

What is a Will ?



A will is a document containing your instructions and wishes as to how your property and assets are to be distributed after your death. Any person should seriously consider a will at the earliest. A will should not only be for people who have reached an age where death is not far away. People die at all ages and a will is needed especially if you have assets and property to be allocated to those you wish to benefit.

Section 2 of the Wills Act 1959 defines a will in technical terms as "a declaration intended to have the legal effect of the intentions of a testator with respect to his property or other matters which he desires to be carried into effect after his death and includes a testament, a codicil and an appointment by will or by writing in the nature of a will in exercise of a power and also a disposition by will or testament of the guardianship, custody and tuition of any child."




In short, a will is the expression of the person's wishes concerning how their property is to be distributed. It is a written statement, signed in compliance with the various formalities covered by the legislation. It is a legal document containing the names of the people you want to benefit, as well as details of your possessions at the date of your death. The people you want to benefit are called beneficiaries.

Your property or possessions will include everything you own, such as your home, land, vehicles, bank accounts, benefits of insurance policies, investments such as shares, personal jewellery, artwork, and so on. A will is the only way you can ensure your assets will be distributed according to your wishes after your death..



What is a Valid Will ?



A valid will is a will that is accepted by the court and put into effect by the court in granting what is known as Grant of Probate. Grant of Probate is approval or acceptance by the court of how your assets are to be dealt with as per wish.

A valid will must have the following features:

1. It must be in writing - handwritten, typed or printed.
2. It must be signed with your signature at the end of the document.
3. Testator (the person making the WILL) must have a minimum age of 18 and must be of sound mind.
4. It must be witnessed by at least two other people present at the time of signing. They need to acknowledge they were present and must sign the will as witnesses in your presence.
5. The witnesses to the signing of a will cannot be the beneficiary or spouse of the beneficiary of the Will

If your will is not made in this manner then the court may not accept it and it would be unenforceable (the courts will not enforce it). The court has the discretion to Grant of Probate (Probate is a confirmation that the will is valid and accepted by the court) and your possessions could be disposed of as if you hadn't made a will at all. When the court exercises this discretion, it has to be satisfied that the document sets out clearly how you wanted your assets to be allocated or distributed.



About Completing a Will

Most of the people do not know that they need to put together with a will sometimes before they die. Unfortunately, the majority of the people don't have a will. They don't think about writing up a will until they are past the age of 50. Writing a will doesn't need to be expensive. Once it is done you can rest easy, knowing that your wishes will be followed after your death. Most wills can be composed quite simply. Others are more complex and involve more people, substantial assets and cash. These wills should be discussed with lawyers who specialise in this area. While a will is not complicated if you do not possess much (e.g. property for distributions), you may have personal items such as jewellery, manuscripts, or trophies that you want to be left to specific people. Having a will clarifies this and saves any arguments later on.



Last Will & Testament

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