



Legacy - A gift in your Will

- a gift for the future



**St. Benedict's Hospice
& Centre for Specialist
Palliative Care**



Legacy Guide

St Benedict's Hospice & Centre for Specialist Palliative Care has been providing high quality care for people living with cancer and other life-limiting illnesses in the Sunderland and district area since 1984.

We help people from the age of 18 who need to have complex symptoms and pain controlled by our multi-disciplinary team. We aim to look after the whole needs of the person, including not just medical and nursing care, but also spiritual, emotional, social and psychological support.

Referrals to the hospice come from GPs, hospital consultants and health care professionals.

The Hospice comprises of a 14-bedded in-patient unit providing 24-hour care; a Day Care Unit providing care for up to 20 people on a daily basis; an out-patient unit; Lymphoedema clinic; physiotherapy; occupational therapy; complementary therapy; 24-hour advice line; bereavement support; chaplaincy; pharmacy; specialist palliative care nurses; out of hours specialist palliative care nurses.

Care is provided free of charge at St Benedict's Hospice through NHS South Tyneside Foundation Trust and much of the non-clinical provision at the Hospice is supported by St Benedict's Hospice Charity (Registered Charity No 1019410).

The philosophy of care at St Benedict's focuses on helping people to live life to its full potential, while recognising that everyone is unique in terms of personal health, social, cultural and spiritual needs.

Why make a Will?

One in five people in the UK die without making a Will. Many think they do not have enough money or possessions to make a Will worthwhile. If you don't make a Will, part or all of your estate could go to the people who you did not intend to benefit. Not only that, Inheritance Tax legislation means if you don't prepare properly, a substantial part of what you leave behind may go to the State.

Thankfully it is quick and inexpensive to have a Will drafted by a properly qualified professional.

Making a Will is the only way to ensure that whatever you have is divided up according to your wishes. With a Will, your loved ones are not left to face the complicated legal and financial matters at a time when they will already have more than enough to cope with.

Making a Will is usually straightforward and inexpensive. As with any legal document it is best to seek professional advice. If you do not have a solicitor you could ask friends or relatives for a recommendation.

Wills aren't solely about passing on your assets. You can also include specific funeral arrangements: for instance burial, cremation or the use of your body for medical research. You may also want to appoint legal guardians to care for your children if you or your partner should die before they are 18.

One other important consideration is the appointment of your Executors - the people who will deal with your estate in the event of your death. Ideally these should be business minded family members or friends or professional advisors. Three is an ideal number - for instance, two family members and a professional.

When your Will is complete you will need two independent witnesses to sign it.

If you have a Will it is important that you keep it up-to-date. Fortunately making changes to an existing Will, again with the help of a solicitor, is very straightforward.

If you wish to add St Benedict's Hospice to your existing Will, your solicitor will simply attach a written instruction called a codicil. This will need the signatures of two independent witnesses. Witnesses must not be beneficiaries under your Will or codicil, their wives, husbands or civil partners or Executors of the Will.

Marriage, Civil Partnership, Separation, Divorce & Re-marriage

If you marry, form a civil partnership, separate, divorce or remarry you almost certainly should make a new Will because:

- Your wife, husband or civil partner does not necessarily stand to benefit as you would wish: unless you have made your wishes clear in your will.
- If you are separated from your wife, husband or civil partner and living with a new partner, that new partner is normally not entitled to anything unless he or she is specifically named in your Will
- If you are separated from your husband, wife or civil partner, he or she, if mentioned in your Will, is still entitled to benefit from any legacy in that Will, unless you change it, no matter how long the separation had lasted. If you make a provision in your Will for your wife, husband or civil partner but later get divorced

or have a civil partnership dissolved, that provision will not be carried out. If you want to provide for a former partner you may need to make a new Will

- Marriage or entering into a civil partnership normally revokes a Will (the only exception is where the Will is specially made in anticipation of a particular marriage or civil partnership) so on marriage or entering a civil partnership any Will that you have previously made will be null and void.

Other Changes

Even if there is no change in your marital status, it is important to look at your Will periodically to ensure that it meets your needs. If there are major changes, for example you changed your mind fundamentally about whom you wish to receive your estate, or your estate has changed a great deal in value, you will be best advised to make an entirely new Will.

What are the different types of legacy?

