

Guide to Making a Will and Leaving a Legacy

Thank you for considering the Silver Lady Fund as a beneficiary in your will. The following information has been put together to help you in the process of making or changing your will.

Legal Disclaimer

These pages are intended as **guidelines only** and are compiled to answer the questions most people ask when it comes to making or changing their will. We have tried to ensure that all the information that is provided is correct. However, we do not guarantee the accuracy of this information and we accept no liability relating to its use. Any person using information contained on these pages does so entirely at their own risk.

We strongly advise that you use a solicitor to prepare or amend your will. This information is only intended to be used in conjunction with such an advisor. If you are in any doubt about preparing or amending your will please contact your solicitor, the Law Society will be able to provide details of those in your area. Their telephone number is 020 7242 1222.

Why do I need to make a will?

Over half of the people in Britain still do not make a will.

- If you die without a will, everything you own will not automatically go to your husband, wife, partner or family.
- Without a will, those left behind may have to deal with complicated paperwork and may have to pay more tax.
- If you have no living relatives and do not make a will, everything you own will go to the State.

Thankfully, it is easy, quick and relatively inexpensive to have a will drafted by a qualified professional.

Helping your favourite Charities

Once you have provided for your family and friends, you may wish to remember your favourite charities in your will. Legacies are an important source of income to most charities and are always gratefully received, whatever the amount. Naturally, all charities greatly appreciate gifts which they may apply as they choose. However, please contact us if you would like to discuss leaving us a legacy for a particular purpose. If you have no immediate family, making a legacy to a charity is a way to ensure that your money still goes to something you care about. Leaving a legacy to the Silver Lady Fund will enable us to continue to make a difference to the lives of future generations

70% of the population give money to charity during their lives, but only 4% leave money to charity in their will.

Leaving a Legacy to the Silver Lady Fund

There are several ways you can leave a legacy to the Silver Lady Fund:

- A **residuary legacy** means that after all your expenses and other bequests have been paid, the whole or part of the rest of your estate will go to the Silver Lady Fund.
- A **pecuniary legacy** is when you specify an exact sum of money to the Silver Lady Fund.
- A **life interest legacy** is a gift made to the Silver Lady Fund after the death of the original beneficiary. For example, you may leave your house to someone in your will who benefits from it during their lifetime, but after that person's death, the property would go to the Silver Lady Fund.
- A **non-pecuniary legacy** is a gift left in the form of shares or other assets (such as property, antiques, holiday homes, works of art etc.) that can be sold, with the proceeds going to the Silver Lady Fund. This is an attractive option if the assets have appreciated in value over the years and would be liable to Capital Gains Tax if sold by the owner.

The wording you should use to make your gift to the Silver Lady Fund depends on the type of legacy you wish to leave. Some examples of specific wording are set out at the end of this guide.

Once written, you may wish to review your will for a number of reasons:

- If you marry and/or have a birth in the family.
- If you divorce or separate.
- If a beneficiary in your will dies.
- If there are changes over time to the value of your estate.

The Law Society recommends that, as a rule, you review, update or amend your will every 6-10 years.

What are the tax advantages of making a legacy to the Silver Lady Fund or other charities?

Inheritance Tax will be payable on your estate if it is worth more than the tax-free threshold (currently £325,000 from 6 April 2009), but there are some exemptions. In particular husbands and wives can leave their whole estates to each other without tax being payable and **gifts to registered charities are exempt from Inheritance Tax**. Apart from such exemptions, anything over £325,000 will be liable to tax at 40%. Leaving a legacy to the Silver Lady Fund could therefore reduce the tax bill on your estate since your legacy to the Silver Lady Fund will be deducted from the value of your estate before it is assessed for tax. If your gift reduces the value of your estate to £325,000 or less, then no Inheritance Tax is payable.

Making your will

Before you see your Solicitor

1. Draw up a list, including addresses if possible, of all the people and Charities you would like to benefit from your will.
2. Work out a rough figure of how much your estate is worth.
3. Consider whom you would like to appoint as Executor to your will. Your Executor is the person responsible for ensuring that your wishes are carried out. It can be your solicitor or another professional; a friend or any member of your family. It is advisable to appoint two executors in case one is unable to fulfil his or her duties.
4. If you are considering leaving a legacy to the Silver Lady Fund, please take this paper with you as it contains information for your solicitor.

