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Wills


A Practical Guide



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Peter Gausden

Wildy, Simmonds and Hill Publishing

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Lesley King : Wills: A Practical Guide (Wildy Practice Guides) before purchasing it in order to gage whether or not it would be worth my time, and all praised Wills: A Practical Guide (Wildy Practice Guides):

0 of 0 people found the following review helpful. AN IMPORTANT NEW FOURTH EDITION -- new edition now available...By Phillip Taylor MBEAN IMPORTANT NEW FOURTH EDITIONFOR ALL INVOLVED IN THE LAW OF WILLSAn appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green ChambersThe

Practitioners Guide series from Wildy continues to expand with new titles and new editions. And now we welcome the new fourth edition of what is proving to be a most popular title on wills written by Lesley King, Keith Biggs and Peter Gausden. Its publishers, Wildy, Simmonds and Hill, offer a practical and comprehensive reference for all those concerned in drafting and interpreting wills, and in giving effect to their provisions. And that is what you get here. The Guide is backed-up throughout by a detailed range of specimen clauses, and model wills which are provided in a separate appendix at the back of the book. What we found most useful was the CD-ROM containing all the precedent material also included giving us the ability to adapt precedents for our own use depending on what the client seeks. The new edition has now been fully updated. It includes the following featured legislation: The Estates of Deceased Persons (Forfeiture Rule and Law of Succession Act) 2011, Marriage (Same Sex Couples) Act 2013, Trusts (Capital and Income) Act 2013, the EU Succession Regulation, and, not to be forgotten, the Inheritance and Trustees Powers Act 2014. This last statute has made a substantial change to the intestacy rules, family provision legislation and trustees statutory powers of maintenance and advancement and so this content is of great assistance to the practitioner. The three authors have reviewed the impact of recent legislative changes as well as developments in taxation affecting wills, the following: new relevant property trust regime and its impact on pilot settlements, the new residence nil rate band, the reduced rate of inheritance tax for gifts to charity and the new rules on trusts for disabled beneficiaries. We thought that the impact of the new residence nil rate band on planning and drafting was very well explained here, together with the role that nil rate band gifts and discretionary trusts might still have to play in financial planning. The chapter on construction of wills has been rewritten by the authors following the Supreme Courts decision in *Marley v Rawlings* and subsequent cases including *Reading v Reading* are explained. Of additional assistance is a revision of the chapter on testamentary capacity because of developments since the introduction of the Mental Capacity Act in 2005. This includes the important decision in *Simon v Byford* which considered the extent to which dementia affects testamentary capacity. In this wide-ranging guide to the drafting of will, the authors have included other recent case law discussed such as *Ilott v Mitson* (a Court of Appeal decision) and its implications for testators who wish to exclude close family members from benefit. The aim throughout the work is the hope that the precedents and draft clauses provided here will be of assistance to the practitioner. They most certainly are! But do remember that the guide is intended as a general statement only so that in most cases there will need to be modifications to suit the requirements of individual situations. There are, of course, the main legal practitioner works readily available but the value of this guide and the other titles in the Wildy series is that they are well designed for the busy lawyer as the first port of call prior to any more detailed legal research which may be needed. Thank you very much for producing these refreshing books for us! The publication date is cited as 2017.

Provides a wealth of information on wills and their making in a compact, user-friendly format. This book is an aide-memoire to practitioners who are not necessarily experts in the area but who are faced with issues involving wills. It is particularly useful for trainees, para legals and newly qualified practitioners who need to expand their knowledge beyond the basics that might have been covered on a legal practice course or is part of an ILEX or similar qualification. As well as dealing with making a will and the succession implications of the possible dispositions, the book also considers the planning and drafting of tax-efficient wills along with typical strategies for passing down the family wealth. There are illustrative case studies which demonstrate the application of the intestacy rules and tax efficient planning for testators with typical will-making problems. The case studies include using the transferable nil rate band effectively and maximising business property relief. A particular feature of the book is that it covers a number of issues that are potentially litigious. Costs in litigation over disputed wills can easily swallow up the whole of modest to moderate estates. As well as the financial waste are the irreconcilable rifts and misery that bitter family disputes can cause in determining capacity, claims under the Inheritance (Provision for Family and Dependents) Act 1975, mutual wills, conflicts with other death dispositions such as estoppel, foreign property and issues over the will's construction and interpretation. The book's aim throughout is to help you avoid potential problems and it has a whole chapter on tips to avoid common drafting pitfalls. Recent developments are taken into account, including the Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011 and the cases of *Barrett v Bem*, *RSPCA v Gill* and *Ilott v Mitson*. The text is supported by a number of useful precedents and checklists.

About the Author Professor Lesley King is co-author of *A Practitioner's Guide to Wills* (Wildy, Simmonds Hill); *Wills, Taxation and Administration: A Practical Guide*; *A Modern Approach to Wills, Administrations and Estate Planning* and editor of *The Probate Practitioner's Handbook*. She is the wills and probate columnist for *The Law Society Gazette* and writes and lectures extensively on wills, taxation and related matters.