

Wills, Trusts and Probate

A guide to wills following separation or divorce



Whatever stage in life you have reached, there is almost always a good reason to make a will. The breakdown of a marriage or relationship can be a stressful time, and making or updating your will may not feel like a priority. However, if you are separating from your partner or spouse, it is important to have an up-to-date will in place to ensure your family and assets are protected in the event of your death.

Here are some key reasons why having an up to date will when you are separating is important:

1. Your existing will may still benefit your partner

If you already have a will, it is likely that you have made provision for your partner. If you are planning to separate or have already separated, do you wish your partner to have the same inheritance rights? If not, you must change your will to reflect that change in your wishes.

2. Legal entitlements continue until divorce is final

If your current will remains in place, your spouse or civil partner continues to be entitled to inherit until the final order of divorce or dissolution. Any unmarried partner (whether cohabiting or not) also continues to be entitled until you change your will.

3. Divorce proceedings take time

Divorce and financial provision can take time to be resolved. When everything is finalised, you should review your will again. Nonetheless, you should ensure your wishes are correctly reflected in your will at this early stage.

4. No will means your partner may inherit by default

If you are married or in a civil partnership and do not have a will in place, your spouse or partner will inherit a substantial part of your wealth until the marriage or civil partnership is formally ended by final order of divorce or dissolution.

5. Joint property ownership can affect inheritance

If you jointly own a property, your co-owner may inherit your share whether you have a will or not. You should check the details of your joint ownership and make plans to change that arrangement, giving you control of your share of a jointly owned property.

6. Protecting your children's inheritance

If you do not have a will, then your children's surviving parent will be able to control any property or money that your children are entitled to inherit from you.

7. Appointing a guardian for your children

You can appoint a guardian for your children if you are their only surviving parent or are their sole legal guardian.

If you would like to speak to someone about making or updating your will please get in touch on 01582 514000 and our team will be happy to assist.

What our clients say ...

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I felt at ease all the way through the process.
Nothing seemed to be a problem!
Very good communication throughout.
Friendly! Very professional!
... First class service. I would use again.

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Client Testimonial, Review Solicitors, September 2025



What the experts say ...

Machins Private Client Team is proud to be recognised in the Legal 500 directory. This recognition reflects our commitment to providing exceptional services and maintaining an outstanding reputation for the broad spectrum of private client work.

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Machins private client department has a strong regional presence and advises a broad range of clients including high net worth individuals on a full suite and complex and sensitive matters in the space.

Legal 500, 2025

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About Machins

Machins Solicitors LLP has offices in Berkhamsted and Luton. As one of the leading law firms in Hertfordshire and Bedfordshire, we are committed to delivering **Legal Excellence with Human Understanding.**

We recognise the importance of building strong relationships with our clients - relationships that allow us to understand individual needs and provide effective, practical advice in a pragmatic and cost-effective way. Our team offers specialist legal support for both businesses and individuals, combining deep legal expertise with a genuine understanding of the people we serve.

Our Private Client Team

Working from offices in Berkhamsted and Luton our Private Client Team advise private individuals, couples, family businesses, beneficiaries and trustees on a multitude of different topics relating to: wills, trusts, probate, inheritance tax, lasting powers of attorney and estate administration.

Details of our team and all our services can be found on our website. Please scan the QR code for details.



