

MAKING A WILL AND FUNERAL PLANNING

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INTRODUCTION

The guide has been produced providing useful and informative information in the procedures of making a Will and funeral planning, the guide offers information on safeguarding your beneficiaries, why a Will should be made, executors and guardian protections, special circumstances, tax, trusts, changing a Will and planning your funeral. The guide also has a useful contact list which offers assistance in making any further enquiries the reader may have about making a Will.

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WHY MAKE A WILL?

By making a properly drawn-up Will, you can decide what will happen to your property and possessions after your death, ensuring that your loved ones are provided for and that they have one less thing to worry about.

A Will ensures you can leave your property and other possessions to whoever you choose (your beneficiaries), although you should ensure you have made reasonable provisions for your dependents, otherwise your Will may be challenged under the law.

Equally, you can specify how your assets are to be distributed. If you are an unmarried couple (whether or not it's a same sex relationship), writing a Will ensures that your partner will be provided for after you have gone, as they would not otherwise have an automatic right to inherit. If you are divorced, the law generally treats your former spouse as if they had died at the time of the divorce, meaning that any gift to them will usually fail unless you state otherwise.

At a time when modern families can be complex and disputes more common, making a Will has never been more important.

There are also a number of financial considerations, such as Inheritance Tax, that make writing a Will a sensible option. A Will also allows you to choose the people who administer its terms (your Executors) and give them useful administrative powers.

Finally, but perhaps most importantly, parents are advised to write a Will in order to state who legal guardianship of their children should transfer to in the event of their death (This appointment normally takes effect only if there is no surviving parent with parental responsibility). You must, of course, obtain the person in question's permission but, by making your desires clear, you can be sure that your children will be raised by the person you would have chosen.

Have you made a Will? If so, have you reviewed it recently? Time and circumstances might mean that a Will made several years ago is no longer appropriate to your current situation.

If you have made a Will, and you have checked that it is up to date, then you can be sure that your wishes will be carried out when the time comes. If you have not made a Will, then your estate will be distributed according to the rules of intestacy, which may not reflect your wishes.



What happens if I die intestate? _____

56% of UK adults do not have a Will. The reasons most cited for this are not getting round to it, not having anything worth leaving, worries about the cost of having a Will drawn up, and not wanting to focus on such a morbid subject.

Writing your Will does not mean you will suddenly find yourself on your deathbed. It is sad to think about a time you won't be here, but it's essential for your peace of mind, especially if you have children, and to save your loved ones from unnecessary stress in the future.

Dying without making a Will (or 'intestate' to use the legal term) can create a lot of anxiety for those left behind. In the absence of a Will, rules apply which determine the priority in which relatives are entitled to your estate. In the event that there are none who qualify or no one comes forward after a specified time then your estate passes to the Crown.

The Law (under the Administration of Estates Act) ensures that spouses and children are provided for where possible from whatever money, property or possessions a person leaves when they die (the 'estate') once any debts have been settled but this can take time to sort out, during which your loved ones may not be sure where they stand.

Under the current legislation, if you die intestate but there are surviving children, grandchildren or great grandchildren and the estate is valued at more than £322,000 then the spouse or civil partner will



inherit all the personal property and belongings of the person who has died and the first £322,000 of the estate, and half of the remaining estate. The other half of the remaining estate is divided equally between the surviving children/grandchildren/great-grandchildren.

If you have no surviving relatives, the whole estate would go to the Crown (This is known as bona vacantia). If you are not married or in a civil partnership but have children, your children will inherit your estate. It is worth noting that if you and your partner are not married or in a civil partnership, the law views them as a friend and they may not receive any provision from your estate, leaving them in financial difficulty. Note also that in some (but not all) cases, jointly owned assets may pass to the co-owners, irrespective of the above rules of intestacy.

How do I make a Will? —

There are several options open to you. You can write your own Will, you can use a standard Will form from a reputable stationers, or you can consult a professional.

You must, however, be at least 18 years of age (although there are special provisions for younger people serving in the armed forces) and of sound mind.

Writing your own Will is possible and, if you do it properly, may be accepted as legally binding. Completing a Will form is also possible and is generally safer than attempting to write your own Will. There are now also Will writing computer programs. If you do decide to draw up your own Will, it is advisable to get the finished product checked by a professional to make sure that it is correct.

However, if you want to be absolutely certain that your Will is legally binding and conveys your wishes properly, then you are advised to take proper advice from a professional from the outset as there are various legal formalities that must be followed to make a Will valid.

In fact, if your estate is at all complicated for example, if you live or own a property abroad, own a business, have joint ownership of a property with someone other than your spouse or civil partner, or if your estate could be liable for Inheritance Tax then it is essential that you use the services of a properly qualified person.

A professional will be able to advise you, not only on matters directly concerning your Will, but also on other actions that might be appropriate to protect your assets for the eventual use of your beneficiaries. For example, they will be able to advise you on 'lasting powers of attorney', which is when you give a person of your choosing the power to carry out certain tasks or make certain decisions on your behalf should you become physically or mentally incapable of looking after yourself or your affairs.

Proper action taken in advance (and backed up by your Will for whenever it is needed) can prevent the loss of family assets.



Did you know.....Gifts to your spouse or civil partner are exempt from tax during your lifetimes, or upon death.

A do-it-yourself Will may not be recognised as legally binding because it may not have been drawn up or witnessed properly. Others may also put a different interpretation on words you have used, this could lead to confusion or misunderstanding about your wishes. Using a professional to draw up your Will ensures that everything is clear and unambiguous.

A professional will also be able to advise you about any aspects of your proposed Will that may cause a problem. Thus, for instance, they will advise against attaching unreasonable conditions to bequests, conditions that might be challenged in the Courts.

A professional may be able to visit you in your own home, care home or hospital. The cost of writing up a Will can vary between professionals and will depend on how complicated your affairs may be and the experience of the solicitor. It's worth speaking to a few professionals before you make any decisions. Also, you may have access to legal advice through an addition to an insurance policy, so it's worth checking that out.

If you are a member of a Trade Union, they may have a free Will writing service that you can use. Other Will writing services exist.

Both the Institute of Professional Willwriters (IPW) and The Society of Will Writers (SWW) have an entrance exam. Both have a code of practice to provide an extra consumer safeguard. The SWW also have a guarantee that any member who becomes insolvent or ill and is unable to complete work for a client will have the work completed.

