



## SINGLE SETTLOR COMBINED SOLUTIONS APPLICATION

### 1. NUMBER OF TRUSTS REQUIRED

BPTs

Business Trusts

APT's

PGTs

### 2 SETTLOR

#### Settlor

Title

Full name

Address

Tel.

Postcode

Country of  
Nationality

UK

Other

D.O.B.

Is the Settlor 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 the Settlor been widowed?

Yes

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

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

### 3 FINANCIAL INFORMATION

Principal Private Residence	£
Savings & Investments (excluding Pensions)	£
Other Property	£
BPR/APR Qualifying Business Assets	£
Pensions	£
Death in Service	£
<b>Total Assets</b>	£

### 4 TRUSTEES

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

Title

Full name

Address

Relationship to Settlor

Postcode

UK

Other

D.O.B.

#### Trustee No. 2

Title

Full name

Address

Relationship to Settlor

Postcode

Country of nationality

UK

Other

D.O.B.

## 4 TRUSTEES

### Trustee No. 3

Title

Full name

Address

Relationship to  
Settlor

Postcode

Country of  
nationality

UK

Other

D.O.B.

### Trustee No. 4

Title

Full name

Address

Relationship to  
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 DETAILS

Please select status that applies

Name	Address	D.O.B.	Gender	Natural	Adopted	Stepchild
				<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 BENEFICIARIES

Standard classes of Beneficiary, please tick as required and add any explanatory notes.

Children, grandchildren and future generations

Charities

Additional classes of Beneficiary, please select if required and provide full names and address below or on notes page.

Step-children

Brothers/sisters

Nephews/nieces

Other named individuals

Please advise if any beneficiaries do not have mental capacity

## 8 ACTION OF THE CLIENT'S WILL

Everything into Trust(s) for the Settlor's children in equal shares and then on to their descendants

**OR**

Other (please provide details alongside or on notes page)

## 9 EXECUTORS

The job of the Executor is to make sure the wishes expressed in the Will are carried out. In most cases the Executors will appoint Solidus IEP or our legal partner to do this and the work associated with the Trust in order to maximise the benefit of the planning, however it is at the Executors' discretion. Please provide details of your Executors, normally the same as the Trustees of your Trust.

Name	Address	Relationship to you

## 10 GUARDIANS OF MINOR CHILDREN

Please provide guardian details for any children under the age of 18.

Name	Address	Relationship to you

## 11 CHATTELS (e.g. jewellery)

If you have any specific items e.g. jewellery you wish to leave, please provide details below

Description	Recipient (name and full address)	Relationship to you

## 12 SPECIFIC LEGACIES (cash gifts)

If you wish to give any specific cash legacies on death, please provide details below.

Gift description (e.g. £10,000)	Recipient (name and full address)	Relationship to you

## 13 FUNERAL WISHES

If you wish to give any specific funeral wishes, please provide details on the notes page

Buried

Cremated

None



## ASSET PRESERVATION TRUST INSTRUCTIONS

### 1 LETTER OF WISHES (HIGHLY RECOMMENDED)

Is a Letter of Wishes required (for an additional fee)?

If yes, complete details below.

If no, skip to next section.

Surviving spouse or civil partner

Full Access

Income only

Then children in equal shares

At what age?

If further beneficiaries or additional wishes required, please select and provide details on the notes page.

### 2 TRUST PROPERTY

#### POLICY/PLAN 1 Details

DIS)

SIPP)

Trust Based Pension)

OR

Personal (contract based) pension

Provider full name and address including

Reference number

Approximate value

**POLICY/PLAN 2 Details**

DIS)

SIPP)

**OR**

Personal (contract based) pension

Trust Based Pension)

Provider full name and address including

Reference number

Approximate value



## PROTECTIVE GIFTING TRUST INSTRUCTIONS

### 1 TRUST PROPERTY

#### OPTION 1

Please list the details of any **intended gifts** which are to be made directly to the Trust e.g. cash, bonds, or unencumbered property. A Trust bank account is required.

Details of the Gift to be made directly to the Trust	Value of gift (£)

#### OPTION 2

Please list the details of all **existing loans** made by the Settlor which are to be assigned to the Trust\*.

