



## COHABITING COUPLES BENEFICIARY PROTECTION PLAN APPLICATION FOR COUPLES WHO ARE NOT MARRIED OR IN A CIVIL PARTNERSHIP

Please refer to the accompanying Guidance Notes when completing this form.

### 1 NUMBER OF TRUSTS REQUIRED

Settlor 1

Settlor 2

### 2 SETTLORS' DETAILS

#### Settlor 1

Title

Full name

Country of  
Nationality

UK

Other

D.O.B.

#### Settlor 2

Title

Full name

Country of  
Nationality

UK

Other

D.O.B.

Address

Tel.

Postcode

Email

Are both Settlers UK domiciled and long  
term resident for IHT purposes?

Yes

No

If no, please provide  
details on Notes  
page.

**Please note that all foreign property is excluded from our planning.**

Has either Settlor been widowed?

Yes

If yes, please provide details  
in the notes section of any  
transferable NRB allowances.

### 3 FINANCIAL INFORMATION

Please provide approximate values to ensure that we can confirm the most approximate planning.

	First Settlor	Second Settlor	Joint Assets
Principal Private Residence	£	£	£
Savings and Investments (excluding Pensions)	£	£	£
Other Property	£	£	£
BR/AR Qualifying Business Assets	£	£	
Pensions	£	£	
Death in Service	£	£	
<b>Total Assets</b>	£	£	£

### 4 TRUSTEES

#### Trustee No. 1 - Write "Settlor 1" on first line if Settlor to be a Trustee

Title

Full name

Address

Relationship to Settlers  
(if not Settlor)

Postcode

Country of  
nationality

UK

Other

D.O.B.

#### Trustee No. 2 - Write "Settlor 2" on first line if Settlor to be a Trustee

Title

Full name

Address

Relationship to Settlers  
(if not Settlor)

Postcode

Country of  
nationality

UK

Other

D.O.B.

### Trustee No. 3

Title

Full name

Address

Relationship to Settlers  
(if not Settlor)

Postcode

Country of  
nationality

UK

Other

D.O.B.

### Trustee No. 4

Title

Full name

Address

Relationship to Settlers  
(if not Settlor)

Postcode

Country of  
nationality

UK

Other

D.O.B.

### Which of the Trustees will be nominated as the 'Lead Trustee'?

Trustee 1

Trustee 2

Trustee 3

Trustee 4

Lead Trustee telephone no.

Lead Trustee NI number

Lead Trustee email

### 5 POSTAL EXERCISE

Is a postal exercise required?

Yes

No

If yes, please advise which Trustees require this

Trustee 1

Trustee 2

Trustee 3

Trustee 4

## 6 CHILDREN'S DETAILS

Name	Address	D.O.B.	Gender	Settlor 1 natural/ legally adopted	Settlor 2 natural/ legally adopted	Both Settlers
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 7 ACTION OF THE CLIENTS' WILLS

### On first death

Partner to have full access to all assets in the Trust (both capital and income) as loans or absolute distributions

OR

Partner can remain living in the property and receive income from other assets but cannot benefit from any capital distributions

OR

Partner can remain living in the property but benefit from both income and capital distributions from all other assets

### Then on second death

Trusts to be used for the children in equal shares

### OR IF THE ABOVE OPTIONS DO NOT ADEQUATELY REFLECT THE CLIENTS' SITUATION

**Other** – please outline Clients' wishes in the notes section 16

### Option to claim the Residence Nil Rate Band (RNRB) on first death

**Partner's interests are the priority** so Trustees should not consider appointing out a share of any qualifying residential property to the children to claim the RNRB

OR

**Tax planning is the priority** so Trustees should consider appointing out a share of any qualifying residential property to the children to claim the RNRB allowance

## Property ownership

**Solidus to check property ownership and draft a Deed of Severance if not already Tenants in Common** (service not available in Northern Ireland)

Yes  No

## 8 BENEFICIARIES

Standard classes of Beneficiary, please delete if not required and add any explanatory notes.

Partner

Children, grandchildren and future generations

Charities

Additional classes of beneficiary, please tick if required and provide full names and addresses below or on notes page.

Brothers/sisters/nephews/nieces

Parents

Spouses/partners of the children/grandchildren

Other named individuals

Please advise if any Beneficiaries do not have capacity

## 9 EXECUTORS

Executors of Will same as Trustees of Trust(s)

If yes, skip the rest of this section.

If no, please provide full details of Executors.

