

YOUR LOGO

WILLS AND PROBATE

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ONLINE WILLS COULD LEAD TO SURGE IN FAMILY DISPUTES



The increasing use of unregulated online will writing services could lead to a surge in family disputes over a loved one's estate, researchers have warned.

Online services have become more popular over the last few years, particularly during the Covid lockdown periods.

The consultancy firm, Funeral Solution Expert (FSE), analysed 26 online will writers. It found several problems with some of the services offered.

For example, some firms offer cheap will writing services for clients whose affairs are simple and straightforward.

However, many people mistakenly think their affairs are simple but later discover that they are in fact quite complex, and their wills have to be rewritten at extra cost. Some people never get the chance to correct ineffective wills before they die, leaving their families to resolve difficult inheritance issues at a time when they may be upset and grieving.

Part of the problem is that most people don't realise that will writers are not regulated and there is little comeback against them if things go wrong.

By contrast, solicitors are strictly regulated and must have insurance to cover liability for any mistakes that may occur. This

means you have legal redress if something goes wrong, unlike with an unregulated will writer.

A recent survey by Will Aid found that more than 6 out of 10 people prefer a qualified solicitor to write their will so they can be confident that it's done properly.

A spokesman for Will Aid, said: "It is evident that the public prefer to use a solicitor to write their will, wherever possible. They are aware that with a solicitor you can be assured of a valid will and if anything does go wrong there is proper insurance and redress."

Please contact us more information about making or updating a will.

CHILDREN ENTITLED TO A SHARE OF ESTRANGED FATHER'S ESTATE

Two teenage brothers have been granted a share of their father's estate even though they were estranged from him and had been excluded from his will.

The two boys, referred to only as J and H in court, were aged 16 and 15 respectively at the date of their father's death in 2018.

Their parents had divorced in 2012.

The mother re-married and the boys relocated with her and her husband to Scotland. The father, who had been diagnosed with incurable lung disease in 2004, had weekly telephone contact with the boys but only for a short time.

He paid no maintenance or child support. The mother and her husband bore the cost of continuing the boys' private education. The father recorded that he did not wish the boys to benefit from his will because he had



been unable to contact them for more than three years. His will left everything to his parents and to his partner, who he had lived with for seven years.

The net value of the estate depended on certain share valuations but would be a minimum of £519,000.

The boys both applied for a share of the estate and the High Court ruled in their favour despite opposition from the father's partner. It held that where the beneficiaries under a will were faced with an application for family provision by the deceased's child, they could not generally rely on the

fact that the deceased had paid no child support to defeat the claim. The father's estate was ordered to pay 50% of the boys' living expenses at home from the date of issue of the claim until their respective 21st birthdays.

The cost of J's final year at school would be borne 100% by the estate given that the mother had funded the entire schooling cost before then. The estate would also fund 100% of H's past fees as a day pupil in fifth form, plus 80% of his two-year future boarding fees during sixth form.

The remaining 20% and any extra school costs would be met by the mother. The estate would also fund 50% of the cost of providing each child with a reliable second-hand car.

Please contact us for more information about wills and probate.

POWERS OF ATTORNEY TO BE MADE SAFER AND SIMPLER



The process of managing a loved one's affairs using a Lasting Power of Attorney (LPA) is to be made simpler and safer.

An LPA is a legal document that allows people to appoint someone else (an attorney) to make decisions about their welfare, money or property.

They are often used by older people to choose someone they know and trust to make decisions for them should they lose capacity in the future - but can be made by anyone over the age of 18.

The number of registered LPAs has increased enormously in recent years to more than five million, but the process of making one retains many paper-based features that are over 30 years old.



The Office of the Public Guardian (OPG), which administers the system, has begun a public consultation to examine the entire process – with a view to improving measures to prevent fraud and abuse while introducing a mainly digital service.

It will examine how technology can be used to update methods of witnessing, improve access and speed up the service.

The consultation will propose widening the OPG's legal powers to check identities and stop or delay any registrations that raise concern. It will also look at making the process for objecting to the registration of an LPA simpler to help stop potentially abusive LPAs.

While the service will become predominantly digital, alternatives such as paper will remain for those unable to use the internet. Any substantial changes will require amendments to the Mental Capacity Act 2005 which brought in the current system.

Justice Minister Alex Chalk said: "A lasting power of attorney provides comfort and security to millions of people as they plan for old age."

Nick Goodwin, Public Guardian for England and Wales, said: "More people are taking the vital step to plan for the future by applying for lasting powers of attorney, and we want to make sure that

it is as safe and simple as possible to do so."

The consultation will look at:

- How witnessing works, and whether remote witnessing or other safeguards are desirable
- How to reduce the chance of an LPA being rejected due to avoidable errors
- Whether the OPG's remit should be expanded to have the legal authority to carry out further checks such as identification verification
- How people can object to an LPA and the process itself
- Whether a new urgent service is needed to ensure those who need an LPA granted quickly can get one
- How solicitors access the service and the best way to facilitate this.

Please contact us if you would like more information about Lasting Powers of Attorney.



Give us a call...
we're happy to help.

YOUR LOGO

YOUR SERVICES

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