

## Have you made a Will?

From 1 February 2009, the rules for intestate estates are changing. At present:

1. If there is a husband, wife or civil partner and children:
  - (a) the spouse/civil partner gets the personal chattels, the first £125,000 (**from 1 February 2009 this becomes £250,000**) and a life interest in half of what is left.
  - (b) the children of the deceased including illegitimate and adopted children share between them half of what is left straight away if they are 18 or over and the other half when the surviving parent dies.
2. If there is a husband, wife or civil partner and relatives but no children:
  - (a) the husband or wife get the personal chattels, the first £200,000 and half of what is left (**£450,000 from 1<sup>st</sup> February 2009**)
  - (b) the parents of the dead person or if they have died the brothers and sisters or their descendants, share the other half of what is left.
3. If there is a surviving husband, wife or civil partner but no other relatives the surviving spouse/partner gets everything.
4. If there are children but no living husband, wife or civil partner the children share everything equally.
5. If there is no husband, wife, civil partner or children everything will pass to the next available group of relatives.
6. If there are no available relatives everything goes to the State.

Over 40% of people die without making a Will which means the above rules are followed. It is vital to make a Will to ensure that your wishes are fulfilled and your estate goes to whom you want it to go.

If you already have a Will this may need altering in view of the recent changes in legislation enabling the estate of the surviving spouse to benefit from the nil rate band of both spouses. Needless to say the rules are not straightforward and consideration should be given to them. It is also important that records are kept of both spouses' probate details.

For further guidance, please contact our Private Client team on 01306 880110 or 01483 861848.