you on the what to consider when making an application.

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'I was impressed by the speedy, helpful, courteous, and friendly service that my husband and I received at all times.' Wills, Trusts and Probate Client

Statutory Wills

To make a valid Will, the person concerned must have capacity at the time of signing the Will. This means that they would need to understand what they own, what making a Will is, and have an awareness of who their loved ones are. If the person concerned does not have capacity, an application can be made to the Court on that person's behalf.

Excellent



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'I have used Hegarty for over forty years their service is second to none. Superb service and very professional.' Wills, Trusts and Probate Client

When is it appropriate to apply?

The main reasons to make a Statutory Will are as follows:

- There is no Will, no known relatives.
- There is a personal charity that it is believed that the person concerned would want to inherit.
- The Will that they already have is out of date (for example, the death of a beneficiary, a change in family circumstances, illness, a pecuniary legacy which has eroded with inflation).
- The Will was made in controversial circumstances, for example, if capacity is in doubt or there is an issue of undue influence.
- If it would be impossible for a claim to be made under the Inheritance (Provision for Family and Dependents) Act 1975. For instance, certain categories of people such as stepchildren or remoter family relatives cannot make a claim against an estate.
- To avoid intestacy rules.
- To make adequate provision for minors.
- To ensure legacies in a Will are not adeemed i.e. the testator may no longer own their house as they may have sold the house to meet care home fees.
- A post-death variation is unlikely for example, the beneficiaries (people receiving the gift in the Will) will not make changes to their entitlements after the person has died.
- To mitigate tax on death.



'From start to completion the communication was excellent and service from all staff involved could not have been better.' Wills, Trusts and Probate Client

How do you apply?

- The application should set out all of the financial circumstances of the person concerned, as well as their current/future personal care arrangements.
- It will also set out details of the person's family (by way of a family tree) so that the Court can build up a picture of who might expect to inherit. A draft Will is also submitted to the Court.
- The Court will generally ask the Official Solicitor to look at the application from a completely independent perspective and make any representations to the Court that he thinks are fair.
- The Court will make the final decision as to what the Will will say. The Will is then signed on behalf of the person concerned and this will come into effect when they die.
- Applications can be made by an appointed Deputy, Attorney or someone who is likely to inherit from the estate. For example, if you are not married to your partner, then you would not be entitled to inherit anything in the event of their death. This may not be what the person would have wanted.

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Peterborough

48 Broadway
Peterborough, PE1 1YW

01733 346 333

Stamford

10 Ironmonger Street
Stamford, PE9 1PL

01780 752 066

Oakham

66 South Street
Oakham, LE15 6BQ

01572 757 565



www.hegarty.co.uk | enquiries@hegarty.co.uk