



Birgit Biedermann answers a few important questions about the new Swiss succession law. She is a notary, attorney and lawyer specializing in succession law at a firm in Bern.

Birgit Biedermann, what are the advantages of the new succession law?

We refer to it as the 2023 succession law. It is a revised version of the previous Swiss succession law. From 1 January, anyone who writes a last will and testament will have more freedom in deciding what happens with their estate. For example, because the compulsory share for parents has been abolished.

So, more adults can now freely dispose of their estate as they wish?

Yes, this gives unmarried people without descendants in particular the opportunity to bequeath their estate to a charitable organisation or any person they choose. This is an advantage especially for childless cohabiting couples, because they can bequeath everything to each other without violating a compulsory share obligation.

Consequently, a will or contract of succession must be drawn up to take advantage of the new freedoms?

That's right. Anyone capable of judgement who does not agree with the provisions of the succession law should do so. Besides unmarried individuals, cohabiting couples and married couples might want to protect themselves in this way. The revised inheritance law also defines the parents as legal heirs if a person has no descendants. In such cases, if the parents have already passed away, the siblings or their descendants inherit. Cohabiting couples are still not protected by the succession law.

What do you recommend married people to do?

Even married couples should draw up a will or a contract of succession. This is either to leave most of their estate to each other or to avoid conflicts with descendants. 'Patchwork families' in particular need to take measures. Descendants are still entitled to a compulsory share. Unless they confirm in a contract of succession that they waive their right in whole or in part.

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