

# Can you make a WhatsApp will?

Key legal requirements and future outlook.

[Home](#) » Can you make a WhatsApp will?



Making a will is one of the most important steps anyone can take to protect their estate. But with the rise of messaging apps, many ask: can you make a WhatsApp will? In England and Wales, the law governing valid wills remains rooted in the [Wills Act 1837](#), long before smartphones came into existence. Below, we unpack the key legal requirements for making a will, how digital tools fit in, and whether a WhatsApp will might ever be recognised.

## What makes a will valid?

Under the [Wills Act 1837](#), a valid will must satisfy four critical requirements:

### Age and capacity

- The testator must be at least 18 years old.
- The testator must be of sound mind and mental capacity.

### Written document

- The will must be in writing, and the testator must sign it (or, in certain circumstances, it can be signed by another person in the testator's presence).

### Witnessing formalities

- The testator must sign the will in the presence of two witnesses or acknowledge their signature in the presence of two witnesses.
- Those two witnesses must sign the will in the testator's presence.

These key ingredients are impossible to replicate in a digital world, not least WhatsApp.

## Digital adaptations and remote witnessing

During the COVID-19 lockdown, emergency legislation allowed wills to be witnessed via video link—an important step toward modernising wills law. Yet this change still requires a written document signed on paper; the witnessing conducted remotely simply alleviates in-person constraints.

## The Law Commission's electronic wills initiative

### More News/Insight

By expertise ▾

By year ▾

By type ▾

Search

### Links

Download page as PDF



Send link to PDF



Share link



### Contacts

**James McMullan**

+44 (0) 20 7299 6902

+44 (0) 7773 888 656

[Full profile](#)



Email

Download V.card

Since 2017, the Law Commission has explored electronic wills, pausing its consultation between 2019–2022 and resuming it in October 2023. The goal is to design a framework that:

- Allows fully digital will execution
- Preserves safeguards against fraud
- Potentially introduces a new Wills Act for electronic wills

The consultation closed in December 2023, and as of today, no legislation has formally legalised pure WhatsApp will execution.

## Will WhatsApp wills ever be valid?

At present, there's no indication that a WhatsApp will—a chat message chain—could satisfy statutory requirements because of:

- Fragmentation: WhatsApp threads lack a single, immutable document.
- Deletion Settings: Chats can auto-delete, undermining document permanence.
- Authentication & Witnessing: No reliable built-in method to witness or authenticate signatures.

Until new electronic-wills legislation passes, traditional or hybrid (paper signed and video-witnessed) methods remain the only way to ensure validity.

**For tailored advice on electronic wills, remote witnessing, or updating your estate planning in the digital age, contact [James McMullan](#) at RIAA Barker Gillette (UK) LLP. He can guide you through current requirements.**

*Note: This article is not legal advice; it provides information of general interest about current legal issues.*