

Your Legal Questions

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Q. My Daughter in Law has three children from a previous marriage and two more children by my Son. My Wife and I are very close to all of the children and in our Wills have left a gift of money to each of our Grandchildren. A friend of mine has told me that this may not provide for them all - is this true and if so what should I do?

A. Yes, your friend is correct. If your Will leaves the gift of money, known as a legacy, "to each of your Grandchildren", this will only be effective to the children of your son - it does not include step grandchildren but would include any adopted grandchildren. The children of your Daughter in Law's previous marriage are step grandchildren and are not grandchildren within the legal definition unless your son has adopted them. If he has not, your three step grandchildren would not inherit from you.

In order for these children to inherit you will need to formally change your Will. You cannot simply amend your existing Will by writing the changes on it. There are very strict rules for amending an existing Will which in practice are difficult to get right. By making handmade amendments to your existing Wills you could invalidate the gift in question, in the worst case scenario, make your entire Will invalid.

To ensure that these children do receive their legacy my advice is that you should make a new Will or, if these are the only changes, a codicil can be made. This is a supplement to an existing Will which is read in conjunction with it. I would suggest that you contact a Solicitor who specialises in these matters. With the recent changes to Inheritance Tax, it may well be a good idea to review your Will in any event.

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