

# Your Estate



This newsletter is to help you and your estate planning.

2009/10

## Safeguarding your estate

*That you should leave something behind for loved ones is a gratifying thought, whatever the size of your estate. If your assets exceed £325,000 (including any gifts you have made in your last seven years), your legacy could be diminished by a 40% tax liability. Estate planning means your family will receive a larger share of your estate. The incidence of estate taxes necessitates careful planning, so due care, attention and execution of your plans is essential.*

*See overleaf for some of the basic areas for planning.*



### Start by asking yourself the following questions:

**Who?** Who do you want to benefit from your wealth? What do you need to provide for your spouse? Should your children share equally in your estate – does one or more have special needs? Do you wish to include grandchildren? Would you like to give to charity?

**What?** Should your business pass only to those children who have become involved in the business, and should you compensate the others with assets of comparable value? Consider the implications and complications of multiple ownership.

**When?** Consider the age and maturity of your beneficiaries. Should assets be placed into a trust restricting access to income and/or capital? Or should gifts wait until your death?



**it is expected that only 2% of estates this year will have liability to IHT. Plan with us to minimise your liability.**

# Safeguarding your estate

## An overview of the basics

### The main exemptions and reliefs are:

Gifts between spouses or civil partners, during their lifetimes or on death, are completely exempt with the important exception of a gift from a UK-domiciled spouse to a spouse domiciled outside the UK, in which case the allowance is £55,000.

The unused proportion of the nil rate band is transferable from the deceased. See 'Transferring the nil-rate band'.

Gifts, whether made during lifetime or on death to UK charities, political parties, national museums and art galleries all qualify for exemption, and there are further conditional exemptions for buildings and assets of any outstanding historical or aesthetic value.





Gifts made seven years before the donor's death are generally free from inheritance tax. But the position can be complicated by (1) gifts with reservation of benefit, and (2) pre-owned assets. Both of these may remove the seven year exemption if you have continued to benefit in some way from the gift.

Care should be taken here – if you are concerned that previous gifts may not be tax exempt, or that ownership of the gift could be challenged by non-beneficiaries, you should seek our advice.

The UK offers significant reliefs for agricultural property and business assets which can both potentially be gifted tax-free if they have been owned for at least seven years. Agricultural property qualifies even if it is farmed by others.

Business property relief applies to the assets of a sole proprietor's business, the share of a partnership business, or equity in a company which is unquoted (including AIM listed companies). The important distinction is that it cannot be primarily an investment business, however if you are unsure as to whether your business assets qualify please discuss this with us.

### Other main exemptions for lifetime gifts

-  The first £3,000 of life time transfers in any tax year plus any unused balance from the previous year
-  Gifts of up to but not exceeding £250 per annum to any number of persons
-  Gifts made out of income that form part of normal expenditure and do not reduce the standard of living
-  Gifts in consideration of marriage/civil partnership of up to £5,000 by a parent, £2,500 by a grandparent and £1,000 by any other person



## Transferring the nil-rate band

Under the Finance Act 2008 the unused nil-rate band may be transferred to a surviving spouse (or civil partner), which by 2010/2011 will raise the total maximum exemption for inheritance tax for a surviving spouse to £700,000. Common practice is to combine the allowances together in expectation that the transferable proportion will be better utilised on the second death.

If you plan to remarry and your late spouse transferred his or her nil-rate band to you, the tax situation can be complicated. Without careful planning, your beneficiaries could lose large tax allowances. For objective advice, you should speak to an accountant.

Whenever there is a significant change in legislation planning should be reviewed. The change in 2008 is such a case in point.

## The key elements to estate planning are:

### Trusts

Trusts allow for more flexible estate planning. As well as offering tax savings, they offer greater control over who will benefit from your estate, allowing you to protect vulnerable beneficiaries such as children, but they can be difficult to alter so sound long-term planning is essential. We are happy to advise regarding the benefits and implications of forming a trust.

### Your Will

Writing a Will can be an involved process even without tax considerations. How will your estate be distributed? Who are the executors? Who will look after your children if they are still minors? These are just a selection of the safeguarding issues that require decisions. If the Will is to include trusts, substantial property, or pension funds it would undoubtedly benefit from professional advice.

### Life assurance

Life assurance policies can form a useful part of estate planning as the benefits can be written in trust and not fall into the taxable estate. An investment bond can be an excellent vehicle for bequeathing almost tax-free. Insurance policies can also be used to cover any inheritance tax your beneficiaries might have to pay.



**Ask us how we can help you safeguard your estate.**