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CARR MITCHELL

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# Getting Ready to Write Your Will

THREE KEY DECISIONS TO  
CONSIDER BEFORE OUR MEETING

# Why Making a Will Matters

Writing a Will doesn't have to be daunting. In fact, many people tell us that once they've made a few important decisions, the rest feels surprisingly straightforward.

Ahead of our meeting, it can be helpful to start thinking about three key roles in your Will: Beneficiaries, Executors, Guardians, and (optionally) Attorneys.

Often, when spouses or partners are writing their Wills at the same time, they choose each other for these key roles – especially as the main beneficiary and executor. That's absolutely fine and very common. This guide will help you think about those choices, and what you'd want to happen if your partner were no longer around.

## **Important note:**

While most of the guidance here applies across the UK, some legal details differ depending on where you live (England, Wales, Scotland, or Northern Ireland).

We've highlighted these differences in each section, so you'll know what's relevant to you. If you're not sure which applies, don't worry – your advisor will talk it through with you during your meeting.



### **A note from Matthew Mitchell Managing Director, Carr Mitchell**

Thanks for taking the time to read this guide – I hope it helps you feel a little more confident and prepared ahead of our conversation.

Writing a Will can feel like a big step, but it's really about looking after the people you care about and making things easier for them in future. We're here to guide you through it, with clear advice and support at every stage.

I look forward to helping you put your plans in place.



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# 1 Beneficiaries

These are the people (or charities/organisations) who will receive your assets when you die.

Think about:

- If you have a partner, would you want them to inherit everything if they outlive you?
- If they don't outlive you, who would you want to benefit instead?
- Would you like to leave anything specific to family members, friends, or charities?

You don't need to have all the details now – just a general idea of who you'd like to provide for, and in what order.

## **Applies across the UK.**

There are no major legal differences in who you can leave your estate to. However, Scotland does have legal rights (called prior rights and legal rights) that mean certain relatives - such as a spouse or children – may be entitled to a portion of the estate, even if they're not named in the Will. If you live in Scotland and are planning to exclude a spouse or child, this will need to be discussed.

## 2 Executors

Executors are the people who carry out the instructions in your Will. It's an important job that involves sorting out your finances, paying any debts, and distributing your estate.



### Some useful things to think about:

- Choose someone you trust and who is organised – a family member, friend, or even a professional.
- You can appoint more than one executor (up to four), which can be helpful if they're working together.
- Try to choose someone who's likely to be around and capable when the time comes.

**Top tip:** If your executor is also a beneficiary (which is common), that's absolutely fine.

### Terminology differs slightly in Scotland.

- In England, Wales, and Northern Ireland, you appoint Executors in your Will to carry out your wishes.
- In Scotland, this person is called an Executor-nominate, but the responsibilities are very similar. You can appoint one or more people, and they don't have to live in Scotland.

# 3 Guardians

If you have children under 18, your Will is where you legally name the person(s) you'd want to care for them.

A few considerations:

- Many people choose their children's grandparents as guardians, but are they the right choice, or might their age or health be a factor?
- Would your children need to move schools or cities?
- If you're naming more than one guardian, how well do they get on?

