

ANIMAL LEGACIES IN WILLS

Many people believe that gifting money directly to a pet on their death is possible. Better, a Will that makes provision for your animal to ensure that it is not at risk and you are not creating a substantial problem for your family and loved ones on your death.

Leaving a pet to a friend or relative may not be considered such a 'gift' but more a 'burden' if they do not have the expertise or financial ability to look after it so your wishes and knowledge is vital.

There are various ways to make provision for your animal in your Will. Firstly, if possible make sure at least one of your executors knows about dogs, cats or horses as the case maybe, cares about their welfare and who will be willing to take on what might prove to be an onerous task. Make sure your executors know where your animal's passport is (if applicable) and that the expenses of keeping the animal in the short term pending transfer are clearly earmarked.

Consideration should be given as to the most effective way to provide for the care of your pet in your Will. Without setting up an expensive trust fund for your pet there are three alternatives:-

1. A cash sum can be bequeathed together with your pet to your executors with a request that they deal with both in accordance with a Note of Wishes. The Note of Wishes should say who you would like to look after your pet and how the executors should deal with it if no one is willing to accept it. The cash can then be used to care for your pet until a home is found for it and maybe a suitable inducement for someone to accept your pet when otherwise they might be reluctant to do so because of the expense.
2. A cash sum and your pet can be bequeathed to a named legatee (beneficiary) with the proviso that the legatee must undertake to care for the animal. If no such undertaking is given, the gift passes to a substitute legatee. This doesn't have the same flexibility as Option 1 but imposes rather more of a moral responsibility on the legatee.
3. You can bequeath both your pet and a cash sum to an animal charity. For example, the Royal Society for the Prevention of Cruelty to Animals or a Horse Sanctuary with a direction that the charity shall find a suitable home. However, you should be aware of the charities guidelines as the charity would have discretion to deal with your pet as it thinks fit and may be allowed to put down a pet which is too old or too unwell for a home to be found for it. If you have someone in mind to care for your pet then clearly if you do not want your pet to be put down irrespective of how old or ill the animal may be, options 1 and 2 may be preferable. In addition, when leaving a legacy to a charity you have no guarantee that the legacy or a part of it will be used for the animal's maintenance.

It should be borne in mind that many animal charities hold a register where pet owners can send a form giving details of their pets to register their request to care for and rehouse pets after your death. These services can be used even if no legacy is left to the charity. For example, the Dogs Trust has introduced a canine care card which you would carry with you and states that you have a dog and have given instructions about its care in your Will and also gives contact details of your solicitor.

Contact Foster Harrington who can provide you with appropriate advice and tell you what provisions you should make to ensure your pet gets the best care - come what may.

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