Beneficiary of the existing loan (full name and address)	Date loan made	Amount of Loan

## 2 \*IF LOAN AGREEMENTS REQUIRED (please confirm preferred loan term)

Seven-year fixed term

This is recommended as it helps demonstrate that the Beneficiary has no absolute right to the money, if the loan is challenged by a third party. Towards the end of the seven-year period, the Trustees will need to review the arrangement with the Beneficiary and the loan will either need to be repaid or a new loan agreement put in place.

**OR**

No fixed term

## 3 NOTES

Continue on additional page if required

## 4 DOCUMENT STORAGE

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

**Storage**

8 years

Storage not required

## 5 TRUST REGISTRATION

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

## 6 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
<b>Does the Testator(s) understand that they are giving instructions from which their Will shall be drafted?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Does the Testator(s) recollect in general terms what is owned by them?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>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?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Is the Testator(s) broadly aware of how the estate will be shared out?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>How long have you known the Testator(s)?</b>	<input type="text"/>	
<b>Have Wills previously been prepared for the Testator(s) and are copies available?</b>	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?**

**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

I hereby instruct Solidus to draft the relevant documentation and acknowledge that Solidus will instruct their legal partners to review the drafted documentation. I agree to pay the costs even if I fail to complete the planning.

For the purpose of compliance with Data Protection Laws, I consent to Solidus holding my personal details, together with those of all parties named in my planning. 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, I authorise Solidus or their legal partners to contact me directly if there is a requirement which I, or the Trustees, need to be made aware of.

Print Name

Signature

Date

## ADVISER'S CONFIRMATION

As the Financial Adviser to the above Client 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 my agreement to the above terms.

Print Name

Signature

Date

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



## SINGLE SETTLOR BENEFICIARY PROTECTION PLAN APPLICATION

For details about the features and benefits of the Beneficiary Protection Plan, please see the information and guidance on the Licensee resource area of the SIEP website [www.siep.co.uk](http://www.siep.co.uk)

### GUIDANCE NOTES

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

#### 1 Number of Trusts required

Multiple Trusts may be beneficial 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 Settlor details

Ensure you provide the Settlor's full, legal name as it appears on official identity documents such as 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 Client is UK domiciled/long-term resident for IHT purposes.

**Foreign Property** - If the Client has any foreign property we will exclude it from the Will we are drafting and they should make sure that they have a foreign Will to cover this property.

**Widow/er** - If the Client has 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 Financial Information

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

#### 4 Trustees

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

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

**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 relevant pages 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's postal service, please leave the boxes blank. Please note that the Client will need to arrange their own postal exercise for overseas Trustees.

#### 5 Children's details

Please confirm the children's full names, addresses, date of birth and whether they are the Client's natural child. Please note that step-child is not a legal term, so such person would be identified by their full name and address. If they are a Trustee you can refer to the names and addresses given previously but dates of birth and relationship will need to be inserted here.

## 6 Beneficiaries

The Trust to be drafted will be a Discretionary Trust; the Beneficiaries under the Trust 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 cannot be a Beneficiary.** 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 client wishes to exclude them. Please add to these classes of Beneficiary as required.

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.

**Select the additional classes of Beneficiary ONLY if the beneficiaries are to be INCLUDED**

**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 due to any of the following: mental illness, learning disability, dementia or a related condition, being unable to communicate.

## 7 Action of Client Will

The Beneficiary Protection Plan integrates the Will of the Client with the lifetime Trust framework. **On the death of the Client their whole estate after any gifts will usually be directed to one or more of their Trusts.** IHT is payable on values over the Client's Nil Rate Band Allowance and Residence Nil Rate Band Allowance if applicable (the Executors can claim any required RNRB allowance as part of the probate process).

**Please advise if the Client requires anything other than all assets going into Trust for their children in equal shares and then onto their descendants.**

## 8 Executors

The job of the Executor is to make sure the wishes expressed in the Will are carried out. In most cases the Executors will appoint Solidus IEP or our legal partner to do this and the work associated with the Trust 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 Client has 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 Client has specific 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 Client has a long or detailed list of Chattels gifts it will be more appropriate to provide this as a side letter that we can cross reference in our Letter of Wishes.

## 11 Specific Legacies

If the Client wishes to leave any specific cash gifts in their Will please provide details.