When you are making or renewing your Will perhaps you could consider leaving a legacy to a charity like St Benedict's Hospice. With a legacy you can help to create a better future for local people with life limiting illnesses and their families.

There are three main ways to leave a gift to St Benedict's Hospice in your Will:

- 'Cash Legacy'
- 'Family and Friends First Legacy'
- 'Legacy in kind'



Cash Legacy - Cash donations are always welcome. Do remember, however, that cash donations tend to decrease in value over time. To avoid this you can either index link your gift or review it periodically to retain its original value.

Family and Friends First Legacy - At St Benedict's Hospice we know that caring for your family is a priority. However, after making provision for your family and friends, you can leave whatever is left in your estate – the residue – to St Benedict's Hospice along with other charities.

Legacy in Kind - Specific items such as property, shares, jewellery or furniture can be gifted. Leaving the contents of your home as a gift in your Will is welcome. In addition, if you find yourself as a beneficiary under a Will, you can transfer all or part of your inheritance to St Benedict's Hospice using a "Deed of Variation". This can be used to help reduce Inheritance Tax.

What words do I need to use to leave a gift?

Using the right words - If you decide to remember St Benedict's Hospice in your Will, we suggest the following words and phrases might help. If you take these specimen legacy clauses to your solicitor it will help save time and money. Whatever phrase you use, it will help the work of the hospice to continue to support local people and their families suffering from life-shortening diseases.

Pecuniary or Cash Legacy

"I bequeath to St Benedict's Hospice, registered charity number 1019410 of St Benedict's Way, Ryhope, Sunderland SR2 0NY, the sum of £ _____ to be applied to the general purposes of the said Charity. The receipt of the Secretary or other authorised office of the said Charity shall be sufficient discharge to my Executors."

Residual Legacy

Commonly known as Family and Friends First Legacy. Model wording for inclusion in your Will. "I bequeath to St Benedict's Hospice, registered charity number 1019410 of St Benedict's Way, Ryhope, Sunderland SR2 0NY, the whole (or ____%) of my residuary estate to be applied to the general purposes of the said Charity. The receipt of the Secretary or other authorised officer of the said Charity shall be sufficient discharge to my Executors."

Legacy in Kind

Known legally as a Specific Legacy and could include stocks and shares or jewellery. Model wording for inclusion in your Will. "I bequeath to St Benedict's Hospice, registered charity number 1019410 of St Benedict's Way, Ryhope, Sunderland SR2 0NY, my (short description of property given) to be applied to the general purposes of the said charity. The receipt of the Secretary or other authorised officer of the said Charity shall be sufficient discharge to my Executors."

This wording is for illustrative purposes only. Please consult a solicitor when drawing up or making changes to your Will so that your wishes can be drawn up correctly and legally.

Things to consider

Here are some ideas on how to go about making a difference to other people's lives after your death through making a Will:

Before visiting a solicitor work out how much you have to leave. Add up the approximate value of your house, pension, shares, jewellery and other assets and deduct any mortgage balance, debts, credit card bill, etc.

- 1) **Choose a good solicitor** - It is not expensive to make a Will, nor is it too complicated or time consuming, but it is important that it is executed properly. A 'home made' Will may be sufficient in a simple case but it is best to go to a Solicitor and get reliable professional advice to suit your own circumstances. You may well have a family solicitor, if not, a friend may be able to recommend one.
- 2) **Appoint an Executor** - Every Will needs an Executor – a person appointed by you in your Will, to ensure that all of your wishes are carried out when you die. Often it is wise to appoint two or three executors, just in case one of them is unable to act for you. You should ask someone you trust to be the Executor of your Will. As an Executor can also be a beneficiary, you can appoint your wife, husband or civil partner to be your Executor. Grown up children are obvious choices. Alternatively you can ask a professional person such as your solicitor, accountant or bank manager to be your Executor. Someone like this will charge a fee, so it is advisable to ask about charges before making a decision.

- 3) **What to do before you see a solicitor** - You can save time and money by getting a few facts and figures ready before you go to see your solicitor.

Firstly write down the names and addresses of all those (including any charities) that you wish to benefit. Consider all those you wish to remember in your Will such as family, friends, etc before considering bequests to charities. Remember that leaving to charity reduces the gross figure from which tax is calculated and deducted, thus not only do you leave more for your family you are also benefiting your favourite charity.



