

Time catches up with us all

Ensure that your memory and generosity live on through a lasting memorial

A Lasting Memorial – the difference a Will can make to Counsel and Care

Providing a voice for older people is at the heart of Counsel and Care's Advice Service. All too often we deal with older people who reach a time in their life where they are unable to make decisions for themselves and they have to rely on others to dictate their destiny and their welfare.

Making a Will is the most powerful way of ensuring that you determine what happens to your possessions after you pass away. A Will is also a very special way of ensuring that your memory and generosity live on. Counsel and Care is a charity and we rely on charitable donations to continue our work. It is natural that you will want to put your family first but please consider leaving a gift in your Will to Counsel and Care. Including us in your Will guarantees we will be able to continue helping the most vulnerable older people throughout the UK and to plan future charity activities.

Intestacy – what happens if you do not make a Will

If you pass away without a Will, you are said to have died “intestate”. The effect is that your “estate” (a legal term for everything you own including property, assets and possessions) will be legally divided between a fixed list of beneficiaries. If you have a spouse/civil partner and children, your estate will be divided between them. This may cause difficulties for your spouse/civil partner as he/she may not be left with enough to live on and your home may be at risk.

If you have no spouse/civil partner or children, the person you regard as next of kin will not automatically receive everything, as other relatives (from siblings to grandparents) may be entitled to a share in your estate. For example, if you have step-children you may presume they are your next of kin and will receive everything. However, legally your blood relatives will be considered next of kin.

If you have no relatives, your estate becomes “bona vacantia” (it is passed to the government). Therefore it is particularly important for unmarried couples and single people to make a Will, as intestacy rules do not automatically provide for people not related by blood or marriage.

Almost certainly you will want to determine what happens to your assets after your death, in the interest of your wishes and your family.

Making your own Will

Ready-made Wills are available, although if you make even a small mistake it could cause problems when your estate is administered. It is worth taking expert advice for such an important document. If you are reluctant to approach a solicitor, there are many companies that will write the Will on your behalf and ensure it is reviewed by a solicitor.

It is also recommended that you review your Will every few years and if your personal circumstances change you should write a new Will to reflect your changed situation.

Making Counsel and Care a beneficiary of your Will

As highlighted above it is very important to make a Will to ensure that your wishes are carried out after you pass away. You can make Counsel and Care a beneficiary of your Will in a number of ways:

Residuary Bequest

Naturally it is important you make provision for your family and loved ones. After that you can leave the "residue" (the remainder of your estate after all your specific bequests, debts and costs have been paid) as a gift to Counsel and Care.

Pecuniary Bequest

You can leave a specific sum of money to Counsel and Care; however it is worth noting that a gift of money is eroded in value by inflation. To avoid this you can regularly update your Will or index-link the gift to inflation. Please do not think you have to leave a large amount of money; a little will go a long way to ensure we can continue to provide vital services for the most vulnerable older people.

Special Bequest

Another option is to leave a gift in kind for Counsel and Care, which could include shares, property, art and jewellery. This is an advantageous option for those who have limited cash resources yet still wish to leave a gift to Counsel and Care.

Codicil

If you already have a Will and just need to change it to include Counsel and Care as one of the beneficiaries, you can simply make a codicil which amends and updates your current Will.

Inheritance Tax 2010/11

At 2010/11 figures, an estate worth more than £325,000 is subject to inheritance tax. However, assets passing to a surviving spouse/civil partner or a charity are exempt from inheritance tax.

Where the value of an estate passing to children and beneficiaries other than the spouse/civil partner exceeds £325,000, inheritance tax is charged at 40%. For example, if your estate is worth £350,000, £25,000 will be taxed at 40%. The taxman will receive £10,000 and your estate after tax will be worth £340,000. However, you may wish to leave a gift of £10,000 to Counsel and Care, which would mean that your inheritance tax is reduced to £6,000 and your estate after tax will be worth £334,000.

Example (at 2010/11 rates)

No Gift to Counsel and Care

Initial Estate Value: £ 350,000

Gift to Counsel and Care: £0

Estate liable to inheritance tax: £ 350,000

Inheritance Tax: 40 % of £25,000 = £10,000

Final Estate Value: £350,000- £10,000=£340,000

Gift to Counsel and Care

Initial Estate Value: £ 350,000

Gift to Counsel and Care: £ 10,000

Estate liable to inheritance tax: £ 340,000

Inheritance Tax: 40% of £15,000 =
£ 6,000

Final Estate Value: £350,000 - £10,000-£6,000 =
£334,000

The gift of £10,000 to Counsel and Care has only reduced your estate passing to your beneficiaries by £6,000; the taxman has effectively contributed £4,000.

Contact

For further information about leaving a gift in your Will to Counsel and Care please contact our Fundraising Manager:

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