SWW have introduced 10 member principles which inform clients how they should expect an SWW member to work with them. In addition, the SWW have a complaints procedure handled by an independent administration team.

Depending on your personal and financial circumstances, some people in England and Wales may qualify for free advice about making a Will through the Civil Legal Advice (CLA) telephone **0345 345 4 345** or visit **www.gov.uk/legal-aid** to find out more.

WHAT SHOULD BE INCLUDED IN MY WILL?

Before you write your Will or consult an expert or professional, it is a good idea to think about what you want to include in the document (having a clear idea about your wishes may also reduce the costs of preparing your Will).

You might want to consider the following:

- What assets do you have? Think about money, stocks, shares, insurance, property and possessions (don't forget about possessions that have sentimental value too).
- Do you have any digital assets or online accounts? Who would you like to have control of these? Remember to provide passwords or instructions for accessing these accounts.
- Who do you want to benefit from your Will? How do you want your assets to be distributed, i.e., who gets what? You are advised to identify beneficiaries by their full names and relationship to you, and any specified gifts should be easily identifiable from your description.
- What should happen if one or more beneficiaries dies before you? Make this clear in your Will.

- Who would you like to look after your children if they are under 18 years of age? Have you asked the person/family in question if they are prepared to act as a legal Guardian?
- Do you want to create a Trust for a child under 18?
- Consider any complications like children from a former relationship. How will you provide for your current partner/family, as well as your other children?
- Don't forget any pets that might outlive you - who would you like to look after them? Again, you are advised to ask permission from this person.
- Do you wish to leave a donation to a charity or other organisation? Charities welcome legacies and many offer a Will writing service with this in mind.
- Who is going to sort out your estate and carry out your wishes after your death?

Your Will should take into account any property you own jointly. If property is held under a joint tenancy, you cannot leave your share to someone else as it will pass automatically to the other owner.

If you own the property under a tenancy in common, you can leave the property to someone else who will then become tenants in common with the other owner. If you have a joint bank account, money in that account automatically passes on to the other account holder and cannot be left to anyone else.

If you want to leave property to someone who is transgender, you must seek advice as you may have to refer to the person in his or her acquired gender, not their birth gender.

Many people also use their Will to state their wishes for their funeral (e.g., burial or cremation, place and manner of service, etc. or organ donation), which can save your loved ones from having to second-guess your wishes. You may also give your preference for funeral directors or leave information about a funeral plan you may have purchased.

Special Circumstances —

If there are any special circumstances concerning your affairs, it is especially important to obtain professional advice to ensure that your estate is administered for the benefit of those you wish to inherit. Such circumstances might involve the nature of your assets as mentioned earlier (e.g., a business, a foreign property) or the situation of a particular member of the family. For example, you may need to make special provision in your Will for someone who has a physical or mental disability.

Did you know.....If you give away 10% or more of the net value of your estate to charity, you may only have to pay a reduced IHT rate of 36% on certain assets.



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EXECUTORS AND GUARDIANS

An Executor is someone named in a Will who takes legal responsibility for carrying out the instructions left by the deceased regarding their estate. If there's no will, or those named are unwilling or unable to fulfil the executor role, a court may appoint an administrator in their place. Executors often instruct solicitors and other professional advisers to help them.

Executors must be over 18 and mentally capable and should be people you can rely on completely. You can have between one and four Executors, although most people tend to have two so that one can step in if the other is unable, or so

they can share the responsibilities. You can choose relatives, friends or professional advisers; thus, for instance, you might choose your spouse and your family solicitor. An Executor can be a beneficiary in your Will; they can also claim from the estate for any expenses incurred in carrying out their duties as your Executor.

You may also appoint a bank or another professional as your Executor, Professionals will charge for this service. If you do appoint a professional Executor, you may need to make clear in your Will that fees for carrying out their work should be paid from the estate.

Professionals will always charge for their services as Executors; charging is not restricted to banks but to any Executor acting in a professional capacity.

You may appoint Guardians in your Will to take responsibility for any of your children who are under the age of majority (18) at the time of the death of yourself or your spouse. They may be the same people as your Executors, although this is often not the case. You should, of course, ensure that your Executors and Guardians are willing to take on their responsibilities if and when required.

Executors and Guardians may be beneficiaries in your will; people who witness your Will (and their husbands, wives or civil partners) cannot. You should ensure, herefore, that you do not ask family and friends remembered in your Will to be witnesses.

Your signature to the Will must be witnessed by two people (aged 18 and over) who must be present at the time you sign it. They must sign the Will in your presence and there

should be an 'attestation clause' where the witnesses confirm that you signed the Will in their presence.

The law does allow someone to sign your Will on your behalf as long as you are in the room and it is signed at your direction. This usually occurs if a person is blind, illiterate or too unwell to sign the Will.

If you are suffering from a serious illness or dementia, it is advisable to obtain a Medical Practitioner's statement, certifying that you understood the nature of the document that you signed.

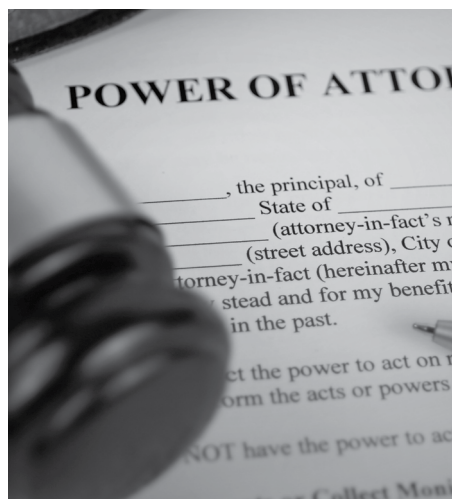
Did you know.....People who have never married are 4x less likely to have a funeral plan.

Although a Will is legally valid even if it has not been dated, it is advisable to ensure that your Will includes the date on which it was signed to protect against future disputes about when your Will may have been drawn-up and whether it reflects your latest wishes.

