

## Searching for a Will: How to Find out Whether Your Loved One Made a Valid Will

When a loved one dies there is a lot to do and think about, all at a time of grief and loss. If your loved one left a Will, this can help to reduce some of the uncertainty you might be facing. Unfortunately, a missing Will – or doubt whether one was made at all – can have exactly the opposite effect. Establishing whether your loved one left a valid Will is therefore one of the first things you should do after their death.

This factsheet offers practical guidance for ascertaining whether a Will exists, and the steps you can take to find it if it does.

### Further Reading

There's a lot to handle in the aftermath of a loved one's death. If you would like more general guidance to help you, please download our free ebook '[What to do When Someone Dies](#)'.

### Searching for the Will amongst their papers

It may sound obvious, but the first place you should search for a Will is with your loved one's important papers. They may have kept these in a particular location such as a desk drawer, safe or lockbox. Finding the Will this way is the quickest and most straightforward solution to the problem.

If you find a copy of a signed Will, it will usually tell you the name of the solicitors or Will writers who prepared it. You can contact them for more information (and advice if you need to). The solicitor or Will writer will be able to tell you if the copy of the Will you have is the most up-to-date version.

If your search is unsuccessful – or if you do not have access to your loved one's papers – then we can help you to search for a Will by using Certainty's Will Search services.

### What is Certainty?

Certainty, the National Will Register, maintains a national database of wills, which can be used to find details about any Will that has been registered with them. Although there are other Will databases in the UK, Certainty is the largest and longest-running one. It is also the only one endorsed by The Law Society.

Solicitors who are registered with Certainty log their clients' wills in the Certainty database so they can be easily found when needed. Roche Legal is registered with Certainty and we ensure [all the wills we draft](#) are added to the Certainty database, as well as any wills we are given to store for our clients.

Certainty are not given copies of any of the wills registered with them and do not know anything about the content, but they will have the date of each Will on their database, along with a record of where it is stored.

## Certainty Will Searches

You can set up a Certainty Will Search online. There are three types of search you can do:

### 1. *Register Will Search*

This checks Certainty's National Will Register database for the Will you are trying to find. This will search through over 8.4 million registered wills.

### 2. *Combined Will Search*

This checks Certainty's Will database as well as doing an additional national search for possible wills that have not been registered on the database. A notification is also placed on Certainty's Missing Will Notice Board to alert member solicitors to the search. This is the most popular search option.

### 3. *Protect Will Search*

This is the most comprehensive option. It consists of a Combined Will Search and the issue of Section 27 notices.

#### **Section 27 notices**

A Section 27 notice is a way of protecting the trustees and personal representatives of an estate from any claims which could be made by anyone who has missed out on their inheritance. It refers to section 27 of the Trustees Act 1925, which allows that a trustee or personal representative will not be held responsible for such losses provided they have given advance warning of the estate's distribution in a certain way.

To illustrate how important this could be, imagine the following scenario: Rufus dies and no Will can be discovered for him. His personal representative, Enid, distributes

Rufus's estate to his wife, Sally, in accordance with the [intestacy rules](#). A valid Will is then later found, which leaves everything to Rufus's sister, Blanche. Without the protection of a Section 27 notice, Blanche would be able to claim against Enid and Rufus's estate for her missing inheritance.

Current prices for each of these searches can be found on the Certainty website: <https://www.nationalwillregister.co.uk/>.

## What is the Certainty Will Search process?

Once you've selected the level of search you want to do, generally all that's required is your loved one's name and address (as well as any previous names or addresses). If you're searching for an unregistered Will, you will also need to input the postcodes of likely search areas.

Certainty states that a response to your search will usually take between 24 hours and 10 days, although it could take up to 28 days to complete a search if nothing is found.

Where a Will is found, the holder of the Will should contact you.

## Finding a Will – are you entitled to see it?

It's important to remember that a Will is a private document until a Grant of Probate has been issued. Only the Executors of your loved one are entitled to see it before that stage. This means that once you have located the Will, the solicitor or Will writer who is holding it will not be able to send you a copy or discuss its contents with you unless you have been appointed as an Executor in the Will.

## Making sure your own Will is easy to find

If you have experienced the uncertainty a missing Will can cause, you will certainly want to avoid putting your loved ones through this when you pass away.

Fortunately, there are several steps you can take to avoid this. Firstly, telling your loved ones that you have made a Will, and where it can be found, goes a long way to avoiding difficulties. In particular, you should tell those people whom you have appointed to be your Executors, as they will be the ones responsible for handling your estate and carrying out the terms of your Will.

Secondly, you should register your Will with Certainty so that, if all else fails, a quick search of their database will provide your loved ones with the location of your latest Will.

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