

Woodstock and Bladon News Limited

The Burnside Partnership

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Probate - Why Bother?

Ah, probate. The word alone sends shivers down the spine, doesn't it? It conjures up images of dusty offices and forms as thick as an encyclopaedia. For most people, it sounds about as appealing as getting a root canal while listening to a bagpipe solo. And I can hear the chorus already: "Why bother with probate? It's just more paperwork. Surely it's just another way for the government to slow things down and siphon off a few quid?" Well, not exactly.

I get it. You've just lost a loved one, the last thing you want to deal with is bureaucracy. But here's the thing: probate isn't just another meaningless hoop to jump through. It's there for a reason - a reason you'll appreciate once you realise what happens when people don't bother with it.

Firstly, probate is the only thing that stops absolute chaos from descending. Without it, there's no official proof that you have any right to take control of the deceased person's estate. You'd think, "Well, I'm their son/daughter/spouse, surely that's enough?" Sorry to burst your bubble, but no. Banks, insurance companies, and even your great aunt Maude's prize-winning dahlias aren't going to be handed over just because you flashed a family photo.

Probate is what gives you the legal power to manage someone's estate. Without it, you're basically stuck in limbo. You can't sell their house, access their bank accounts, or distribute their assets. It's like owning a car but being told you can't drive it until you've passed a driving test - frustrating, yes, but also vital to avoid total anarchy on the roads. The paperwork might feel like a bit of a grind, but imagine the carnage if everyone could just take whatever they fancied from someone's estate without any checks or balances.

"But it's just a small estate!" you cry. "What difference does it make?" Well, let me paint you a picture. Imagine Uncle Bob, who was always a bit tight with his money, dies without leaving a will. You think, "It's only a few grand in his bank account and a shed full of tools, do I really need to bother?" Yes. Yes, you do. Because here's what happens when you don't: other family members start appearing from nowhere. Suddenly, Cousin Larry, who hasn't been seen since the 90s, emerges from the woodwork, claiming that Uncle Bob **definitely** promised him the few grand and the shed and all its contents.

Without probate, there's no legal record of who gets what, and you're in for a family feud that makes the plot of 'Succession' look like a picnic. Probate stops these disputes before they start.

And if you think you can outsmart the system and just start divvying up the estate without probate, then you might want to think again. Try selling a house that still

technically belongs to someone who's six feet under. It's not happening. Without probate, you're legally powerless.

Yes, probate involves forms and yes, it takes time. But it also gives you clarity and control. It's the difference between a legally sound transfer of assets and a free-for-all that will end in tears, court cases, and potentially, a fistfight at the family Christmas party.

But wait, here is the best part. Probate can be a monumental pain in the backside, especially when you're already dealing with the emotional rollercoaster of losing someone you care about. But if you get it right, probate isn't just a necessary evil. It's actually a golden opportunity to maximise your own tax planning. In fact, when done properly, with a bit of professional know-how, it's not just a box-ticking exercise. You can use it to save a small fortune for your loved ones. But—and this is a big but—if you mess it up or try to cut corners, you're basically handing your money over to the taxman to fund yet another government project no one asked for. Sometimes, inheritance tax is the tax you pay because you didn't take the time to get things right, and let's be honest, it exists for a reason. It's a punishment for those who don't plan ahead.

In short, probate is one of those necessary evils that, while annoying, prevents a whole lot of headaches down the line.

So, why bother with probate? Because it stops the chaos. It keeps the peace. It can save you money. And, most importantly, it keeps Cousin Larry far, far away from that shed.



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Nothing Good Happens When You Die Without a Will

Right, so you've decided not to bother writing a will. Maybe you're too busy. Maybe you think it's all a bit morbid, or perhaps you've just assumed that after you shuffle off this mortal coil, everyone will simply "work it out." Well, if that's your plan then the last thing anyone will remember about you is the massive headache you gave them from beyond the grave.

So, what does happen when you die without a will? Simple. The government steps in to sort it out for you. Yes, that's right – the very same government that can't fix the potholes on your street is now in charge of deciding who gets your house and all your hard-earned cash. And let me tell you, they do it with all the grace and nuance of a bull in a china shop.

First up, your estate goes into what's charmingly called "intestacy." No, that's not a place in Italy. It's a legal term that means your assets are now at the mercy of ancient rules, written by people who thought a carriage was cutting-edge technology. These rules, as you can imagine, don't care if you had a complicated family situation. No, the law will just divvy things up based on a rigid hierarchy, and good luck to anyone who doesn't fit into their neat little categories.

If you're married and think, "Well, everything will just go to my spouse, no worries," think again. It doesn't work like that. If you've got kids, your spouse gets a cut, sure—but not the whole estate. The rest is split between your spouse and your children. Which, if you've got grown-up kids who already have homes, cars, and a fondness for skiing holidays, isn't exactly ideal. And if you've got young children, congratulations, their inheritance could be locked away in some legal vault until they come of age. Meanwhile, your spouse is left scrambling to figure out how to pay the bills with half a house and a frozen bank account.

