



your guide to  
**making a will**



securing the future together



## why make a Will?

Making a Will is a secure way to ensure your loved ones are provided for, and that your wishes are carried out after your death. Many people assume their partner or spouse will automatically inherit their estate upon their death. However, if you have not made a Will and / or you are not married or in a civil partnership, your whole estate will pass to your family not your partner on your death.

Currently there is no provision under the intestacy laws for “common-law” partners. Therefore, no matter how long you have cohabited there is no automatic right to inherit. Your bereaved loved ones may find themselves having to take civil proceedings against your family members to make a claim against the estate. The success of the claim is not guaranteed and can be both lengthy and costly. Even spouses or civil partners may find themselves in financial difficulties as the intestacy provisions put a cap on the amount of money that they can inherit before relatives, such as children, parents, siblings, receive the rest.

Another motivation to making a Will can be the potential to reduce the inheritance tax bill of your estate by asking your solicitor for tax-planning advice.

## Inheritance tax - making a Will can save you tax.

Inheritance tax is the tax payable on your money, possessions and property after your death. No tax is paid on your estate unless it is over the inheritance tax threshold, which currently sits at £325,000. If the value of your estate is over the threshold there are ways you can reduce the tax you pay (such as gifts to charity) so that more of your estate goes to your loved ones.

We advise you to talk to your solicitor about how you can set up your Will in a tax efficient way.

A Gift in Will is a very tax efficient way of helping The Sussex Beacon. As a charity we will not be taxed on a gift of any value.

## Why leave a gift in your Will to The Sussex Beacon?

Remembering The Sussex Beacon in your Will is a lasting gift that will ensure those diagnosed with HIV now and in the future are cared for and supported.

Gifts in Wills (or legacies) are essential for the future care of the increasing numbers of men and women newly diagnosed with HIV. They also allow us to plan services for those living into old age with HIV.

## The importance of Gifts in Wills to our work.

It costs us over £1.3 million per year to maintain our current service levels. Although the government currently funds 60% of our work, we still need to meet the challenge of making up the shortfall through fundraising. We also have no guarantee that government funding will remain at these levels. Gifts in wills will help us to secure our future.





Here are just a few examples  
of how we could use your gift:

- £500** ten HIV related counselling sessions
- £2,500** a portable hoist for immobile patients
- £3,500** an electric bed
- £10,000** over 1,000 individual complementary therapy or massage sessions, to relieve pain.
- £50,000** 137 nights of nursing care for seriously ill patients



Securing  
the future together.

People like you have helped us change the lives of hundreds of people living with HIV, now help us to secure our future.

A history of what we and our  
supporters have achieved.

- 1990** Group of local people start to fundraise to set up The Sussex Beacon
- 1992** The Sussex Beacon opens as a hospice to care for those dying of AIDS
- 1996** HIV treatments introduced
- 1998** At The Sussex Beacon we shift the focus away from caring for the dying to helping people to live with HIV
- 2009** 83,231 people living with HIV in the UK, with 20 new HIV diagnoses every day
- 2010** The ageing HIV population results in increasing end of life care at The Sussex Beacon

Your pledge of a Gift in your Will helps us secure the future.



## How to make a Will?

As a Will is a legally binding document we highly recommend the use of a solicitor. Any mistakes mean that your wishes may not be carried out as you intended.

The “home-Will” packs or the use of unregulated “Will writers” can cause Wills to be made that are not in accordance with the law and can lead to an intestacy or partial intestacy situation. Will writers often have hidden charges, such as storage fees or can tie you into using their probate services.

The safest option is to use a solicitor. Nearly all solicitors charge set fees for Wills so you will know at the outset what you will be paying. The initial cost of the Will is often offset by avoiding costs caused by complications in intestacy or invalid Wills and by saving on inheritance tax.

Solicitors who specialise in Will writing and tax planning advice can be identified by their membership of the Society of Trust and Estate Practitioners and carry relevant qualifications.

The Sussex Beacon can provide you with details of local solicitors on request. Alternatively you can search through the Law Society at [www.solicitors-online.com](http://www.solicitors-online.com) or contact the Society for Trust and Estate Practitioners on 0207 340 0500.

### Review your Will regularly.

Once you have made a Will it is important to ensure it is regularly reviewed to meet your current circumstances and incorporates any change in legislation. This is particularly important if you get married, enter a civil partnership, become legally separated or divorced or have any children.

### Keep your Will safe.

This is very important. You also need to let your executors know where your Will is kept. Your solicitor or bank can keep it for you but your bank may charge a fee.

## What type of gift would you like to leave?

There are three main types of gift you can leave.

**A residuary gift** is what is left of your estate after you have made provision for your loved ones and after all debts or other gifts have been made. It is a very effective way of dividing your estate between individuals and your chosen cause. It specifies your gift in percentage terms so will protect it's value against inflation.

