

## Certainty Will Search

It is an unfortunate reality that when a loved one passes on you may find yourself in one of the following situations:

- not being able to find their Will;
- unsure if they actually wrote a Will; or
- uncertain that you have the most up-to-date Will

The National Will Register can assist through a Certainty Will Search. This is a quick process that accesses millions of Will records. Not only does it search for Wills that are registered but it also searches nationally for Wills that have not been registered.

The National Will Register and its Will search services are designed to help protect executors, administrators and beneficiaries against the risks associated with the distribution of an estate on an assumed intestacy basis, or using a Will that may have been superseded by a later unknown version.

20% of Certainty Will Searches results in a Will being found where one was thought never to have been written or the Will being used to distribute the estate had been superseded by the newer found Will.

To help avoid issues arising later in the process of distributing an estate, it is important to identify as early as possible whether a Will actually exists or, if you have a Will, that is the latest version of the Will and a newer Will does not exist elsewhere.

To help confirm the existence of a Will or help prove the Will you hold is the last Will, we recommend a Certainty Will Search be undertaken.

**“We had a Will, but the Certainty Will Search found a newer one”**

- D Brown

## Executor protection

Executors and administrators have the legal authority, responsibility and duty to distribute the deceased's estate and can be held financially responsible for any mistakes made through any breach of duty.

A Certainty Will Search provides you with a Will Search Report that can be placed on file to show that reasonable steps have been taken to search for a Will or prove the last Will.

The cost of a Certainty Will Search is an allowable disbursement so can be paid for from the estate.

• **Will Register Search - search for a registered Will: £38.00 plus VAT (£45.60)**

• **Will Search Combined - search for a registered Will and nationally for Wills that have not been registered: £95.00 plus VAT (£114.00)**

You can also ask your solicitor to undertake a Certainty Will Search on your behalf.

**“We were unsure if a Will existed. Fortunately, we did a Will Search prior to distributing the estate and found it”**

- R Jeffries

Will registration and Certainty Will Search

## Will registration

Two-thirds of people in the UK do not have a Will, which leaves their loved ones unprotected if the worse were to happen as it allows the Government to decide who will inherit possessions, property and money.

Making a Will with your solicitor or Will writer is quick and easy, vitally important and not nearly as expensive as often thought.

It does not signify the end, instead it secures the clarity of your estate for the future, not only ensuring that your estate is distributed as you wish, but avoiding all the final penalties and complications your estate can fall into if you do not have a Will.

Having a Will professionally written could in fact save your family thousands of pounds. Most of us require a fairly uncomplicated Will that is not expensive.

### Why register your Will today?

A recent public survey commissioned by The National Will Register showed that 67% of people did not know where to find their parents' Will. Writing a Will and regularly reviewing it is one of the most important things you can do for your loved ones. Therefore ensuring that your family can find it when you have passed on is essential.

If a Will can't be found after your death then your assets will be distributed in accordance with the intestacy rules, not necessarily in the way you would have wished.

If you are writing your Will or already have a Will then your solicitor will happily register it for you.



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It takes just 60 seconds to record the details that ensure that if your Will is lost, misplaced or forgotten over the passage of time, it can be found instantly. When you register a Will, it records the existence of the Will and where it is stored such as with a solicitor, Will writer or at a storage facility.

The register does not see or store a copy of your Will, your Will stays safely with your solicitor. It also does not disclose that you have a Will or that it is registered.

However, if for any reason in the future your executors, beneficiaries or family cannot find your Will or forget where the original was written and stored, they can perform a Certainty Will Search. Their search enquiry is sent to the solicitor or probate professional your Will is registered to.

Only when your solicitor or probate professional is happy that the searcher is an executor or beneficiary and can provide a death certificate, may the Will be discussed.

## Court of Protection

If you are acting as a Deputy or Attorney on behalf of somebody who has lost capacity, you are responsible for making decisions on their behalf. The National Will Register plays a crucial role in the work of those involved in applying for a Statutory Will or those who need to expedite their property & affairs and welfare deputy and attorney responsibilities with due diligence.

A Will forms part of the financial affairs belonging to the person who has lost capacity and highlights scenarios of possible adverse outcomes which can occur without knowing the contents of the Will.

Having knowledge of the contents of the Will and/or codicil(s), puts the attorney or deputy in a position to act in the best interests of the person, to make appropriate investments; apply to the Court of Protection for an order to save a specific legacy, create a Statutory Will, dispose of an asset or arrange for the safekeeping and storage of an asset.

A Certainty Will Search can assist by searching for Wills registered with The National Will Register and for Wills that have not been registered to confirm whether a Will exists and which law firm, Will writer or storage facility stores it.

The Office of the Public Guardian reported that there are over 5 million registered Lasting Power of Attorneys in England and Wales



The National Will Register is a trusted partner of the Law Society of England and Wales. Will Search and Will Registration are legally endorsed and accredited services.



THE GAZETTE  
OFFICIAL PUBLIC RECORD