And that's if you're lucky. If you're unmarried, well, it gets even messier. Your long-term partner, the one you've spent the last 20 years with? The one who's been putting up with your snoring, your taste in terrible TV, and your insistence on BBQing in the rain? They could end up with nothing. Nada. Zilch. Everything could go to your blood relatives, no matter how distant or irrelevant they might be. So, while your partner is left grieving (and probably selling the house just to keep their head above water), your estranged cousin in Margate who once borrowed your lawnmower and never returned it is now planning a luxury cruise, courtesy of your hard-earned cash.

And it doesn't stop there. If you've got no close relatives—no spouse, no kids, no parents still kicking about—then we enter the truly absurd. The government will start combing through the family tree, looking for anyone with a vague genetic connection to you. That uncle you haven't seen since you were five? He's suddenly a key player. Or maybe it's your third cousin Gerald, who you met once at a wedding, though he spent most of it drunkenly telling you about his collection of miniature spoons. Well, guess what? Gerald might just be your new heir.

And if, somehow, they can't find anyone—no relatives at all—then guess what? The state gets everything. That's right, your house, your hard-earned savings, the stash of cash under your mattress, and, yes, that gleaming vintage car in your garage you polished every Sunday all handed over to the government. The very same people who'll likely blow it all on a new road sign pointing in the wrong direction or a public art installation that looks suspiciously like an unfinished IKEA bookshelf.

So, what's the moral of the story here? If you die without a will, you're not saving yourself time or effort. You're leaving your family in the middle of a legal minefield, where every step they take could blow up into a lengthy, expensive court battle.

Writing a will isn't hard. It's not glamorous, but neither is paying your taxes or cleaning out the gutters - and you still do those things (or at least, I hope you do). A will is just another one of those grown-up responsibilities you have to get around to at some point. So, if you haven't written a will yet, do it. Do it now.



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The 7-Year Rule: Why You Can't Just Give It All Away

Ah, the 7-year rule. Sounds like something out of a relationship advice column, doesn't it? "Give your cash away, survive seven years, and you're golden!" But no, this one's far less romantic. It's about money, taxes, and the government's relentless quest to snatch a chunk of your hard-earned cash.

You probably thought you'd just gift everything to your kids, nieces, or your favourite cat rescue centre and avoid paying inheritance tax altogether. Genius, right? Just give it all away and avoid the taxman completely. Well, slow down, Robin Hood. There's a little thing called the 7-year rule that's going to make sure that doesn't work quite as smoothly as you'd hoped.

Here's the basic idea: you can give away as much as you like in your lifetime, and if you survive for another 7 years after handing over that cash, congrats! No inheritance tax. Your kids get to keep it all, and the taxman gets nothing. Sounds perfect, doesn't it? But - and this is a massive but - if you pop off before the 7 years are up, HMRC is coming for their share. And they're coming fast.

Now, don't think for a second that the government would make this simple. Of course not. It's Britain. We love a good bit of paperwork and a confusing set of rules. So, here's how it works: if you die within 3 years of making that gift, it's treated just like any other part of your estate - bang, full inheritance tax at 40%. Yes, 40% - nearly half of what you thought you'd generously passed on is now lining the Chancellor's pockets.

If you manage to last a bit longer, say between 3 and 7 years, you get what's called 'taper relief', which sounds nice, but is really just a way of making you feel better about still having to pay tax. The rate reduces a bit, year by year, until you finally hit 7 years and your gift becomes tax-free. The closer you get to that magic 7-year mark, the less your heirs will have to fork over, but until then, it's a game of financial Russian roulette. But here's the kicker: this taper only applies to a gift that becomes taxable. It's a taper on the tax itself, not on the gift. So unless you're planning to hand over vast sums of money - enough to actually breach the inheritance tax threshold - you're not going to see a penny of benefit. In other words, for most people, taper relief is about as useful as a chocolate teapot.

Now, before you start thinking about gifting everything to everyone you know and hoping for the best, let's be clear: you can't just give away your house, your savings, or your priceless collection of antique toasters and still live comfortably, expecting to skate through

inheritance tax duty. Oh no. The taxman has thought of that, too. In addition to the 7-year rule, there's something called a 'gift with reservation of benefit', which, in plain English, means if you're still using or benefiting from what you've given away - like gifting your house to your kids but continuing to live in it rent-free - it still counts as part of your estate. So much for outsmarting the system.

But wait, there's more! You've probably heard that you can give small gifts each year without them being hit by inheritance tax. That's true. You can give away £3,000 a year tax-free, and that's on top of the 7-year rule. You can also give away £250 to as many different people as you like each year, which might cover a couple of nice dinners, but it's hardly going to fund anyone's mortgage.

And if you're really feeling generous, you can even give away up to £5,000 to your child and £2,500 to your grandchild as a wedding gift without worrying about inheritance tax. Because nothing says 'congratulations on your marriage' like a tax loophole.

The 7-year rule is a clever way to reduce your inheritance tax bill, but it's not the silver bullet people think it is. You've got to plan it out properly, make sure you actually live those 7 years, and most importantly, not fall into the trap of thinking you can dodge the taxman just by handing over your assets.

