Commentary

for the Will

of

[redacted]

SAMPLE

ABOUT YOUR WILL

Your Will has been written to be as easy to understand as possible, so that your Executors and Trustees understand your wishes. The law on Wills and probate can be complicated, so this commentary explains, clause by clause, what your Will says and does. It is a guide only — the Will itself is the legal document.

WHAT YOUR WILL COVERS

Your Will deals with everything you own in your own name, except:

- assets you own jointly with someone else as "joint tenants" (such as a home or a joint bank account), which pass automatically to the survivor;
- pensions and life insurance that pay out at the discretion of the scheme or under a trust, which follow the nomination or trust instead.

If you own something with others as "tenants in common", your share does pass under your Will.

SIGNING YOUR WILL

You must date and sign your Will in front of two independent witnesses, who are both present at the same time and then sign it themselves. A witness must not be someone who benefits under the Will, or the husband, wife or civil partner of someone who benefits — otherwise that person can lose their gift.

Keep the signed Will safe and tell your Executors where it is. Review it whenever your circumstances change, for example marriage, divorce, a birth or death in the family, or buying or selling property.

SAMPLE

This Will is made by me, [redacted] of [redacted].

> This opening line identifies you as the person making the Will.

1 REVOCATION

This is my last Will. It replaces and revokes any earlier Wills I have made.

> **WHAT THIS MEANS**
>
> This is known as the revocation clause. It cancels any Will (or codicil) you have made in the past, so that only this Will counts.

2 FREEDOM TO REVOKE

Although this Will is similar to that of my husband [redacted] of [redacted], we have agreed that either of us can change or revoke our Wills at any time.

> **WHAT THIS MEANS**
>
> Where two people make Wills together, it is possible, though rare, for them to be "mutual Wills", which bind both of you so that neither can change their Will later without the other's agreement.
>
> Mutual Wills are not usually recommended these days. To avoid any doubt, this clause confirms that you and your husband [redacted] can each change your Will whenever you wish, without the agreement of the other. Where protection or control is needed, trusts are normally used instead.

3 ORGAN DONATION

I wish my body and all of my organs to be available for organ donation and therapeutic purposes.

> **WHAT THIS MEANS**
>
> You have recorded that you are happy for your organs to be used for donation and therapeutic purposes.
>
> In England, under the Organ Donation (Deemed Consent) Act 2019, adults are treated as having agreed to donate their organs unless they have opted out or are in an excluded group. You can record or change your decision on the NHS Organ Donor Register.

SAMPLE