Secondly, you should take with you the list of everything you own and estimate its current value. This is known as your assets.

Then thirdly subtract from your total any money that you owe. This will leave you with the total amount you have to dispose of to family and friends.

If you are married or have a civil partnership, any possessions which are jointly owned such as car, furniture, pictures and books will automatically go to the survivor. However if you want your own personal possessions to go to other people, you should give your solicitor an exact description of them and ensure that they are specifically mentioned in the Will.

- 4) **Now consult a solicitor** - If you are leaving a gift to a charity be sure to give your solicitor the full details of the charity and its registration number and also decide if you are leaving it a fixed cash sum (pecuniary), or percentage of the balance (residual) or Legacy in Kind (goods, shares, jewellery, etc). If you leave a fixed sum of money remember that it can decline in value over the years. To avoid this you can review it periodically or index link it to retain its original value.

Additionally, if you yourself benefit under a Will you can transfer all or part of your inheritance to St Benedict's Hospice using a Deed of Variation. This can be used to help reduce Inheritance Tax.

- 5) **Have your Will witnessed** - When your Will is drawn up, and you agree with the result, it will need to be properly signed and witnessed. Two witnesses are needed and you must all sign in each other's presence. The witnesses must be people who have nothing to gain from the Will. Neither a beneficiary nor his/her spouse should therefore witness the Will. Your solicitor will ensure that the Will is correctly witnessed.
- 6) **Keep the Will in a safe place** - Most people ask their solicitor or bank manager to look after their Will. If you do not wish to do this make sure that the Will is kept in a safe place and trust someone close to you who knows where to find it.

Remember - A Will that is out of date is very little use to anyone. It may have unintended and unfortunate results or else it may simply be unenforceable.

Glossary of Legal Terms

Administrator - Someone who is appointed to arrange your affairs if you do not leave a Will

Beneficiary - An individual or organization who will receive a gift in your Will

Codicil - An alteration or addition to your existing Will

Chattels and Moveables - Your possessions, including your furniture and car

Deed of Variation - This applies to individuals who have personally benefitted from a Will. They can choose, within two years of someone's death, to make a Deed of Variation in favour of a charity. This can be used to help reduce Inheritance Tax

Estate - All your possession at the time of your death, including money and property.

Executor(s) or Executrix - The person(s) appointed by you to make sure the instructions in your Will are carried out.

Intestate and Intestacy - You are said to be intestate if you die without making a Will. Intestacy is the name for this situation.

Legacy - A gift left to the person, charity or organization in your Will

Letter of Wishes - A letter of wishes attached to your Will can be used to request that your beneficiaries increase your legacies to charity via a deed of variation if they can afford to.

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 on to a second beneficiary named by you in your Will. Quite often a charity is the second beneficiary.

Nil Rate Band - The amount above which the estate pays inheritance tax of 40% subject to exemptions.

Pecuniary Legacy - A gift of a fixed amount of money.

Probate - The legal procedure to decide whether you left a valid Will.

Residue - The sum that is left in your Estate when all debts, charges and gifts have been deducted.

Residuary Legacy - A gift consisting of the residue or part of the residue of your Estate. This is a particularly popular way to leave a gift to charity.

Specific Legacy - A gift of a particular item e.g. a piece of jewellery, shares or furniture.

Testator or Testatrix - The person who is making the Will

Witness - A person who signs your Will in your presence, who must not be a beneficiary or married to one.

Disclaimer - Information supplied in this leaflet is provided in good faith and believed to be correct at the time of writing. The charity does not, however, accept any liability for the contents or any consequential loss or damage. It is strongly recommended that professional help is sought when making arrangements for Wills, Lasting Power of Attorney, etc.



St. Benedict's Hospice & Centre for Specialist Palliative Care

Every year ordinary supporters of St Benedict's Hospice help to give extraordinary care to our patients and their families by leaving us a gift in their Will.

Even the smallest of gifts in your Will can ensure that we can make a big difference to the lives of our patients, helping them to make the most of the time they have with their family and loved ones.



Writing a Will ensures your loved ones are taken care of and that your wishes in life are carried out after you've gone. So when the time is right for you to make your Will, please remember St Benedict's Hospice, ensuring that we can extend our services and care for future generations.

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St Benedict's Hospice, Sunderland - Registered Charity No 1019410