If you do not appoint an Executor, the courts can appoint other people to be responsible for this job in the event of your death. A 'Public Trustee' is often appointed as an Executor if there is no one else willing or able to take on the role (perhaps if your beneficiary is an incapacitated adult or dependent child likely to outlive both parents and other close relatives)

Considerations you should take into account when choosing an executor

- Location – will they be able to deal with the logistics of selling and/or clearing the house, for example?
- Moral Issues – Do the executors have the same viewpoint on life as you? Will they ensure that your money is spent on your children in a manner similar to your own?
- Age – will they be able to cope with the work involved in realising your estate? Are they likely to survive to the end of the Trust? Once the appointment takes effect, the Trustees will be able to appoint new Trustees to take over from them.
- Finances – do they have the skills to look after and invest a potentially large sum of money? They will be able to take specialist guidance but will still need to make decisions based on that advice.



LASTING POWER OF ATTORNEY

Once you have made a Will you will be able to enjoy the reassurance of knowing your affairs will be taken care of after your death. However, you may also wish to set up an arrangement to assign people to look after either your personal and financial affairs or both if you become unable to do so during your lifetime. This is known as a Lasting Power of Attorney and it ensures that your affairs will always be taken care of by one or more of the attorneys selected by yourself to safeguard your interests.

How does a Lasting Power of Attorney work? _____

A Lasting Power of Attorney is a legal document and there are 2 different types in which you can set up:

- Property and Financial Affairs LPA. With this you choose one or more persons to deal with your financial affairs.
- Health and Welfare LPA. With this you choose one or more persons to deal with your personal affairs i.e., healthcare.

Different people can be appointed for each area. Neither of the documents are allowed to be used until they have been registered with the Office of Public Guardian. A Health and Welfare LPA can be used only if you are unable yourself to make decisions about your own welfare and healthcare and the Property and Finance LPA can be used as soon as its registered, with your permission.

FINANCIAL CONSIDERATIONS WHEN MAKING A WILL

As we have touched on earlier in this guide, when you die intestate i.e., without making a Will your assets are shared out according to a strict set of inheritance rules, which may not reflect your wishes, more information about these rules can be found at www.gov.uk/make-will It is worth noting that the law differs if you die intestate in Scotland (please see the Scottish edition of this guide for more information).

Did you know..... 1,367,053 LPA's were registered with the Office of Public Guardian in 2024/2025.

Leaving a legacy to charity in your Will _____

You may decide to leave a legacy in your Will to charity.

One in five charity donors aged 40 and over leave a gift for charity in their Will, this makes up approximately 30% of all donations received by charities. Leaving a legacy has become more popular as around 100 people choose to leave a legacy in their will every day. Charities rely on donations to support their work and for most charities they wouldn't be able to survive if it wasn't for help from donations. Across the UK, people donate roughly £4bn a year in their wills. Even a small amount can help make a big difference to charities.

After you have taken care of your loved ones and family members, why not consider leaving a gift in your Will to your favourite charity. Leaving a gift to charities can reduce the amount of Inheritance Tax you pay.

Any gift left to a qualifying charity (an organisation that is recognised as a charity for tax purpose with HMRC) will be exempt from Inheritance Tax, also the rate of inheritance tax can be reduced from 40% to 36% if you leave at least at 10% of your 'net estate' to charity.

You can even give money to charity whilst still alive as this won't be counted as part of the 'estate' when you die. As your Will is a legally binding document, and the subject of charitable legacies can be complex, it's sensible to seek professional help when making a legacy in your Will.

Inheritance Tax ---

There's an old saying that the only certainties in life are death and taxes!

Unfortunately, you may leave your dependants with tax liability after your death. You can currently leave up to £325,000 tax-free to anyone in your Will, not just your spouse or civil partner (tax year 2025/2026). So you could, for example, give some of your estate to someone else or a family trust.

There is no inheritance tax to pay if your estate is under the £325,000 threshold or you leave everything above the £325,000 threshold to your spouse, civil partner, a charity or a community amateur sports club.

You may still need to report the value of the estate if it is under the threshold. Inheritance Tax is then payable at 40% on any amount you leave above this threshold.

This excludes any bequests between husband and wife or civil partners (this is known as 'spouse or civil partner exemption') and to registered UK charities, all of which are exempt. Thus, if a husband, wife or civil partner leaves everything to their legal partner or spouse (and they were both living in the UK), or a person leaves everything to a charity, no inheritance tax is paid even if the value of the estate is above the threshold.

A reduced rate of 36% is applied where 10% or more of the "net value" is left to charity.

Residence Nil-Rate Band was introduced in April 2017 which applies when you leave your property to a direct descendant. For the tax year of 2025/2026 you can pass on an additional £175,000.

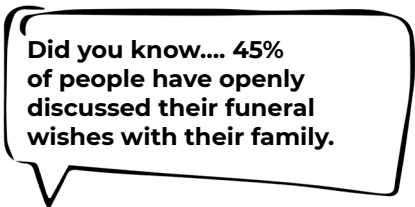
Most gifts made more than seven years before your death are exempt from Inheritance Tax (although some exemptions apply). Certain gifts such as wedding gifts and gifts in anticipation of a civil partnership up to £5,000 (depending on the relationship between the giver and recipient, e.g., parent, grandparent, great grandparent, etc.), gifts to charity, and £3,000 given away each year are also exempt.

Since October 2007, it has been possible to transfer any unused Inheritance Tax threshold from a late spouse or civil partner to the second spouse or civil partner when they die. This can increase the Inheritance Tax threshold of the second partner from £325,000 to as much as £650,000 in 2025/2026, depending on the circumstances.

To understand this threshold for married couples and registered civil partners and the rules that apply in more detail, we would recommend reading 'Transferring an unused Inheritance Tax threshold' at **www.gov.uk/guidance/inheritance-tax-transfer-of-threshold**.

In 2007, the Chancellor backdated these changes so that widows, widowers and remaining civil partners are able to make use of any allowance left unused by their partner. If this backdated provision may affect you, then we recommend that you seek specific legal advice.

Other exemptions were introduced on 6 April 2004 regarding low value estates, exemption estates and foreign domiciled individuals.



Did you know.... 45% of people have openly discussed their funeral wishes with their family.

Changes to excepted and/or exempt estates came into force on the 1st Jan 2022 as a consequence of The Inheritance Tax (Delivery of Accounts) (Excepted Estates) (Amendments) Regulations 2021 and will apply to all deaths on or after that date.

Please note that if your civil partner or spouse is resident abroad at the time of your death here in the UK, there is a limit of £325,000 allowance for Inheritance Tax.

We strongly recommend that you consult a professional solicitor or tax advisor to check your situation if this might apply to you.

