

Basic Will Form for Service Personnel

This form can be used by all personnel of the Armed Forces irrespective of rank. However, your personal circumstances could mean it is not suitable for your use. **You are advised to seek professional/legal advice before completing this form but especially in any of the following situations:**

- Where you share/purchased a property with someone who is not your husband, wife or civil partner.
- Where you wish to make provision for a dependant who is unable to care for themselves.
- Where there are several family members who may make a claim on the estate; for example (1) a 2nd wife or (2) children from a 1st marriage or (3) children from a relationship of which your new partner or spouse is not aware but you wish to take care of them.
- **Where your permanent home is not in the UK, or you have foreign bank accounts or overseas properties.**
- Where there is a business involved.
- Where the Executor resides outside the UK.
- Where the beneficiary is on state benefits.
- If money is to be held in trust for children, a solicitor **MUST** be consulted.
- If your estate is complex or likely to be of high value.

Before completing this Form of Will, the NOTES and INSTRUCTIONS provided must be read.

If when making the Will, you find it necessary to make an alteration, you should not alter what you have written but obtain another Form and start afresh.

DO NOT PIN OR STAPLE YOUR WILL TO OTHER DOCUMENTS. ONLY THE WILL FORM ITSELF SHOULD BE FORWARDED IN THE ENVELOPE (NOT THE NOTES)

(a) **(Name in full in BLOCK letters)** (Forename(s)) (Surname)

(b) **(Rank and Number)** (Rank) (Service Number)

(c) **(Unit or Ship)**

I hereby revoke all Wills made by me at any time and declare this to be my Last Will and Testament

(d) **(Full name and address of Executor(s) in BLOCK letters)** I appoint

and (if applicable)

to be the executor(s) of this my Will.

(e) **Funeral wishes** (State funeral wishes buried or cremated) *If I die whilst in the Armed Forces, I wish to be:*

Note: Entitlement is to burial or cremation in country of death or a location near your unit/family home. (Home or country of origin for F&C personnel.)

(Full name and address of person to be consulted in BLOCK letters) *If I die whilst in military service, I would like the person named here to be consulted over the funeral arrangements and any personal memorial (entry in book of remembrance, plot marker, headstone) marking my death.*

(f) **ONLY TO BE COMPLETED WHEN EVERYTHING IS BEING LEFT TO ONE PERSON**

(Full name and address of person in BLOCK letters) After payment of my just Debts and Funeral Expenses, I give all my Estate and Effects and everything that I can give or dispose of to

FOR USE IN SCOTLAND ONLY:

Signature:

Signed this: (day in words) (month) (year)

(g) **ONLY TO BE COMPLETED WHEN LEGACIES ARE LEFT TO ONE OR MORE PERSONS AND THE RESIDUE TO ANOTHER OR OTHER PERSONS**

(Full name and address of person in BLOCK letters)

After payment of my just Debts and Funeral Expenses, I give to:

(State the particulars, articles or money intended to be given)

(Details of second person)

and I give to:

(State the particulars, articles or money intended to be given)

(Details of third person - if applicable)

and I give to:

(State the particulars, articles or money intended to be given)

(Residue of Estate)

All the rest of my Estate and Effects and everything that I can give or dispose of, I give and bequeath absolutely to:

The following sections must be completed in all cases before the will is submitted.

(h) **(Date Will raised)**

Signed this _____ day of _____ in the year _____.
(Date in words) (Month) (Year)

(i) **(Signature of Testator - the person whose Will this is) Please see note**

(j) **Declaration**
(Print the full name of Testator in the space opposite)

Signed and acknowledged by the said _____ as his/her Last Will and Testament, in the presence of us both at the same time who at his/her request and in his/her presence and in the presence of each other, have subscribed our names as witnesses:

Witnesses (Please note)

To reduce the risk of a legal challenge to the will, you should not witness this document if you, or your spouse/civil partner, are named as beneficiaries

(k) **(Signature of first Witness)**

(l) **(Witness details: If Service personnel quote number, rank, name & current unit /ship. For civilians please quote: title, name & address)**

(m) **(Signature of second Witness)**

(n) **(Witness details: If Service personnel quote number, rank, name & current unit /ship. For civilians please quote: title, name & address)**

You should review your Will on a regular basis, especially when your personal circumstances change. If necessary you should make a new Will to reflect any changes.