Full Name	Address	Relationship - to whom

## 10 GUARDIANS OF MINOR CHILDREN

Full Name	Address	Relationship - to whom

## 11 CHATTELS GIFTS (e.g. jewellery)

Description	Recipient full name and address	Relationship - to whom

## 12 SPECIFIC LEGACIES (cash gifts)

Please give details of any specific cash gifts and when they are to be made:-  
*Select 1 if it is a gift on the death of the first spouse, select (2) if it is a gift to be made on the death of the second spouse and select (3) on death irrespective of whether on first or second death.*

Gift description (e.g. £10,000)	Gifts to be made (see above)	Recipient full name and address	Relationship - to whom
	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		
	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		

### 13 FUNERAL WISHES

**Settlor 1**

Cremation

Burial

None

**Settlor 2**

Cremation

Burial

None

### 14 DOCUMENT STORAGE

If the client would like to use our secure storage service please indicate below.

**Storage**

8 years

Storage not required

### 15 TRUST REGISTRATION

Guidance on the new Trust Registration requirements, introduced as part of the Fifth Anti-Money Laundering Directive (5MLD), can be found on the Solidus information portal [www.trustregistration.co.uk](http://www.trustregistration.co.uk).

Initial Trust Registration with HMRC is free with this Solution and will be carried out by Solidus once the final Trust(s) have been signed, if a scanned copy is emailed to [registrations@solidustrusts.co.uk](mailto:registrations@solidustrusts.co.uk).

For an additional fee per Trust, Trustees can authorise Solidus to maintain their registration details for 24-months and keep them up to date with any changes in Trust legislation and best practice advice.

**24-month Trust Registration Maintenance Service required?**

Yes

No

### 16 NOTES (continue on additional page if required)

## MENTAL CAPACITY

In English Law, the case of Banks v Goodfellow (1870) provided us with a test considering a person's mental capacity and whether they have due knowledge and understanding to make a Will. In essence, a person must have a firm understanding of what they hold in their estate, how they wish to distribute their estate and the effect that this will have. They must have arrived at their decision on how to distribute their estate on their own, without the influence of others, and the contents of their Will must reflect their true wishes and intentions.

The following questions must be completed by the instruction taker, this is important for your own protection:

	Testator 1	Testator 2
Does the Testator(s) understand that they are giving instructions from which their Will shall be drafted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the Testator(s) recollect in general terms what is owned by them?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Testator(s) aware of who might be considered to have a moral claim on their estate – friends or relatives – even if they choose them not to benefit?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Testator(s) broadly aware of how the estate will be shared out?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
How long have you known the Testator(s)?	<input type="text"/>	
Have Wills previously been prepared for the Testator(s) and are copies available?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Was there a discussion about earlier Wills? If so, please detail what was discussed

**Was the meeting face to face?** Yes  No

**Were there any signs of confusion or memory loss?** Yes  No

**Have there been any recent bereavements?** Yes  No

Yes  No

Yes  No

Yes  No

**Who was present when instructions were taken and why?**

If the Testator(s) own their home please confirm the following:

**Approximate open market value of property** £

**Who are the registered owners?**

**Type of ownership (if owned jointly)**      **Tenants in common**       **Joint tenants**

**FINAL CHECKLIST SO THERE ARE NO DELAYS**

- Full details of Settlers and Trustees
- Full details of Beneficiaries
- Full Will Instructions
- Recommended secure document storage

Please return this application to:

**By post:**

Solidus IEP Ltd, Premier House,  
1-5 Argyle Way, Stevenage,  
SG1 2AD

**By email:**

applications@solidustrusts.co.uk

## DATA PROTECTION STATEMENT

Solidus IEP Ltd ("**Solidus**") is totally committed to full compliance with the requirements of the General Data Protection Regulations ("**GDPR**") and the Data Protection Act and will follow procedures which aim to ensure that all employees and legal and professional partners, who have access to any personal data held by or on behalf of Solidus, are fully aware of and abide by their duties under GDPR.

Solidus, in respect of its business purpose, needs to collect and use information from Licensees and their referred clients in order to operate and carry out its function. This information is handled and dealt with properly however it is collected, recorded and used and whether it is held on paper or within computer data records.

## CLIENT AUTHORISATION

We hereby instruct Solidus to draft the relevant Trust Deeds and Wills to establish our estate planning.

We acknowledge that Solidus will instruct their legal partners to review the drafted Trust documentation. We agree to pay the costs even if we fail to complete the planning.

For the purpose of compliance with Data Protection Laws, we consent to Solidus holding our personal details, together with those of our Trustees and Beneficiaries. These details will only be used by Solidus for the purpose of this planning and will never be sold to or shared with third parties for the purpose of marketing.

Following the completion of this planning, we authorise Solidus or their legal partners to contact us directly if there is a requirement which we or the Trustees need to be made aware of.