The Finance Act 2006 had an impact on the way Inheritance Tax is charged on trusts, lifetime gifts and some pensions.

Tax allowances for individuals, whether single, divorced or living in a partnership not legally recognised, have not been altered.

A deed of variation can be made in the first two years after a death to ensure a Will is tax efficient. Please consult a professional to check if this is applicable to your situation.

If you were to die from wounds inflicted, accident occurring, or disease contracted while a member of the armed forces, your estate may be exempt from Inheritance Tax (depending on the individual circumstances).

In such cases, the executor or administrator should contact the Ministry of Defence for a certificate of exemption.

Many larger UK charities produce guidelines about how to make bequests to them and, from time to time, run schemes providing low cost Will writing.

We strongly advise that if you think your estate will be valued above the tax thresholds, you consult a professional without delay because Inheritance Tax issues can be complex.

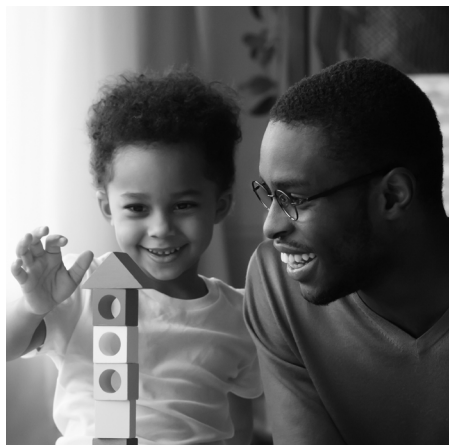
Current information on Inheritance Tax is available online at **www.gov.uk**. There is also a Probate and Inheritance Tax helpline available on 0300 123 1072.

What is a Trust? —————

A Trust is a vehicle whereby assets are held in the names of trustees for the use or benefit of a person or persons (beneficiaries). The type of benefit which the beneficiaries receive under the trust is determined by the trust document. For example, a beneficiary may be entitled to income only or income and capital but only with the trustees' approval, or some other interest. Usually the beneficiaries will not have outright control of the assets. Trusts can be very useful in the event that a beneficiary is unable to manage his or her affairs (because of age or disability) or simply because they are vulnerable in some other way, such as being easily influenced or not very good with money. Depending on the type of trust the beneficiaries do not need to be treated equally. A trust may be the best way to secure the interests of dependent children, particularly if they have no living parent.

If you feel that setting up a trust might be appropriate for your circumstances, then professional advice is essential as a poorly drafted trust document may not do what you need it to and can often only be changed by the courts.

When setting up a trust, you should also seek advice on the tax consequences. The creation of a trust usually has to be notified to the tax office as income arising is taxed differently to that of an individual. There may also be inheritance tax due on the creation of larger trusts which exceed the nil rate band, and when assets leave these trusts.



Challenging a Will —————

If a widow/widower or dependent child (and, in some circumstances, a cohabiting partner) considers that he or she has not received 'reasonable provision' under your Will, then he or she may make an application to the Court under the Inheritance (Provision for Family and Dependents) Act 1975.

A spouse may be able to claim the full estate and children may be able to claim maintenance. If you were living with a partner but were not married or in a civil partnership, your partner will have to show that they were 'maintained either wholly or partly' by you, the deceased. This may be extremely difficult for them if you have always shared your living costs.

Your dependents will need to claim that there has not been reasonable financial provision made for them within six months of the date of the Grant of Probate. This is quite a complicated area and claims often don't succeed, which is another reason for leaving a properly drawn-up Will.

WHERE SHOULD I KEEP MY WILL?

Once you have made your Will, it is important to keep it somewhere safe and to make your Executor, a close friend or relative aware of where it is. If a professional makes your Will, they will usually keep the original and send you a copy for your records. You can ask for the original if you wish to hold it. Some people choose to lodge their Will with a bank or at the Probate Registry for safekeeping, although there may be a charge for this service.

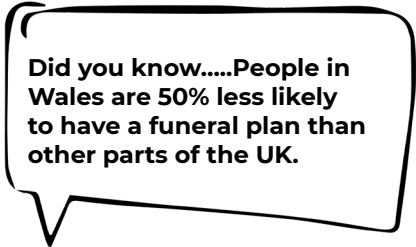
It is a good idea to store your Will, any life assurance documents, funeral plans and other relevant documents in the same place, so that your family has all the information they need should you die unexpectedly.

Changing your Will

Any Will that is validly drawn up (and the requirements are quite strict) takes effect on the death of the person who made it. Until then, it can be altered by the addition of a further document, known as a Codicil (this is usually only advisable for minor changes), or it can be replaced by a completely new Will at any time.

You may need to review your Will because of a change in your personal circumstances e.g., divorce, remarriage, having a child, so it is worth revisiting the contents of your Will every five years to ensure that they are still current.

If there is the slightest possibility of doubt or uncertainty about the meaning of a Codicil, it is better to have a completely new Will drawn up and revoke the old Will. Codicils must be signed and witnessed in the same way as a Will but you do not have to use the same witnesses as for the original Will.



Did you know.....People in Wales are 50% less likely to have a funeral plan than other parts of the UK.

Destroying a Will

If you want to destroy a Will, you must burn it, tear it up or otherwise destroy it with the clear intention that it is revoked.

You must destroy the Will yourself or it must be destroyed in your presence; instructing an Executor to destroy your Will would have no effect on its legal standing. Similarly, if a Will is destroyed by accident, it is not revoked and can still be declared valid.

Although a Will can be revoked by destruction, it is advisable that your new Will should contain a clause revoking all previous Wills and codicils, just in case someone were to reassemble the old version and claim it had been destroyed by accident. Revoking a Will means that it is no longer legally valid.

Never make alternations to the original document. Also, do not attach any separate documents to your Will with staples or paperclips.

SPECIAL TYPES OF WILLS

It is worth noting that there are some special types of Will where the rules relating to standard Wills may not apply or where there may be some significant differences. You are advised to take comprehensive legal advice about special Wills.

As a rough guide, a privileged Will is an informal Will that can be made by serving members of the Armed Forces and support personnel who are either in or about to be engaged in active military operations (this includes war or peacekeeping duties). A privileged Will can also be made by a Mariner or Merchant Seaman on a voyage. A privileged Will can be oral or written, and does not have to conform with the formalities of a standard Will. The person does not have to have reached 18 to make a privileged Will. The Will remains valid, even after the operations have ended and until the death of the maker, unless it is revoked by the maker.

