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LEGAL CORNER:

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Important: Everyone must take a look at their will to make sure it complies with directive 650/2012 .If you live in Spain and do not do this your estate will not go to your spouse if you have children.

Directive issued by the European Parliament 650/2012.

This directive approved in 2012 establishes that from 17th of August of 2015 onwards if your will does not expressly say that you wish English law to rule your inheritance it will be governed by the law of the last residence of the deceased.(This can result to be a disaster as Spanish law establishes you can only leave 1/3 to spouse and the other 2/3 has to go to the children even on the first step).

Who is affected in practice ?: Anyone living in Spain who has children and wishes to (as is normal in the u.k.) leave his assets to his spouse .



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Action to be taken ?: Have a look at your will and make sure you have declared on it that you wish English law to rule your inheritance.(it is highly likely that you have not). Have it amended immediately. Not doing so will result in your children receiving 2/3 of your estate instead of your spouse . **This is extremely important which is why the directive was approved in 2012 but does not come into force until the 17th of August of 2015 to allow people to revise their wills. Ignoring this information could have disastrous consequences.**

Even if you are non resident of Spain we recommend making sure you state in your will that you wish English law to rule your inheritance as otherwise their could be dispute over last residence domicile which could cause a lot of problems.

If you have doubt come and see us. If your will does not need changing we will not charge you. If it needs changing we will charge half our normal fee .

Michael Davies.
Abogado.

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