Do not pin or staple your Will to other documents

PLEASE DETACH BEFORE SENDING WILL

YOU AND YOUR WILL - IMPORTANT POINTS TO CONSIDER

1. Age

- (a) If your permanent home and domicile is in England, Wales or Northern Ireland you can only make a formal Will if you are 18 years or over. The only exceptions to this are when you are 'in actual military service' or a seaman or marine at sea (see paragraph 2).
- (b) If your permanent home and domicile is in Scotland and you are 12 or over, you can make a formal Will disposing of all your property and possessions.

2. Privileged, or informal, Wills (England, Wales and Northern Ireland only):

If your permanent home and domicile is in England, Wales or Northern Ireland and you are '*in actual military service*' or are a seaman or marine at sea you have the privilege of making an informal Will even if you are under 18. **However, whether an informal Will is valid depends on the circumstances in which you find yourself when you make it.** You are not 'in actual military service' simply because you are in the Forces. Decisions given by the Courts in the past indicate that the privilege can be exercised in wartime, but not when you are doing normal peace-time service unconnected with a war or with military operations short of war.

Whilst you may find yourself in circumstances which give you little choice but to make an informal Will, **it is always best to make a formal will while you can.**

To make a privileged will you can write down on a sheet of paper how you want your property to be disposed of on your death. You should sign and date the writing and annotate your rank, number and unit or ship. You do not need to have witnesses. MOD Form 106 can be used for this purpose. Alternatively, you can make a verbal statement to any of your comrades, ideally in the presence of another person to act as a witness setting out how you wish your property to be distributed.

2A. Effect of leaving service

When you leave service any Will you have made will continue to be valid, including an informal Will.

3. Effect of Marriage (to include civil partnerships) after you make your Will. If your permanent home and domicile is:

- (a) In England and Wales or Northern Ireland: marriage revokes (i.e. cancels) any existing Will. The only exception to this is where it appears from the Will that at the time you made it, you expected to marry a particular person and that you didn't intend for your Will to be revoked on your marriage. Unless this exception applies, if you marry after making your Will you should make a new Will.
- (b) In Scotland: marriage does not revoke any Will you have made.

4. Effect of Divorce

- (a) In England and Wales: divorce does not revoke a Will. However, if you divorce, the appointment of a former spouse as an executor of the Will no longer applies and any gift to a former spouse will lapse. These rules are all subject to any contrary intention appearing in the Will itself.
- (b) In Northern Ireland and Scotland: divorce does not revoke a Will.

5. Limitation. If your permanent home and domicile is:

- (a) In England or Wales, and your Will does not make reasonable provision for your spouse/civil partner and children, they can apply to the court to make an order for their maintenance out of your property.
- (b) In Scotland, you cannot wholly deprive your spouse/civil partner and children of a share of your estate by cutting them out of your Will. They can apply to the Court for their interest in your estate.

6. Advice. All personnel making a will are advised to seek specialist advice from a solicitor or other expert. MOD Form 106 is not suitable if your estate is complex or to cover property that you own abroad. Nor can it be used if you wish to leave your estate to more than 3 people. Your chain of command, others in military service and military lawyers are NOT able to provide you with advice in an official capacity on the content of your Will.

All service personnel are strongly encouraged to make a formal will whether deploying on operations, or undertaking routine tasks, but you cannot be compelled to make a will and do not have to use MOD F106 to do so.

Remember to review your will on a regular basis and in any event after any significant change in your personal circumstances such as a marriage or civil partnership, a divorce or dissolution of your partnership, the birth of a child or a death in the family.