Inheritance Tax is not payable on the estate subject to a privileged Will if the maker's death comes about as a result of military service.

Other special types of Wills include mutual Wills (where two or more Wills are made by two or more different people, giving instructions - based on agreement - on how their properties are to be distributed for the benefit of the other(s) on the death of one) and joint Wills (where one Will is made by two people, usually spouses, giving instructions on how their joint properties are to be distributed).

Advance Decision (Living Will) ---

On 1st October 2007, the Mental Capacity Act 2005 came into force, forming the legal basis for 'advance decisions' or 'advance directives' (formerly known as 'Living Wills').

An advance decision is a means of indicating to your care providers and loved ones whether you wish to refuse all or some forms of medical treatment if you were to lose mental capacity in the future, e.g., if you were to be put on a life support machine or need resuscitation. This might be relevant if you were to be in a car accident, have a stroke or develop dementia, for example.

You cannot use an advance decision to insist that a particular medical treatment is given, as this might conflict with what the medical professionals providing your treatment conclude is in your best interests.

A valid advance decision has the same effect as a refusal of treatment by someone who is capable of making that decision in other words, that treatment cannot lawfully be given and a doctor going against your wishes might face civil liability or even criminal prosecution. An advance decision to refuse treatment is the only type of living Will that is legally binding.

You cannot use an advance decision to ask for your life to be ended, to force doctors to act against their professional judgment or to nominate someone else to decide what treatment you receive on your behalf (although this can be done via a Health & Welfare Lasting Power of Attorney).

Also, advance decisions do not account for the development of new drugs or treatments so, although you may refuse a current treatment, you may wish to add a clause that allows future treatments to be tried.

Did you know....Only 4 in 10 adults have a Will despite owning a property.

Some elements of an advance decision now have to be in writing in order to be valid, while other elements can be communicated verbally (although you should have these witnessed by a senior member of your medical team as it may be more difficult for someone to prove your verbal wishes).

As a rough guide, a valid advanced decision needs to:

- Be made by someone who is 18 or over and has the capacity to make the decision
- Specify clearly the treatments to be refused
- Specify the circumstances in which a refusal would apply
- Have not been made under the harassment or influence of anyone else
- Have not been modified either verbally or in writing since it was made

If you wish to refuse life sustaining treatment, your advance decision must be in writing, signed and witnessed, and include an express statement that the decision stands 'even if life is at risk'.

A doctor has the right to not act on an advance decision if you have done anything that is clearly inconsistent with this decision in terms of its validity for example, changed religious faith since it was made. The doctor may also feel that you could not have anticipated your current circumstances (i.e., a new treatment has been introduced that could save your life). If you are being treated under the Mental Health Act, a doctor may also override your advance decision.

If you made an advance directive or statement refusing life-sustaining treatment before 1st October 2007, you are advised to review it to ensure that it meets the requirements set out.

In Scotland, different legislation applies to 'advance directives', which are not legally enforceable under the Adults with Incapacity (Scotland) Act 2000. One of the general principles of the Act states that the wishes of the adult should be taken into consideration when acting or making a decision on their behalf. To find out more, please request a copy of the Scottish edition of the 'Making a Will and Funeral Planning' guide.

LIVING WILL (ADVANCE DIRECTIVE)

This document contains two parts. Both parts are for use when you can no longer communicate your health care wishes to your doctors. You may choose to sign one or the other or both.

The first form is called a Health Care Directive, also known as a living will. The Health Care Directive allows you to tell your health care providers your preferences for end of life treatment.

The second form is called a Health Care Power of Attorney. This Health Care Power of Attorney allows you to appoint another person to make health care decisions on your behalf taking into account your wishes.

This form was completed and signed on ____ day of _____, 20____.

I, _____, do not wish to fill out this form and just wish to designate a health care agent, draw an "X" through the following section)

I, _____, with a street address of _____, County of _____, State of _____, and last four (4) digits of my social security number _____, may be referred to as the "Principal" desire to appoint _____ as my health care agent for my health care in the event I am unable to make my own decisions.

I, _____, do not wish to fill out this form and just wish to designate a health care agent, draw an "X" through the following section)

I, _____, with a street address of _____, County of _____, State of _____, and last four (4) digits of my social security number _____, may be referred to as the "Principal" desire to appoint _____ as my health care agent for my health care in the event I am unable to make my own decisions.

I, _____, do not wish to fill out this form and just wish to designate a health care agent, draw an "X" through the following section)

I, _____, with a street address of _____, County of _____, State of _____, and last four (4) digits of my social security number _____, may be referred to as the "Principal" desire to appoint _____ as my health care agent for my health care in the event I am unable to make my own decisions.

Advance Statement —————

In talking about advance decisions and living Wills, you may also come across the term, 'Advance Statement'. This is a general statement of your wishes and views, allowing you to state your preferences about what treatment and care you would like to receive if you are unable to decide or communicate these preferences in the future.

An advance statement might include your food beliefs (e.g., Kosher, vegetarian, etc.), as well as whether you prefer to have a bath or shower. You may also wish to communicate your religious beliefs and any values that you hold particularly dear. You may also name any individuals you would want to be consulted about your care, if you are unable to make decisions for yourself.

An advance statement will help care providers to consider your best interests, but they are not legally bound to follow your wishes.

If you create a Health and Welfare Lasting Power of Attorney, you might decide to record an advance statement in this document, as your attorney(s) must take this statement into account when making any decisions on your behalf. You can find out more about making an advance decision online at **www.compassionindying.org.uk**.

Age UK also publishes a comprehensive leaflet, entitled 'Advance decisions, advance statements and living wills - Factsheet 72'. You may also wish to contact the Institute of Professional

Willwriters for more information on issues such as 'Health and Welfare, Lasting Power of Attorney' and 'Advanced Directives'.

Organ Donation —————

The law changed into an 'Opt Out' system. This means all adults in England and Wales (Unless you have chosen to Opt Out or you are in one of the certain excluded groups) organs will be donated. Even under this system, family members are always consulted before any donation takes place, so it is important to make your wishes known in advance.

You can also express your wishes by adding them to your Will, writing them down or telling someone you have appointed to make medical decisions on your behalf. To save your family from worrying about this decision, it is always a good idea to make your wishes known in advance.

