



**REMEMBER A CHARITY  
IN YOUR WILL**  
Help the work live on...

## Summary guide

Use the following questions for quick and simple guidance when writing a Will including a charitable beneficiary.

1. Have you confirmed with the testator details of the correct charity name, registered charity number and/or branch of the charity that they wish to benefit?
2. Has the testator given any specific reasons why these charities are mentioned?
3. If the answer to question 2 above is 'no', have you explained to the testator that this may assist with reducing risk to their estate in the future?
4. Have you prepared detailed attendance notes of both the Will instructions and/or execution of the Will (if appropriate)?
5. Have you considered with the testator how any mixed residuary beneficiaries are to be dealt with (see Appendix B)?
6. Have you explained to the testator the provisions of the Inheritance (Provision for Family and Dependants) Act 1975?
7. Is there any potential claimant under Section 1 of the 1975 Act who has either received a reduced or no share of the estate?
8. If the answer to whether 7 above is 'yes', have you recorded the testator's reasons for either omitting or limiting a gift to a potential claimant under the 1975 Act?
9. If there is a charitable gift, have you discussed with the testator how the gift may be dealt with if the charity merges or ceases to exist?
10. Are you concerned that there may be any issues of lack of testamentary capacity?
11. If the answer to question 10 is 'yes', what steps have you taken (and recorded) with regard to this?
12. Have you considered issues of lack of knowledge and approval and/or undue influence and fraud?
13. If the answer to question 12 above is 'yes', what steps have been taken to confirm the testator's instructions?
14. Have you discussed with the testator the option of notifying any charitable beneficiary of their legacy during their lifetime?
15. If the answer to question 14 above is 'no', is the testator aware that by notifying the charity, they are not obligated to leave the money to them and they still have the option of either amending their Will or executing a future codicil should they wish to do so?