Print Name

Signature

Print Name

Signature

Date

## ADVISER'S CONFIRMATION

As the Financial Adviser to the above Client(s) I understand that I am responsible for the advice, signing and witnessing of the documentation.

I agree to all aspects of the planning being reviewed by Solidus' legal partners if required.

Please prepare the documentation under existing law and I accept Solidus' Terms of Engagement which are available in the Licensee area of their Website.

Sending this application form via email, with or without signature, also constitutes your agreement to the above terms.

Print Name

Signature

Date



## COHABITING COUPLES BENEFICIARY PROTECTION PLAN APPLICATION FOR COUPLES WHO ARE NOT MARRIED OR IN A CIVIL PARTNERSHIP

### GUIDANCE NOTES

Please note if the application is not fully and clearly completed it may cause delays.

#### 1 Number of Trusts required

As a minimum the clients will need one trust each to receive their residue estate on their death. Clients may want more than one trust each if individual control of a Trust Fund is required e.g. one per child. Unlike life assurance the use of multiple Trusts is ineffective for periodic charge planning.

#### 2 Clients' details

Ensure you provide the Clients' full, legal names as they appear on official identity documents such as their passport. If they are known by another name such as their middle name or a nickname please include this on the notes page. Nationality and date of birth will be required for Trust Registration with HMRC.

**Domicile** - It is important that you confirm if the Clients are UK domiciled for IHT purposes.

**Foreign Property** - If the Clients have any foreign property assets, please note these are excluded from the Wills we are drafting and they should ensure that they have foreign Wills to cover these assets.

**Widow/er** - If either of the Clients have ever been widowed, please provide details on the notes page of any unused NRB allowance that will be transferable from the deceased spouse's estate.

#### 3 Children's details

Please confirm the children's full names, addresses, dates of birth and whether they are joint children or a child of only one of the Clients. Please note that step-child is not a legal term, so such person would be identified by their full name and address.

#### 4 Financial Information

Please provide approximate values of the Clients' key estate assets. Please note that Solidus will rely upon the accuracy of the information given to provide the correct advice.

#### 5 Trustees

Ensure you provide the Trustees' full, legal names as they appear on official identity documents such as their passport. Nationality and date of birth will be required for Trust Registration with HMRC.

If the Clients are Trustees, we recommend there are at least two additional Trustees. If the Clients are not Trustees, we recommend there are three and a maximum of four Trustees. Trustees can be friends, family members over the age of 18 or peers.

**Overseas Trustees** - Please note that appointing an overseas resident Trustee may have tax or reporting consequences and they should take local advice based on current taxation laws as to any adverse tax implications, or reporting requirements, of being a Trustee. If you wish to proceed with an overseas resident Trustee, please note that advice must be taken at the time that the Trusts receive significant funds.

**Appointing different Trustees on multiple Trusts** - if you wish to appoint different Trustees on multiple Trusts, please copy the page and complete with Trustee details for each Trust.

**Lead Trustee** - All Trustees are equally legally responsible for the Trust but you must nominate a 'Lead' Trustee to be the main point of contact for HMRC and provide their NI number, telephone number and email address. The Lead Trustee will receive the Trust's Unique Tax Reference (UTR) and reminders to file tax returns.

**Trustees Signing of Documents** - If Trustees' signatures are to be executed in advance using Solidus' postal service, please leave the boxes blank. Please note that the Clients will need to arrange their own postal exercise for any overseas Trustees.

#### 6 Action of Clients' Wills

The Beneficiary Protection Plan integrates the Will of a Client with the Trust framework. On the death of each partner their whole estate after any gifts will usually be directed to one or more Trusts. IHT is payable on the value over the Client's Nil Rate Band (NRB) Allowance and Residence Nil Rate Band (RNRB) Allowance if applicable.

The surviving partner is commonly supported in one of three ways:

1. For the benefit of the surviving partner which, at the Trustees' discretion, allows them full access to their partner's estate, both income and capital in the form of loans or absolute distributions (this would of course include remaining living in the property but could also include selling the property and distribution of the sale proceeds). Any remaining assets are then available to the children when the surviving partner dies.
2. An alternative approach is for Trustees to allow the surviving partner to remain living in the property for the remainder of their lifetime and to provide them with income from the Trust but to preserve the capital value of all assets in the Trust for the children.
3. The third approach is for the Trustees to allow the surviving partner to remain living in the property for the remainder of their lifetime, to ensure that the property is passed on to the children when the surviving partner dies. But to allow the surviving partner full access to all other assets, both income and capital as loans or absolute distributions.

If the Clients' wishes are not covered by the above options, or if they have additional wishes, please include these in the notes section.