So, the moral of the story? Start early. Plan properly. Speak to a solicitor. And for the love of all things sensible, don't saunter into the world of inheritance tax with a last-minute plan that involves gifting your way out like you're the David Blaine of finances. Because HMRC has seen it all - and they won't fall for it.



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Lasting Powers of Attorney - Why Bother?

Let's talk about something you're probably ignoring, even though you shouldn't: an LPA. That's a Lasting Power of Attorney, and it could save you and your family from a total meltdown.

You might think: "Why should I bother? I'm perfectly capable of handling my own affairs, thanks." Yes, you are - right now. But what happens when you're not? What happens when you're laid up in a hospital bed, out of your mind on painkillers, or, worse, staring blankly out of the window, wondering why the garden gnome is suddenly speaking to you in Portuguese?

You don't need to be ancient and drooling for an LPA to be important. You could be in the prime of your life, in tip-top shape, and then - bam - a car crash, a stroke, or some other life-altering event hits you. Suddenly, you're no longer capable of making decisions for yourself - either temporarily or permanently.

This, my friend, is where an LPA comes in. Think of it as a way to keep control over your life when your brain decides to go on an extended holiday.

There are two types of LPAs. The first one covers your finances and property - the important stuff like paying bills and managing your pension. Without this LPA, if you lose capacity, everything freezes.

The second LPA is for health and welfare. This one's all about your personal well-being. Without it, those decisions will be made by someone you've never met; a doctor or, even worse, the courts.

Oh yes, you read that right - if you don't have an LPA, the court may appoint someone as your deputy. The deputy could be some, albeit well-meaning, overworked official who will decide whether your house should be sold to pay for your care, or if you should be hooked up to a life-sustaining machine for the next decade. Trust me, you don't want that. They might spend so long dithering that, by the time they've made a decision, your savings will have evaporated into a sea of administrative fees, assessments, and who knows what else.

If you're thinking, "But my family will sort it all out, won't they?" No, they won't. Without an LPA, your family has no legal right to make decisions for you and their hands will be tied.

So think of an LPA like insurance - boring to arrange but absolutely vital when things go south. It's not about losing control. It's about keeping control and ensuring that, if the worst happens, the people you trust can actually act on your behalf.

So, do yourself a favour. Get an LPA. Then go back to pretending you're immortal and invincible, knowing that when reality hits, you're covered.



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An advertisement for The Burnside Partnership. The top section has a white background with purple text: "Specialist Private Client Lawyers & Tax professionals". Below this is a purple box with a large white letter 'B' and the text "THE BURNSIDE PARTNERSHIP OXFORD MARLOW LONDON". To the right is a circular image showing two men in a modern office setting. The bottom section has a purple background with white text: "Trusted advisors to individuals and their families". Below this is a white box with purple text: "We provide specialist advice on Wills, inheritance tax planning, probates, powers of attorney and generally protecting your assets. Our tax specialists are also here to help with your personal tax compliance." At the bottom left is a logo for "The LEGAL 500 UNITED KINGDOM LEADING FIRM 2024". At the bottom right is a quote: "The team is superbly put together, showing professionalism and personality in equal measure" Legal 500, 2024.

How to Avoid Costly Probate

You've spent your life working, saving, and accumulating nice things - your home, your car, your stash of fine wines, and that utterly pointless collection of commemorative coins you once thought might be worth something. Then, when you finally pop your clogs, your family should simply inherit everything and get on with their lives, right?

Well, yes - but only if you actually do something about it now. Ignore it and instead of a smooth inheritance, your loved ones will be staring into a bureaucratic abyss, unsure where your liabilities begin or end, how to report your tax, or even where the hell your Will is - if you bothered to make one.

Probate is the tedious legal process of proving a Will's validity, sorting out assets, and settling debts after someone's death. Essentially, it's paperwork hell - but necessary.

So, let's avoid making probate unnecessarily expensive. Here are four simple steps to ensure your estate doesn't turn into a legal and financial black hole.

1. Make a Will (Seriously, Just Do It)

The simplest way to cut probate costs and speed up the whole process is to make a Will. Without a will, your estate falls under the delightful rules of intestacy, meaning the government decides who gets what. And trust me, they're not interested in efficiency.

A properly written will means your assets are distributed faster, fewer legal disputes arise, and you won't end up paying thousands in legal fees just to sort out who gets your collection of antique golf clubs.

And before you think, "I'll just scribble something on a napkin" - don't. Get it done properly by a solicitor. It's money well spent.

2. Talk to Your Family and Executors

You can meticulously plan your estate, dodge as much tax as legally possible, and leave behind a watertight Will and still your probate can be costly. Why? Because families erupt into all-out war when there are surprises.

Your executors are the ones who'll be doing the admin of your estate. Your beneficiaries are the ones getting your stuff. If you don't tell both who's getting what and why then expect tears, tantrums, and years of awkward Christmas dinners. A simple honest conversation now means no one is blindsided by your decisions later. Plus, your executor will actually know what to do (rather than learning on the job badly), and you reduce the risk of fights, resentment, and eye-watering legal bills.