## 12 Funeral Wishes

Please indicate if the Client has a funeral preference. Specific funeral wishes can be detailed on the Notes page and will then be included in the Client's 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 Client's planning such as business assets, vulnerable Beneficiaries, unwanted Beneficiaries, anticipated inheritances, gifts or loans made in the last few years or to be made in the future.



## ASSET PRESERVATION TRUST APPLICATION

For details about the features and benefits of the Asset Preservation Trust, please see the information and guidance on the Licensee resource area on the SIEP website [www.siep.co.uk](http://www.siep.co.uk)

### GUIDANCE NOTES

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

#### 1 Number of Trusts required

You should only need one Asset Preservation Trust (APT) for both pensions and DIS. Additional Trusts are only needed when benefits are to be controlled for different beneficiaries e.g. 50% for second spouse and 50% for children or where there are barriers to working well together. There is unlikely to be any periodic charge benefit to using multiple APTs. If you need additional Trust(s) for a different beneficiary, and the Trustees are the same, copy page 4 and add it to the application. Otherwise please make a second application.

#### 2 Settlor and Trustees

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

You must always have at least two other Trustees in addition to the Settlor (who must always be a Trustee). The client has the option to appoint a fourth Trustee, which is generally recommended. Trustees can be friends, family members over the age of 18, peers or you can elect to have a Professional Trustee.

**Overseas Trustees** - Please note that appointing an overseas resident Trustee may have tax or reporting consequences, and you 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 also be taken at the time that the Trust receives significant funds.

**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. The Lead Trustee will receive the Trust's Unique Tax Reference (UTR) and reminders to file tax returns.

#### 3 Beneficiaries

The Trust to be drafted will be a Discretionary Trust; the Beneficiaries under the Trust 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 cannot be a Beneficiary.** Trustees, provided they are not Settlers, **can** be Beneficiaries.

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

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.

**Select the additional classes of Beneficiary ONLY if the Beneficiaries are to be INCLUDED**

**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.

#### 4 Default Beneficiaries

The Trust has a life of a maximum of 125 years (80 years in Northern Ireland). After this time (under current law) the Trust **must** be closed down; however, the Trustees may elect to close it down earlier. In either case they would normally have distributed the Trust Fund prior to closure. **In the unlikely event** that assets remain undistributed they will pass to the "**Default Beneficiaries**". These are commonly the Settlor's children who were alive at the date the Trust Deed was created in equal shares. In practice, as the Settlor's children will not be alive at the end of the Trust Period, the Trust Fund will pass into their respective estates.

If the client would rather a charity was chosen at the discretion of the Trustees or a specified charity select the "Other" box and enter details alongside it, including the registered charity number.

## 5 Wishes Letter to Trustees of the Asset Preservation Trust

Although a Settlor cannot dictate to the Trustees how they should use the assets of the Trust, a Wishes Letter is highly advisable to set out the Settlor's preferences as to the distribution of the assets.

## 6 Children's details

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

## 7 Trust Property

If a client has DIS benefits that can be directed to Trust on death, an employer nomination of death benefits in favour of the Asset Preservation Trust is all that is required. Similarly, if a client has a SIPP, a provider nomination of death benefits in favour of the Asset Preservation Trust is made. If a client has a contract-based Personal Pension Plan then a Declaration of Trust is made over the death benefits. It is essential that you tell us whether a scheme is Trust based or personally owned. It is possible to combine pensions and DIS in the same Trust.

List the details of all death benefits to be associated with each Trust. **It is the Financial Adviser's responsibility** to confirm it is appropriate to use our service, e.g. that a plan is not already in Trust and/or to confirm if an employer or provider will accept an instruction for payment of death benefits to an approved Trust e.g. SIPP or Death in Service from a company Scheme.

### Note:

- **Collective Retirement Accounts** - these can be either personally owned or Trust based, please confirm with the provider before completing the Application Form.
- **Excepted Group Life Policies** – it is a requirement that Excepted Group Life Policies pay out to individuals and may not be directed into Trust. Please check with the provider.
- Solidus will prepare a formal Notice for all Personal Pensions that are not Trust based. For other death benefits, your client should request, complete and return to each Scheme administrator an instruction for payment of death benefits to the Asset Preservation Trust (Nomination of Beneficiary form) once it is in place.
- **Critical Illness** – for pension plans that are not Trust based, if the client is critically ill when they set up the Trust and then die within two years, assigning them to the APT may be considered a transfer of value and therefore included in their estate for IHT. This does not apply if the pension is already in Trust and you just change the Nomination of Beneficiary.

