



United Kingdom

Filing and searching for a Will

→ What types of Will are valid in the United Kingdom?

* in **England, Wales and Northern Ireland**, only **Wills made before witnesses** are valid. The Will must be signed by the testator and two witnesses.

* in **Scotland**, there are two types of valid Will: a **holographic will**, which must be dated, written and signed by the testator, and a **Will before witnesses**, which must be signed in the presence of a witness.

→ Does a register of Wills exist in the United Kingdom?

Yes, there is a register of wills for England and Wales. This is administered by the Probate Registry which holds the original copies of the Wills. There is also a register for Northern Ireland.

N.B.

These questions and answers constitute a general source of information, up to date as of March 19, 2010. In the event of a particular difficulty, consult a lawyer.



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I. Filing a Will

→ Why file a Will?

It is not mandatory for a Will to be filed in the register and Wills which are drawn up by legal professionals are often held by them for safekeeping. Some private companies also hold registers of Wills.

However, **where a Will is not found on the testator's death, they will be deemed not to have left a valid Will. It is therefore recommended that all Wills are filed in the register.** In this way, a testator can be sure that their last wishes will be found and respected following their death.

→ Who can file a Will?

A testator can file their own Will or authorize another person to do so.

→ How is a Will filed?

Wills are filed in envelopes provided by the register, onto which the testator's details are recorded to ensure that they can be identified. The Will is then filed with the local Probate Registry, who will transfer it to the Principal Registry of the Family Division, which is the principal register. The testator will receive official confirmation in writing when the Will has been filed.

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→ Can the testator's family consult the register before their death?

No, the existence of a Will and its content remains secret during the testator's lifetime.

→ How much does it cost to file a will?

Filing a Will costs **£15**.

II. Searching for Wills

→ Who can consult the register of Wills?

When a testator dies, their estate will be administered by a personal representative. In order to act, a personal representative must obtain a Grant of Representation from the Probate Registry, which is part of the court. Before issuing this, the Probate Registry will check if a Will has been filed in order to ensure that the testator's last wishes are respected.

→ Is a death certificate required?

Yes, proof of death is required before a Will is passed to the personal representatives. This ensures that the existence of the will remains a secret during the testator's lifetime.

N.B.

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