

WHO CAN PREPARE A WILL?

Anyone over 18 years of age can make a WILL, and everyone should have one.

CAPACITY TO MAKE A WILL

- People who make WILLS must have testamentary capacity i.e they must be of sound mind, memory and understanding at the time of making the WILL. A person is regarded as having the required capacity if they:

- + know what a WILL is

- + realise the amount and type of property they are disposing of

A WILL-maker must also know and approve of the contents of their WILL.

- People who are old or sick

A WILL can be challenged on the grounds that the WILL-maker did not have sufficient capacity. This arises most frequently when the will-maker is ill or extremely old when they make or change their WILL.

If possible, one should make his/her WILL while he/she is still in good health and not when old or sick.

- People with intellectual disability

Testamentary capacity may also be an issue for people with an intellectual disability. While evidence of capacity is not legally required, it may be desirable in some cases where the disability is severe or if there is a likelihood that the WILL could later be challenged.

There are no formal requirements about who can prepare the WILL. One can write by oneself. However, the WILL must be signed and witnessed formally by two witnesses of sound credit worthiness, otherwise it may be considered invalid.

It is important to remember that, if the WILL is incorrectly worded, no-one may know until it is too late and hence, it is advisable to get the will vetted through a professional to avoid litigations at time of distribution of amount and property to beneficiaries.

["You don't have to be rich or old to make a WILL."](#)

[Every adult should make a WILL."](#)