

GLOSSARY OF LEGAL TERMS

We understand that the process of making a will for the first time may seem daunting. Here we have tried to explain some of the most common legal terms you are likely to come across when making, or amending, your will.

Our list is by no means exhaustive, but it does cover many of the terms referred to in the 'Leave a gift in your will' section of our website.

Administrator

The person appointed by the court to administer your affairs if you do not leave a will.

Assets

All your money, goods and possessions.

Beneficiary

Anyone who receives something from a will.

Bequest

Also known as a legacy, it is a gift from a will.

Codicil

A further document making a simple change to your existing will. It must be drawn up legally and be witnessed.

Conditional Bequest

A conditional bequest is one that does not come into force unless something else happens first. For example, it could be written that a bequest goes to a person, but if she pre-deceases the person making the will, it will go to their son or daughter.

Crown

The official term for where your money goes if you die without leaving a will and without any next of kin. In practice, this means the [HMRC](#).

Charity legacies

Gifts to charities that are made in a will. They are sometimes made to say 'thank you' to charities that have helped people during their lifetimes, or to support future work plans. A gift to a charity in a will may be made because it is the time when many people can give a larger gift than they would ever be able to in their lifetime. A gift to charity may also be a way to offset tax liabilities as charity gifts can often be given tax-free.

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Debts outstanding

This might include bills for services and utilities outstanding, funeral expenses, etc. These are deducted from your assets.

Estate

The total of what you leave, i.e. your assets, minus your debts.

Executor

The person (or persons) you nominate to be responsible for fulfilling the terms of your will.

Inheritance Tax

The tax that is liable on your estate if the total value is more than the Inheritance Tax threshold. This is currently 40% of everything above the current threshold. To see what the current threshold is, please see Her Majesty's Revenue & Custom's website at:

<https://www.gov.uk/inheritance-tax>

In memoriam gift

An in memoriam gift is one which a person, or their family, specify be made after their death. For example, instead of flowers at the funeral service, donations may be given to a named charity.

Intestate

The term for someone who died without making a will. A partial intestacy is where the will does not cover all the estate.

Legacy

A gift to a person or charity.

Pecuniary Bequest or Gift

A gift of a specific amount of money.

Pledge

To promise a gift (not legally binding).

Probate

The legal process of 'proving' your will. This has to be completed before bequests may be distributed.

Residue

The remainder of your estate after all the debts have been paid and all your pecuniary and specific bequests made.

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Residuary Bequest or Gift

A gift from the residue of your estate. As the total amount available cannot be known in advance, this is usually referred to as a percentage share of the residue.

Reversionary Bequest

Used where you wish the gift to revert to the main estate if the beneficiary predeceases (dies before) you.

Specific Bequest or Gift

The gift of a specific item such as jewellery, a work of art, property, shares or a memento.

Will

A legal document which sets out precisely how you wish your affairs and property to be handled and distributed after your death.

Witnesses

The signing of a will (or any codicils – see above) must be witnessed by two independent witnesses. They must be present *together* to witness the signing by the legator (the person making the will). Witnesses ***must not benefit*** from the will in any form.

Contact our Legacy Administrator for more information

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