3. Get Organised

Executors have a tough enough job without having to

play Sherlock Holmes with your finances. If you don't fancy your family spending months on a treasure hunt for your assets (or debts), then get your paperwork in order. Keep everything they will need after you die - your Will, bank statements, mortgage details, life insurance policies, investments, and any outstanding debts - in one safe place. This isn't just about making things easy; it's about avoiding a bureaucratic circus that could see probate drag on forever.

4. Keep It Updated

Now, just because you've stuffed everything into a folder once doesn't mean you're done. Keep it updated at least once a year. Nobody wants to wade through a stack of decade-old bank statements from an account you closed years ago or - worse - find out you had a secret offshore fund only after probate is wrapped up. A little regular maintenance means your executor won't be blindsided by a financial mess that could delay probate.

The Bottom Line

Probate is an expensive, slow-moving bureaucratic process, but with a bit of planning, you can avoid the worst of it. Make a Will, tell your executors and beneficiaries what to expect and keep your paperwork organised and up to date. Yes, all this requires effort and conversations about estate planning can be uncomfortable, but a quick chat now could save your family thousands in solicitor fees later.

And if all else fails? Well, you could always take the ultimate tax-saving approach and spend it all before you go.

Who's up for a luxury cruise?



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How to make sure your pets will be OK after you die

Right. We Brits adore our pets. And if we're being honest, we often like them a lot more than actual people. So, it's only natural to think about what will happen to them when we're no longer around.

Now, you might assume that, given how much we dote on our pets, the law treats them with the same respect as, say, a distant relative. But no. Under the law, your beloved pooch is treated as ... a possession. Like a rusty old lawnmower or that ridiculous ceramic gnome collection you keep insisting is 'vintage'.

With pets having no legal personality, you can't leave them money in your Will, nor can you name a 'guardian' for them like you would for your kids. In the eyes of the law, they're assets - things to be handed over, like a watch or an old armchair. Charming, isn't it?

But before you start ranting about how outrageous this is, fear not! You can make provisions to ensure your furry friend isn't just tossed aside like an old teapot. Here's some of them.

Giving Your Pet Away (Yes, Really)

One of the simplest ways to make sure your pet is looked after is to gift it to someone in your Will. But before you start scribbling down names, ask them first. Nobody wants to wake up one day to find they've suddenly inherited a Great Dane that eats more than they do.

It's also worth naming a backup in case your first choice is unavailable (read: has realized the financial black hole they're stepping into). Speaking of which, looking after an animal isn't cheap - dogs alone can cost over £1,500 a year. So, unless your chosen recipient is a millionaire, you might want to leave some cash to help them out.

That said, money left in a Will is a gift, not a binding contract. So if the recipient decides to use it for a holiday in the Maldives instead of dog food, tough luck. Bottom line: choose the candidate wisely.

Letters of Wishes: The Pet Owner's Manifesto

Wills are set in stone. Letters of Wishes? Not so much. These are handy little documents that let you provide extensive instructions on how you'd like your pet to be cared for - without having to rewrite your Will every time you adopt a new cat.

Some people take this very seriously, drafting full-blown pet care manuals. Dietary preferences, favourite toys, bedtime routines - it can all go in. And why not? If we're going to be that person who only buys the expensive organic dog treats, we might as well make sure it continues after we're gone.

It's also smart to jot down practical details somewhere: vet contacts, insurance policies, microchip numbers -

basically, everything someone would need to step in and take over smoothly.

Animal Charity Schemes: Because Not Everyone Wants Your Parrot

If you don't have a willing human volunteer, don't panic. Plenty of animal charities offer schemes to rehome pets after their owners pass away.

The idea is simple: you register your pet, include the necessary wording in your Will, and when the time comes, they take over and find your pet a loving new home. Best of all? It's free. Though, let's be honest, it wouldn't hurt to leave a donation as a thank-you.

Don't Forget About Your Pet While You're Still Alive

Wills cover what happens when you die. But what if you're still here, just ... incapacitated? A Lasting Power of Attorney (LPA) can ensure your pet is looked after if, say, you end up in a coma after a particularly unfortunate skydiving accident.

And crucially, don't forget the temporary arrangements. If something happens suddenly, who's going to feed the cat while all the legal stuff gets sorted? Let your loved ones and executors know in advance.

Final Thought

Nobody likes thinking about death. But if you want to make sure your pet isn't left homeless - or worse - sent to live with your least favourite relative, plan ahead. A few simple steps now will ensure that your four-legged, winged, or scaly best friend is cared for long after you've gone.

At The Burnside Partnership, we love our pets as much as you do. So if you need help getting your affairs in order, give us a shout.



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Inheritance Law's Funniest Twists

Death, as the saying goes, is the great leveller. One moment you're sunning yourself on the deck of your yacht with a glass of 2005 Bordeaux in hand, and the next - boom - you're toast. When that day inevitably comes, your loved ones are thrust headfirst into the baffling, bureaucratic, and frequently absurd world of inheritance law, where pragmatism can take the back seat and absurd is often left behind the wheel.

Let's kick things off with a delightful little morsel of Latin madness: the *Commorientes rule*. This charming little regulation deals with the scenario in which two people die at the same time. Plane crash. House fire. Or the classic: two pensioners in a Volvo trying to outpace the 12:15 train to Reading.

