

Government announce video witnessing of Wills

In reaction to the effect of the coronavirus on the practicalities of executing a valid Will, the Government announced at the weekend that Wills can now be witnessed remotely rather than physically. This allows the witnesses to be present by some form of video link rather than in person, hence maintaining social distancing or allowing for Wills to be made during a period of self-isolation. The Government has issued some detailed guidance but it is clear that great care will be required to ensure that the new law is complied with so far as is possible and that the door is not left open for claims against estates.

- The new law is expected to be introduced by Statutory Instrument in September but will be backdated to 31 January 2020.
- This appears to be a temporary measure with the Government stating that it will be effective for a 2 year period (i.e. until 31 January 2022) but this can be shortened or lengthened and hence has the potential to become a more permanent feature of our legislation.
- There is guidance as to how the witnessing should take place but it broadly mirrors existing law e.g. two independent witnesses must have clear line of sight, and wording is suggested to record the fact that it is being witnessed remotely.
- The same Will must be signed by the witnesses after the event, ideally within 24 hours.
- There is no preference for any particular video platform.
- No electronic signatures allowed.
- No counterpart Wills allowed.
- STEP and other professional bodies can be expected to issue additional guidance in due course.

Whilst the physical witnessing of Wills is still the best option wherever viable, the new law should allow for a Will to be put in place where no other options are available. If you would like to discuss the practicalities of this, please contact any of our specialists at Meridian on 01675 442430 www.meridianprivateclient.co.uk

This article was produced on 27 July 2020. It should not be relied upon as legal advice as individual circumstances will differ.

The content of this newsletter is not a detailed statement of all the law on the matters referred to. Specialist advice should be taken from ourselves in all cases.