If you would like to donate some or all of your organs in the event of your death, you can register with the NHS Organ Donor Register by calling **0300 123 23 23** or online at **www.organdonation.nhs.uk**

Registering your wishes helps ensure your family and healthcare team know your preferences.

End of Life Care —————

Given a choice, most people would prefer to die in the comfort of their own home surrounded by those they love. End of life care is described when someone is likely to die within the next 12 months, but this is a clinical estimate, not an absolute rule. Once an illness is deemed to be terminal by a medical professional, care becomes palliative, with the

emphasis being placed on reducing pain before death occurs. While many patients receive end of life care in a hospital, hospice or a care home, there are many other community services that can support patients and their families who are being cared for at home, at this time. Palliative or end of life care has certain underlying principles: underlying principles:

- Emphasis is placed on the quality of life
- Care is planned so that both the patient and family are supported before, during and after death
- Care is tailored to individual patient needs.

Talk to your GP or District Nurse if you feel that you would benefit from these services. Alternatively, if you want to research might be possible for you, you can go to the following webpage:

www.nhs.uk/conditions/end-of-life-care/

Hospice Care —————

Hospice Care is a type of care provided for patients who have a life-limiting or terminal illness, this type of care can be offered at home, as an inpatient or in the hospice itself.

Hospice care services are provided by a team of professionals including doctors, nurses, social workers, therapists, counsellors and trained volunteers and offers a range of services such as controlling pain, psychological and social support, rehabilitation, complementary therapies, financial advice and bereavement care.

Hospice care is free and is paid via a combination of NHS funding, public funding, public donations, legacies left in wills and some hospices run their own lottery. Your GP or hospital usually refer you to hospice care, however you can also contact a hospice directly yourself but the hospice will also contact your GP to make sure that support is appropriate.

PLANNING YOUR FUNERAL

No one wants to think about how and when they will die, or what it will be like for our families without us. Although planning your funeral in advance may not be something you want to think about, there are many practical and emotional reasons why it should be a priority.

Funerals are expensive occasions and require a lot of decisions to ensure they run smoothly. Planning your funeral long in advance of it happening can give your friends and family peace of mind at a heart-breaking time.

Why take out a Pre-paid Funeral Plan? —————

Taking out a 'pre-paid' funeral plan enables you to let your friends and family know what you want for your funeral. It also means that the costs are covered in advance, thereby saving your family from potential financial difficulty at an already stressful time.

As the costs of funerals are always rising, taking out a pre-paid funeral plan means that you pay at today's prices, although it's essential that you read the small print and understand the package you sign up to as some pre-paid funeral plans may not pay all the costs of your funeral. Recent figures suggest, the average cost of a UK funeral in 2024 is £4141, however this cost varies depending on your location and funeral arrangements.

It's generally easier to shop around for funeral prices, and compare products and services, when death seems a distant possibility rather than a stark reality. Bereaved family may not be thinking clearly in the days immediately after your passing.

If you do take out a pre-paid funeral plan, it is important to tell your relatives, friends or Executors to ensure that they don't pay for your funeral through a different provider, not knowing this has already been taken care of. You should keep all your important paperwork together and let someone know where they can find it.

Since July 2022, the Financial Conduct Authority has been regulating firms that provide and arrange prepaid funeral plans. This means that your money is safe with an authorised provider, you are protected by the Financial Services Compensation Scheme should your plan provider fail and if you have a complaint against a funeral plan provider or intermediary you can refer it to the Financial Ombudsman Service.

Why Pre-paid Funeral Plans are a good idea ———

If you have a pre-paid funeral plan, it allows you to:

- Relieve your family of much of the worry and uncertainty by specifying the funeral arrangements you would like.
- Reduce the financial burden on those you leave behind by covering the cost of the funeral arrangements in advance.
- Protect yourself from rising funeral costs in the future by securing the cost of your funeral today.
- Choose to personalise your funeral by expressing your personal wishes to us.
- Enable your family to add any personal touches to the arrangements at the time of the funeral.
- Nominate your preferred Funeral Director to provide care, support and reassurance to you and your family.

How to choose a Pre-paid Funeral Plan ———

There are lots of different pre-paid funeral plans. The key to finding the right one is to shop around and be clear about your needs and budget. Many providers offer a choice of plans with different levels of service. There will be a lot of information to take in, so ask for written details; this will help you make a side-by-side comparison.

It's a difficult conversation to have but we would recommend talking about your intention to take out a funeral plan with your family.

You can let them know your wishes but also, there may be things they want you to consider when choosing the best plan.

If you're stumped as to which plan is right for you, you may want to seek the advice of an independent financial adviser. Pre-paid funeral plans are regulated by the Financial Conduct Authority, so check that the plan you're considering is registered with them to ensure that it abides by their Code of Practice.

When choosing a funeral plan, you should consider the following points:

- The cost.
- Do you want to pay by instalments.
- How long will you need to pay will you have to pay interest on the unpaid balance.
- If you die before the instalments have been paid, will your family need to pay a lump sum or can they continue to pay in instalments.
- What is included in the plan.
- Does it include disbursements, i.e., fees payable to the minister, church or crematorium (Some plans include them, others exclude disbursements outside of the control of the funeral director).
- Does the plan let you choose your coffin, flowers, transport to the venue, pallbearers, and a notice in the local paper.
- Is the money placed in Trust to be used for the funeral or will

it be paid into your estate (in which case it may be included as an asset when calculating Inheritance Tax liability).

- What happens if your funeral plan provider goes out of business.
- What safeguards are in place to protect your money.
- Is the company a member of a professional body.
- Is there a clear complaints procedure.
- Can you choose a funeral director or is this specified by the plan provider.
- If you buy your plan from a local company, what would happen if you move.
- What would happen if you die away from the area or while on holiday abroad.
- Can you amend or upgrade the plan at a later date.
- Is there a cooling off period or any charges for cancelling the plan.
- If your family forgot or didn't know you had paid into the plan and arranged your funeral elsewhere, would the money paid into the plan be refunded.
- Are you able to give a record of your funeral wishes.

Other ways to pay for your Funeral

If you decide against a pre-paid funeral plan, you may want to consider other ways of funding your funeral to take the stress away from your loved one. Some people opt to take out a life assurance plan or invest their money in a high interest savings account.

