

# *My affairs in order*

*Making things easier  
for loved ones*

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**To find out more about the charity or  
the contents of this booklet please call  
0800 731 9197**

**[www.royalvoluntaryservice.org.uk](http://www.royalvoluntaryservice.org.uk)**

# *A guide to putting your affairs in order*

**Planning for the future can help ensure everything runs as smoothly as possible, making it easier for you and the people you care about most. While preparing for the end of life might feel daunting, it's easier than you might expect and brings many benefits.**

This booklet is based on the first hand experiences of Royal Voluntary Service volunteers, who give practical and emotional support to the older members of our community. It covers everything you may wish to consider when organising your affairs – from clarifying the paperwork you need, to making a plan for any pets.

Step by step, we guide you through key considerations, from making or updating your Will, planning a funeral, to your personal preferences should you need long-term care or someone to make decisions on your behalf. It also provides helpful guidance on what to do when someone dies. As you read through, we encourage you to clarify your thoughts and wishes by noting down relevant information.

## ***Preparation brings peace of mind***

In our experience, taking a little time to tie up those loose ends gives you confidence that you're in control. Knowing that your wishes will be carried out brings you peace of mind. And putting some thought into what you want now will make it a little easier for your loved ones at a difficult time. We hope you find this booklet useful.



# Your Will

## About you

Name \_\_\_\_\_

Do you have a Will?  YES  NO

Having an up-to-date Will is the only way to be sure your wishes are carried out and makes it easier for the people you care about to know what to do, after you've gone. Whatever your circumstances, it's important you have one.

**Dying without a Will is called intestacy. In this case, executors would have to be appointed by an application to court and your estate is distributed according to the intestacy rules prescribed by Scottish Law.**

It is important to note that under Scots Law, a surviving spouse, civil partner and children are entitled to certain legal rights when a person dies with or without a Will. These rights are known as Legal Rights. Legal Rights do not extend to unmarried partners or cohabitants. However, where a cohabitant dies without a Will, the surviving cohabitant is able to make an application to court for a share of the deceased partner's estate.

Legal Rights are based on the fundamental principle of family protection for the benefit of the surviving spouse and deceased's children. Legal Rights arise regardless of the terms of a person's Will. Although, any person who has rights under a

Will as well as Legal Rights has to choose between them; he or she cannot have both.

A Legal Rights claim is calculated as a proportion of the value of the deceased's worldwide net moveable estate. This includes such things as money, shares, cars, furniture and jewellery. Heritable estate, includes land and buildings, and these are excluded from the Legal Rights claim.

Individuals have 20 years to make a Legal Rights claim.

## Is your Will up to date?

You should review your Will regularly, particularly if your circumstances change, to make sure it still reflects your wishes.

Write the date of your latest Will here:  
\_\_\_\_\_

Does your Will still reflect your wishes?

YES  NO

If you answered, 'no' to this question, it's easy to update your Will. Turn to **page 4** to find out more.

### Top Tip

Making a Will is the only way to make sure your wishes are carried out after you've gone.

## First considerations

The first step to making or amending a Will is to work out what you have and who you want to leave it to.

### Your assets

Make a list of what you have to pass on. This might include the place you live and its furnishings, your car, valuable items and things which have sentimental value. Remember to list any savings you have.

### Your liabilities

Make a note of any debts or loans. Include any outstanding mortgage.

### Who you'd like to benefit

Write down the people who you'd like to benefit from your Will. Think about whether you'd like to leave them a percentage of your estate, a specific amount of money, a particular item – such as a painting or piece of jewellery. You should include their full names, addresses and their relationship to you.

You may also like to remember a cause that's important to you. Gifts like these are enormously valuable to Royal Voluntary Service, as they mean we can continue supporting the people who need us for years to come.

### Other considerations

You can also record any instructions about your funeral in your Will – for example, if you would like to organise a collection for a favourite charity.

This can also be done by a side letter to your Executors if you are undecided about this at the time of drawing up your Will.



*"I wanted to support Royal Voluntary Service through a gift in my Will as I saw how important it was to make sure funding is there in years to come. My family feel very proud."*

*Anthea, Royal Voluntary Service volunteer.*

## Getting your Will drawn up

To ensure your Will is clear, we recommend you make an appointment with a local solicitor. You will also need your Will to be witnessed by one independent adult witness, i.e. someone over the age of 16 who does not benefit under your Will.

It is important to note that Scots Law and English Law are different. Many of the proforma Wills sold are compliant with English Law and it is advisable not to use these and to speak with a solicitor. Using the wrong Will format could cause difficulties.