**A pecuniary gift** is a fixed sum of money. However, due to inflation this gift does not always keep its original value.

**A specific gift** is a particular named item. This could be a valuable antique, an item of sentimental value, or shares.

There are two other less common types of gift you could leave.

**A contingent gift** which depends on a situation that may or may not happen. For example, that a gift only applies if other named beneficiaries die before you.

**A life interest** is a gift that someone can benefit from in their life time but when they die it can be passed onto someone else or a charity. For example, the use of a house.

### How to leave a gift to The Sussex Beacon in your will.

Should you wish to leave a gift to The Sussex Beacon you'll find some examples of suitable wording to be used on the next page. However, we do strongly recommend you seek professional legal advice when making or amending your Will, as well as, advice on the correct wording and the tax effect of leaving gifts to charity.

### Wording for a residuary gift (a percentage).

"I give the (whole of my estate) or (x% of the residue of my estate after the payment of my funeral and testamentary expenses and debts) to my (Executor (s) / Trustees) upon trust for The Sussex Beacon of Bevendean Road, Brighton, BN2 4DE, registered charity number 298388 for its general charitable purposes absolutely (and I direct that the shares given by this clause shall be such shares as before the deduction of any Inheritance Tax and other fiscal impositions attributable to them respectively are of equal value) and I ( further) direct that the receipt of the Treasurer for the time being or other duly authorised officer of The Sussex Beacon shall be a sufficient discharge to my (Executor(s) / Trustees)"

### For a pecuniary gift (a fixed sum of money).

"I give to The Sussex Beacon of Bevendean Road, Brighton, BN2 4DE, registered charity number 298388, the sum of xx pounds £xx free of Inheritance Tax for its general charitable purposes and I direct that the receipt of the Treasurer for the time being or other duly authorised officer shall be a sufficient discharge to my (Executor(s)/ Trustees)"

### For a specific Item of Value.

"I give to The Sussex Beacon of Bevendean Road, Brighton, BN2 4DE, registered charity number 298388, for its general charitable purposes free of Inheritance Tax, for its general charitable purposes absolutely and I direct that the receipt of the Treasurer for the time being or other duly authorised officer shall be a sufficient discharge to my (Executor(s) / Trustees)"

### For a gift of property.

"I give to The Sussex Beacon of Bevendean Road, Brighton, BN2 4DE, registered charity number 298388, for its general charitable purposes free of Inheritance Tax and other fiscal impositions and costs of transfer all my interest in my property (known as...) – ( representing my main residence at my death) for its general charitable purposes absolutely and I direct that the receipt of the Treasurer for the time being or other duly authorised officer shall be a sufficient discharge to my (Executor(s)/ Trustees)"

### If you live in Scotland.

The law in Scotland is different to English law. So you will need to check the differences under Scottish law with your solicitor.

## Why should you change your Will?

You should change your Will if there are any major changes in your life. Such as, getting married, entering a civil partnership, having children, getting legally separated or divorced, or on the death of your partner or other beneficiaries. We recommend you review your will every four to five years.

### You can add a codicil to your Will if you are only making minor changes.

A codicil is an addition or alteration made to your Will. It lets you add extra gifts or make changes to existing gifts. You can make as many codicils as you like as long as they refer to your original Will. A codicil needs to be witnessed by two independent witnesses and taken to your solicitor in the same way as your original Will. You should keep a codicil in the same place as your original Will.

You can make a codicil to add a gift to The Sussex Beacon in your Will.

We do recommend that you consult a solicitor when making additions to your Will.





**David Nowicki-Stephen was diagnosed with HIV in 1997. We asked him how The Sussex Beacon has made a difference to his life.**

“When I was newly diagnosed thirteen years ago I was a full time teacher. I eventually became too ill to work and fell behind with my mortgage payments. I lost my job, my house and was faced with rejection from family and friends. I became very stressed and was about to become homeless, when The Sussex Beacon took me in (to the in-patient unit) for two weeks, until I found somewhere to live. The Sussex Beacon was there for me then, and has been there for me in times of crisis ever since.

At first I felt highly stigmatised and polluted - invaded by the virus, but the support I received from staff at The Sussex Beacon changed the way I felt about being HIV+. At the Beacon I was able to access complementary therapies and anxiety counselling which have helped enormously to improve my self esteem and body image. Through the Day Service I also met others living with HIV, which helped me so much and relieved the isolation I was feeling.

When I needed to start HIV treatment for the first time I was really scared. Terrified of the side effects of the medication. I was admitted to the Beacon and the nursing staff allayed my fears and helped me to establish the treatment regime I have in place today. I believe that the support I received then, has helped me to stay healthy for so many years.