You'd think, in this age of forensic wizardry, someone would determine who died first. But no. The law simply says: the older person is presumed to have died first. Automatically. No questions asked. If you think, 'well, fair enough' then apply this scenario to what followed after the Titanic went down. Countless couples and their heirs perished together, and no one could say who'd died first. That meant inheritance decisions were left to the blunt instrument of the *Commorientes rule* and other outdated legal rules often handing entire fortunes to the wrong family branch. Some savvy lawyers started drafting special clauses into Wills to cover 'simultaneous deaths' and decide exactly who gets what in those murky, icy moments. These became known as 'Titanic clauses,' and they've been quietly keeping legal waters calm ever since (but only for those who bothered to write a Will).

Now, while we are on the subject of couples and back in the XXI century. Brace yourself. If you're not married, you have precisely zero automatic right to inherit anything. Zilch. You could have spent four decades together, raised kids and shared a Netflix account. But if your partner dies without a Will, the law doesn't see a loving relationship - it sees a roommate. No house. No money. Brutal, but also avoidable. Yes, you guessed it- writing a Will solves this problem for you and your partner.

What if you do get married, everything's fine, right? Wrong. Because - and here's the twist - getting married revokes any existing Will. That is because marriage (or civil partnership) creates a new legal relationship that brings in automatic inheritance rights for your spouse. Because of this, the law assumes your previous Will might no longer reflect your wishes. So if you left everything to your children in a carefully thought-out estate plan and then tied the knot with someone you met in a Travelodge bar,

congratulations: your original Will is void, and your new spouse gets a sizeable chunk of what you thought you left to your kids. Cue the inheritance equivalent of a Jeremy Kyle episode.

Another charming term linked with inheritance law is 'chattels.' No, not a Victorian disease. Chattels are your stuff. Your car. Your clothes. Your golf clubs. Your lava lamp. Everything that isn't land or money. If you don't say who gets them in your Will, they usually go to your spouse. So if your idea of a Will was shouting '*Johnny can have the lawnmower!*' over Sunday lunch, you're in trouble. The law requires paperwork.

Finally, on to the crowning glory of Inheritance law: tax. If you are not married and your estate is worth more than £325,000 - which, these days, is basically any semi-detached house near a train station - you're in inheritance tax territory. If you want your children to get your house - then you can get another £175,000 on top of the £325,000 but that's not much of a consolation, because everything over that will be taxed at an eyewatering 40%.

So there you have it. Inheritance law in England and Wales: a system designed by people who think clarity is a weakness. A place where love doesn't count unless it's been legally notarised, and your life savings might just end up buying the taxman his next Nespresso machine.

Want your wishes respected? Want your family to receive more than a pile of forms and a tax bill? Then write a Will. Update it often. And maybe, just maybe, speak to a lawyer.



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How to talk to your parents about Wills and Lasting Powers of Attorney without sounding greedy

Let's not sugarcoat it: talking to your parents about their Will is, frankly, one of the most uncomfortable conversations you'll ever have. Right up there with explaining Tinder to your gran or asking your dad to please stop forwarding conspiracy videos on WhatsApp.

Because no matter how well-meaning you are, as soon as you utter the words "Have you thought about putting something in writing?", you might as well have said, "So, when exactly are you planning to croak, and can I have the house?"

But here's the thing. If you don't have that conversation, someone will pay the price later. Probably you. Or your siblings. Or all of you in a Solicitor's office arguing over who gets mum's jewellery and who gets lumbered with the cat.

So, here's how to navigate this minefield.

Don't make it about money

This is rule number one. Possibly also rule number two and three. If, in your opening line, you sound like a Dickensian villain - "And what of the family silver, Father?" - you're doing it wrong. Frame it around them, not you. Try "I just want to make sure everything is how you'd want it to be." It's about their control, their wishes, and their peace of mind. Not your fantasy of turning the family home into an Airbnb in Devon.

Normalise the conversation

The British, by and large, would rather talk about anything else - war, dental surgery, even Love Island - than discuss what happens when we die. So treat it like any other practical matter. Just as you'd talk about renewing a passport or fixing the boiler, talk about Wills and Lasting Powers of Attorney.

A good time to bring it up? When some celebrity dies without a will (they always do). "Did you see that Prince/Liam Payne died intestate? His estate's still in court. Absolute nightmare. Have you sorted yours?"

Understand what a Lasting Power of Attorney actually is (and explain it properly)

A Lasting Power of Attorney isn't just for "when we're 97 and babbling into the curtains." It's a legal safety net before you lose capacity - think stroke, dementia, or a nasty fall followed by hospital food and confusion.

There are two types: Property and Financial Affairs used for managing money, bills and property and Health and Welfare used for decisions about care, treatment, and even whether they live at home or in a care facility.

Without one, if your parent becomes incapacitated, you can't just "step in" and sort things out. You'll be dealing with the Court of Protection tied up in a process so slow and convoluted it makes filling out a tax return feel like a walk in the park.

Play the "I'm doing it too" card.

