

Legacies and Bequests Scotland



This information sheet is designed to highlight legal rights and issues pertaining to legacies and bequests made in Scotland and should be read in conjunction with the *Gift of a Lifetime* brochure and any advice given to you by your solicitor.

- Anyone over the age of 12 may make a Will.
- Wills made by an individual are **not** invalidated by marriage, separation or divorce. If your personal circumstances change, it is suggested that you write a new Will to reflect these changes.
- Your Will **may be** invalidated if you have children subsequent to the date of your last written Will. It is always advisable to rewrite your Will in such cases.
- If you have written a Will in the Scottish form, you should seek advice from your solicitor on which clauses should be used in the Will or codicil. All clauses must be legally correct to be carried out as per your wishes.
- If you die without having written a Will (intestate), the laws regarding what happens to your estate are different in Scotland from the rest of the UK. If you have a surviving partner, they may not necessarily receive the whole of your estate.
- Widowed spouses and dependents (including children) have legal rights to a fixed share of your estate, whatever your Will may say. This fixed share relates to moveable property (everything except land). They are fully entitled to claim their share in addition to your wishes.

Remember to use a qualified solicitor when writing your Will to ensure that your wishes are carried out as you have planned. The above advice should be used as a brief guide only and not in place of advice from a qualified solicitor.

www.cbmuk.org.uk/legacy