



Are DIY Wills Legal?

On the face of it, a do-it-yourself Will sounds like a good prospect. It's cheap and easily bought in a shop like WH Smiths or on the internet. A 'Last Will and Testament' kit, as it is known, can cost as little as £20, which, if compared with the minimum cost you are likely to incur if you go to a solicitor, seems like an irresistible bargain. But is it even worth the paper it's written on?

The DIY Will kit contains 64 pages of instructions, which in itself can put people off. Half of the guidance is for Wills in England, Wales and Northern Ireland and the other half for Scotland. It may be adequate if your desires are very simple and straightforward e.g. your wife or husband will inherit all of your assets and she or he will pass these onto your children. However, if step families are involved a DIY Will may prove a problem.

Greer Woolley a Wills Trust and probate specialist from award winning leading regional law firm Pictons says "Do It Yourself Will kits may initially look like good value but if a Will is challenged there is absolutely nothing to fall back on. There is also no protection for vulnerable people who may be lacking the capacity to make decisions when they wrote their Will and this can easily be challenged in court when the person dies.

"You also have to ensure that your Will's two witnesses are in no way connected to any beneficiary. Witnesses also have to sign the Will in front of the person making the Will – if it's not done at the same time this can also make the Will invalid. A lot of people have illegible handwriting- and if there are any crossings out they have to be signed for in the margin. To make your Will a legally binding document is really not that straightforward.

"One of our most recent cases was for a father who had a home made Will. His six children were due to inherit equal shares of his assets but it was then discovered by reviewing the Will that two of the children and beneficiaries had their signatures witnessed by their spouses. This resulted in their gifts being made void.

"In this case it was fortunate that the family were very close and by discussing this with the other beneficiaries we advised that we should draft a Deed of Variation which would allow all six beneficiaries to inherit equally in accordance with their father's wishes. This Deed has now been signed by the parties but this is not a rare case and very often the Will gets contested and families fall out with each other in very unfortunate circumstances. We can only recommend that investing a relatively small sum in a Will that is rock solid gives you and your families great peace of mind and future security."