## SINGLE SETTLOR PROTECTIVE GIFTING TRUST APPLICATION

For details about the features and benefits of the Asset Preservation Trust, please see the information and guidance on the Licensee resource area on the SIEP website [www.siep.co.uk](http://www.siep.co.uk)

### GUIDANCE NOTES

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

#### Advice on Gifting

You should reconfirm your advice to ensure that the Client understands that in assigning the assets to their Trust they are giving up their right to the capital and income. The value of the assets will normally fall out of their estate for IHT purposes after seven years from the date of the assignment into the Trust.

If the Client has made any other gifts into Trust within the last seven years they should ensure that this gift will not cause them to exceed the Chargeable Lifetime Transfer ("**CLT**") allowance (currently £325,000). In the event that the Client makes a future Potentially Exempt Transfer ("**PET**") in the next seven years, this may bring the CLT back into account for IHT purposes (the "14 year rule").

If the Trust is to be used for property transfers, the Client must seek independent advice on Capital Gains Tax reporting and holdover relief.

#### 1 Number of Trusts required

Multiple Trusts may be beneficial if individual control of a Trust fund is required e.g. one per child.

#### 2 Settlor and Trustees

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

You must always have at least two other Trustees in addition to the Settlor (who must always be a Trustee). The client has the option to appoint a fourth Trustee, which is generally recommended. Trustees can be friends, family members over the age of 18, peers or you can elect to have a Professional Trustee.

**Overseas Trustees** - Please note that appointing an overseas resident Trustee may have tax or reporting consequences, and you 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 also be taken at the time that the Trust receives significant funds.

**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. The Lead Trustee will receive the Trust's Unique Tax Reference (UTR) and reminders to file tax returns.

#### 3 Beneficiaries

The Trust to be drafted will be a Discretionary Trust; the beneficiaries under the Trust 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 cannot be a beneficiary.** 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 client wishes to exclude them. Please add to these classes of beneficiary as required.

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.

**Select the additional classes of beneficiary ONLY if the beneficiaries are to be INCLUDED**

**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.

## 4 Default Beneficiaries

The Trust has a life of a maximum of 125 years (80 years in Northern Ireland). After this time (under current law) the Trust **must** be closed down; however, the Trustees may elect to close it down earlier. In either case they would normally have distributed the Trust Fund prior to closure. **In the unlikely event** that assets remain undistributed they will pass to the **"Default Beneficiaries"**. These are commonly the Settlor's children who were alive at the date the Trust Deed was created in equal shares. In practice, as the Settlor's children will not be alive at the end of the Trust Period, the Trust Fund will pass into their respective estates.

If the client would rather a charity was chosen at the discretion of the Trustees or a specified charity select the "Other" box and enter details alongside it, including the registered charity number.

## 5 Wishes Letter to Trustees of the Protective Gifting Trust

Although a Settlor cannot dictate to the Trustees how they should use the assets of the Trust, a Wishes Letter is highly advisable to set out the Settlor's preferences as to the distribution of the assets.

## 6 Children's details

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

## 7 Trust Property

The Protective Gifting Trust can be used in one of two ways:

### 1. Straightforward giving of cash or unencumbered properties to the Trustees.

The funds are then invested by the Trustees and not paid out immediately to Beneficiaries. The Trustees then open a bank account or buy a bond or conveyance property etc. in the name of the Trustees. If properties are to be gifted to the Trust, the use of a local conveyancing solicitor for the property transfer will be needed once the Trust is established. The solution includes the advice and a Trust. At a later date, if required, funds can be loaned out to Beneficiaries and Client can come back to Solidus for a Loan Agreement and Trustee Minutes.

### 2. Assigning previous loans made to children i.e. make a gift of the 'debt' to the Trustees.

In order for this to work, the Client has already made a loan to a child (not a gift). The Client as part of their tax planning arrangements gives up their right to the capital sum and assigns the value to the Protective Gifting Trust as a CLT. The child now owes the value of the loan back to the Trustees rather than to his/her parent. The solution includes the advice, a Trust, a Deed of Assignment to gift the original loan to the Trustees and a Loan Agreement between Trustees and the Beneficiary documenting the terms of the new loan e.g. repayable on demand

## 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**.