

# The Facts: Will and Inheritance Disputes

A Will is a legal declaration that ensures your assets (including property, savings and possessions) are left to the right people when you die. The validity of a Will can be challenged on a number of grounds. In certain circumstances the distribution of assets could also be altered by a court order according to the Inheritance (Provision for Family and Dependents) Act 1975, even if the Will is valid.

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## On what grounds can I challenge the validity of a Will?

You can challenge the validity of a Will if it was

- not signed, witnessed or drafted correctly
- made by someone not of sound mind (lacking capacity)
- made under pressure (undue influence)
- made fraudulently.

Although not based on a challenge to the validity of the Will itself, the Inheritance Act 1975 can also be relevant in some cases.

## Are there time limits to consider?

If you are considering a claim, it is important to act quickly. Time limits may be relevant and there is a risk that assets might have been distributed already if you delay.

Applications under the Inheritance Act must normally be made within six months of the date of the grant of representation (the official document confirming who is to administer the estate and sometimes referred to as a grant of probate).

Individuals notified they face a claim (defendants) should also be alive to the time limits as a successful limitation defence could provide a total defence to an Inheritance Act claim.

## Make sure you keep you Will up-to-date

Many Will and inheritance disputes involve an out of date Will. You should check your Will

- after marriage or divorce
- after the birth or marriage of children or grandchildren
- after moving house
- every few years.

## People we have advised

- individuals, involved in either bringing or defending claims challenging the validity of a Will.
- executors (the person(s) named in the Will responsible for handling the estate) caught up in an inheritance dispute.

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