

## A guide to signing wills using video conferencing

If you are signing and witnessing by video conferencing you must follow this process:

1. The rules will apply to all wills made since 31 January 2020 (except for those currently being proved, or where a grant of probate has already been issued) and will apply until 31 January 2022 (although this period may be shortened or extended).
2. If a will is to be video-witnessed, it is suggested that the following attestation clause should be used: "I [ ] wish to make a will of my own free will and sign it here before these witnesses who are witnessing me doing this remotely"
3. The witnesses must see the will being signed in real time, and ideally the whole video signing and witnessing process should be recorded and the recording retained.
4. The witnesses and the testator can all be in different places during the process i.e. using three separate computers.
5. The signing and witnessing should take place as follows:
  - The testator makes sure that he and the witnesses can all see each other and that the witnesses will be able to see his hand when he is signing (not just his face)
  - If possible, a recording should then be started
  - If the witnesses do not know the testator, they should ask to see photo ID held up to the camera
  - The testator should hold the front page and the signing page up to the camera for the witnesses to see
  - The witnesses should confirm that they can see and hear the process and understand their role as witnesses
  - The testator should then sign the will
  - The original will (NOT a copy or counterpart) must be taken to the witnesses to sign. Ideally this should be within 24 hours of the testator signing it although there is no statutory period specified
  - The testator and both witnesses must again all be able to see each other (so possibly three separate computers again). The witness must hold the signing page up to the camera and ask the testator to confirm that the signature is his. The witness can then sign, but his signing hand should be visible to the others.
  - If the two witnesses are not together when signing, the process in the previous paragraph must be repeated i.e. you need the three people all online together
  - The will is NOT valid until it is signed by the testator and both witnesses. If the testator dies before the process is complete the will is not legally effective.

Full guidance can be found at <https://www.gov.uk/guidance/guidance-on-making-wills-using-video-conferencing>.

If you have any questions about any part of this process please do not hesitate to contact a member of our friendly and highly experienced Private Client team today who will be more than happy to help.