

# Making a will

## 1. Overview

Your will lets you decide what happens to your money, property and possessions after your death.

If you make a will you can also make sure you do not pay more [Inheritance Tax \(/inheritance-tax\)](#) than you need to.

There are [different rules for Scotland](https://www.citizensadvice.org.uk/scotland/family/death-and-wills/wills-s/) (<https://www.citizensadvice.org.uk/scotland/family/death-and-wills/wills-s/>) and [different rules for Northern Ireland](https://www.nidirect.gov.uk/articles/making-will) (<https://www.nidirect.gov.uk/articles/making-will>).

You can write your will yourself, but you should [get advice if your will is not straightforward \(/make-will/writing-your-will\)](#).

You need to get your will formally witnessed and signed to [make it legally valid \(/make-will/make-sure-your-will-is-legal\)](#).

If you want to update your will, you need to make an official alteration (called a 'codicil') or make a new will.

**If you die without a will, the law decides who gets what.**

## 2. Write your will

Your will should set out:

- who you want to benefit from your will

- who should look after any children under 18
- who is going to sort out your estate and carry out your wishes after your death (your executor)
- what happens if the people you want to benefit die before you

You can also include a [charity in your will \(/donating-to-charity/leaving-gifts-to-charity-in-your-will\)](#).

## When you need legal advice

You can get advice from a professional if your will is not straightforward, for example:

- you share a property with someone who is not your husband, wife or civil partner
- you want to leave money or property to a dependant who cannot care for themselves
- you have several family members who may make a claim on your will, such as a second spouse or children from another marriage
- your permanent home is outside the UK
- you have property overseas
- you have a business

## Keep your will safe

You can keep your will at your home or store it with:

- your solicitor
- your bank
- a company that offers the storage of wills - you can search online
- the [national probate registry in Newcastle](#) ([https://courtribunalfinder.service.gov.uk/courts/newcastle-district-probate-registry?\\_ga=2.51034794.2079730115.1664180899-479698035.1645609755](https://courtribunalfinder.service.gov.uk/courts/newcastle-district-probate-registry?_ga=2.51034794.2079730115.1664180899-479698035.1645609755))

Read full guidance on [storing your will with the Probate Service \(/government/publications/store-a-will-with-the-probate-service\)](#).

You should tell your executor (the person you've chosen to carry out your will), a close friend or

relative where your will is.

### **3. Make sure your will is legal**

For your will to be legally valid, you must:

- be 18 or over
- make it voluntarily
- be of sound mind
- make it in writing
- sign it in the presence of 2 witnesses who are both over 18
- have it signed by your 2 witnesses, in your presence

### **Signing and witnessing your will**

You and your witnesses must sign the same document.

When you sign your will, both of your witnesses must have a clear view of you and the act of signing.

You can ask someone to sign on your behalf if you're unable to do it.

When your witnesses sign your will, you must have a clear view of them and the act of signing. Your witnesses do not need to sign it at the same time as each other.

**You cannot leave your witnesses (or their married partners) anything in your will.**

If you make any changes to your will you must follow the same signing and witnessing process.

### **Signing your will remotely**

If you cannot meet with your witnesses in person, you can watch each other sign your will remotely (for example by video conferencing).

You can only sign remotely in England or Wales.

## 4. Update your will

You should review your will every 5 years and after any major change in your life, for example:

- getting separated or divorced
- getting married (this cancels any will you made before)
- having a child
- moving house
- if the executor named in the will dies

### Making changes to your will

You cannot amend your will after it's been signed and witnessed. The only way you can change a will is by making an official alteration called a codicil.

You must sign a codicil and get it witnessed in the same way as witnessing a will.

There's no limit on how many codicils you can add to a will.

### Making a new will

For major changes you should make a new will.

Your new will should explain that it revokes (officially cancels) all previous wills and codicils. You should destroy your old will by burning it or tearing it up.

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