

Royal Botanic Gardens

Kew

**Making a Will and
leaving a charitable gift
to Kew – a short guide**



The Royal Botanic Gardens, Kew is a charity incorporated under the National Heritage Act 1983.

Our mission is to stop biodiversity loss, develop nature-based solutions to some of our biggest global challenges and help to protect this planet for future generations. Leaving a gift in your Will to Kew helps make this possible.

If you are considering leaving a gift to us, thank you. This short guide is an introduction to making or updating your Will in the UK (there may be some differences if you live in Scotland). It highlights some common issues, questions and links to more information and support.

You will need the name, address and charity number of our charitable foundation to ensure your gift comes to Kew:

Name: Foundation and Friends of the Royal Botanic Gardens, Kew

Address: Royal Botanic Gardens, Kew, Richmond, TW9 3AB

Charity number: 803428

1 Why is it important to make a Will?

Making a Will ensures that your wishes are carried out. This might include:

- Appointing guardians and otherwise ensuring any children under 18 or vulnerable adults are cared for.
- Leaving money, pensions and possessions, including any family heirlooms or other property you own (known as your 'Estate'), to whom you want (including any partners who are unmarried or not in a civil partnership).
- Setting out the type of funeral you would like.

Other benefits:

- It can help to avoid leaving complicated affairs for your loved ones to sort out.
- It may help to minimise the amount of Inheritance Tax your loved ones will pay.
- It may be necessary if your circumstances have changed. If you marry, or enter a civil partnership, this will often cancel a Will (unless it was written specifically with the marriage or partnership in mind).

Death and planning for the future can be difficult to talk about as, by their very nature, these conversations result in you contemplating a life without your loved ones or their lives without you.

However, once they have made a Will, many people feel a sense of relief and reassurance to have addressed worries or concerns and made their wishes clear. The process often also results in you considering certain options and scenarios you might not have previously thought of.

2 What happens if someone dies without a Will?

Certain laws, known as the intestacy rules, will determine how your estate is treated either passing to your next of kin in a certain order and proportion or, if you don't have any next of kin, to the government (or Crown). These rules may differ depending on where you live in the UK. For more details see: gov.uk/inherits-someone-dies-without-will.

Organisations and charities do not benefit under the intestacy rules. This can be a missed opportunity for charities such as ours to benefit from legacy income, which is vital for our survival and the work we do, both within our communities and on a global scale.



Visitors walking down Syon Vista at Kew Gardens

3 What are the main requirements for making or updating a Will?

- You must be aged 18 or above and have a sound mind.
- Wills and updates to them (also known as 'codicils') must be made in writing and be signed in the presence of two independent witnesses over the age of 18.
- Wills and codicils must be made voluntarily and without pressure from any other person.
- The witnesses cannot be left anything, i.e. benefit under the Will. Someone who benefits is called a 'beneficiary'.
- Your Will must be clearly written.
- Ideally you should identify an executor (or executors). These are individuals who will administer your estate and carry out the wishes in your Will. This can be onerous, so it is wise to discuss this with the individual(s) first to see if they are happy to do it. Alternatively, you can appoint a solicitor to be your executor if you choose.
- Also consider if you need to revoke (cancel) an existing Will – otherwise it may not be clear which one is valid.

4 Advice when writing a Will

You can consider writing a Will yourself but remember that it is a legal document. It needs to be clear and correct, so only do this if your Will is straightforward. Consider using a Will writing template and getting a professional to check it before signing it.

You can get advice from a Will writer or a solicitor. This is important if your estate is more complicated, for example if it involves children, vulnerable adults, overseas assets, property or a business, or if you need to consider the tax implications of the gifts you are leaving.

Solicitors are regulated and you can search for one through the Solicitors Regulation Authority (sra.org.uk/consumers/register) or the Law Society (solicitors.lawsociety.org.uk). Will writers are not regulated, but they may employ solicitors to oversee the services they provide.

5 Kew and its relationship with Bequeathed

Kew has partnered with Bequeathed, a Will writing firm that offers free Will writing advice and services. We are one of a number of charities who pay an annual fee to Bequeathed relating to the service so that users pay no fees. Your gift will therefore be paid in full to Kew or any other charity that you leave a legacy to, and there is no obligation to leave a gift to Kew if you use this service. To find out more visit bequeathed.org/kew.

6 Storing your Will

Once you have made your Will, it is important to ensure it is safe and that your family, friends and executor(s) know where to find it.

You may consider storing it with the Probate Service (England and Wales) who will charge a small one-off fee: gov.uk/government/publications/store-a-will-with-the-probate-service/how-to-store-a-will-with-the-probate-service.

A solicitor can hold a Will securely for you. This may be offered for free if they have written the Will for you, or there may be a charge.

You can keep your Will at home, ideally in a personal safe or with your other important documents. It is not generally considered advisable to keep the only copy of your Will at home due to the risks of loss or damage. If you do decide to keep your Will at home, it is important to tell someone (preferably your executors) where it is kept.

7 Why is it important for people to support charities such as Kew in their Will?

It is only right that your family and friends come first when it comes to writing your Will. However, it is also a fact that gifts in Wills are a vital part of charitable funding in the UK. Legacies help support many critical projects here at Kew, including educational activities such as scholarships and apprenticeships to train the next generation of scientists and horticulturists. Our world-renowned research activities, including the Millennium Seed Bank at Wakehurst, are also supported by generous individuals who have chosen to leave us a gift in their Will. This has helped us to protect some of the world's most vulnerable habitats, as our research in locating and identifying threatened species then helps national authorities to prioritise their protection.

8 What should people consider if they want to leave a charitable gift to Kew in their Will?

It is important to consider how much you want to leave (whether that is a specific amount or a percentage of your total estate) and what it can be used for. Most of the gifts received by Kew are designated for general purposes, which is incredibly helpful because this enables us to choose to use the funds where they are most needed.

It may help to explain terms commonly used. There are three main types of gift, described as:

Pecuniary gift – a specific sum of money

Specific gift – a specific item, such as property or a possession

Residuary gift – everything that is left in your estate after all debts, bills and taxes have been paid and all specific and pecuniary gifts have been distributed



9 What are the tax benefits of leaving a gift to Kew?

A gift to charity is generally free from inheritance tax in the UK. For the latest government guidance on tax benefits, visit gov.uk/inheritance-tax/gifts.

10 Do I need to tell Kew if I have left a gift in my Will?

This is a personal choice. We would appreciate the opportunity to be in touch with you, not least to thank you for leaving a gift in your Will, but there is no obligation to inform us.



Palm House

Contact us

If you have something specific in mind that you'd like to support or have any questions at all about leaving a gift in your Will, please contact us on legacies@kew.org or 020 8332 3249.

About this guide: This guide was written in conjunction with Bequeathed.

This guide is not intended to be relied upon for any specific decision making or Will writing purposes. You should obtain your own legal advice about making a Will, particularly if your estate is not straightforward (for more information please see gov.uk/make-will/writing-your-will). References to named individuals and/or organisations do not amount to a recommendation or endorsement by RBG Kew (or its affiliate) of their products or services.



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