### Finding a solicitor

Look for a solicitor who specialises in Wills and Probate. Find one through the Law Society of Scotland or Solicitors for the Elderly – turn to the Useful Contacts section at the back of this booklet for contact details. Alternatively, you could take up our Free Wills Offer.

### Appointing executors

You can appoint as many executors as you like, however it is recommended to keep the number between 2 and 4. Your executors are responsible for making sure your wishes are carried out. They can be friends, relatives – or a professional, such as your bank manager. It is important that you trust your executors as they will be dealing with your wishes once you have gone.

#### Top Tip

Remember to check your chosen executors are happy to take on this role.

## Updating your Will

If you want to make straightforward changes to your Will, it's easy to update it by adding a separate document called a Codicil. Visit a solicitor to find out more.

*The Succession (Scotland) Act 2016 provides that any provisions in a Will in favour of a former spouse or civil partner will come to an end when the relationship ends in divorce, unless the Will expressly states otherwise. This provision does not apply in the case of the appointment of a former spouse or civil partner who may act as a guardian to minor children under the deceased's Will.*

In the event of divorce it is still important to have a Will reviewed to ensure it is up to date. You should speak to a solicitor about this.

When considering your Will you should also give consideration to whether any Inheritance Tax may be due on your estate. You should discuss with this your solicitor.

## Keeping your Will safe

Remember to keep a copy of your Will in a safe place – we recommend the original stays with your solicitor. You can use the space below to record where your Will and other important documents are kept, so someone close to you can find them.

#### Top Tip

Make sure you've shared any key codes or combinations that might be needed.

## Your Will for free

If you're over 55, you can take advantage of our Free Will scheme. To find out more, please call us on 0800 731 9197 or email [fundraising@royalvoluntaryservice.org.uk](mailto:fundraising@royalvoluntaryservice.org.uk).

### Remember us

To find out more about leaving a gift in your Will to Royal Voluntary Service or about donations in memory, please call us on 0800 731 9197 or email [fundraising@royalvoluntaryservice.org.uk](mailto:fundraising@royalvoluntaryservice.org.uk).

#### Top Tip

Remember to make sure your executor or next of kin knows where key documents are kept.

Do you know where important documents are – such as your bank statements, title deeds and pension plan? Make a note of where they are here.

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### Your priorities

Use the space below to jot down your priorities and other thoughts and considerations.

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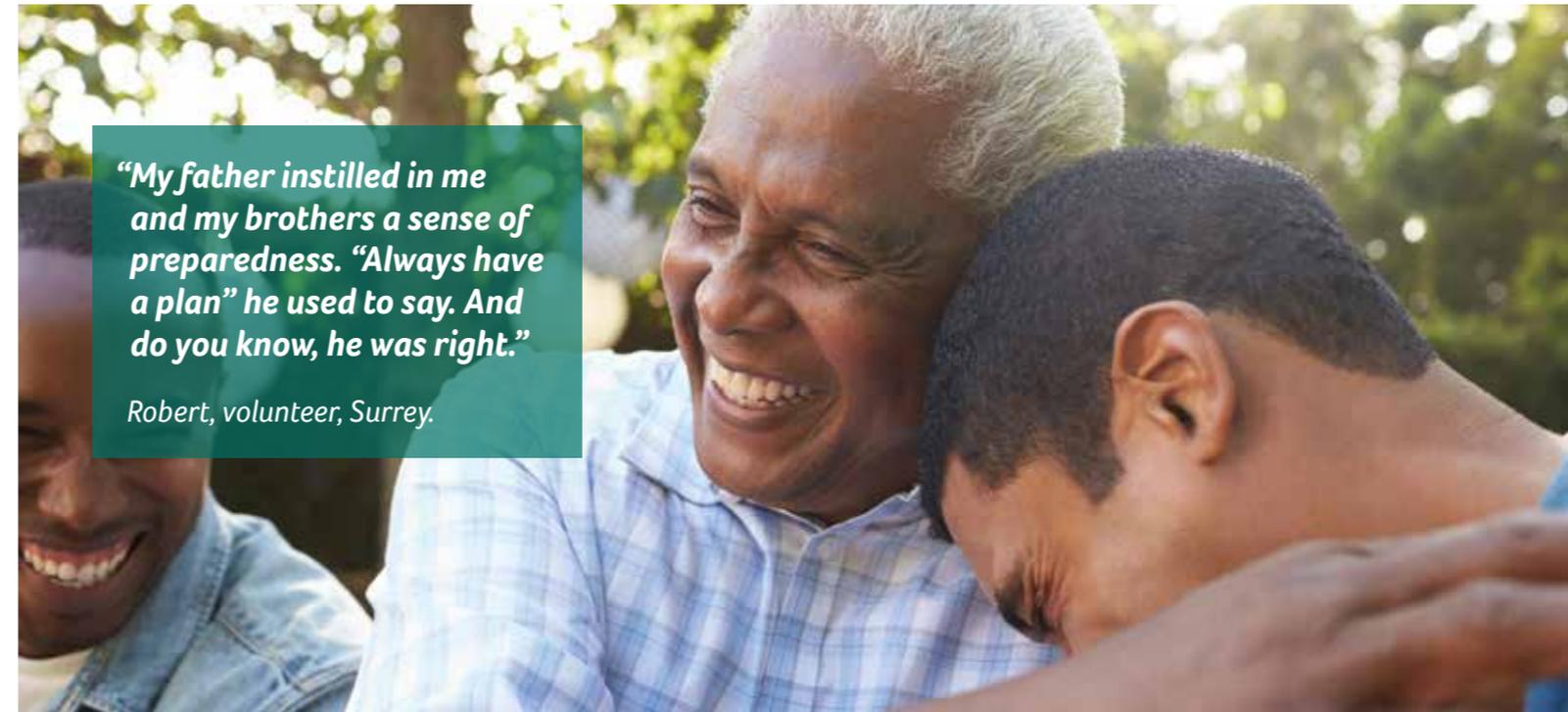
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*“My father instilled in me and my brothers a sense of preparedness. “Always have a plan” he used to say. And do you know, he was right.”*