How to change your will

Minor changes or additions can be incorporated into your will by making a **codicil**. A codicil is an instruction that is added to your existing will and changes it in any way you wish. It is a legal document and must be signed and witnessed by two people, exactly the same as your original will. A codicil may cover something like the purchase of a new property or antique or piece of jewelry, which you want to leave to a beneficiary. If you want to make a bigger change, then it is better to make a new will. For example, if you divorce or remarry into a larger family. You can make as many codicils as you wish, but if you want to make a significant change or make several codicils, it is better to make a new will. Once you have decided on the changes you wish to make, you should see your solicitor to help draw up the codicil. If you want to add a codicil to your will in order to make a legacy to the Silver Lady Fund, the suggested wording is shown at the end of this guide.

Time to think and to find more information

We appreciate that leaving a gift in your will is a personal decision that cannot be made overnight. However, if you do decide to leave us a legacy, or have already done so, we would like to take this opportunity to thank you. If you wish to advise us that you have included the Silver Lady Fund in your will, it would be very much appreciated. We will of course treat this information in the strictest confidence, but it will enable us to keep you informed about our activities.

If you have any questions or require further information about the Silver Lady Fund please contact us at:

E-mail: info@silverladyfund.org **Web:** www.silverladyfund.org

Address: The Silver Lady Fund, 23 St Leonards Road, Bexhill, East Sussex, TN40 1HH

CHALLENGING POVERTY SINCE 1880

Suggested Wording for Legacies to the Silver Lady Fund

(formally known as the Silver Lady Fund incorporating the All Night Travelling Café)

1. An illustration of wording for a residuary legacy

I give to the Silver Lady Fund incorporating the All Night Travelling Café, charity number 245657, **(insert fraction or percentage share of the residue)** of my estate absolutely and I direct that:

- I. The proceeds may be used for the general purposes of the Silver Lady Fund and
- II. A receipt signed by a person for the time being authorized by the trustees of the Silver Lady Fund shall be a good and sufficient discharge to my executors.

2. An illustration of wording for a pecuniary legacy

I give to the Silver Lady Fund incorporating the All Night Travelling Café, charity number 245657, the sum of £ **(insert amount)** and I direct that:

- I. Such money may be used for the general purposes of the Silver Lady Fund and
- II. A receipt signed by a person for the time being authorized by the trustees of the Silver Lady Fund shall be a good and sufficient discharge to my executors.

3. An illustration of wording for a non-pecuniary legacy

I give to the Silver Lady Fund incorporating the All Night Travelling Café, charity number 245657, my **(insert specific details of items – e.g. shares in ABC company, property, etc)** and I direct that:

- I. Such assets may be sold and the proceeds used for the general purposes of the Silver Lady Fund and
- II. A receipt signed by a person for the time being authorized by the trustees of the Silver Lady Fund shall be a good and sufficient discharge to my executors.

4. An illustration of wording for a codicil for a legacy to the Silver Lady Fund

This is the first (or second, third, etc., as appropriate) **(insert of whichever number)** codicil of me **(insert your name)** of **(insert your address)** to my will dated **(insert date of the original will)**.

- I. In addition to any legacies given by me by my said will, I give to the Silver Lady Fund incorporating the All Night Travelling Café, charity number 245657, **(insert details, eg. For a pecuniary legacy – the sum of £)** for its charitable purposes and I declare that a signed receipt by a person for the time being authorised by the trustees of the Silver Lady Fund shall be a good and sufficient discharge to my executors.
- II. In all other respects I confirm my will **(NB: You must include this clause)**

In witness thereof I have hereunto set my hand this **(insert date of codicil)**

Signed by the said **(insert your full name)** as a codicil to my will dated **(insert date of will)**

Signed by **(insert signature)**

In our presence and then by us in his/hers:

First witness:

Name: **(insert full name)**

Address: **(insert address)**

Occupation: **(insert occupation)**

Date: **(insert date)**

Second witness:

Name: **(insert full name)**

Address: **(insert address)**

Occupation: **(insert occupation)**

Date: **(insert date)**

NB: Both witnesses must be present at the same time as you sign the codicil. You must ensure neither witness is a beneficiary to your will or codicil.