

# Making it easy to leave the legacy you want

A guide to our Will and  
Executor Service



## **Our professional Will-writing service**

Whether it's your first Will or you need to revise an existing one, our professional Will and Executor Service helps you get it right.

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## Why make a Will?

**Making a Will is the only sensible way to ensure that your money and Assets are shared out according to your wishes.**

**Our Will-writing expertise is provided in partnership with Hugh James, a leading firm of solicitors. Hugh James will appoint Brodies to act on their behalf if you require a Will prepared under the Law of Scotland. You can discuss your wishes with them and they will identify the best way to ensure they are fulfilled.**

### The benefits of making a Will

- With a Will you can decide how your Assets are shared out to your relatives, to friends or perhaps to your favourite charity.
- You can make sure your partner is provided for if you aren't married or in a civil partnership (as your partner will not inherit automatically).
- If you're divorced or if your civil partnership has been dissolved, you can decide whether to leave anything to an ex-partner.
- When you make a Will, you can appoint an Executor who will take responsibility for distributing your Assets according to your wishes.
- You can also make sure you don't pay more Inheritance Tax than necessary.

### Making a tax-efficient Will

Inheritance Tax (IHT) is a tax payable on the value of your Estate (after you die). It is only payable over a certain amount (or 'threshold'), subject to specific tax exemptions and reliefs.

When writing your Will, you should consider Inheritance Tax and how to protect your money for future generations. Simply leaving your Estate to specific people or organisations might not be the most tax-efficient way to distribute your wealth. It may be more tax-efficient to set up a Trust within the terms of your Will. We can advise you on how best to do this.

If you already have a Will, you may wish to review it to ensure it reflects any changes to your situation or to inheritance laws.

Tax reliefs and other matters referred to are those available under current legislation, which may change, and their availability and value will depend on your individual circumstances.

## Liabilities

It is important to remember that when you pass away, there will be certain debts to be settled as well as Assets to be shared out. These debts might typically include funeral expenses, household bills and taxes. It will be the Executor's role to ensure these are settled.

## Appointing an Executor

It's up to you who you appoint as Executor of your Estate. It could be an individual, family member or another professional such as the Bank.

An Executor must deal with legal, property, investment and tax issues relating to your Assets and that may require specialist knowledge. An Executor must also act impartially in dealing with all Beneficiaries – and offer confidentiality. Bear in mind that a close family member may not wish to perform this role, especially at a time of bereavement.

It is important to be aware that, if you choose a professional Executor, their fees plus any other liabilities will be taken from your Estate before funds are distributed to your Beneficiaries. Our Fees for dealing with an Estate are detailed in the enclosed document.

## Why choose our Will and Executor Service?

**Our service lets you make the important decisions, such as who you would like to name as your Executor (the person or organisation who takes responsibility for sharing out your Assets after you pass away).**

**Administering an Estate can be more complex than many people realise, but we have the knowledge and experience to perform the task efficiently on your behalf.**

If you appoint The Royal Bank of Scotland as your Executor in your Will, you'll know that the pressures and complexities of settling your affairs will not fall to your friends and family. We will manage the entire process, protecting the people closest to you from any unnecessary stress.

### The benefits of our Executor Service

- Your wealth is passed on in an efficient and professional manner.
- We will make sure your chosen Beneficiaries receive what is due to them from your Estate quickly and fairly.
- We'll be on hand for your Beneficiaries throughout the Administration process, helping in any way we can.

At The Royal Bank of Scotland, we can also offer financial advice to your family and friends should they want help in managing their inheritance.

Please note that should you appoint The Royal Bank of Scotland as your professional Executor, there is a charge for this service.

Enclosed: 'Will Writing Service Fees. Estate Administration Service Fees and Terms and Conditions'.

If you don't make a Will, the law will determine how your Assets are shared when you die. This is known as 'dying Intestate'.

## Your questions answered

### Q: Why do I need professional help to draw up my Will?

A: While writing a Will is not always a difficult process, using a specialist can ensure that all the important points are covered. As much as anything, a well-written, legally binding Will is the best way of making sure that your Assets are distributed the way you want after your death.

### Q: Why should I have a professional Executor?

A: Dealing with the legal, investment and tax issues of an Estate often requires specialist knowledge that a relative or friend may not have. A professional Executor will also act impartially in dealing with all Beneficiaries – and offer confidentiality.

### Q: What is an Executor?

A: The Executor is the person or company named in the Will as responsible for dealing with the Estate and ensuring that the terms of the Will are met. The Royal Bank of Scotland can be appointed as a sole Executor, jointly with another person of your choice or as an alternative Executor should your chosen Executor(s) be unable or unwilling to act.

**Q: What is Inheritance Tax?**

A: This is a tax payable following death on the value of an Estate over a certain amount (or 'threshold'), subject to specific tax exemptions and reliefs. Bequests to a surviving spouse or civil partner or to a registered charity are examples of transfers that are free of tax. Inheritance Tax is taken from an Estate before the Assets are passed on to the Beneficiaries.

**Q: What is an Estate?**

A: This refers to the combined Assets (such as property, money and investments) and the Liabilities (such as debts) of the deceased. It is possible to write your Will to cover your worldwide Estate, or you can limit your Will to only apply in specific countries or regions (defined jurisdictions).

**Q: Why choose our Will and Executor Service?**

A: Appointing The Royal Bank of Scotland as your Executor means that, when you pass away, your wishes will be carried out just as you've requested.

