

NAVIGATING WILLS

A MUST TO KNOW



The Wills Act outlines the requirements for making Wills. The law aims to minimise misrepresentations, which will disadvantage the beneficiaries of the estate. A Will sets out a person's wishes and it has no effect until the person dies.

1 WHO CAN MAKE A WILL?

Anyone who is over the age of 16 is of sound mind and appreciates the nature and effect of his act. A Will can be written at any time and can be changed at any time.

2 IN WHAT LANGUAGE CAN A WILL BE WRITTEN IN?

A Will can be written in any language a person chooses.



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WHAT ARE THE REQUIREMENTS OF A VALID WILL

- It must be in writing.
- It must be signed on every page as close as possible to the end of the writing as possible.
- It must be signed by the person making the Will and in the presence of two witnesses.
- All have to be present at the time of the signing.
- The witnesses have to be 16 years and above and capable of giving evidence in a court of law.
- A person who will inherit something in terms of the will cannot sign as a witness.
- A person who cannot write can have the will written for him or her and a magistrate or commissioner of oaths will certify the contents.

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WHAT SHOULD BE CONTAINED IN A WILL

- The name of the person making the Will
- The name/s of the people who will benefit under the will and their I.D. numbers, birth certificate or their dates of birth.
- The description of the property to be given to each person.
- The name of the executor
- It is important that people write Wills that are responsible. Wills should not be used to disinherit people or to settle old scores.

The Wills Amendment Act 21 of 1998 gives the Master of the High Court the right to accept or reject a Will or amendment to a Will, even though it does not comply with the requirements under the law.

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HOW TO REGISTER A WILL

When the person who has made a Will dies, any person who has in his or her possession at the time of the death, a copy of the Will, must register the Will with the Master's Office in Harare or Bulawayo or the Magistrate's court for the district in which the deceased resided or died.

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WHERE CAN A WILL BE KEPT

- The Master's Office at the High Court
- With a trusted friend
- At a bank
- A lawyer's office
- With a priest
- Your Insurance Company

It is important to let a family member or friend know that you have written a Will and where it is being kept. When the person dies it is important that the Will is registered at the Master's Office or the nearest Magistrate's Court.

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THE ADVANTAGES OF MAKING A WILL

A written Will which clearly states who will benefit and how the property will be shared will not give rise to many disputes and protect the beneficiaries from people who may want to take away the property.



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ORAL WILLS

A person can make an oral Will under customary law, that is a person can tell somebody how s/he would like their property distributed and they do not have to write a Will. A person can only make an oral will where the value of the estate is not above \$10,000. Oral wills should not be encouraged as they give rise to many disputes over what the person may have said.

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WILLS AMENDMENT ACT NO.21 OF 1998

The Wills Amendment Act 21 of 1998 empowers the Master of the High Court to accept a Will or amend to a Will if he is satisfied that it is intended to be such, notwithstanding that it does not strictly comply with the requirements under the Act.

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CHALLENGING A WILL

A Will can be challenged on the grounds of undue influence such as threats or that the person did not understand the nature and effects of their act i.e. limited mental capacity. The person making the allegation must prove that there was undue influence or that the person did not understand what they were doing. Challenging a Will is quite difficult and should not be undertaken without very careful consideration.



Why Diaspora Insurance?

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Diaspora Funeral Cash Plan is an innovative and bespoke insurance cover developed and offered by Diaspora Insurance, a UK-registered company authorized and regulated by the Financial Conduct Authority (FCA). The firm reference number is 795897.

Diaspora Insurance specialises in the designing, marketing and distribution of insurance products targeted at foreign nationals/expatriates/diasporans living and working abroad in markets outside their home country like the UK, EU, Middle East, USA, Australia, and Canada amongst others. Diaspora Insurance is very experienced in dealing with global diasporans where immediate financial intervention is required. To date, we have paid more than US\$5 million to bereaved families worldwide.

With over a decade of delivering peace of mind to diasporans across the world, Diaspora Insurance is a multimillion-dollar turnover UK company and was established in 2012. We are covering 19 African nationalities in the diaspora globally. The original motivation for establishing Diaspora Insurance was to positively impact the global diasporans' reality by guaranteeing them and their families a dignified send-off through a simple, guaranteed acceptance funeral policy, Diaspora Funeral Cash Plan.

DIASPORA INSURANCE SOLUTION ALLOWS FOR:

- **Guaranteed Acceptance:** for all members under 75
- **Cover Amounts:** up to US\$/£/€20,000.00 per life.
- **Qualifying Lives:** All Nationalities from the qualifying countries
- **No Medicals at all on the application nor at the claim stage:** no intrusive questions or medicals required, just a quick online quote and application.
- **Guaranteed and Immediate Cash Pay-out:** a cash lump sum of up to US\$/£/€20,000.00 per life paid out within 24 hours of proof of death. The money paid to the bereaved family means funds are available when needed most.
- **Immediate full cover** – for accidental death
- **Three Months Qualifying Period** – for natural death

- **Hard Currency Denominated Cover** – US\$/£/€/AU\$/CA\$/NZ\$ cash covers depending on the country of residence of the group member.
- **Qualifying Territory:** It's a worldwide cover protection without borders.
- **Premium Payment** – payable monthly, quarterly, or annually.
- **Cover Period** – it's a life cover.
- **Free Cover in Future** – Policyholders will only pay for the period until the age of 85 and go on free cover for life.

Diaspora Insurance covers 19 African nationalities Botswana, Cameroon, DR Congo, Eswatini, Ethiopia, Gambia, Ghana, Kenya, Malawi, Mozambique, Namibia, Nigeria, Rwanda, Siera Leon, South Africa, Tanzania, Uganda, Zambia and Zimbabwe. Anyone from the qualifying nationalities by birth, descent, naturalization, marriage and registration qualifies to be covered under the Diaspora Funeral Cash Plan irrespective of where they live in the world.

About Author

The scribe Coach Edwin Tsvere is a known sales productivity and management expert with 34 years of experience in banking, insurance, Training and High Net worth Distribution. Over the years he has trained, coached, and mentored 5000 sales professionals across markets in Africa, Asia, Australia, Europe, and the UK. His High Net worth experience includes being Head of Distribution & Training (Zimnat Life Assurance) Business Relationship Manager (Zimnat Life Assurance in Association with Sanlam), Training and Development Consultant (Sanlam Life Insurance Zambia), Co-Founder of the SanlamAllianz Training Community and Human Capital Development Consultant for Australia New Zealand Institute (ANZI) now the Channels Director for Diaspora Insurance. Edwin is a John Maxwell Team Member and Certified Leadership Coach, Personal Development Coach, and Retirement & Financial Wellness Coach anointed to activate potential. Edwin is a Transformational author and speaker. A Certified Professional Life Coach accredited by the International Coaching & Mentoring Foundation (ICMF). Certified in Estate Planning & Inheritance Laws (Danziger & Partners Law Firm). His Coaching Philosophy is "Awaken and Activate Your Potential"