GUIDANCE FOR COMPLETION OF MOD WILL FORM

(These instructions should be followed carefully)

1. **Executors.** Paragraph (d) on page 1 of the will form, following the words '*I appoint*' should be filled in with the name and address of the person you wish to be the 'executor' of your Will, that is, the person who will have responsibility of carrying it into effect your wishes. You may appoint up to 4 executors. Although you are not obliged to, it is better to appoint 2 or more executors instead of one in case a sole executor dies before you do. An executor may also be a beneficiary under your Will.

Someone may only act as an executor if they are over 18. For practical reasons it is recommended that you do not appoint colleagues who may be serving alongside you in any of Her Majesty's Forces at the time of your death but that you appoint individuals who are likely to be in the United Kingdom at that time. Officers i/c Units/Records Offices and similar authorities should **not** be nominated. Professionals such as solicitors or bank managers should only be appointed in their formal capacity if you have obtained their prior consent. If you want to appoint a professional executor it is unlikely that this Form can be used and you should check with them BEFORE you complete it.

2. **Funeral Arrangements.** All personnel who die in military service are entitled to (but not obliged to have) a military funded funeral. At Paragraph (e) you are invited to record your own wishes regarding your funeral arrangements and nominate the individual you wish the MOD to consult with over the arrangements. **There is no entitlement to a service funded funeral after you have left the armed forces and the MOD will not meet any requests that fall outside service entitlements at the time of your death.** In the absence of a nomination, the MOD will usually liaise with your NOK (in the order Spouse, Issue, Parents, Siblings etc), but in the event of family disagreements and the NOK/Executor not being able to agree the arrangements, the final say over the funeral may rest with your executor.
3. **Beneficiaries.** Paragraphs (f) and (g) are alternatives. **DO NOT** complete both sections. Complete paragraph (f) if all your estate is being left to one person or paragraph (g) if the estate is to be split between several beneficiaries.
4. **Signing and witnessing the Will.** When you have made your Will you should date it and **MUST** sign it (Paragraphs (h) and (i)).

If your permanent home and domicile is in England or Wales or Northern Ireland you must sign in the presence of 2 witnesses, both being present at the same time. Each of the witnesses must then sign the Will in your presence (Paragraphs (k), (l), (m) and (n)). If you cannot write you must make your mark. If you cannot read and/or write the will should be written out by someone else who must then read it to you in order that you are clear on its contents.

If your permanent home and domicile is in Scotland, you must sign in the presence of one witness. The witness must then sign the Will in your presence. If you cannot write you are NOT able to make your mark instead, your Will can be executed on your behalf by a solicitor, an advocate, a Justice of the Peace or a Sheriff Clerk.

A witness need not see the terms of the Will.

In England and Wales, a person who is a witness to the Will or their spouse or civil partner is NOT able to take any gift you try to make to them in your Will. If they do act as a witness, the Will is valid but any gift to the witness or their spouse/civil partner will fail. In Scotland, a witness to a Will can benefit under it and take the gift. However, it is undesirable for a beneficiary to act as a witness and the Will could be challenged. To be valid, a Will must be made voluntarily and without pressure from any other person.

5. **Alterations.** Once you have completed your Will using MOD Form 106, the document must not be altered or added to. If you want to amend or update your Will, you should make a new Will and complete a new Form.
6. **Safe custody.** If you make a Will it is in your interest to have it deposited in a safe place. This does not have to be with the MOD but all regular and mobilised Service personnel may forward their Wills to: Wills Library, DHC MP 490, c/o Kentigern House, 65 Brown Street, GLASGOW G2 8EX for storage whilst serving. Wills must first be sealed in the special pre-printed envelope, passed to Unit HR who will then forward the envelope to the DHC. Unit HR will update your JPA record to indicate that your will has been sent to the DHC for storage. On receipt of your will, the DHC will update your JPA record to show that they have received it. If this does not happen, you must contact the JPAC Enquiry Centre. When you leave the Services, your Will is returned to the address held on JPA. You may recall a will stored with the MOD at any time by making a request to the DHC in writing.
7. **Revocation** (ie cancellation) of Wills. A Will can be revoked in various ways, but the most reliable method is to make another Will which is expressed to revoke all earlier Wills.