- We may recommend setting up a Trust as part of your Will to help you offset Inheritance Tax, and to secure finances for future generations.
- We are impartial, so have no vested interest in how you distribute your Estate.
- We work with a leading firm of solicitors, Hugh James, whose expertise in drawing up Wills ensures you get the best advice and service.
- Our professional Administrators ensure your wealth is passed on promptly and impartially.

**Q: Can you act as a Trustee?**

A: Please note that we cannot act as Trustee where we are appointed as Trustee of funds having acted as Executor of the Estate out of which the trust funds have arisen. However, in limited circumstances we may act as Trustee where a Trust is to be wound up as part of the Estate Administration Service. Where we cannot act as trustee we will arrange for a suitable alternative trustee to be appointed.

# Glossary

<b>Administration</b>	The process of securing and collecting an Estate's Assets, settling Liabilities and distributing the Assets of someone who has died according to the terms of the Will or rules of Intestacy.
<b>Administrator</b>	The person chosen to administer an Estate where the deceased has not left a valid Will, or where the named Executor is unwilling or unable to act.
<b>Assets</b>	The property of a person who has died, such as a house and its contents, investments and life assurance policies. Together with any Liabilities, they form the 'Estate'.
<b>Beneficiary</b>	A person or organisation that has a legacy under a Will, or is entitled to inherit all or part of the Estate under the Will or the rules of Intestacy.
<b>Capital Gains Tax (CGT)</b>	The tax due on the profit or net gain made on the 'disposal' (usually the sale) of an Asset, such as shares. There is an annual CGT allowance up to which gains are tax-free.
<b>Codicil</b>	A document produced as an addition or amendment to a Will.
<b>Confirmation</b>	In Scotland, a legal document issued by the courts giving Executors' authority to deal with the Estate, whether or not there is a Will.
<b>Deed of Variation</b>	If the Beneficiaries agree by using such a Deed, executed within two years of the death, they can vary the division of an Estate in any way they wish. This can include disclaiming or varying any benefit under a Will, Intestacy or legal rights.
<b>Estate</b>	The combined Assets (such as property, money and investments) and the Liabilities (such as debts) of someone who has died.
<b>Executor</b>	The person or company (e.g. The Royal Bank of Scotland) named in a person's Will as responsible for dealing with the Estate and ensuring that the terms of the Will are met.
<b>Grant of Letters of Administration</b>	In England and Wales, a legal document issued by the courts giving an Administrator authority to handle the Estate of someone who has died.
<b>Grant of Probate</b>	In England and Wales, a legal document issued by the courts confirming that a Will is valid and giving authority for the Executor to deal with the deceased's Estate.
<b>Grant of Representation</b>	In England and Wales, either a Grant of Probate or a Grant of Letters of Administration and in Scotland, Confirmation (see earlier). Without this, an Administrator such as Royal Bank of Scotland would not be allowed to act for the Estate, as it enables us to collect the deceased's Assets and settle any debts.

<b>Inheritance Tax (IHT)</b>	Primarily a death duty, charged on the value of a person's Estate at death, but also on certain lifetime gifts – subject to specific tax exemptions and reliefs. Bequests to a surviving spouse/civil partner, a registered charity and some other types of organisation are free of tax. IHT is taken from an Estate before the Assets are handed over to the Beneficiaries.
<b>Intestacy</b>	Dying without leaving a valid Will – which means the Estate is distributed according to the laws of Intestacy.
<b>Legacy</b>	A gift to a named person or organisation made in a person's Will.
<b>Legal Rights</b>	In Scotland, fixed proportions of the Estate to which children or surviving spouses/civil partners are entitled regardless of the terms of the Will.
<b>Liabilities</b>	The debts that need to be settled by the Estate of someone who has died, such as funeral expenses, household accounts, taxes, bank fees and any other outstanding debts.
<b>Residuary Beneficiary</b>	A person or organisation entitled to receive a share of the residue of an Estate.
<b>Residue</b>	What is left in an Estate after all debts, legacies, taxes and administration expenses have been paid.
<b>Settlor</b>	An individual who creates a Trust by transferring legal ownership of assets to the Trustee.
<b>Tax return</b>	An end-of-year breakdown of all your income and deductions (where relevant) that must be submitted to HM Revenue & Customs for tax assessment purposes.
<b>Testator (trix)</b>	Man (or woman) making a Will.
<b>Trust</b>	A legal arrangement where Assets are held for the benefit of a person or people for a specific period of time, or until specified conditions are met. A Trust allows you ('the Settlor') to transfer assets to a third party ('the Trustee') for the future benefit of the people you choose ('the Beneficiaries'). Once you have placed Assets in a Trust, you cannot withdraw them (except in the case of revocable Trusts, which are not as tax efficient). The document that creates the trust is called the Trust Deed. A Trust can also be created on death through the terms of a Will or under the rules of Intestacy.
<b>Trustee</b>	The person or company who looks after the Assets in a Trust.
<b>Will</b>	A legally binding document setting out the distribution of an individual's property and other Assets on his or her death.



## Find out more

To find out more about making a Will contact Hugh James Solicitors on **0330 024 2981** or email **[willwriting@hughjames.com](mailto:willwriting@hughjames.com)**

We may record calls.

You can also find out more at **[rbs.co.uk/personal](https://rbs.co.uk/personal)**

Enclosed: 'Will Writing Service Fees. Estate Administration Service Fees and Terms and Conditions' document.