



Joyce Bennell
Lead Solicitor in
Probate & Trusts
Department



Increase in Statutory Legacies on Intestacy - but the need for a Will remains

Joyce Bennell is keen to highlight an important change to the amount of security that surviving partners receive when their spouse dies without making a will. "From 1 February, if there are children from the marriage or civil partnership, the surviving spouse will automatically receive up to £250,000 from the estate, a rise from the former threshold of £125,000. Where there are no children, the spouse will receive up to £450,000, up from £200,000. This is always on the assumption that the estate is of sufficient value."

Where there are children anything over the spouse's statutory legacy of £250k will be divided into two. The children receive one half at 18 whilst the spouse receives the income from the other half for life. On the spouse's death the children receive the remaining capital.

Joyce emphasises, however, that this increase in thresholds is not a reason to decide against making a will. There are other issues which may need to be dealt with and which fall outside the scope of the intestacy rules. For example, if you have children you should appoint a guardian to take care of them after your death. You can also choose the people you wish to act as executor, a very important part since they look after the money during the administrator and until beneficiaries come of age.

"When announcing the change last summer, Justice Minister Bridget Prentice said: 'Married couples and civil partners should not assume that when their spouse or civil partner dies, they will automatically be entitled to everything. It is up to individuals to make sure that their wishes are respected by making a will. My message to people is, don't leave it to chance. Make sure your loved ones are properly provided for by leaving a will.'

"I could not agree more, and would urge anybody who has not made a will to do so as a priority. To discuss this, and to find out if a lifetime gift is appropriate for your circumstances, call our Probate and Trust Team direct on 024 7649 3111.