



# COVID-19 Briefing: Making or Amending a Will While Under Lockdown

**The COVID-19 outbreak has affected all aspects of life in the UK, with everyone being impacted to a greater or lesser degree.**

**For many people, the pandemic has highlighted the importance of writing a Will or updating an old Will that no longer represents their wishes.**

**In fact the Law Society has stated that the number of people looking to get a new Will made has risen by at least 30%**

**Making a Will during the lockdown presents challenges, as face-to-face meetings and finding witnesses becomes more complicated.**

**At Fraser Dawbarns, our Private Client team is finding creative ways to solve these issues.**

## **CAN I STILL CREATE OR ALTER MY WILL DURING THE CORONAVIRUS LOCKDOWN?**

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The Coronavirus pandemic has put things in perspective for many people, highlighting the importance of making a Will and getting your affairs in order.

The Government has also recognised this and chosen to include Will writers in the categories of key workers that should continue working while the country is under lockdown.

Many of our clients have contacted us, concerned that the lockdown has meant that they will not be able to make a Will until

the lockdown is over. We have been pleased to tell them that it is still possible to make a Will, even if things have changed slightly.

Although it has presented challenges, we have introduced new processes to help clients make a Will while still adhering to the Government's recommended social distancing guidelines.

## **WHERE THERE'S A WILL, THERE'S A WAY**

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Unlike some areas of law where services are often provided remotely, Will writers usually take instructions face-to-face.

Many people who have considered making a Will may be concerned about how they can do this.

Under lockdown, some aspects of making a Will that have been traditionally taken for granted are now not possible or have been made more difficult, requiring creative solutions.

With social distancing affecting many aspects of our lives, we are rethinking the ways in which we interact with our clients.

Instead of meeting face-to-face, we are now taking more instructions than ever by email and conducting meetings by telephone.

Where our clients are comfortable with it, we are also offering the option of holding conferences using video messaging services like Skype, Facetime and Zoom or through social media.

We are looking to make the process as easy as possible for new and existing clients.

Civil

Commercial

Conveyancing

Family

Probate

## GETTING YOUR WILL WITNESSED WHILE SOCIAL DISTANCING

One thing that hasn't changed is legislation setting out how Wills must be signed and witnessed in order to make them legal. In order to be valid, a Will must be signed in the presence of two witnesses. This is further complicated by the fact that your witnesses (or their spouses) cannot be left anything in your Will, so people in your household are unlikely to be suitable witnesses.

Some of our clients have been looking for creative solutions to help them overcome the challenges that social distancing has presented when signing their Wills and we have been able to offer some suggestions.

For example, you could call two of your neighbours or your friends and arrange a meeting in your garden, ensuring that everyone is standing at least two metres apart. If a garden is not available it is also possible to have the signatures witnessed through a window, through a gate or out in the street. It is extremely important that the person making the Will and the witnesses can all clearly see each other sign the document.

Everyone should use their own pens and wear gloves and the Will should be placed on a flat surface, such as a table or car bonnet, with each person stepping forward separately to sign the Will. Once everyone has signed, the Will should be placed into an envelope before gloves are removed.

## WILL THERE BE A TEMPORARY CHANGE TO THE WITNESSING RULES?

There have been some reports in the media recently suggesting that, in the current circumstances, the Ministry of Justice is considering a temporary relaxation of the rules on witnessing. Soldiers on active duty can make a Will without witnesses and there is talk that this could be extended to all.

Other suggestions have been to allow witnessing over video link, however at the time of writing, the old rules are still very much in place and two witnesses will still need to be physically present when you sign your will.

## FRIENDLY, CLIENT FOCUSED SERVICE

While it may not be as straight forward as it was before the Coronavirus lockdown, it is still very much possible to create a Will in the current climate. We would certainly not suggest waiting for a change in the law that may not come.

If you have any concerns about making a Will under lockdown, please contact Harleen Hanson at [harleenhanson@fraserdawbarns.com](mailto:harleenhanson@fraserdawbarns.com) who will be able to help you with any questions you may have.

## PEACE OF MIND THROUGH DIFFICULT TIMES

In uncertain times, the only thing we can say for certain is that nothing will stay the same for long.

It is entirely possible, therefore, that new legislation will have been introduced which will mean that all or part of this briefing no longer reflects the current law.

Because of this, we ask you to consider that, although correct at time of printing, information in this sheet may no longer be up to date and it is always best practice to consult with a lawyer about anything contained in this briefing.

Although our office doors are closed, our lawyers are still available to help answer any of your questions about this or any other legal concern you have.

**Please contact Fraser Dawbarns directly for up-to-date information on your specific circumstances.**

## LOOK OUT FOR OUR OTHER COVID-19 BRIEFINGS

- [Coronavirus, Employment Law and Your Rights](#)
- [Commercial Tenancies and Rights of Forfeiture](#)
- [The Three Month Ban on Evicting Tenants](#)
- [Commercial LPAs - Risk Management in Uncertain Times](#)
- [Child Contact and the Coronavirus Lockdown](#)

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