

## Your Legal Questions

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### Q. Is it true that anybody can witness my Will?

A. There are strict requirements governing the signing and witnessing of Wills. Two witnesses are always required and they must each be:

- **Adult**

My advice is that the witnesses should be aged 18 or over.

- **Of sound mind**

That is to say the witness must fully understand what is taking place.

- **Independent**

By which I mean they must not benefit under the Will or be the husband, wife or Civil Partner of someone who benefits. Bear in mind that if the Will provides for the Executor to be paid or benefit in any way then neither can he or she witness nor their husband, wife or Civil Partner.

The rules are also strict as to how the Will should be signed. To avoid any problems I would recommend that nothing is done until both witnesses are present and that you and the two witnesses remain throughout the entire process. In front of both of your witnesses - so that they can each clearly watch - you should then sign the Will using your usual signature. Immediately following this the first witness should then sign observed by you and the other witness and then finally the last witness should sign observed by you and the first witness. I would also recommend that the witnesses print clearly under their signatures their full names, addresses and occupations.

If the rules are not properly observed it could result in someone losing their entitlement or in the worst case scenario the Will being invalid. Because of this whenever I prepare a Will I always prefer that my clients have their Wills witnessed at this office.

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