

Marriage, Divorce & Your Will: The Legal Facts in England & Wales

Major life events can have a significant impact on your Will. Marriage, entering a civil partnership, separation and divorce can all affect how your estate is distributed after your death. **Many people are unaware that changes in their relationship status may alter or even invalidate existing arrangements.** Understanding the legal position can help ensure that your wishes remain up to date.

One of the most important rules in England and Wales is that marriage normally revokes an existing Will. In simple terms, this means a Will made before marriage is usually cancelled once the marriage takes place. If no new Will is made afterwards, the person may die without a valid Will and their estate will be distributed according to the intestacy rules.

There is an important exception to this rule. **A Will can remain valid if it was specifically made** in contemplation of a particular marriage or civil partnership. This means the Will must clearly state that it is being made in anticipation of that specific marriage. Professional advice is recommended to ensure the wording is correct.

Civil partnerships are treated the same way to marriages. **Entering into a civil partnership will generally revoke an existing Will unless the document was properly drafted in contemplation of that partnership.**

Divorce has a different effect. Unlike marriage, **a divorce does not cancel the entire Will. Instead, the law generally treats a former spouse or civil partner as though they had died before the person making the Will.** Any gifts left to the former spouse may fail, and any appointment of that person as executor or trustee may no longer take effect.

This can sometimes create unexpected outcomes. For example, a Will might leave the majority of an estate to a former spouse. Following a divorce, that gift may fail, leaving the estate to pass under alternative provisions in the will. In some situations, parts of the estate could even be distributed under the intestacy rules if there are no suitable replacement beneficiaries.

Separation is different again. **Simply living apart does not change the legal effect of a Will.** Until a divorce or dissolution is finalised, a spouse or civil partner may still benefit under the terms of an existing Will. This often comes as a surprise to people who have been separated for many years but have not formally ended the relationship.

Regularly reviewing a Will is therefore extremely important. Experts often recommend checking your Will after major life events, including marriage, divorce, the birth of children, the acquisition of significant assets or changes in family circumstances. Keeping a Will up to date can help ensure that it reflects your current wishes and avoids unintended consequences.

A well-drafted Will can also provide certainty for loved ones and reduce the risk of disputes after death. It allows you to decide who should inherit your assets, who should administer your estate and, where relevant, who should act as guardian for minor children.

In simple terms, marriage usually cancels an existing Will, while divorce generally removes a former spouse or civil partner from it. Separation alone does not automatically change anything. Reviewing your Will whenever your circumstances change is one of the most effective ways to ensure your estate passes according to your wishes rather than the default rules of law.