You should be aware that you have no guarantee that interest levels will keep pace with rising funeral costs.

The other thing to remember with life assurance and savings is that your family may not be able to access them before your funeral, so they may need to raise the funds themselves in the short-term.

If your loved ones take a funeral director's invoice to the bank, they may choose to release the funds to pay for your funeral even if all other transactions from the account have been frozen. This varies across banks.

Your Funeral Wishes —————

Stating your funeral wishes now can save your loved ones worry and distress in the future. You can find a handy 'Advance funeral wishes' form on the **www.bereavementadvice.org** website.

This asks you to consider how you would like your funeral to be. Using this form, you can state your wishes for things like:

- Who you would like to arrange your funeral.
- Organ donation.
- Where details of your pre-paid funeral plan is kept.
- Whether you want to be buried or cremated.
- What type of coffin you would like.
- Where you would like to be buried or cremated.
- Whether you have reserved a burial place.

- Who you would like to bear your coffin.
- Whether you would like a grave marker.
- What sort of urn or container you would like for your ashes.
- Where you would like your funeral service to take place.
- What type of service you would like (religious or non-religious).
- Who you would like to attend.
- Who should lead or speak at your service.
- What music you would like played at your service.
- What readings you would like.
- Who you would like to talk about your life.
- Any special dress code or requests for the reception (e.g., your favourite food or drink).
- Whether you want a memorial service.

Remember...

When you die it will be too late for you to make any further arrangements for your family. So, for your own sake and theirs, you should make a Will if you have not already done so, and you should keep it up to date. If you are married or have a cohabiting partner, then you may wish to draw up Wills at the same time.

If you consult a professional, they will give you an estimate of their fee before carrying out work on your behalf. It may be less than you expect and it will be money spent wisely.

GLOSSARY

Administrator - these are the people who sort out things not covered by your Will.

Beneficiary - a person who receives something from your estate.

Bequest - a sum of money or specific item left to a beneficiary.

Chattels and movables - personal possessions, car, tools, furniture etc. but not house and land.

Codicil - an addition, amendment or supplement to an existing Will (please note that if there is a legal flaw in the original, a codicil will not correct it).

Crown - if you have no relatives and no Will, the Crown will receive the sum of your estate.

Estate - everything you own or have a share in at the time of your death. For tax purposes, this can include gifts made in the last seven years of your life.

Executor(s) - the person(s) or organisations(s) that you appoint to administer your Will (note that they can refuse the task even if they agreed in your lifetime).

Executrix - female of executor.

Inheritance tax - the current threshold is £325,000 (2025/2026 tax year); plus the new main residence band of £175,000 giving a total allowance of £500,000, anything above this threshold is taxed at 40% (at the time of writing, September 2025) or at 36% for anyone donating 10% or more of their net estate to charity.

A professional will be able to advise you on how to minimise the impact on Inheritance Tax.

Intestate - the term that the law uses to describe one who dies without a Will or no valid Will.

Intestacy - the state of being intestate Legacy - a specific sum left to a beneficiary.

Probate - the legal process of validating the Will and appointing an administrator if needed.

Residue - what is left of your estate when all bequests, debts, legal and funeral costs have been deducted.

Residual Bequest - the gift of the residue of your estate; this is conditional on there being a residue.

Spouse - the person to whom you are legally married. Marriage usually nullifies previous Wills.

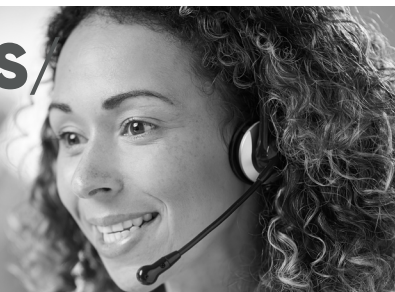
Testator - yourself, if you are making your own Will.

Testatrix - female term of testator.

Trustee - the name for an executor who is appointed to handle whatever part of your estate that has been left under a continuing Trust.



USEFUL CONTACTS/ ORGANISATIONS



Your local Citizens Advice Bureau will have information on professionals who can assist you with making a Will. In addition, your local Law Society and the Institute of Professional Willwriters will have a register of all their members and their areas of expertise; your public library will have contact details. Information about Inheritance Tax can be found at **www.gov.uk/inheritance-tax**.

Listed below are a number of organisations that will be able to give you more advice about meeting your requirements. This is by no means an exhaustive list and you may find that there are local organisations who can tell you more about the services on offer in your area.

If you are living in Wales or Scotland, you are advised to read our Welsh or Scottish edition of the Making a Will and Funeral Planning Guide as many of the organisations listed below have a dedicated Welsh or Scottish branch, and different rules, regulations and legislation may apply.

Age UK

7th Floor, One America Square, 17 Crosswall,
London, EC3N 2LB

Age UK publishes a number of useful guides and factsheets on Wills and estate planning. These include Making a Will and Dealing with an estate.

Advice Line
0800 678 1602
8am – 7pm every day,
365 days a year



Email via the online contact form
www.ageuk.org.uk

British Institute of Funeral Directors

The British Institute of Funeral Directors
National Office, 2 Heather Ridge Arcade,
Heatherside, Camberley, Surrey, GU15 1AX

The only Professional Body for qualified Funeral Directors in the UK. Full members use post nominals MBIFD and Licensed members who undertake annual CPD

Tel: 0800 032 2733

Email: admin@bifd.org.uk
www.bifd.org.uk



Cancer Care Map

www.cancercaresmap.org

Cancer Care Map is an online resource to help people living with cancer find care and support services in their local area, anywhere in the UK.

Carers UK

20 Great Dover Street, London SE1 4LX

Carers UK offers advice and support for carers. You are a carer if you look after a relative, friend or neighbour because they are frail, ill or have a disability.

Advice Line:
0808 808 7777
Mon- Fri 9am - 6pm



Email: advice@carersuk.org
www.carersuk.org
Facebook/X

Chartered Institute of Legal Executives (CILEX)

CILEX can provide details of lawyers in your area, including those who specialise in Wills and Probate.

Tel: 01234 841000
Mon, Tue & Thur
9am-5pm,
Wed 10am-5pm & Fri 9am-4pm



Email via the online contact form
www.cilex.org.uk
X #CILEXHelp

Citizens Advice Bureau

Citizens Advice offers free, independent, confidential and impartial advice. Visit www.citizensadvice.org.uk and enter the 'family' section for more information about writing a Will.