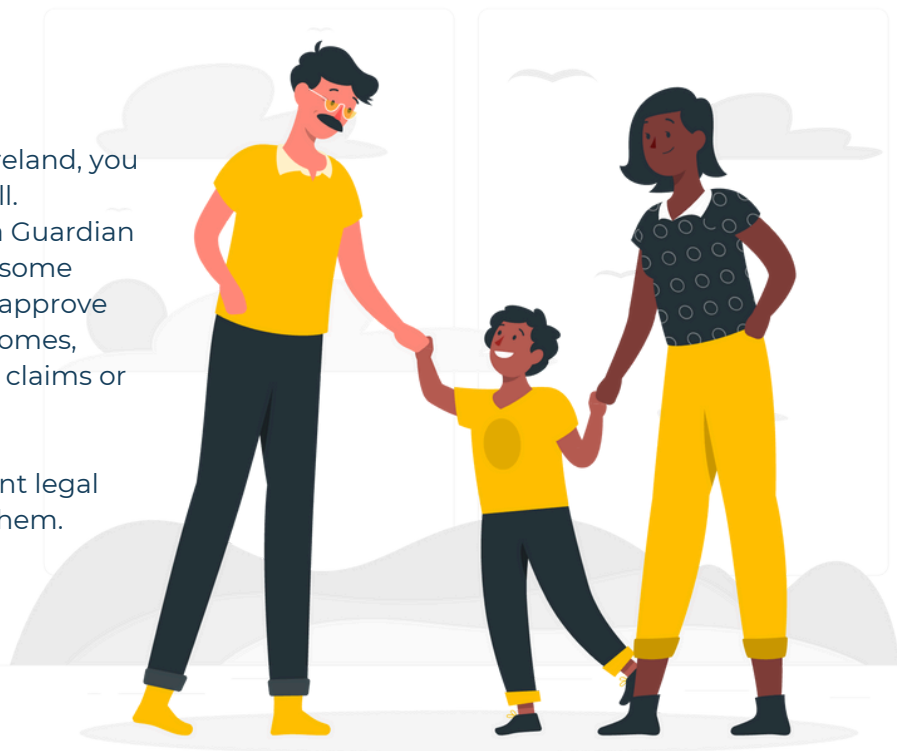
It's okay if you don't have a perfect answer yet – we can talk it through. But it's good to start the conversation, especially with the people you're thinking of naming.

**Applies across the UK - with some legal variation in Scotland.**

If you have children under 18:

- In England, Wales, and Northern Ireland, you can appoint a Guardian in your Will.
- In Scotland, you can also appoint a Guardian for your children under 16 (or 18 in some cases). The court may still need to approve the appointment when the time comes, particularly if there are competing claims or concerns about suitability.

Either way, your wishes carry significant legal weight and it's well worth recording them.



# 4 POWER OF ATTORNEY

While your Will sets out your wishes after you die, a Power of Attorney protects *you* while you're still alive.

It lets someone you trust make decisions for you if you're unable to – for example, due to illness or an accident. The rules and process vary depending on where in the UK you live.

## **England & Wales: Lasting Power of Attorney (LPA)**

You can set up two types of LPA:

- Health and Welfare LPA – covers medical treatment, care decisions, and where you live
- Property and Financial Affairs LPA – covers money, bills, and property management

You can choose one or more people (known as Attorneys) and decide how much power they have. LPAs must be registered with the Office of the Public Guardian before they can be used.

## **Scotland: Power of Attorney**

In Scotland, there's no "lasting" version – it's just called a Power of Attorney, and it usually includes both:

- Continuing Powers – for financial and property matters
- Welfare Powers – for health and personal decisions

It's a very similar idea, but the forms and legal process are different. Scottish Powers of Attorney are registered with the Office of the Public Guardian (Scotland).

# 4 Power of Attorney Continued

## Northern Ireland: Enduring Power of Attorney (EPA)

Northern Ireland currently only allows for financial Powers of Attorney. These are called Enduring Powers of Attorney (EPA) and must be set up while you still have mental capacity.

There's no option yet for a Health and Welfare Power of Attorney. If you lose capacity without an EPA in place, someone would have to apply through the Office of Care and Protection to take on this role – which can be time-consuming and stressful for family members.

## Choosing Someone to Act on Your Behalf

Whichever country you're in, here are some useful pointers when thinking about who to appoint:

- They don't have to be a legal expert – just reliable, trustworthy, and willing to act in your best interests.
- Some people choose their partner or adult child, while others prefer to appoint two Attorneys (who can act together or independently).
- You can also name replacements in case your original choice is unable to act in future.

Setting up a Power of Attorney is optional, but it's one of the most powerful ways to give you and your loved ones peace of mind. It can save a lot of worry – and avoid costly delays – if something unexpected happens.

### **Not sure what applies to you?**

Don't worry – we'll guide you through the right approach based on your location and circumstances.

# Looking Ahead to Our Meeting

We're looking forward to talking with you and guiding you through the next steps.

During your meeting, we'll discuss your wishes, explain your options, and help you make decisions that feel right for you and your loved ones.

When you're ready to proceed, we'll take your Will instructions over the phone or via a video call at a time that suits you. This means you can have our full support without having to travel - everything can be done from the comfort of your own home.

**Our aim is to make the process as straightforward and stress-free as possible, so you can feel confident your plans are in safe hands.**



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