One of the best tactics? Lead by example. Tell them you're making a Will and sorting out your own Lasting Powers of Attorney. It shifts the tone from "You're old and you might die" to "This is just sensible adulting." You become the responsible one, not the vulture circling the bungalow.

Don't leave it too late.

People wait until there's a diagnosis, or a scare, or something dramatic. But by the time you're dealing with actual incapacity, it's often too late. A person must understand what they're signing. No mental capacity? No Lasting Power of Attorney or a Will. So have the conversation when everyone is still in control. Ideally while your mum's still beating you at Wordle.

In summary, keep the focus on them, not you - treat Wills and Lasting Powers of Attorney like smoke alarms: essential, even if a bit dull. Lead by example by sorting out your own planning, and make sure they understand that this is about protecting their wishes, not relinquishing control. Start by dropping it into everyday chats and it will sound like responsible adulting, not asset-hunting. Most importantly, start early, before confusion - and hospital food - enter the chat. Before it is too overwhelming for them. Don't wait for a crisis - talk now, while they're still as sharp as they ever were.



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Your final Project Manager: How to choose your Executor

Now, Executors are not - despite the slightly dramatic name - people tasked with carrying out secret missions or organising Viking funerals. In reality, they're the individuals you appoint in your Will to make sure everything is handled properly after you die. It's a serious responsibility, and choosing the right person (or people) - someone reliable, organised, and calm under pressure - is absolutely essential.

What Do Executors Actually Do?

Executors are the ones who handle the admin after you're gone - and it's no small task. They start by registering the death and getting the certificate, which kicks off what is very much an admin marathon.

Then they apply for probate (the legal go-ahead), gather your assets (everything from bank accounts to that box of antique clocks), pay off any debts and taxes (yes, HMRC still gets involved), and finally make sure your beneficiaries receive what you intended - no mix-ups, no squabbles, and definitely no "I thought that was mine" drama.

It's not glamorous, and it's not quick. It can take months, sometimes longer, depending on the complexity of your estate and how well-behaved your beneficiaries are.

Who Can Be an Executor?

Anyone over 18 can be an Executor. You can have up to four, though two is usually plenty. They can be friends or family members. But just because someone can be an Executor doesn't mean they should be. Here's what you want in an Executor:

1. **Trustworthiness:** This is non-negotiable. They'll be handling your money. Choose someone who won't be tempted to 'borrow' from the estate or ignore your wishes.
2. **Organisation:** Executors need to keep records, meet deadlines, and communicate with various institutions. Definitely don't choose your cousin Nigel, who once lost his passport three times in a week.
3. **Availability:** It's no good appointing someone who lives halfway around the world or is already overwhelmed with their own responsibilities. Executors need time and energy to do the job properly.
4. **Emotional resilience:** Administering a Will can be emotionally taxing, especially if the Executor is also grieving. Some people cope well; others don't. Be honest about what your loved ones can handle.
5. **Neutrality:** If your estate involves potential conflict - say, between siblings or blended families - a neutral Executor can help keep the peace. Sometimes, appointing a solicitor or professional Executor is the wisest move.

Should You Appoint a Professional Executor?

In some cases, absolutely. If your estate is on the complicated side - think multiple properties, business interests, or assets scattered across borders - then having someone who knows their way around the legal maze can be a real blessing. Likewise, if you suspect there might be a bit of family drama (and let's be honest, there often is), a neutral professional can help keep things civil.

At our firm, we often act as executors. Sometimes we do it alone, sometimes alongside family members, and occasionally we're brought in as a backup when things get a bit complicated. Why? Because we know what we're doing. We've got the experience, we understand the emotional side, and we're rather good at keeping things calm and orderly. It's a bit like asking a seasoned pilot to land the plane rather than letting Uncle Dave have a go because he once flew a drone.

A professional executor takes the pressure off, keeps things moving, and makes sure everything's done properly - which, let's face it, is exactly what you want when dealing with HMRC, legal documents, and family dynamics.

Should your Executor get paid?

Not necessarily. If your Executor is a friend or family member, they'll often take on the role without expecting payment. That said, it's perfectly fine to leave them a gift in your Will as a thank-you. If you appoint a professional - like a solicitor or trust company - they'll charge a fee, which is paid from your estate.

What Happens If You Choose Poorly?

If your Executor refuses to act, dies before you, or turns out to be unsuitable, it can cause delays and complications. That's why it's wise to name substitute Executors in your Will - a sort of backup crew, ready to step in if needed.

Choosing your Executors isn't the most thrilling part of estate planning, but it's one of the most important. Think carefully, talk to your candidates, and don't be afraid to seek advice. A good Executor will make sure your wishes are respected, your estate is handled swiftly and properly, and your loved ones aren't left in a muddle. And if you're still unsure, pop into the office for a chat.

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Can ChatGPT Write Your Will?

The answer, technically speaking, is yes. But then again, technically speaking, my toaster can be used to warm socks. That doesn't mean it's a good idea.

You see, ChatGPT is a marvel of modern engineering - it can produce text that looks convincing, sounds authoritative, and might even pass muster at a glance. But when it comes to something as legally delicate as your Will, appearances are not enough. In fact, they're dangerously misleading.