*Robert, volunteer, Surrey.*

# Preparing for your future needs

**While we all value our health and the ability to make our own decisions, it's wise to plan for a future where we may need long-term care, or someone to act on our behalf. Thinking ahead will ensure we maintain as much control as possible in years to come.**

## Mental capacity

Mental capacity is, put simply, the ability to make decisions for oneself. Illness or injury can compromise it, so it's important to prepare for this possibility.

## Powers of Attorney

A Power of Attorney (PoA) is designed to protect people when they're no longer able to make decisions for themselves. It allows you to choose people to make decisions on your behalf.

A Power of Attorney is a written document which sets out which decisions your appointed attorney can make on your behalf and includes a certificate signed either by a registered solicitor in Scotland or a registered UK doctor. It lets you plan whether you want someone to make decisions on your behalf, if you're no longer able or willing to.

There are three types of Power of Attorney (PoA)

- A **Continuing Power of Attorney** allows the person you have nominated (your attorney) to make decisions about your finances, such as selling a property, or managing a bank account or pension.
- A **Welfare Power of Attorney** allows your attorney to make decisions about your health or personal welfare, including care and medical treatment.

- A **Combined Power of Attorney** gives continuing and welfare powers and is the most common kind of PoA.

### Top Tip

You must have mental capacity to make any type of Power of Attorney. If the granter has been assessed as no longer having capacity they will not be able to create a Power of Attorney and it may be that an application to court is required to appoint a Guardian. The appointment of a Guardian can be a difficult, long and expensive process, therefore, it is important to consider a Power of Attorney whilst you can.

In order for continuing or welfare Powers of Attorney to be used they must be registered with the Office of the Public Guardian (Scotland). A continuing Power of Attorney can be used on instruction or on loss of capacity. Welfare Powers of Attorney only become active once the granter has lost capacity.

Capacity is usually certified by a medical practitioner, however, you can arrange that your capacity requires to be assessed by more than one medical practitioner.

## Living Wills

A Living Will (or and advance directive in England) allows you to record any medical treatments that you do not want to be given in the future, in case you later lack the mental capacity to make or communicate a decision yourself.

If you live in Scotland, and lack mental capacity, you will be subject to the Adults with Incapacity Act 2000. This says that the healthcare professional in charge must take into account the person's past and present wishes when making a decision about medical treatment.

Unlike England and Wales, where advance decisions must be followed, this isn't the case in Scotland for Living Wills as they are currently not legally binding. However they're still widely recognised and used by health professionals and – should a clear and specific advance decision be made in a Scottish court – it is likely they would respect it in the same way.

It's important to tell those close to you, your GP and anyone else involved with your care – such as your carer or district nurse – about your Living Will. Give a copy to the relevant people, including anyone who would be contacted in an emergency and keep a copy, or a card indicating where it's kept, with you.

It is recommended that you review your Living Wills, as with your Wills, periodically or when your circumstances change. You can change your mind or cancel it at any time.



## Long-term care

While we may be lucky enough to enjoy good health throughout our lives, it's a good idea to think about what we'd want to happen should we need long-term care.

