

Protecting your Partner - Making a Will

We all know the problem. Being Lesbian or Gay our relationships are not recognised at law. Not all of us want to be able to marry or form registerable partnerships. That can leave us and those whom we love vulnerable in the case of illness or death as well as in separation. In the first of a series of articles the Community News legal adviser discusses safeguards.

When you enter into a relationship you may hope it will last forever, you may not be sure or you may know it is just a short term thing. Whatever it is the beauty of the law of the Isle of Man is its flexibility. In spite of the non recognition of lesbian and gay relationships you can normally enter into private contractual arrangements to govern home ownership or occupancy, inheritance of property or dealing with assets in case of incapacity or illness.

Never be scared to discuss with your lover the arrangements that you want to make with and for them. Never be scared to go and see an Advocate to discuss what you agree and to have it written down. The cost will be small, in many cases you may be entitled to free advice under a Union or Staff Association scheme or under Green Form Legal Advice.

A few minutes of your time or a few pounds of your money can save much trauma later on. Remember there are several gay and lesbian advocates, go and see them, most others are lesbian or gay friendly and will understand your problems quickly and deal with them sympathetically, cheaply and effectively.

This time I want to talk about wills. Everyone should have one but 65% of the Manx population die without. If you are married or if you have children the state says what proportion of your estate they should get. If you are in a same sex relationship your surviving partner gets nothing. **YOU MUST MAKE A WILL!** If you die with no next of kin the government gets it all!

Your parents or brothers and sisters may be nice to your partner whilst you are alive but once you are gone, unless you make provision in your will, there is nothing to stop them from emptying your house, taking over the funeral arrangements and excluding your partner.

Discuss with your partner what their thoughts are, discuss all the options, decide what arrangements you want, decide what you want each other to have. If you have family treasures you can leave them to your partner for their life so that on their death they go back to your family.

You will need an Executor, the person who is to deal with your estate when you die, gather in your assets and transfer them to the people you want to benefit. If your estate is large or complicated and things are to be held on Trust then you will need Trustees to hold the property for life or for minor children until they come of age. You may well have children from a previous marriage or by adoption or insemination, what provision do you want for them.

Executors and Trustees can be your partner or friends as well as professionals or banks or trust companies. Ask your partner if they feel they could deal with it in the

days after your death, if not then ask a friend. If there are trust interests get at least two, one of whom should be independent and have no interest in your estate.

Think what you want. Do you own your house. You don't want your partner homeless, leave it to them absolutely or for their life. If you only give a life interest make sure that they or your Trustees have enough money to pay for insurance repairs and maintenance, as well as power to buy somewhere smaller if, as your partner grows older, they need to move.

What about gifts of objects or money to friends and charities, set them out as well.

Most firms of advocates have will questionnaires, ring up, ask for the questionnaire, 2 if you have a partner, fill it in it will help you make up your mind, it will also cut down the time needed by the advocate to interpret your wishes and save on costs. Always ask for a quote or an estimate, the advocate has to send you one by law and cannot charge for it. Don't be afraid to shop around for the best price and the lawyer who you relate to best.

Don't skimp, don't draw up your own will, over half are drawn invalidly. When you have a will keep it up to date. Review it every year or two and make changes as your circumstances change.

DON'T DELAY MAKE THAT WILL TODAY