

Guide to leaving a gift in your will

This information offers a guide to leaving a legacy to Campaign for Better Transport Trust. Leaving a legacy is one of the best ways to support a cause that you care about. For a start, it won't cost you a penny now, and any legacy you leave to charity will be completely free of Inheritance Tax. That means Campaign for Better Transport will receive 100 per cent of any gift you choose to leave.

By leaving a legacy to Campaign for Better Transport you can help to secure a sensible transport future, and ensure a better quality of life and a stable climate for generations to come.

We hope that you find this information useful and that it answers some of your questions. It is by no means comprehensive and you should *always* consult a solicitor before making a will or making changes to an existing will.

The importance of a will

It's only natural that most of us prefer not to dwell on the subject of wills and bequests. However, making a will does present a wonderful opportunity to remember those who have been closest to us throughout our lives.

Your will has a crucial role to play in providing for your family, friends, loved ones and causes you support. Your will disposes, broadly speaking, of everything that you own and can ensure the future financial well being of your family and those other persons who may benefit. If you do not make a will, or your will is not up to date, then your estate may not be distributed as you intended. Since it is not put to the test during your lifetime, there is usually little that can be done if there is no will or there is inadequate provision within your will.

By investing a little time now, putting your affairs in order and deciding what will happen to your worldly goods, this can be avoided.

Making a will helps to give you peace of mind in the knowledge that your wishes will be carried out, leaving you free to get on with your life.

If you decide to make a will, the following tips will be useful. If you also decide to include Campaign for Better Transport in your will, you will find some suggested wording here.

1. Choose your executors

Executors are the people you appoint to make sure the instructions in your will are carried out correctly. Before appointing anyone to act as your executor, be sure to ask whether they are willing to do so. Although you can appoint one executor, most people will appoint at least two, although if more than two executors are appointed, this can make administration of your estate lengthy and expensive.

You may also appoint a professional person, such as a solicitor, but again this may add to the expense of administering the estate and therefore you should check whether such a person would charge a fee for acting as an executor. It is also important to appoint executors from the same generation or younger, to avoid the prospect of them not surviving you.

As the role of executor can be quite onerous, executors should be people that you trust and therefore the duty must be explained to your executors so that he or she realises that it is not a duty to be undertaken lightly.

2. Choose a guardian(s) for your children

If you have children under the age of 18 years, you will need to choose who you would like to act as their guardian. Again, people will usually be content to appoint family or close friends, as again the role should be undertaken by persons you, of course, trust. Given that this is a massive commitment, you should, again, always ask them first.

3. Choose a solicitor

Your will is a legal document.

It is possible for you to write your own will. However, if you decide to write your will yourself and you have no legal training, you could end up making a will that is not legally valid. This will create problems for your executors and beneficiaries and your estate may not be distributed as you intended.

You should always consult a solicitor before making a will, or making changes to an existing will. A solicitor should ensure that your will is prepared professionally and will be far less likely to cause problems.

If you need help in finding a local solicitor, contact the Law Society, 113 Chancery Lane, London WC2A 1PL (telephone 0870 606 2500). You can also search for a solicitor online at the Law Society's website at www.solicitors-online.com

4. Calculate the value of your estate

To find out the approximate value of your estate, make a list of your assets and your liabilities. Your assets are items that you own, eg property, investments and any other personal possessions, eg furniture, jewellery, books, etc. Your liabilities are sums that you owe: these may include bank loans, credit card bills and hire-purchase commitments. Making these lists is a very worthwhile exercise as it will save you time when you visit your solicitor.

5. What will happen to your estate

It is often helpful to write down in your own words what you wish to say in your will. It is important to consider not only whom you would wish to benefit but *how* you would like a person or intended beneficiary to benefit. Your solicitor should

be able to advise you on how your wishes may be achieved and the range of options available to you.

Your list will probably include family, friends and – we hope – Campaign for Better Transport.

Typically you may wish to make a particular gift to an intended beneficiary.

If you would like to leave a gift to family or your favourite cause, the most common types of gift are:

Residuary bequest

This is a percentage of what is left of your estate after all your debts, taxes and specific gifts have been paid. Leaving a residuary bequest means that however much your financial circumstances may change over time, the share of your estate that you leave to a particular beneficiary will always stay the same. This type of bequest is the most advantageous to charities as it is effectively inflation-proof.

Pecuniary bequest

A pecuniary bequest is a sum of money that you want to leave to a relative or friend. You may wish to consider index-linking any pecuniary bequests you make to ensure that they retain their value over time.

Specific bequest

A specific bequest enables you to leave a gift of a specific item, such as property, jewellery, books or any other personal possessions that you want a particular person to have.

6. Visit your solicitor

Once you have calculated the value of your estate and decided upon your beneficiaries and executors, it's time to visit your solicitor. Before visiting, write down a list of any questions you want to ask, as this will help to save time, especially if your circumstances are complicated. Your solicitor will go over your wishes with you in detail and will then prepare a draft will. Once you are happy with what your will says, you must sign and date it in front of two independent witnesses, who must also sign the document in your presence. Both witnesses must be present at the same time to witness you signing and dating the will and each other's signatures. Witnesses must not be persons who take or may take a benefit under your will or, in fact, be your husband or wife.

7. Keep your will safe

Once your will has been signed, make sure you keep it in a safe place. Your solicitor can keep it for you and you should keep a copy for your own reference. Ensure that your executors know where the original is kept.

8. Review your will regularly

It is always advisable to review your will every few years, especially if your circumstances change. These can be marriage, divorce, retirement, children, a change in finances, or simply a change of mind. Marriage, for example, will usually make an existing will null and void.