### Questions to consider

The following considerations may help to guide your decisions.

- Have you talked to your family about whether they would be able and willing to care for you?
- Would you like to live in your own home as long as possible, or have you considered options such as a care home?

#### Top Tip

Any adult with mental capacity can make Living Will. You can write it yourself or Compassion in Dying (see Useful Contacts) can provide you with a free form.

- Are you familiar with the allowances you may be entitled to from your local authority?
- Have you contacted your local council, health trust or GP to discuss care options?
- Do you have any savings that could contribute towards your long-term care?
- Have you considered taking out a care plan, so you can save towards long-term care should you need it?

#### Top Tip

Free personal care is available to everyone in Scotland who has been assessed by the local authority as needing it. Contact the Social Work Service department of your local authority to find out more or for an assessment

Visit [www.mygov.scot/find-your-local-council](http://www.mygov.scot/find-your-local-council) or call your local authority for more information.

*"I'm so glad we were able to discuss it with Mum, so she could go into the residential home where she had friends around her."*

*Angela, Royal Voluntary Service Lunch Club volunteer, Reading*





# What to do when someone dies

**When someone dies, those around them will probably be feeling emotional, shocked or off balance. It can be helpful to have clear guidelines on what to do.**

There are three key things you need to do in the first few days after someone dies:

- get a medical certificate
- register the death
- arrange the funeral

Read on for more detailed guidance.

## Step 1 – Important phone calls

Get in touch with next of kin and close relatives and friends and contact the family doctor or medical practice to inform them of the death.

Contact the solicitor who holds the Will and check whether there are any funeral wishes.

## Step 2 – Receive medical certificate and contact funeral director

The doctor will provide a signed medical certificate with the cause of death, together with a formal notice on how to register the death. In the case of cremation, two medical certificates signed by different doctors are needed – however you don't need to do this straight away.

Once you have the medical certificate and you're ready to do so, call a funeral director, who will arrange for the body to be moved to a funeral

home. A funeral can only take place when the death has been registered.

### **Did you know?**

If a death is sudden or unexplained, the doctor will report it to a coroner. This may delay the registration of death, but an interim death certificate can be issued.

## Step 3 – Registering the death

A death must be registered within 8 days (5 days in England and Wales) with the Registrar of Births, Marriages and Deaths for the district where the person died. If you cannot get to the relevant registrar, you can make a declaration at your local registrar's office – they will then forward it.

Who can Register a death in Scotland?

The death can be registered by:

- Any relative of the deceased, or
- Anyone present when the person died, or
- The deceased's executor or other legal representative, or
- The occupier of the property where the person died, or if there is no such person,
- Anyone else who knows the information to be registered.

## What the registrar needs

To register the death, the registrar needs the following information about the person who has died:

- Medical certificate
- Full name (and any previous names)
- Permanent address
- Date and place of death
- Date and place of birth
- Most recent occupation
- Details of any pension and/or benefits
- Name, occupation and date of birth of spouse or civil partner.

If possible, also take the following documents.

- Birth certificate
- NHS medical card or number
- Marriage or civil partnership certificate
- Driving licence
- Proof of address.

Make a note of your NHS number here

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You could also note down where you keep other relevant documents.

## What the registrar will give you

- Certificate of burial or cremation – give this to your funeral director.
- Certificate of registration of death – if the person was receiving benefits or the State Pension, return the completed form in the envelope provided or register for Tell us Once (see tip below).
- Death certificate (if requested). You will need this for the Will and for any claims on pensions or savings – it's best to get several as some companies won't accept copies. There is a charge for this certificate.

### **Top Tip**

You may be able to sign up with the Tell us Once service – this means you can report the death to all relevant government departments in one go. Ask your registrar for more information.

# Arrange a funeral

**When you're arranging a funeral, take into account any funeral plan that is in place and any personal instructions or preferences expressed by the deceased. As mentioned, you should contact the solicitor to check whether this has been included in the Will. For example, would they like donations to a favourite charity, in lieu of flowers?**

**If there are funeral arrangements set out in a Will then these should be followed, but, if you are in any doubt then you should contact the deceased's solicitor.**

## Find a funeral director

Most people choose to use a funeral director. Ensure they are signed up with the National Association of Funeral Directors or the Society of Independent and Allied Funeral Directors – members will have a code of practice and will provide you with a price list.

### **Top Tip**

Get quotes from several funeral directors and check what the price includes.

## Alternative funerals

Some local councils run non-religious and other funeral services and the Humanist Society of Scotland and the Institute of Civil Funerals can also help with non-religious ceremonies. To arrange your own funeral, contact your local council for advice.