The Legal Landscape

Under English law, a valid Will must meet certain formalities. These are not optional. They are not "guidelines" or 'best practices'. They are rules. And if you break them, your Will could be as useful as a chocolate teapot.

For starters, the Will must be signed and witnessed correctly. That means two independent witnesses, present at the same time, watching you sign the document. AI cannot supervise your signing, nor can it verify whether or not your cousin Nigel shouldn't act as your witness.

Then there's clarity of intent. Your Will must make it abundantly clear what you want to happen to your estate. If it's ambiguous - say, you leave 'my house' to someone, but you own three - then you're inviting a family feud worthy of a soap opera. AI, for all its cleverness, doesn't know your life. It doesn't know your assets, your relationships, or the law's fondness for precision. It guesses. And guessing is not a good legal strategy.

The Risks

Let's look at the risks of using ChatGPT to write your Will. They are many, and they are serious.

- Omissions and ambiguity: AI might forget to include your pension or your holiday home in Devon. It might muddle your intentions or misinterpret your instructions. The result? Confusion, disputes, and possibly costly litigation.
- Misleading confidence: ChatGPT has a habit of sounding very sure of itself. It will tell you things with the confidence of a pub know-it-all, even when it's completely wrong. And unless you're a solicitor, you will not spot the errors.
- Invalid signing: As mentioned, AI cannot witness your signature or make sure your Will is executed properly. This alone can render the Will invalid.
- Jurisdictional errors: ChatGPT is trained on global data. It might default to American law, or Canadian law, or Martian law for all we know. Unless you're paying close attention, you could end up with a Will that's legally meaningless in the UK.

- No safety net: If your AI-generated will goes wrong, there's no one to blame. No professional indemnity insurance. No regulatory body. Just you, your grieving relatives, and a costly legal mess.

When AI Might Be Useful (But Only Just)

Now, I'm not saying AI is entirely useless. That would be unfair. It can be helpful in certain limited circumstances.

- If you're trying to understand basic legal terminology, AI can explain things in plain English. It's like having a friendly paralegal who never sleeps.
- If you want to explore your options before speaking to a solicitor, AI can help you think things through. It's a bit like sketching out a route before you set off on a long drive.

But - and this is a big but - AI should never be your sole source of legal advice.

When You Absolutely Must See a Solicitor

There are times when DIY simply won't cut it. If any of the following apply to you, put down the chatbot and pick up the phone:

- You own property or assets in more than one country.
- You have children, dependants, or vulnerable beneficiaries.
- You're divorced, separated, or part of a blended family.
- You want to exclude someone from your Will.
- You're trying to minimise inheritance tax.
- You're worried about your Will being challenged.

Solicitors are trained to spot problems before they arise. They draft watertight clauses. They ensure proper execution. And crucially, they're regulated and insured. If something goes wrong, you have recourse.

Final Thoughts: Don't Leave It to Chance

ChatGPT is a clever bit of kit. It can explain things, simulate conversations, and even write a passable sonnet. But it cannot replace a solicitor. Not for something as important as a Will.

For most people, especially those with anything more complex than a goldfish and a savings account, seeing a solicitor is the safest, most cost-effective way to ensure your wishes are honoured.

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Common Law Marriage - The Myth That Won't Die

Marriage is one of those words that means different things to different people. Some couples say they're married because they had a wedding, signed the register, and posed for photos. Others simply live together for years and consider themselves married because, well, it feels like they are. No paperwork, no "I do" in a licensed venue, no witnesses - just a shared sofa and a Netflix subscription.

I get it. It sounds romantic. It feels reassuring. But here's the truth: 'common law marriage' is a myth. You can live together for decades, share a dog, raise children, and still not have the rights of a married couple or civil partners. The term 'common law marriage' sounds logical, and yes, it exists elsewhere, but not in England and Wales. It's simply a social idea, not a legal one. When one of you dies, the law will treat you as strangers. That's not me being overly dramatic - that's just how it is.

The harsh reality is that the law doesn't care how many IKEA trips you've survived or that you raised children together. Cohabiting partners have no automatic rights, no claim on each other's assets, and no inheritance tax perks. None.

You're Not Alone

Research shows that a quarter of cohabiting couples without a Will believe their assets will automatically pass to their partner when they die. They are wrong. Unless you're married or in a civil partnership, your partner is automatically entitled to nothing. Not the house, not the savings, not even the dog. It's a harsh reality, but it's reality nonetheless.

And it gets worse. If you don't have a Will, you lose control over who gets what. The law will distribute your assets according to a formula that ignores your relationship. Your partner could be left financially exposed, and your family could face an administrative nightmare at the worst possible time.

Why Marriage (or Civil Partnership) Still Matters

If you're married or in a civil partnership, the tax man is surprisingly polite*. When one of you dies, everything you own can go to your partner without paying a penny in inheritance tax. On top of that, you can pass on any unused tax allowance - that's £325,000 at the time of writing - so the survivor gets double, making it £650,000. Add the property allowance of £175,000 each, and you're looking at a combined tax-free amount of £1 million. That's not pocket change.

