

Making a will at the time of COVID-19

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If COVID-19 has taught us anything, it's that life can be completely unpredictable. It is not possible to know what is around the corner and we are currently living through unprecedented times of uncertainty and change to which we are all having to swiftly adapt.

With those who are not frontline and essential workers spending their time in lockdown with families or in self-isolation, catching up with life admin tasks (as well as fence painting and decorating) is now on the 'to do' list of many people as they look to use this time wisely.

But with the restrictions in place, plus new regulations that have recently come into force in respect of Will signing and witnessing, doing this is likely to take a different format to normal.

Many of us are likely to be spending more time with those that we live with, or be communicating on a more regular basis with those that we don't. It's an opportunity to have conversations that would usually be considered difficult, and discuss topics such as:

- Who do you want to appoint as your executor, what does this involve and would they be willing to act
- Who are your beneficiaries and will this cause any issues
- Are you making any gifts of money or items to anyone or to charities and will this have any impact on the balance of the estate that you have left to distribute
- Which of your assets are held jointly, or should any held in your sole name be converted into joint names as part of your succession plan
- Who will be the guardian of your minor children
- Where are your assets and do you need advice in any other jurisdictions in this regard
- What are your wishes in the event that you lose capacity with respect to your treatment and care
- Do you have any particular funeral wishes that you wish to make known

Having these kinds of conversations now can alleviate uncertainty and family disparities in the future. If your family are aware of your wishes and the reasons behind them, then there will be no surprises to them in due course which can help during a difficult time.

Due to the restrictions that COVID-19 has placed upon us, the usual methods of putting Wills and Lasting Powers of Attorneys in place are having to be adapted. However, you can instruct your solicitor on these matters by video call, telephone or email or via an online portal.

Despite much of the workforce currently working remotely, the relevant documents can still be properly prepared and then discussed with you and all usual advice given.

Where documents need to be signed by an individual in the presence of a witness or witnesses, there are means of doing this too. In terms of Wills, the testator must be seen to sign the Will in the presence of two witnesses, and, in respect of a Will of Jersey real estate, the Will must be read aloud to the testator by a qualified witness (such as an Advocate) prior to signing. New regulations which came into force last week, the COVID-19 (Signing of Instruments) (Jersey) Regulations 2020, now provide the option for this all to be done via video-link. However for those people who do not have this option available to them, the witnesses can, for example, arrange to complete the formalities from behind a window, while taking all relevant hygiene precautions.

COVID-19 has forced us to re-think the way that we do ordinary day to day tasks, from conducting business to food shopping, that we would usually take for granted. But keeping up to date with these changes and government guidelines, and adapting accordingly, is something that as humans, we are surprisingly adept at doing.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

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