



BLOG

Can I still make a Will whilst in lockdown?

Many essential services have struggled in recent months as traditional ways of working become increasingly difficult. Social distancing measures introduced to prevent the spread of Covid-19 have hindered the way legal professionals are able to facilitate the increased demand for Wills.

However, rest assured that Wills are still being written. Legal professionals have just needed to become a little more creative in the ways they ask testators and witnesses to sign a Last Will and Testament.

What has changed?

Wherever possible, people should stay at home and avoid meeting others to stop the virus from spreading and overwhelming the medical services.

This has had a huge impact on the way legal practitioners complete the Wills process where face to face meetings were usual practices.

Under Section 9 of the 1837 Wills Act, a testator must sign their English Will in front of two independent witnesses (witnesses who are not beneficiaries or executors of the estate). Whilst this was fairly easy in the past, quarantine advice makes this process almost impossible.

In order for the sector to continue producing Wills, many practitioners have used innovative solutions. Wills have been witnessed in

gardens by neighbours, in empty car parks and even 'drive-thru' style Wills signings have taken place.

How can I comply with government advice and make a valid Will?

Testators should ensure that witnesses remain at least two metres from the testator and other witnesses and make sure that separate pens are used to sign the document.

Before this stage, the sector has embraced video technology as a way for the legal practitioner to make sure the testator has the mental capacity to make the Will and to understand whether the Will request is being made without undue influence.

This will also be a key opportunity to use technology to ensure the testator's final express wishes are considered and documented.

Whilst the approaches in creating a valid Will are much changed at present, the process remains the same and we remain dedicated in ensuring virus-based restrictions do not prevent such an important document from being written.

Where there's a will, there's a way

If you would like to speak about the issues raised in this blog, email Victoria at victoria@ewps.ch for a no cost, no obligation chat.