Civil partners get the same deal. Unlimited transfers, combined allowances - it's like a two-for-one offer, but with houses and money.

So, What's the Solution?

You have options. The obvious one is marriage or civil partnership. It's not for everyone, and it's not a decision to take lightly. These are legal contracts with consequences if things go wrong. Divorce or dissolution can also be costly and stressful. But for long-term couples, the financial and legal protections are hard to ignore.

The other option is a Will. A properly drafted Will ensures your wishes are carried out and can provide some protection for your partner. It won't solve the inheritance tax problem entirely, but it's a start. Plus, it's a statement that says: "I've got you covered." A Will removes guesswork, prevents family disputes, and spares your loved ones from the undignified process of proving their connection to you. It sets out who gets what, who looks after the children, and even who takes care of the dog.

If you're in a committed relationship and you own property, have savings, or simply want to avoid chaos after your death, do something about it. Speak to a solicitor. Get a Will. Consider whether marriage or civil partnership makes sense for you. And don't rely on myths; rely on well-drafted legal paperwork instead.

**Note: Just so you know, this was written before the 2026 Budget announcement. So if the Chancellor has been tinkering with inheritance tax since then, the figures in this article might now be as reliable as a weather forecast for Glastonbury. Always check the latest government guidance or, better still, ask a solicitor who actually reads this stuff for a living.*



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Inheritance Risks for Blended Families and Cohabitees in Oxford

There is a comforting British assumption that things will, broadly speaking, sort themselves out. We apply it to the weather, to plumbing, and - most perilously - to inheritance. Nowhere is this more apparent than in Oxfordshire, a county notable not only for its spires and cyclists but also for its very high proportion of cohabiting couples and blended families. These are modern arrangements, entirely sensible in life, but surprisingly ill-served by death.

The difficulty arises when someone dies without a Will, thereby inviting the fixed laws of intestacy to step in. These rules are tidy and well-meaning, but they rarely reflect modern family life. Intestacy does not recognise "what Mum would have wanted". And it is spectacularly unimpressed by long-term relationships that never quite got round to legal formalities.

Let us begin with cohabiting partners. Despite what many people believe - often after thirty years of shared mortgages, Labradors and Christmas traditions - there is no such thing as a 'common law spouse' in England and Wales. On intestacy, an unmarried partner receives nothing. Not the house. Not the savings. Not even the toaster they jointly selected in John Lewis. Everything passes instead to blood relatives: children, parents, siblings. This can leave a surviving partner distressed - not to mention homeless.

Ex-spouses add another layer of interest. Divorce severs inheritance rights on intestacy, which is sensible enough, but separation does not. If you are still legally married - even if you have not spoken since the London Olympics - your estranged spouse remains first in line. Conversely, a new partner, no matter how devoted, remains legally irrelevant. The law, like an old filing cabinet, cares only about what is officially labelled.

Oxfordshire, with its property values, second marriages, and long-term cohabitation, is fertile ground for these problems. A house purchased before a relationship, children from a previous marriage, and a partner who 'will be fine' are all too common features of intestacy disputes heard in court. These claims are expensive, stressful, and often permanently corrosive to family relationships. Lawyers do well. Families do not.

The antidote, happily, is neither complicated nor gloomy. A bespoke Will allows you to decide who receives what, when, and on what terms. For blended families, this often means using trusts: for example, allowing a surviving partner to remain in the home for

life, while ensuring that the property ultimately passes to children from an earlier relationship. This approach acknowledges emotional reality while maintaining long-term fairness. It is also vastly cheaper than litigation conducted while everyone is grieving.

For cohabiting couples, a Will is essential. It can provide outright gifts, life interests, or discretionary trusts tailored to the survivor's needs, while still protecting assets for children or other beneficiaries. Without one, the survivor must rely on a court's discretion and hope the judge agrees they were sufficiently dependent. Judges are clever people, but they are not clairvoyant.

Alongside the Will itself, a statement of wishes is a quietly powerful document. It is not legally binding, which means it can be conversational, humane, and explanatory. It allows you to set out why you have made certain decisions: why one child receives more, why a partner may live in the house but not inherit it outright, why a stepchild is included despite not being legally related. This context can be invaluable in preventing disputes. People are far less likely to argue with a decision if they understand the thinking behind it - even if they still grumble.

In short, intestacy is designed for a world that largely no longer exists. Blended families and cohabiting couples are normal, sensible, and loving arrangements - but the law will not accommodate them unless formally invited to do so in Court. For my clients, writing a Will is not a negative or morbid experience. On the contrary, it brings clarity, relief, and the quiet satisfaction of knowing that those they care about are properly looked after. In that sense, making a Will is one of the most considerate things you can do: it spares your loved ones uncertainty, conflict, and the misery of an entirely avoidable - and often costly - legal dispute.

If you would rather these matters were handled calmly, clearly, and without leaving anything to chance, I can help. From our office in Combe, I advise clients across Oxfordshire on bespoke will-writing and inheritance planning, drawing on years of practical experience. A measured conversation now can spare your family a great deal of stress and expense later so do get in touch if you have any questions.

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