

The Supreme Court has recently given the final decision in the long running high profile case of *Ilott v The Blue Cross & Others* (formerly *Ilott v Mitson*). In a unanimous judgment, the Justices upheld the general principle of testamentary freedom. You can make a Will under which you leave your estate on your death to who you like, and with renewed confidence that your wishes will be given due consideration.

The case involved a claim by Heather Ilott, whose deceased mother chose to benefit three animal welfare charities in her Will rather than leaving anything at all to her long estranged daughter. The mother left specific instructions to her executors to fight any challenge her daughter might make.

Heather Ilott did make a claim. Under the Inheritance (Provision for Family and Dependants) Act 1975, a disinherited child can make a claim against a deceased person's Will for reasonable provision. The Court has to decide on the merits of a claim by taking all relevant factors into account. In this case, at first instance, the District Judge awarded the daughter £50,000 out of an estate of £486,000, but the daughter appealed as she thought this sum too low. In the Court of Appeal, the daughter's award was tripled, but the charities appealed. The Supreme Court finally decided the case in the charities' favour and reinstated the £50,000 award.

Even though a claim can still be made under the 1975 Act, the Judgment in this case confirms very clearly that, in general, you are free to choose who will inherit your property when you die. Your wishes matter, and if you choose to record those wishes in a Will, they will be listened to. Even if a claim is made, your wishes, as expressed in your Will, are likely to be a significant factor for the Court to take into account, though each case will depend on its facts

Of course you need to make a Will expressing your wishes and if you want any advice on this, Taylor Walton will be pleased to help.