



KEEPING YOUR DOCUMENTS SECURE

Missing the original Will can be costly. The recent case of *Blyth v Sykes* [2019] shows the importance of storing your Will and related documents prudently.

The case concerned Mrs. Moore's original Will. It was unknown whether the Will was lost or destroyed.

If lost, then a certified copy would govern the estate. If purposefully destroyed, then the Will would be presumed revoked.

The case was eventually decided against the presumption to revoke and so a copy of the original was indeed allowed.

To find this conclusion, a lengthy, costly, emotionally draining, inter familial legal dispute had to take place. This led the Judge, Lord Hoffman, to criticise the solicitors for failing to keep accurate records.

Allow us to ensure your times of grief are not needlessly complicated by legal expense. Allow My Estate Online to provide secure storage and precise records. Give yourself ease of mind and use us.

REDUCING INHERITANCE TAX TIP WITH BUSINESS PROPERTY RELIEF

You may not know this but if you own a business, or an interest in a business, your estate may be entitled to relief from Inheritance Tax (IHT).

This form of tax relief reduces the value of a business or business assets in the calculation of your IHT liability. If you're claiming after someone's death, BPR can be claimed by the executor of the Will or administrator of the estate when working out its value.

Here are the steps you'll need to follow:

- Work out the value of the business and/or its assets.
- Decide whether the business qualifies for 50% or 100% BPR. If you're not sure, your solicitor, accountant or a financial adviser should be able to assist.

- If the estate qualifies for 100% BPR, you don't need to do anything else.
- If the business and/or assets qualify for 50% BPR, you'll need to get your inheritance tax reference number from HMRC, either by applying online or by post. You'll need this three weeks before making a payment.
- Fill in both a form IHT400 and schedule IHT413 and submit them to HMRC.
- Pay any inheritance tax owed within six months of the death.

Talk to My Estate Online and we can put you in touch with a professional who can advise on Business Property Relief

NEW DONOR LAW

On the 20th of May 2020, the law around organ donation changed in England to an 'Opt-Out' system.

You will now be considered to have become an organ donor at time of death, if:

- You are over 18 years old
- You have not opted out
- You are not in an excluded group.

Excluded groups are - those who lack mental capacity, visitors or non-voluntary residents in England, and people who have lived here less than 12 months before their death.

You still have a choice whether you want to become an organ donor or not.

You can register or amend your decision at any time.

PROPOSED CHANGES TO CAPITAL GAINS TAX ON SEPARATION

In response to a recommendation by the Office of Tax Simplification the Government have introduced draft legislation for inclusion in Finance Bill 2023 that extends the no gain/no loss rule for Capital Gains Tax when a couple separate.

Under the current rules the no gain/no loss rule that means that there is no CGT on transfers of assets between spouses or civil partners only applies up to the end of the tax year in which they separate.

The divorce settlement or court order that transfers assets between the couple often takes place many months after the separation and may lead to CGT being payable.

The main change proposed is that separating spouses or civil partners will be given up to three years after the year they cease to live together in which to make no gain/no loss transfers. Most divorces would be concluded within this period.

No gain/no loss treatment will also apply to assets transferred as part of a formal divorce agreement.

GET IN TOUCH



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