

Wills & Marriage

I am getting married – why do I need a will?

It might seem odd to be considering the terms of your Will at a time when thoughts in relation to your forthcoming wedding are uppermost in your mind.

As soon as you are married however your legal status will change. Your new spouse will be entitled to a share in your estate under the terms of a law known as the Wills and Succession (Jersey) Law 1993. It is appropriate to give thought in the middle of all the other arrangements that you are making to your Wills.

There are good reasons to make a Will as you set out on this new part of your life.

Subject to restrictions summarised below, you can decide how your assets are shared out – if you do not make a Will the law says who gets what;

If you are not yet married your partner or fiancé will not automatically inherit – you can make sure your partner is provided for;

If you have children you can set out proper arrangements for their care if one or both parents die.

How do I make a will?

Giving your instructions in relation to a Will is simple and the cost relatively speaking is inexpensive. All you need to do is to set out your wishes as to what you would like to happen to your assets.

Once you have decided what you want to do simply telephone us to make an appointment to discuss. We will then produce draft documents for you to review before asking you to come in and sign.

What wills will I need?

Your assets will fall broadly into two types. Firstly Real Property, that is to say land and houses, and secondly Personal Property, such as cash, investments, insurance policies, personal belongings and the like. It is convenient for various reasons to do separate Wills of Real and Personal Estate. As husband and wife you will therefore have up to a total of four Wills dealing with the two different types of property for each of you.

Who can I leave my property to?

If you make a Will you can leave your Real Property to whomever you wish. You cannot however leave your Real Property on trust for trustees to administer, but you can grant a life interest in the property to an individual with the property passing to somebody else after that individual has passed away.

In relation to your Personal Estate the position varies depending on whether you are married and indeed whether you have children. If you are married and have no children surviving you then you must leave the household effects and two thirds of your net Personal Estate to your spouse. The remaining one third is disposable as you wish. If you are survived by your spouse and your children, again your spouse is entitled to the household contents and one third of the net Personal Estate. The children will be entitled to one third of the rest and the remainder is again disposable as you wish. Finally if you are survived by your children but not your spouse, two thirds must be left to your children and the remainder can be disposed as you wish.

Contact us

You will see from the summary above why arrangements in relation to Wills change substantially upon marriage and the birth of your children. Everybody's situation is different and specific legal advice should be obtained to consider your particular circumstances.

Contact us for a discreet appointment on 875875 or visit www.benestisyvret.com

Free advice

As part of this Wedding Fayre we are offering couples getting married in the next twelve months a free appointment to discuss their Wills and to advise. If you instruct us to prepare Wills we can give a fixed price quote.

Benest & Syvret, 16 Hill Street,
St Helier, Jersey JE1 1BS
T 875875 E info@benestisyvret.com

www.benestisyvret.com

