Why You Should Make a Will

A short checklist — England & Wales

If you already know you should have a Will, but haven't quite got round to it, you're in good company — just over half of UK adults don't have one, according to the Money and Pensions Service. The trouble is, if something happens to you without a Will in place, you don't get to choose what happens next — a fixed legal formula does. Here's what that formula misses, and why a Will fixes it.

- ☐ **You decide who inherits — not a formula**
  Without a Will, your estate is divided under the rules of intestacy: a strict order of priority that takes no account of your actual wishes, who you were close to, or who needs the money most.

- ☐ **Protect a partner you're not married to**
  There is no such thing as a ‘common law spouse’ in England and Wales. If you're not married or in a civil partnership, your partner has no automatic right to inherit anything from you — regardless of how long you've been together, or whether you own a home together.

- ☐ **Provide for stepchildren**
  Stepchildren are not automatically entitled to anything under the intestacy rules either, even if you've raised them since childhood. Only a Will can put that right.

- ☐ **Choose guardians for children under 18**
  A Will is the way to formally name who you'd want to raise your children if the worst happened to you (and your co-parent), rather than leaving that decision to be resolved by the family and, potentially, the court.

- ☐ **Choose your own executors**
  Your executors are the people who deal with your estate — collecting in assets, paying debts, and distributing what's left. A Will lets you choose people you trust for this; without one, the law decides who is entitled to apply.

- ☐ **Reduce the risk of family disputes**
  Clear, properly made wishes are far harder to challenge than silence. Disputes over estates are distressing and expensive — a well-drafted Will is one of the best ways to prevent them before they start.

- ☐ **Plan sensibly for Inheritance Tax**
  A Will opens the door to straightforward, legitimate planning — for example gifts to a spouse or civil partner, or to charity — that can reduce the amount of tax due on your estate. None of this is available if you die intestate.

- ☐ **Leave specific gifts that matter to you**
  A particular item, a sum to a friend, a donation to a cause you care about — none of this is possible under the intestacy rules, which only recognise a narrow list of family relationships.

- ☐ **Set out your funeral wishes**
  You can record your preferences — for example burial or cremation — alongside your Will, giving your family clarity at a difficult time instead of having to guess.

- ☐ **Give the people you leave behind peace of mind**
  Perhaps the simplest reason of all: a clear, valid Will means your family already know what to do, and what you wanted, at a time when that clarity matters most.

Did you know?

If you're married or in a civil partnership with children, and you die without a Will, your spouse or civil partner receives the first £322,000 of your estate plus your personal possessions, then half of anything left — with the other half split between your children, not necessarily when or how you'd have chosen.
If you're unmarried, your partner is not on that list at all — they could inherit nothing, regardless of how long you were together.

A basic Will — for example, leaving everything to one person — is often all that's needed for a straightforward situation. If your circumstances are anything more complex (blended families, business assets, later-life care, or Inheritance Tax planning), it's worth talking it through properly before you sign anything.

RAD Legal can help you put a straightforward Will in place, or talk through anything more complex — get in touch for a free initial conversation.