If you have already made a will and have now decided to include a bequest to Campaign for Better Transport, you can amend your existing will by adding a codicil. Codicils are suitable for making minor alterations to your will. If you are planning to make more extensive changes, it may be preferable to write a new will altogether. Your solicitor can give you advice on this.

To include Campaign for Better Transport in your will

1. [Download this codicil form](#), print it off and place it with your existing will. Do *not* attach it or this will make the will invalid.
2. Write the amount of the bequest in words.
3. Delete, as applicable, the wording in brackets.
4. Arrange for two people who are not beneficiaries under your will to sign and witness you signing and dating the codicil in your presence and that of each other.
5. All words should be written in block capitals, except signatures.

Recommended wording

Below you will find some examples of wording that can be used when making bequests in your will. Please bear in mind that these wordings are recommendations only. Care should be taken when incorporating provisions such as these within a will or codicil and it is *always* advisable to seek legal opinion before finalising such wording. The definitions used should be amended to be consistent with those in the other provisions of your will.

Residuary bequest

I give to Campaign for Better Transport Trust (charity No. 1101929), The Impact Centre, 12-18 Hoxton Street, London N1 6NG *[insert "all" or size of Campaign for Better Transport's share]* the residue of my estate both real and personal after payment of all debts, funeral and testamentary expenses and all legacies specified in this will and any codicil to it to be applied by Campaign for Better Transport Trust for its general charitable purposes. I direct that the receipt in writing of the person who professes to be Treasurer or other proper officer of Campaign for Better Transport for the time being shall be a full and sufficient discharge to my *[executors/trustees]*.

Pecuniary bequest

I give to Campaign for Better Transport Trust (charity No. 1101929), The Impact Centre 12-18 Hoxton Street, London N1 6NG free of tax the sum of *[insert the amount you wish to leave]* to be applied by Campaign for Better

Transport Trust for its general charitable purposes. I direct that the receipt in writing of the person who professes to be Treasurer or other proper officer of Campaign for Better Transport Trust for the time being shall be a full and sufficient discharge to my *[executors/trustees]*.

Specific bequest

I give to Campaign for Better Transport Trust (charity No. 1101929), The Impact Centre, 12-18 Hoxton Street, London N1 6NG free of tax *[insert whatever it is you wish to leave to Campaign for Better Transport, eg all my shares in (name of company) or all my equitable right and interest in the property (describe property)]* to be applied by Campaign for Better Transport Trust for its general charitable purposes. I direct that the receipt in writing of the person who professes to be Treasurer or other proper officer of Campaign for Better Transport Trust for the time being shall be a full and sufficient discharge to my *[executors/trustees]*.

Legal language explained

Administrator

If you die without leaving a will, or without appointing an executor (see below), an administrator is appointed to arrange your affairs and distribute your estate.

Beneficiary

A person or organisation who will benefit (ie receive a gift) from your will.

Bequest

A gift given in your will, also known as a legacy.

Codicil

A codicil is a document, separate to your will, which changes, adds or cancels the terms of your existing will.

Estate

All your assets, such as money, investments, personal possessions and property at the time of your death.

Executor

The person or persons appointed by you to administer your estate according to the terms of your will.

Intestate

If you die without leaving a will, or if your will is invalid, you are said to have died intestate.

Probate

The authority granted to your executor(s) by the court to administer your estate according to the terms of your will.

Residue

The sum that is left from your estate once all debts, specific gifts and taxes have been paid.

Note: Some terms might be different in Scotland and Ireland. Please check with your solicitor.

Frequently asked questions

How much will it cost to make a will?

A simple will can cost as little as £50. However, the cost will vary depending upon the complexity of your estate. To keep costs down, have the basic information about your assets, executors and beneficiaries to hand when you visit your solicitor and be sure to make a list of questions to ask.

Can I make a will myself?

This is possible, but not recommended. Home-made wills may not stand up in the eyes of the law and your wishes may not be carried out as you intended. It is worth investing a little money and having a qualified solicitor draw your will up properly.

What is Inheritance Tax?

Inheritance Tax (IHT) applies in cases where an estate is worth in excess of £285,000. At present (2006-07), the first £285,000 of an estate is exempt from IHT (this figure is increased at each Budget). Thereafter, the balance of an estate, once gifts to a spouse and to charity have been deducted, is subject to IHT at 40 per cent. There are other exceptions that your solicitor will be able to advise on.

Careful tax planning is essential if you wish to keep IHT liabilities on your estate to a minimum. IHT is a complicated business and it is always best to discuss it with a professional adviser, such as a solicitor or accountant, with a detailed understanding of tax matters.

If you would like to know more about IHT, the Inland Revenue publishes a series of information booklets. Booklet *IHT3 Inheritance Tax: An Introduction* covers the basics and can be obtained from your local tax office. Alternatively, booklets can be downloaded free of charge from the Inland Revenue's website at www.inlandrevenue.gov.uk

What happens if I don't make a will?

If you die without leaving a will, or if the will you leave is invalid, you are said to

have died intestate. In such circumstances your next of kin may not automatically receive everything. If you have no living relatives and you die intestate your estate goes to the government.

Should I let Campaign for Better Transport know I have left it a legacy? Yes, this would be very helpful to us. We would be most grateful if you would contact us on 020 7613 0743 and tell us that you have left us a legacy. That way we can keep our records up to date and we won't keep asking you if you'll leave us a legacy! All the information you provide will be treated as strictly confidential.

The information in this legacy material is devised to help you have an understanding of the law relating to wills. This information is not intended to replace formal legal advice and Campaign for Better Transport Trust cannot be held responsible for the information contained herein. In case of any query you should contact a solicitor.