### **Option to claim the Residence Nil Rate Band (RNRB) on first death**

In estates where the RNRB tax allowance is relevant, an option to claim the RNRB is available. This requires a share of the main residence ownership to be appointed out of the Trust to the children within two years of death. If the surviving partner remains living in the property this could create conflicts, particularly in second family situations. In these circumstances, what is the Client's desired priority: protecting the interests of their surviving partner or maximising the available tax allowances?

### **Ownership of Main Assets**

In order to ensure that the Clients' assets are passed via their Wills into the Trust framework and not passed automatically to the survivor, it is important that all assets (bonds, savings and property) are owned individually and not jointly. The adviser may deal with the financial planning but Solidus can separate the ownership of property into Tenants in Common by drafting a Deed of Severance and Equity Share Deed. Please advise on the notes page if any other property ownership needs changing.

### **7 Beneficiaries**

The Trust(s) to be drafted will be Discretionary Trust(s); the Beneficiaries under the Trust(s) are Discretionary Beneficiaries. With a Discretionary Trust the **Trustees decide** the detail of **who** benefits from the Trust, and **when** they benefit, from the classes of Beneficiary or named Beneficiaries specified. **Please remember that the Settlor will not be a Beneficiary** unless a special Settlor Interested Trust is specifically requested. Trustees, provided they are not Settlers, **can** be Beneficiaries.

**The first two classes of Beneficiary listed will be potential Beneficiaries in all Trusts drafted** unless the Clients wish to exclude them. Please add to these classes of Beneficiary as required.

**Please detail any additional classes of Beneficiary you would like to benefit from the Trust in the notes section.**

**If there is only one person within a class e.g. one brother, then this person must be named in full. Please give full names and addresses of Beneficiaries in the notes section or on a separate sheet.**

Any named Beneficiaries will need to be included when the Trust is registered and will need to declare whether they have mental capacity at the time of registration. HMRC guidance states that a Settlor does not have mental capacity if they cannot understand information about the Trust.

### **8 Executors**

The job of the Executor is to make sure the wishes expressed in the Will are carried out. The Executors can appoint Solidus IEP or our legal partner to do this work associated with the Wills and Trust(s) in order to maximise the benefit of the planning, however it is at the Executors' discretion.

Please confirm if the Executors should be the same as the Trustees of the Trust(s) or if they are to be different, please provide full details.

### **9 Guardians**

If the Clients have children who are under the age of 18 they must specify who should be appointed as their legal Guardian in the event that both parents are deceased.

## 10 Chattels

The Wills will be drafted to leave all Chattels (portable personal possessions such as jewellery, paintings, furniture etc) to the Executors of the Will to distribute as they see fit. If the Clients have items that they wish to leave to a specific person, please provide details and this can be included in the Letter of Wishes. Please note that if the Clients have a long or detailed list of Chattel gifts it will be more appropriate to provide this as a side-letter that Solidus can make reference to this in our Letter of Wishes.

## 11 Specific Legacies

If the Clients wish to leave any specific cash gifts in their Wills please provide details.

## 12 Funeral Wishes

Please indicate if the Clients have a funeral preference. Specific funeral wishes can be detailed on the Notes page and will then be included in the Clients' Letter of Wishes.

## 13 Notes

Additional notes relating to any of the previous sections should be made here and/or on a separate sheet. Please also advise us of any additional information that may be pertinent to the Clients' planning such as vulnerable Beneficiaries, unwanted Beneficiaries, anticipated inheritances or gifts or loans made in the last few years or to be made in the future.

### NEXT STAGES

We will keep you updated of the progress of your application.

- Once fully completed and signed by the Client and Adviser, the Adviser can either email the form to [applications@siep.co.uk](mailto:applications@siep.co.uk) **OR** post the application to **Solidus IEP, Premier House, 1-5 Argyle Way, Stevenage, SG1 2AD**
  - We will email you confirmation of receipt, request clarification if required and send an invoice.
  - We will send an Information Quality Document (IQD) and draft Wills and Wishes Letter(s) within three weeks.
  - On return of the IQD and draft Wills we will prepare final documents and review the case with our legal partner as required (typically within three weeks).
  - Once completed we will contact the Adviser to confirm signing instructions.
  - Final documents are then sent for signing.
  - When the documents are fully signed, please email a scanned copy of the signed Trust to [registrations@solidustrusts.co.uk](mailto:registrations@solidustrusts.co.uk) within 14 days so that Solidus can complete initial registration with HMRC if required.
  - The original documents are then returned to us and we will verify they are correctly executed and store or return as required.
  - We will send the Clients their Solidus Binder containing copy documents and guidance notes.
- If you have any questions on the planning or the process please call **0333 800 1291**.