Why Make a Will?

Five good reasons – and what happens when you don't.



Over half of UK adults have no will, according to the Money and Pensions Service (2025).

Date Published: 21st August, 2026

About Edge Legacy Planning

Edge Legacy Planning is a will-writing and estate-planning firm. We are not solicitors and we are not regulated by the Solicitors Regulation Authority. This guide is general information based on the law in England and Wales as at August 2026. It is not legal, tax or financial advice, and your circumstances may differ.

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THE STARTING POINT

What is a will, and what happens if I die without one?

A will is a legal document that sets out who gets your money, property, and possessions (your estate) after you die. It enables you to name the people to handle your affairs (executors) and choose guardians for young children (GOV.UK, 2024).

Unfortunately, if you die without a will (intestate) in England and Wales, your property and money will be distributed according to a legal default, rather than your own wishes. Under the Inheritance and Trustees' Power Act (2014), the husband, wife or civil partner keeps all assets, up to a value of £322,000, and all the personal possessions, regardless of their value. The remainder of the will, is shared as follows:

- The husband, wife or civil partner gets an 'absolute interest' (full rights) over half the remainder
- The other half is then divided equally between the surviving children.

If a son or daughter has already died, their children will inherit in their place. The worst case scenario, is if you have no surviving relatives. In this case, your full estate will go the Crown (L&G, 2025).

The five pages that follow are the five reasons to write a will, and leave a legacy to those close to your heart.

REASON 1

Protect your partner

If you're not married or in a civil partnership and your partner dies, your partner has no automatic right to inherit anything under the intestacy rules. This also applies if your relationship to the deceased was that of a friend, carer or relative by marriage (L&G, 2026).

Key Figures: Cohabiting couples now represent over 3.5 million individuals, 17.7% of all family households, the fastest-growing family type in the UK. Yet many of these couples are less protected than they believe: research has discovered that 46% of people in England and Wales wrongly assume that living together creates a Common law marriage (National Centre for Social Research, 2019).

Without a will, a surviving partner may need to bring a claim under the Inheritance (Provision for Family and Dependants) Act 1975 which is a lengthy, stressful and uncertain process. The outcome is at the court's discretion and depends on individual circumstances, such as whether the couple lived together for at least two years or whether the survivor was financially dependent. A will avoids the need to rely on this altogether.

REASON 2

Protect your children

If you die without a will, the rules of intestacy, not you, decide how your estate is shared, and that can have significant consequences for your children.

- **Rule 1**: Where there is no surviving spouse, children inherit equally.
- **Rule 2:** Where there is a spouse, children only inherit if the estate exceeds £322,000
- **Rule 3:** Adopted children are legally entitled to inherit, however stepchildren are not.

A will replaces each of these defaults with your own decisions.

Name their guardians

If you have children under 18, your will can appoint a guardian to care for them (Children Act 1989, s. 5). Without an appointment in place, and where no parent with parental responsibility survives, that decision passes to the court, a process that takes time and may not reflect what you would have chosen. Every family's situation is different, which is why we talk this through with you before anything is drafted.

Reclaim Control

Under intestacy, a child's inheritance is generally held in trust and paid out in full at 18. A will lets you choose the age and the terms, and lets you include stepchildren if you wish.

Choose your Executors

Your will names the people you trust to carry everything out which includes ensuring your children receive what you intended, when you intended.

REASON 3

Reduce the risk of disputes

A professionally drafted will that is clearly worded, validly executed and properly witnessed, significantly reduces the room for misunderstanding and challenge, although no will can guarantee a dispute will never arise.

> **Key Figures:** Probate disputes reaching court rose 37% between 2014 and 2023 (Level Group, 2025). Furthermore, intestate estates rose 17% in the last year (Ministry of Justice, 2024).

Make your Intentions Clear to Avoid Conflict

A will states who inherits, in your own words, validly executed and witnessed. Without one, the intestacy rules apply a fixed formula that ignores the reality of your personal relationships.

Remove the Guesswork

Rising property values means even ordinary estates are now worth disputing, and complex family structures multiply the potential claimants (Mullis & Peake, 2026). A professionally drafted will closes the gaps that these disputes exploit.

Explain your Decisions

A letter of wishes alongside your will enables you to fully elaborate on the reasoning behind your choices, something that executors and family can rely on, and are hard to argue with.

REASON 4

Pass on more of what you've built

When you die, everything you own, including your estate is added up and may be taxed before it reaches your family. This is inheritance tax (IHT) and is charged at 40% on everything above your tax-free allowance.

More families than ever are being drawn into inheritance tax. Thresholds have been frozen while asset values rise. A will cannot change the tax rules, however it can decide who inherits what, which ultimately decides how much tax-free protection your family gets.

Inheritance Allowances

The law provides a range of allowances and exemptions, including: a tax-free threshold, an extra allowance where your home passes to children or grandchildren, and exemptions for gifts to spouses, civil partners and charities. Used well, these can be substantial: couples can often pass on up to £1 million between them (Office for Budget Responsibility, 2026). How far your estate can benefit depends on your circumstances and how your will is structured , which is exactly what we look at with you.

Coming April 2027

Most unused pension funds will count towards Inheritance Tax for deaths on or after 6 April 2027 (Finance Act 2026). This makes it more important than ever to plan your estate as a whole.

REASON 5

Stay in control as your life changes

A will keeps you in control, but only if it is current. Review yours after:

- Marriage or civil partnership. This automatically cancels your existing will (Wills Act 1837, s.18), unless made in contemplation of that marriage.
- Divorce. Your will stays valid, however your ex is treated as having died, so anything you left them fails, and they can no longer act as your executor (Wills Act 1837, s.18A).
- New children or grandchildren · Buying property · Death of an executor or beneficiary

As a general rule, it's sensible to look at your will every five years even if nothing obvious has changed (GOV.UK, no date).

How to Update It

Small changes can be made using a short add-on document called a codicil, which has to be signed and witnessed just like a will.

NEXT STEPS

How Edge can help

1. A relaxed conversation. At home or via a call about your family, your assets and your wishes, to ensure our advice is tailored to you.
2. Fixed, transparent pricing. Clear recommendations, with the full price agreed before you commit.
3. Professionally drafted and explained. Your will prepared, checked, and adjusted specifically to your needs.
4. Signed, witnessed, stored. Guidance on valid signing and safe storage, plus reminders when it's time to review.

Get in touch: 01883 723310

Visit our website for more information: https://edgelp.co.uk

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IMPORTANT INFORMATION

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