Advice Link
0800 144 8848

Email via online contact form
www.citizensadvice.org.uk

The Citizens Advice logo, which is a dark grey circle containing the words "citizens" and "advice" in white, lowercase, sans-serif font, stacked vertically.

**citizens
advice**

Cruse Bereavement Support

This organisation can provide support and counselling for bereaved people throughout the UK.

Helpline:
0808 808 1677

Cruse Bereavement
Support

Email via the online contact form
www.cruse.org.uk
CruseChat - Chat online with expert
grief counsellors

Financial Conduct Authority

The FCA regulate the conduct of nearly 42,000 firms in the UK to ensure that our financial markets are honest, competitive and fair.

(Freephone) 0800 111 6768
Mon - Fri 8am-6pm, Sat 9am-1pm

Email: Via the online contact form
www.fca.org.uk

HMRC Inheritance Tax

How Inheritance Tax works. threshold, rules and allowances.

www.gov.uk/inheritance-tax

Institute of Professional Willwriters

Trinity Point, New Road, Halesowen, West
Midlands, B63 3HY

Tel: 0345 257 2570



Email at enquiries@ipw.org.uk or via the
online contact form
www.ipw.org.uk

Lovingly Managed

Lovingly Managed is a business aiming to support families dealing with the loss of a loved one and is headed by a former partner of a law practice specialising in Wills, Probate and elderly care issues. We can do all the practical things necessary at that time by acting as a type of 'surrogate daughter' to include re-homing animals, emptying properties, packing up and distributing items together with help with completing probate forms.

We are also able to help with Wills, Living Wills, Lasting Powers of Attorney and full End of Life plans and of course actual funeral planning to ensure smooth procedures before and after a death. Those who plan fully will then have peace of mind for those they leave behind.

Tel: 07786 382336



Email: info@lovinglymanaged.com
www.lovinglymanaged.com

National Association of Funeral Directors

618 Warwick Road, Solihull, West Midlands
B91 1AA

Website has useful list of links to other organisations

General Enquiries: 0121 711 1343

Email via the online contact form
www.nafd.org.uk

National Association of Memorial Masons

1 Castle Mews, Rugby, Warwickshire CV21 2XL

Free advice to the public on all aspects of Memorialisation

Tel: 01788 542264

Email: enquires@namm.org.uk
www.namm.org.uk



National Society of Allied and Independent Funeral Directors

SAIF Business Centre, 3 Bullfields,
Sawbridgeworth, Hertfordshire, CM21 9DB

SAIF members are Independent, sometimes family run funeral directors and abide by a strict Code of Practice. To find out if your local Funeral Directors is a member of SAIF please go onto the website or contact SAIF office direct.

Tel: 0345 230 6777 /
01279 726777
Mon – Fri 9am – 5pm



Email via the online contact form
www.saif.org.uk

The Natural Death Centre Independent Funeral Advice

The Natural Death Centre, In The Hill House,
Watley Lane, Twyford, Winchester SO21 1QX

The Natural Death Centre Charity offers free and impartial advice on every death and funeral related topic. From getting your affairs in order to making choices that avoid funeral incurred debt, also information on DIY funerals, private land burial and all consumer rights in this more unusual area.

Helpline: 01962 712690

Email: contact@naturaldeath.org.uk
www.naturaldeath.org.uk



NHS

Your complete guide to conditions, symptoms and treatments, including what to do and when to get help.

111 (Non-emergency)

www.nhs.uk

Probate and Inheritance Tax

Help applying for Probate

Tel: 0300 123 1072

www.gov.uk/applying-for-probate

The Solicitors' Regulation Authority

The Cube, 199 Wharfside Street, Birmingham
B1 1RN

The SRA can provide details of solicitors in your area, including those who specialise in Wills and Probate.

Contact Centre 0370 606 2555
Ethics Helpline 0370 606 2577

Via the online contact form
www.sra.org.uk

The Society of Will Writers

Chancery House, Whisby Way, Lincoln LN6 3LQ

The largest self-regulatory organisation regulating Will writers and estate planning professionals. Our primary aim is to provide consumers with confidence in using SWW members.

Tel: 01522 687888
Mon – Thur 9am – 5pm
Fri – 9am – 4pm

Email: info@willwriters.com
www.willwriters.com



LGBT+ Switchboard

At Switchboard we provide information, support and referral service for lesbians, gay men and bisexual and trans people – and anyone considering issues around their sexuality and/or gender identity.

Tel: 0800 0119 1000
Open 10am – 10pm every day

Email: hello@switchboard.lgbt
www.switchboard.lgbt

Will Aid

Will Aid's 'Make a Will Month' 'Make a Will Month', Will Aid's UK-wide campaign every November, encouraging adults of any age to have their will professionally drawn up by a solicitor, but instead of paying a fee they can make a donation which is shared by 9 UK charities, including ActionAid, Age UK, British Red Cross, Christian Aid, NSPCC, Save the Children, Sightsavers, SCAIF and Trocaire.

www.willaid.org.uk



Useful websites:

www.bereavementadvice.org - Practical help when someone dies

www.makingawill.org.uk - lots of useful information, including a checklist for working out your assets.

www.thewillexpert.co.uk

If you have been affected by bereavement, you may also be interested in reading our Bereavement Guide. Copies can be obtained from:

Impact Marketing & Publicity Ltd
116-118 Derby Road, Stapleford,
Nottingham, NG9 7AD
Tel: **0115 939 2090**
www.impactonlife.com



ABOUT THIS GUIDE

The information provided in this publication is given in good faith and is in no way connected to or affiliated with any of the organisations contained within this publication. The information supplied should not be taken as legal advice.

The content is also not intended to replace other healthcare professional advice that you may be encouraged to seek.

Professional advice should be sought where appropriate. Any rates and information contained within this publication was correct at the time of writing in September 2025.

As benefit entitlements change regularly, you are advised to contact the benefits enquiry line or your local jobcentre plus for information about current entitlements.



A helpful guide to enable you to plan for your future

This guide provides helpful and practical information on making a Will and planning a funeral. It also includes a useful contact list to assist with any further enquiries you may have about the Will making process.

You can also scan the QR code to visit our website, where you'll find our extensive list of helpful publications.



IMPACT



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