

News Release

Most Scots do not have a will, which may put their families at risk

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The majority of Scots have not made a will and many run the risk of leaving their loved ones in financial difficulty if they were to die unexpectedly. This is despite the fact that two-thirds of people in Scotland now own their home.

The Scottish Consumer Council (SCC) has conducted the first known research in more than 25 years into will making in Scotland.

The SCC decided to investigate this issue following concern that no up to date information existed about the number of Scots who have made wills and their understanding of inheritance rights. The last detailed research was conducted in 1979.

The SCC commissioned TNS System Three to conduct a survey to determine the extent of will making and how informed people in Scotland are. A representative sample of more than 1000 Scots was questioned. The key findings are that

- just over a third of those questioned (37%) had made a will
- older people, home owners and the better off are most likely to have made a will
- only a fifth of semi-skilled or unskilled workers and those unemployed had made a will
- the most common reason for not making a will is that people have never got round to it
- the most common reason for making a will is to have peace of mind about what happens after death
- more than half did not have an accurate idea as to how much it would cost to have a will drawn up

- only half of those questioned knew that unmarried partners had fewer inheritance rights than married partners or that step children had fewer rights than a dead person's own children.

The SCC says the findings show that most adults do not have a will and many do not have a good understanding of succession rights where no will has been left. "These findings suggest that many people in Scotland may be at risk of considerable financial detriment should their loved one die unexpectedly," says the report.

The current law on succession has remained largely unchanged for 40 years and does not reflect changing family structures, says the SCC. The result is that unmarried partners and stepchildren, in particular, facing potentially devastating consequences where no will exists. As the law stands, unmarried partners have no automatic legal rights, regardless of the length of their relationship. Similarly, stepchildren have no automatic rights of inheritance.

The report recommends that every adult in Scotland should be better informed about the potential consequences should they die without leaving a will. Information should be targeted in particular at

- those under 65
- those in semi or unskilled jobs and the unemployed
- people with children
- people in unmarried relationships
- non home owners

People should also be made aware of the likely costs of making a will and the importance of ensuring it is updated.

Douglas Sinclair chairman of the SCC said: "The decision whether or not to make a will is a matter for each individual. It is, vital, however, that they make that decision on an informed basis. Unfortunately, our research suggests that many people are not currently making such an informed choice.

A significant proportion of our respondents were not well informed about succession rights on intestacy, some did not know how much a will would cost, nor how this cost would compare with those costs, financial and otherwise, which may be incurred by their loved ones were they to die intestate.

This research provides a useful baseline for future work in raising public awareness of the benefits of making a will and the potential consequences of dying without having made one. The SCC intends to take this issue forward in partnership with other organisations. We hope that this work will encourage every adult in Scotland to consider whether they should make a will."

Ends

About the Scottish Consumer Council

The Scottish Consumer Council was set up by the government in 1975 to promote the interests of consumers, particularly those who experience disadvantage in society. While producers and suppliers of goods and services are usually well organised when protecting their own interests, individual consumers very often are not. The people we represent are consumers of all kinds: they may be council tenants, patients, parents, solicitors' clients, public transport users, or simply shoppers in a supermarket. We speak up for them by communicating with the professions, industry, business, local authorities and central government, using careful research and persuasive lobbying.