## Funeral costs

These can include:

- Funeral director's fees.
- Things the funeral director pays on your behalf, such as crematorium or cemetery fees, or a notice in a newspaper.
- Local authority burial or cremation fees.

## Paying for a funeral

A funeral can be paid for in one of three ways:

- Through a financial plan the person had – such as a prepaid funeral plan or insurance policy.
- By family and/or friends.
- With money from the person's estate (you can apply for a 'grant of representation' to access this).

You should provide the solicitor dealing with the Estate with a note of the funeral expenses.

### **Top Tip**

If you're receiving benefits, you may be entitled to a Funeral Expenses Payment to help with costs. Visit [gov.uk](http://gov.uk) to find out more.

## Making your wishes known

If you've made any plans for your own funeral, make sure the relevant people (such as the executors of your Will) know. Also, consider the following questions and note down the details in the space below.

- Have you made any plans for your funeral?
- If you have a prepaid funeral plan, who is it with?
- Do you have any specific requests regarding your funeral? Where are these recorded?

### **Top Tip**

You can record your wishes for your funeral using the Plan Your Own Funeral form on the [gov.scot](http://gov.scot) website



***“When my husband died, I was in a panic. I didn't know what to do. Thank goodness for my Royal Voluntary Service friends who guided me through.”***

*Shelia, Royal Voluntary Service volunteer, Nottingham*

# Useful contacts

While making arrangements for the end of life may seem daunting, there are many organisations that can help, advise and inform you.

## **Gov.uk**

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This government website gives clear information on Power of Attorney, Registration of Death, and other key topics covered in this leaflet – as well as relevant downloadable documents. You can also find your local council through the website.

Website:

**[www.mygov.scot/when-someone-dies/](http://www.mygov.scot/when-someone-dies/)**

**[www.mygov.scot/death-abroad/](http://www.mygov.scot/death-abroad/)**

**[www.mygov.scot/power-of-attorney/](http://www.mygov.scot/power-of-attorney/)**

**[www.mygov.scot/find-your-local-council/](http://www.mygov.scot/find-your-local-council/)**

## **National Records of Scotland**

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Website: **[www.nrscotland.gov.uk/registration/registering-a-death](http://www.nrscotland.gov.uk/registration/registering-a-death)**

## **Bereavement Register**

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Contact to stop unwanted direct mail being sent to someone who has died.

Tel: **0800 082 1230**

Website: **[www.the-bereavement-register.co.uk](http://www.the-bereavement-register.co.uk)**

## **British Humanist Association**

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For details of non-religious funerals.

Tel: **0207 324 3060**

Website: **[www.humanism.org.uk](http://www.humanism.org.uk)**

## **Compassion in Dying**

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Contact for information on patient rights in end of life and medical treatment decisions and for free Advance Decisions.

Tel: **0800 999 2434**

Website: **[www.compassionindying.org.uk](http://www.compassionindying.org.uk)**

## **National Insurance contributions office**

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Tel: **0300 200 3500**

Website: **[www.hmrc.gov.uk](http://www.hmrc.gov.uk)**

## **Institute of Civil Funerals**

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For information about funerals dictated by the wishes, beliefs and values of the deceased, their friends and family.

Tel: **0148 086 1411**

Website: **[www.iocf.org.uk](http://www.iocf.org.uk)**

Email: **[info@iocf.org.uk](mailto:info@iocf.org.uk)**

## **The Law Society of Scotland**

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Representing solicitors in Scotland. Visit their website to find a solicitor near you.

Website: **[www.lawscot.org.uk](http://www.lawscot.org.uk)**

## **National Society of Independent and Allied Funeral Directors**

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Represents more than 870 privately owned, independent funeral homes and independent funeral directors in the UK.

Tel: **0345 230 6777**

Website: **<http://saif.org.uk>**

Email: **[info@saif.org.uk](mailto:info@saif.org.uk)**

## **Office of Public Guardian (Scotland)**

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For guidance on mental capacity and Powers of Attorney. They have free booklets and forms available to download.

Tel: **01324 678 398** (Power of Attorney enquiries)

Tel: **01324 678 300** (general enquiries)

Website: **[www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)**



## **How Royal Voluntary Service can help you or someone you know**

We're dedicated to helping older people live more independently. Whether it's a helping hand at home, support to meet new friends or try new activities, our volunteers can offer support to make the most of later life.

To find out more call

**0292 073 9000**

or visit

**[www.royalvoluntaryservice.org.uk](http://www.royalvoluntaryservice.org.uk)**

for more information.