




# Extraordinary Testaments in the United Kingdom

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## How is a "Testament" or "Will" defined in UK law?

- Wills are legal documents stating how a persons money and property will be distributed after their death
- Wills are also tools to state preference who will be the guardian(s) of any minors



# What makes a will legal?

- For your will to be legally valid, you must:
- be 18 or over
- make it voluntarily
- be of sound mind
- make it in writing
- sign it in the presence of 2 witnesses who are both over 18
- have it signed by your 2 witnesses, in your presence
- If you make any changes to your will you must follow the same signing and witnessing process.



# When is a will not valid?

- A will is not valid if it doesn't meet the requirements of the previous slide
- But also historically a will may be invalid in whole or in part, for many reasons, which may be divided into
  - 1) those arising from external circumstances and those arising from the will itself. The main examples of the former class are revocation by burning, tearing, etc.
  - 2) Undue influence is a ground upon which frequent attempts are made to set aside wills. Its nature is well explained in a judgment of Lord Penzance's: "Pressure of whatever character, whether acting on the fears or the hopes, if so exerted as to overpower the volition without convincing the judgment, is a species of restraint under which no valid will can be made."



# Types of Extraordinary Testament

- **Privileged testament** those who are in active military service, which means that they are either working in the Forces or are just about to be posted to one. This does not just apply to soldiers on the front line, it is also possible for civilian support staff to execute a privileged Will if they are being posted into an operational area.
- A privileged Will is usually written down but can even be an oral declaration. There is no requirement for any witnesses, although an oral declaration must of course be witnessed for there to be any evidence of it. The executor of the Will can be a minor, which is especially important given that many troops are ordered into combat before they reach the age of 18.



# Joint and Mutual Wills

- **A joint will** is two single wills made by two people (usually spouses) giving instructions about how their properties are to be distributed. This is mostly for convenience purposes and they can be called '*mirror*' wills.
- Joint wills can be revoked by either party at any time before death and are valid as long as they follow the format of standard wills.
- **Mutual wills** are two or more wills made by people giving instructions based on agreement about how their properties are to be distributed for each other's benefit. Mutual wills are deemed irrevocable. If revoked after the death of one party and new provisions are put in place, any disadvantaged beneficiaries under the first will who do not benefit under the later will can '*enforce*' the terms of the first will.



## Other extraordinary Wills in the UK

- As long as the will is valid and not void by these conditions...
- Even extraordinary wills can be be valid
- I will now show some examples of some extraordinary wills which come from the United Kingdom
- These come from a genealogy firm called Fraser and Fraser, based in Central London. They have been putting together a list of the strangest requests they have seen on wills in the UK



# Anonymous donation to clear national debt

- Anonymous donation “to clear the national debt” A public-spirited donor made a half-million pound bequest to Britain back in 1928, which is now worth more than £350m. Unfortunately, the anonymous donor was very specific about how the money should be spent: it should only be passed on once it is enough to clear the entire national debt. Sadly, the total national debt currently stands at £1.5tn and so the country can’t touch the money.



# The will of Stephen Cuthbert, from Wiltshire, who wrote his will in 2002 with strict instructions that his estate paid for the 'p\*\*\* up' after his funeral

4. My said trustee shall have the power to dispose of the remainder of my personal chattels as defined by S.55 of the Administration of Estates Act 1925 as they shall think fit (including the power to give any of them to themselves) and on allocating any chattel to any person that allocation shall take effect as though it were a legacy to them free of Capital Transfer Tax.
5. I GIVE DEVISE AND BEQUEATH all the rest of my property wherever or whatever to my Trustees on trust for sale to pay my debts funeral and testamentary expenses and thereafter. Any moneys that are left after all expenses have been paid are to be given to Lynda Legge of 34 Kingsway Ferndown Dorset BH2 29QW free of Capital Transfer Tax.
6. I wish to be cremated if possible and this to be carried out as cheaply as possible. If possible I would like to be taken to the crematorium in the back of a Cortina Estate car. The music to be played " I did it my way " by Frank Sinatra. On or shortly after this day a "Piss Up" is to be held at a venu to be decided by my trustees and to be entirly funded from my estate.
7. In the event of being married at the time of my death, then all ownership of my estate be it owned or part owned and all my chattels shall become the property of my wife to keep or dispose of as she see fit. She is under no obligation to fulfil any of the requests of my will except my funeral arrangements.

I sign this will in the year of TWO THOUSAND AND TWO APRILE SUNDAY 14<sup>th</sup>.

SIGNED by the above named  
STEPHEN RONALD CUTHBERT in  
The presence of



The will of Kenneth Gibson, born in 1923 in Lincolnshire, who requested in 1999 that his step-daughter should get the 'price of half a pound of pork sausages that she claimed in my presence that her late mother Ann Cox had not paid her for

'family' items normally contained in the suitcases and my large jigsaw puzzle  
TOGETHER WITH the price of half a pound of pork sausages that she claimed in my presence that her late mother Ann Cox had not paid her for!

(e) I REQUEST my Trustees to dispose of the remainder of my personal chattels (as defined above) in accordance with the list of even date and in accordance with my wishes made known to them personally.

6. I GIVE the following pecuniary legacies free of Inheritance Tax:-  
(a) to The Equipment Fund of Ward 5B c/o Pilgrim Hospital Sibsey Road Boston Lincolnshire the sum of One thousand pounds.  
(b) to The Eye Equipment Fund of Ward 2A c/o Pilgrim Hospital Sibsey Road Boston sforesaid the sum of One thousand pounds.  
(c) to Mrs Irene Greenfield Allen of 5 North Foreland Drive Skegness PE25 1QT the sum of One thousand pounds towards the care of our cat 'Tibby' and the other wildlife that we supported.

7. I GIVE the remainder of my estate unto my Trustees upon trust to sell call in and convert the same into money (with power to postpone such sale calling in and conversion) and my ready money of my funeral and testamentary expenses debts legacies and any Inheritance Tax payable out of the residue of my estate to pay the residue of such monies to such of the following bodies which are in being at my death and if more than one in equal shares:-  
The Lincolnshire Trust for Nature Conservation (regd charity no. 218895) of Banovalum House Manor House Street Horncastle.  
The Redwings Horse Sanctuary (regd charity no. 295763) of Hill Top Farm Hall Lane Frettenham near Norwich Norfolk N12 7LT  
The Bransby Home for Horses and Donkeys (regd charity no. 501156) of Bransby Saxilby Lincoln Lincolnshire LN1 2FH  
The Cats Protection League (regd charity no. 203644) of 17 Kings Road Horsham West Sussex RH13 5PN

8. I REQUEST my Trustees not to sell either my home or the contents by public auction.

9. I DECLARE that in the interpretation hereof the expression 'my Trustees' shall (where the context so admits) mean the trustee or trustees for the time being hereof whether original or substituted.

10. IF any of my Trustees shall be a solicitor accountant or other professional man he shall notwithstanding that he is a Trustee hereof be entitled to charge and be paid all usual professional or other charges for any business or act done by him or his firm in connection with proving this my Will and acting in the trusts hereof including acts which as Trustee could have done personally.

11. I DECLARE that the receipt of any person purporting to be a treasurer



Thank you for listening!