

Video-witnessed wills legalisation extended

- anyone isolating can continue to have wills witnessed virtually until January 2024
- research suggests up to 14 percent of legal professionals have already used video witnessing

Vulnerable people across England and Wales will continue to be able to have their wills witnessed via video-link up until 2024, under legislation laid today (11 January 2022) to extend measures brought in during the pandemic.

The change will extend until 2024 this ability for those who are forced to isolate either with covid or from another vulnerability. This will reassure all those who need to use this provision that their final wishes are legally-recognised as witnesses previously had to be physically present.

Law Society research has found that around 14 percent of legal professionals who had been involved in making a will since the change in 2020 had used software such as Zoom or FaceTime for witnessing wills.

To protect people against undue influence and fraud, two witnesses are still required and virtual witnessing is only recognised if the quality of the sound and video is sufficient to see and hear what is happening.

Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice, Dominic Raab said:

I want people to be able to use technology safely and securely to ensure they can record their final wishes no matter the circumstances.

This is a common-sense measure that will give vulnerable people peace of mind that their wills are recognised if they are forced to have them witnessed via video due to isolation.

The extension will last until 31 January 2024 while the Law Commission considers potential reforms to the law around wills, including whether to make these changes permanent.

The use of video technology should remain a last resort and people must continue to arrange physical witnessing of wills where it is safe to do so. Wills witnessed through windows are already considered legitimate in case law provided they have clear sight of the person signing it.

Professional organisations such as STEP, who represent legal professionals and others who help families plan for the future, have welcomed the extension.

Law Society of England and Wales president I. Stephanie Boyce said:

Solicitors have bent over backwards to ensure their clients have been able to make valid wills despite the restrictions during the pandemic.

Those who have used video witnessing have told the Law Society it has been a useful option to have: to help vulnerable people set their affairs in order when making a will in the physical presence of witnesses is not possible.

The Law Society continues to take the view that the most effective reform of the law would be to give judges powers to recognise the deceased's intentions even where their will may not have been witnessed, in line with the Wills Act.

We look forward to the forthcoming Law Commission report on wills reform which we hope will expand on this and other issues to improve will making in England and Wales.

Emily Deane, STEP Technical Counsel and Head of Government Relations said:

We welcome this announcement because it gives clarity to everyone involved in the process of witnessing wills. While we agree that video technology should remain a last resort, it is vital that anyone who is required to isolate can arrange their will and has peace of mind that it is legally valid.

Notes to editors

- The legislation amended the Wills Act 1837 to stipulate that where wills must be signed in the 'presence' of at least two witnesses, their presence can now be either physical or virtual.
- Wills still need to be signed by two witnesses who are not its beneficiaries and electronic signatures will not be permitted.
- In the longer term the Government will be considering wider reforms to the law on making wills and responding to a forthcoming Law Commission report. The Law Commission were consulted in the development of the Government's original response to this issue.
- Official guidance on [making wills using video-conferencing](#).