

A FRESH START

Why the New Year Is the Right Time
to Get Your Will in Order



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Introduction

The beginning of a new year is often a moment for reflection. Many of us take stock of what has changed, what still needs attention, and what we intend to put right in the months ahead. We organise finances, review insurance, and make plans for the future. Yet one important task is frequently delayed, sometimes for years: making, or reviewing, a Will.

For many people, the delay is not intentional. Life moves quickly, priorities shift, and it can be tempting to assume that everything is already taken care of or can wait until later. Others believe their affairs are straightforward, or that their wishes are obvious to those closest to them. Unfortunately, the reality is often more complicated.

A Will is not simply a legal document. It is the mechanism that ensures your assets pass to the people you choose, in the way you intend, and at the time they need clarity the most. Without one, decisions are left to the law rather than to you.

The new year provides a natural opportunity to address this. Making or reviewing a Will is not about expecting the worst. It is about planning responsibly, protecting your loved ones, and starting the year with confidence that your affairs are in order.

This guide is designed to help you understand why Wills matter, what can happen when they are not properly dealt with, and how taking professional advice can provide reassurance now and certainty for the future.



What Happens If You Don't Have a Will

If you die without a valid Will, your estate is distributed according to strict legal rules known as the intestacy rules. These rules apply regardless of what you may have intended, discussed with family, or assumed would happen.

A common misconception is that everything will automatically pass to a spouse or partner. In reality, this depends on marital status, the value of the estate, and whether there are children. Unmarried partners, no matter how long they have lived together, have no automatic entitlement under intestacy. This can lead to serious financial and emotional consequences.

Blended families can be particularly affected. Without a Will, there is no ability to balance the needs of a current partner with those of children from previous relationships. Assets may pass in a way that creates tension, unfairness or long-term uncertainty.

Property ownership can also complicate matters. The way a property is owned, and the absence of clear instructions, can mean that a home does not pass as expected. This can leave surviving family members facing difficult decisions or delays at an already distressing time.

Ultimately, intestacy removes personal choice. It replaces intention with rigid rules, often producing outcomes that do not reflect modern family arrangements or individual circumstances.



Tax, Property and Unintended Financial Consequences

Beyond questions of who inherits, the absence of a properly drafted Will can have significant financial implications. One of the most common issues is inheritance tax exposure that could have been reduced or avoided with appropriate planning.

A carefully considered Will allows assets to be structured in a tax-efficient way, taking account of available allowances, exemptions and reliefs. Without this, families may face higher tax liabilities, reducing the value of what is ultimately passed on.

Property often represents the most valuable asset within an estate, yet it is also one of the most misunderstood. Assumptions about how a home will pass on death are frequently incorrect, and can lead to disputes, delay and expense.

Ambiguity, outdated documents or missing Wills can create uncertainty and disagreement between family members, sometimes resulting in contested estates. These situations are not only costly but can permanently damage relationships.

Putting a Will in place, and keeping it under review, is about reducing risk. It ensures clarity, minimises delay, and helps protect both the financial and personal interests of those you leave behind, as well as making sure you decide who should benefit from your estate as well as who should take charge of sorting it out.



The Risks of Cheap or Unregulated Will Writing

Many people are drawn to low-cost or quick Will-writing services, believing they are achieving the same result more cheaply. While some may be well-intentioned, there are real risks associated with using unregulated providers.

One of the most common issues is poor drafting. Ambiguous wording, incorrect legal assumptions or failure to account for specific circumstances can render a Will ineffective or open to challenge. These problems often only come to light after death, when it is too late to correct them.

Another concern is document storage. We have encountered numerous cases where Wills prepared by unregulated providers cannot be located because the business has ceased trading. In such situations, the estate may have to be administered as if no Will exists at all, regardless of what the deceased intended. It's important to note that by preparing your Will with a solicitor firm proves you with the peace of mind that even if that firm were to close, you may still trace your documents with another firm via the Solicitors Regulation Authority.

Unregulated Will writers are not required to hold professional indemnity insurance. This means that if something goes wrong, there may be no recourse for the family affected. By contrast, solicitors are legally qualified, regulated, insured and bound by professional standards.

When dealing with something as important as your family's inheritance, reassurance and accountability matter. A Will is not simply about cost. It is about certainty, continuity and confidence that your wishes will be respected.



Making the Right Decision for the Year Ahead

Making or reviewing a Will does not need to be daunting. With the right advice, the process is straightforward, thoughtful and tailored to your circumstances. It provides peace of mind now and clarity for those you care about in the future.

It is also important to recognise that a Will is not a static document. Changes in family circumstances, relationships, property ownership or financial position can all affect whether an existing Will remains appropriate or even valid. You might also want to take the opportunity to reconsider who you have appointed as your executors – the people you chose years earlier may no longer be suitable or able to take on the responsibility. Regular reviews ensure your Will continues to reflect your wishes as life evolves and appoints the most appropriate executors.

Using a solicitor ensures your Will is properly drafted, securely stored and supported by professional responsibility. It means your instructions are clear, your intentions are protected, and your family is spared unnecessary uncertainty. Evidence from an experienced solicitor that you fully understood what you were doing and had the necessary mental capacity to make a Will can be very persuasive in Court if the Will is contested.

As a new year begins, taking the time to put your Will in order is a practical and considered resolution. It is a step that brings reassurance, protects those closest to you, and allows you to move forward knowing that an important responsibility has been addressed.

If you would like to discuss making a Will or reviewing an existing one, our private client team would be happy to advise.

The Author



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Beth King is a Partner at Marsons Solicitors and Head of both the Personal Injury and Private Client departments. She has been practising as a solicitor since 1986 and brings decades of experience advising individuals and families on Wills, probate and lasting powers of attorney.

Beth's work is characterised by a clear, practical approach to future planning, helping clients understand their options and put robust arrangements in place that reflect their personal circumstances. Her depth of experience allows her to identify potential issues at the earliest stage and guide clients through complex decisions with confidence and clarity.

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