

A straight-forward guide to Inheritance Disputes

Challenging a Will in England



Contesting a Will in the UK can feel daunting – both legally and emotionally. Whether you've been unexpectedly left out of a loved one's Will or believe the document is legally flawed, it's essential to understand your rights and the legal grounds for challenging a Will. At Astle Paterson, our contentious probate solicitors, who specialise in handling inheritance disputes, do so by combining their expertise with empathy to steer families through these sensitive disputes.

Grounds for challenging a Will

There are several legal grounds on which a Will can be challenged under the law of England and Wales. The most common include:

1. Did the testator have mental capacity?

A Will is only valid if the person making it (the testator) understands the nature of a Will, the extent of their assets, and any moral claims on their estate. Dementia, severe mental health conditions, or the influence of medication can cause their ability to create a valid Will to be called into question.

2. Was undue influence at play?

A Will may be invalid if someone pressured or coerced the testator into changing their wishes – this often involves relatives, carers, or advisers. This is also known as undue influence; if this occurs, the Will may be set aside.

Although Undue influence is a common basis for contesting a Will in England, evidence of pressure – often exerted in private – can be hard to gather; therefore, early legal advice is crucial.

3. Were all relevant formalities followed?

A Will must meet specific legal requirements to be deemed valid.

Under the **Wills Act 1837**, a Will must be:

- in writing
- signed by the testator (or someone authorised in the testator's presence)
- witnessed by two independent witnesses, present at the same time

If these formalities were not followed, it may render the document invalid.

4. Is there fraud or forgery?

If there is evidence that the Will has been forged or altered without the testator's knowledge, this can form the basis of a legal challenge.

A forged signature, substituted pages, or fraudulent misrepresentation can all unravel a Will. These cases usually hinge on handwriting experts and forensic evidence.

5. Did the testator know and approve the contents?

Even a correctly signed and witnessed Will can be challenged if the testator did not truly understand or approve its terms – especially when someone else prepared it, inserted new sections, or made significant and unexpected changes.

The Inheritance Act 1975 and claims for Financial Provision

Suppose you are a spouse, civil partner, child (including adult or adopted), or dependant left out of the Will, or not adequately provided for. In that case, you may be able to claim under the Inheritance (Provision for Family and Dependents) Act 1975. This does not dispute the Will's validity; it asks the court to redistribute the estate fairly by seeking "reasonable financial provision".

Time limit: six months from the grant of probate.

A straight-forward guide to Inheritance Disputes Challenging a Will in England

Key deadlines to remember

There are strict time limits for challenging a Will in the UK. Claims under the Inheritance Act must usually be made within six months of the grant of probate. Other claims, such as fraud or undue influence, may have different time frames.

Claim type	Typical time limit*
Inheritance Act claim	6 months from grant of probate
Lack of capacity / Undue influence / Knowledge & approval	Best issued before probate; otherwise as soon as evidence emerges
Fraud / forgery	No fixed limit, but delay weakens the case

*Always seek advice promptly – courts may refuse late claims

How Astle Paterson can help

At Astle Paterson, our contentious probate solicitors can help you understand your legal options when challenging a Will. We provide clear advice and strong representation for clients.

We can help you with an early case assessment, offering honest advice on prospects and costs; we can aid with the evidence gathering of medical records, witness statements, handwriting experts, etc; we can mediate and negotiate with all parties involved to resolve disputes out of the courts where possible, and should the matter go to court and litigation be unavoidable, we can provide robust advocacy.

If you're involved in an inheritance dispute or need to contest a Will, contact us today for a confidential consultation.

Call us on 01283 531366 or email us at probate@astlepaterson.co.uk.

Get in touch today to arrange a confidential consultation.

For more information on Dispute Resolution and Litigation, please contact Jodie Holmes at jholmes@astlepaterson.co.uk or Liam O'Shea at loshea@astlepaterson.co.uk or call our office at 01283 531366.

You can also follow us on Facebook and LinkedIn to keep up with the latest information.

BUSINESS & COMMERCIAL • CONVEYANCING • FAMILY • LITIGATION • WILLS, INHERITANCE TAX & PROBATE •