

Advice on [Wills](#) and Enduring Power Of Attorney  
From Louis Letourneau.  
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*Wills are that bit of paper we all need to get round to but, sadly, many of us never get round to getting it sorted. Yet, not having one, says Louis Letourneau, can mean the difference between keeping the home you share with your partner and losing it.*

Picture this: you have lived with your same-sex partner for 15 years and you have built your lives together, planning to stay that way for ever. You are very happy; planning a great holiday next year and everything is going well. Tragically, your partner dies in a car accident and you are left a widower. Well, at least all your friends consider you as such!

With horror, your partner's family, whom you know but never really got on with, refuses to let you attend his funeral. Furthermore, they demand that you move out of your house because they say it belonged to him not to you. Well, you did talk about changing the deeds some years ago, but never got around to it. You also talked about making [Wills](#), but you never got round to that, either.

Unfortunately, all bills are also under his name, and also all his assets, including the house and its contents, bank accounts, investments and pensions. Due to him not having a Will, everything he owned will now be distributed according to the Law of Intestacy. This Law grants all of your partner's assets to his blood relations. In fact, your partner's assets will all be transferred to his parents. If they were both dead, they'll go to his brothers and sisters, nephews and nieces, even to any distant cousins in Australia if these are the closest blood relatives. Furthermore, if none can be found, then the Government Treasury will get the lot, and you would not get a penny.

Now I hope you can see how vitally important it is to make a Will. In my view, it is an absolute necessity - for everyone: gay or straight, single, partnered or married. Of course, when and if the newly announced [Civil Registration law](#) comes into force, you may receive some rights of recognition, but even then a Will is, in my view, of paramount importance.

Of course, there are a few things that you can claim by using a good lawyer, but don't hold your breath. All of these problems can be avoided by simply drafting a Will. For a couple, with simple requirements, this should only cost a couple of hundred pounds. Surely it is worth spending this to achieve peace of mind?

So, how do you go about this? First, find a good lawyer that understands the needs of lesbians and gay men. This is important because, often, you need to think outside the box about all aspects of your financial planning when you are thinking about Wills. (There are a several solicitors that advertise in the gay press.)

Secondly, get yourself ready to think hard about how you want your assets to be distributed on your death. More importantly, you may want to think about re-arranging your affairs while you are both alive in case, for example, that you both die together (you may want to consider sharing assets now - like your house, for example). This is particularly important because of the problem of inheritance tax.

Thirdly, you need to decide who should be your estate's executor; normally your partner, but it may also be a close friend. Finally, you may wish to mention how you want your funerals to be organised, etc.

Now, how about the [life insurance](#) that he took out to protect the [mortgage](#)? Surely this will come to you? Well, if there is no Will, again, this will go to his estate which is then transferred to his family, unless a [good financial adviser](#) has strongly advised you to set the policy under trust with you as a beneficiary (quite a simple matter by the way). Frightening, isn't it?

Finished? Not quite; there's another very important matter you need to look into. What if your partner didn't die in the car crash, but is, instead, in hospital in a coma? How do you cope with that? Again, you have no right to manage his affairs (which, incidentally, may well be yours if you share all the bills, but they may well be all under his name). Once again, his family can step in and take over. A legal body called [The Court of Protection](#) is more likely to recognise his parents or brothers and sisters have Power of Attorney than you! Here we go again; remember, you have no rights on your partner's assets and affairs. The way around this is to arrange through the same solicitor an Enduring Power Of Attorney, which is also a simple legal document that will allow each of you to manage your affairs in case one of you is incapacitated. I strongly advise that you make your Will and set up an Enduring Power Of Attorney at the same time.

Unfortunately, as gay men in long-term relationships, we have to take these necessary steps to protect our loved ones. The new Civil Partnership proposals, announced in July this year, should be addressing these issues.

If you care about these issues, why don't you write to the Minister responsible for the consultation (the address can be found on the website: [www.gay-partnership-rights.info](http://www.gay-partnership-rights.info)), but in the meantime, you must make your own plans, and NOW! Please don't delay and end up with the problems outlined here - you never know what is around the corner.

Now then, don't get all depressed; if you write your Will next week, trust me, you will feel as though a huge weight taken has been taken off your shoulders. Then you can enjoy your next holiday with complete peace of mind.

Louis Letourneau is a Director of Isis Financial Planners Limited. Isis offers truly independent specialist advice to the gay community and can be contacted on 0845 1300 778 and email [postbox@gayfinance.info](mailto:postbox@gayfinance.info) . You can also visit the new website at [www.gayfinance.info](http://www.gayfinance.info)

**Louis Letourneau, MA** is an experienced independent financial adviser (IFA), specialist in financial planning and wealth management. He founded Rainbow Finance in 1995 and has consistently challenged financial companies and Government on their attitudes to gays, lesbians and same sex couples and was instrumental in the Inland Revenue to changing its guidance notes to recognise unmarried couples in pension benefits. His work has also resulted in life insurance companies starting to relax the discriminatory underwriting criteria toward gay men and people living with HIV. He was a founder of the Rainbow Research Project which surveys and educates private pension schemes in how they recognise unmarried couples on death benefits. He was also a founder member of the Stonewall Immigration Group (which campaigned for Immigration rights for same-sex couples, achieving a significant victory in April 1997) and helped set up the gaypartners.org initiative with gay.com in early 2001, campaigning for same-sex partnership rights. He speaks regularly on national and local radio.

For further advice on [Wills](#), [Life Assurance](#), [Tax](#), [Investments](#) and [Pensions](#), contact Isis Financial Planners:

Freephone Number: **08000 1960 69**

or email us on [postbox@gayfinance.info](mailto:postbox@gayfinance.info)

website: [www.gayfinance.info](http://www.gayfinance.info)