I have been living healthily with HIV since last admitted to the Beacon six years ago. Knowing The Sussex Beacon will be there for me in the future, gives me the reassurance that helps me to live my life.

The services at The Sussex Beacon are vital, quite simply, without the Sussex Beacon I don't believe I would be here today.”

## What to consider when making a Will.

People's individual needs and family circumstances differ but the main points to consider are:-

- Who would you like to appoint as your Executors? (Executors are responsible for administering your estate.) This could be a spouse or partner, friend, family or a professional, such as a solicitor. Ideally at least two executors should be appointed.
- If you have young children you need to consider who to appoint as their guardian.
- Do you wish to make any specific gifts of personal items, either of financial or sentimental value?
- Do you wish to make any specific financial gifts to family, friends or charities?
- Consider the impact of 40% inheritance tax charged on the value of your estate over £325,000.
- Who to leave the residue of your estate to (this can be more than one person)?
- Consider substitute beneficiaries should your principal beneficiaries predecease you.



## Glossary of Terms

(commonly used by Will writing solicitors).

### A

#### **Administrators**

Those appointed to administer an estate where there is no will or executor

### B

#### **Bequest**

Another name for a Gift in Will

#### **Beneficiary**

The named individual or organisation/charity that benefits from your Will

### C

#### **Chattels and moveables**

Your possessions, including your furniture and car

#### **Codicil**

A document allowing additional changes to your Will. This must be signed and witnessed in the same manner as your Will

#### **Crown**

HM Treasury. This is where the proceeds of your estate will go if you do not have a next of kin and did not make a Will (intestate)

### E

#### **Estate**

All your possessions at the time of your death, including money and property and debts

#### **Executors**

These are the people that you appoint in the Will to deal with the affairs of your estate after your death, they are known as 'Trustees' in your Will

### G

#### **Guardians**

Guardians are the people that are appointed to look after any minors up to the age of 18

### I

#### **Inheritance Tax (IHT)**

May be payable on an estate when someone dies. Transfers made to a charity are exempt from tax. Find out more about IHT by visiting the HM Revenue and Customs website

#### **Intestacy**

If you die without making a valid Will then you are referred to as 'intestate' and there is a set list of beneficiaries by law

### L

#### **Life interest**

A two-stage form of legacy in which the first beneficiary is given, for example, the use of your house or the interest on your bank or building society account during their lifetime

After their death, the house or capital passes to a second beneficiary named by you in your will. Quite often a charity is the second beneficiary

Glossary of Terms (continued)

P

**Pecuniary gift**

A fixed sum of money left in your Will

**Power of attorney**

A legal document which authorises one or more people to handle another person's financial affairs (including property, shares, money, etc) during their lifetime, either generally or in relation to specific items

**Probate**

Required under law in most cases to formally establish whether you left a legally valid Will and who your executors will be

R

**Residuary gift**

The residue of an estate or a share of it

**Residue**

The remains of your estate after payment of all debts, expenses, tax and distribution of any gifts be it specific or pecuniary

S

**Specific gift**

An item that is tangible, for example, a piece of jewellery or furniture

T

**Testator**

As the person making the Will, you are the Testator

W

**Witness**

A person who signs a Will to verify that they saw the testator, ( the person making the will) sign it and that he/she was of sound mind at the time. Each Will must have two witnesses.



Please let us know your intentions  
so we can say “Thank You” today.

Thank you for choosing to leave a gift to The Sussex Beacon in your Will.

Completing the form below will allow us to thank you properly and enable us to keep you up to date with how we are using Gift in Wills income to help secure a brighter future for HIV positive people.

Please could you return this form to: - Fundraising Department, The Sussex Beacon, Bevendean Road, Brighton, BN2 4DE

**Name**.....

**Address**.....

.....

**Postcode**.....

I am responding to your Gift in Wills request and would like to let you know that:

- I have already remembered The Sussex Beacon in my Will
- I am planning to remember The Sussex Beacon in my Will

The type of Gift in Will I have left / intend to leave is:-

- A pecuniary gift, a fixed sum of money. If you are considering making a pecuniary gift bear in mind it may decrease in value over time due to inflation.
- A residuary gift, the residue or proportion of your estate that is left after providing for your loved ones and / or paying any debts or taxes.
- A specific gift, for example personal items, stocks and shares or property.

If you wish to, please let us know the approximate value of your gift here

£.....

Returning the pledge form puts you under no legal obligation. It is not a legally binding document and you can change your mind at any time.

The Sussex Beacon is a unique centre providing innovative services to meet the changing needs of people living with HIV.



The Sussex Beacon  
10 Bevendean Road  
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BN2 4DE  
Tel: 01273 694 222  
[www.sussexbeacon.org.uk](http://www.sussexbeacon.org.uk)

Registered Charity number: 298388