

General index

Accounts

produced by PRs2.1.3

Ademption

failure of gift due to1.13

specific legacies and devises (applicable only to)1.13

wills1.2.2

Administration of estate

appropriation and assent 3.6

duties of PRs 2.1.3, 3.1

executor's year 3.2

law of succession (distinguished) 3.1

probate – *see* **Probate**

settling of expenses, debts and liabilities 3.4

vesting of deceased's estate 3.3

Administration period

beginning of3.5.2

beneficiaries, rights of 1.17, 3.5.2

CGT, significance of ending of period for4.2.1

ending of3.5, 4.2.1, 7.1

income arising during (income tax on)10.1

sales of assets during (CGT)..... Ch. 6

Administrators

authority of2.2.1

executors distinguished2.1.1

Apportionment of income

income arising before or after death10.3.2

Appropriation

as method of distribution of assets3.6.1

Ascertained values

capital gains tax5.2.1

Assent

by PRs 3.6.2, 6.8.2

irrevocable nature of3.6.2

tax planning6.8.2

Bank accounts

joint accounts2.3.2

Bare trusts

disposals after administration period 7.2

probate not required 2.3.1, 2.3.6

Beneficiaries under wills

absolute interests in residue10.4.5

asset transfers to	10.4.5
death of before testator (lapse).....	1.12.1, 1.12.2
death of during administration period.....	10.4.7
deed of variation	7.4.2, 7.4.4
disclaimers	1.12.1, 1.14, 7.4.3, 7.4.4
discretionary interests	10.4.5
limited interests in residue	10.4.5
non-domiciled or non-resident	7.5.2
rights during administration period	1.11.2, 1.17
tax on income arising during administration period	10.4
timing of payments to	10.5
types of	1.11.2
witnessing of will by	1.12.1
Body of deceased	
disposal of by PRs	2.1.3
Capacity	
criminal activity	1.16
minors	1.9, 1.16
to inherit	1.16
to make a will	1.9
Capital gains tax	
acquisition by PRs on death	5.1
annual exempt amount	6.5
appropriated assets	3.6.1
assent of property	3.6.2, 6.8.2
ATED-related gains (pre 2019)	6.2
capital losses	6.6
computation	6.7
costs (allowable)	6.7.2
date of disposal	6.3
deductions in computing gain	6.7.2
deed of variation	7.4.2
disposals after administration period	
. changes to estate after death	7.4
. deed of variation	7.4.2
. deemed sales	7.3.2
. end of administration period	7.1
. generally	Ch. 7
. hold-over relief	7.4.5
. PRs as bare trustees	7.2
. PRs as trustees of substantial trust	7.3
disposals during administration period	Ch. 6
donatio mortis causa	5.2.2
double tax treaties	4.5

end of administration period, significance of	4.2.1
enhancement expenditure	6.7.2
entrepreneurs' relief	6.9.2
hold-over relief	6.9.3
jointly held property relief	6.9.6
liability of PRs	4.2.1
meaning of PRs	4.1.1
private residence relief	6.9.4
rates of tax	
. generally	6.4.1, 7.2
. non-residents	6.4.3
. residential property gains	6.4.2
related property relief	6.9.7
reliefs	
. entrepreneurs' relief	6.9.2
. generally	6.9
. hold-over relief	6.9.3
. jointly held property	6.9.6
. private residence relief	6.9.4
. related property sales	6.9.7
. sales at below probate value	6.9.5
remittance basis	4.4.1, 7.5.1, 7.5.2
residence status of PRs	4.4.2
tax planning	6.7.1, 6.8
Charged property	
liability to clear related debt	3.4.2
Chattels	
passing without probate	2.3.5
Codicils	
generally	1.2.3
marriage or divorce	1.7
revocation of will	1.7
Commorientes	
meaning and effect.....	1.12.2
Complex estates	
income tax	10.1.1
meaning	2.4.2
Confidentiality	
wills	1.2.2
Construing of wills	
purposive approach	1.8
Death of beneficiary	
before testator	1.12.1, 1.12.2
during period of administration	10.4.7

Deathbed gifts	
donatio mortis causa	1.3.5
Debts and liabilities (see <i>Expenses, debts and liabilities</i>)	
Deed of variation	
disclaimer (compared)	1.14, 7.4.4
generally	7.4.1, 7.4.2
income tax (no effect for)	10.7
Definitions and meanings	
ademption	1.2.2
chargeable transfers (re excepted estates)	9.2.5
commorientes	1.12.2
complex estates	2.4.2
demonstrative legacy	1.11.2
devastavit	2.1.4
devisee	7.2
devises	1.11.1
donatio mortis causa	1.3.5
estate (wider IHT meaning)	3.4.2
excepted estate	9.2.1
executor's year	3.2
exempt estate	9.2.3
forced heirship	1.20
foreign domiciliaries' estate	9.2.4
general devise	1.11.2
general legacy	1.11.2
inheritance tax threshold (re excepted estates)	9.2.5
intestate	1.1
legacies	1.11.1
legatee	7.2
low value estate	9.2.2
minors	1.9
mutual wills	1.5.2
pecuniary legacy	1.11.2
personal representatives	Intro, 4.1
personalty	1.11.1
tenants in common	1.3.2
realty	1.11.1
specific devise	1.11.2
specific legacy	1.11.2
specified exempt transfers (re excepted estates)	9.2.5
specified transfers (re excepted estates)	9.2.5
testamentary and administration expenses, etc.	3.4.1
testate	1.1
testator	1.2.1

UK estate	10.1.1
will	1.2
Demonstrative legacy	
ademption not applicable to	1.13
interest on	10.4.4
meaning of	1.11.2
Dependants and family	
provision for	5.2.3
Devise	
meaning	1.11.1
Disclaimer	
deed of variation (compared)	7.4.4
effect of	1.14
of gift by beneficiary	1.12.1, 1.14, 7.4.3
Discretionary will trusts	
income as liability of trustees	10.7
tax effects	7.4.5
Divorce	
of testator	1.12.1
will, validity of after	1.7
Domicile	
capacity to marry	1.21
construction of will	1.8
inheritance tax liability	8.2.1
inheritance tax returns	2.1.3, 9.1, 9.3.2
international wills	1.5.4
life policies	2.3.3
of beneficiary	7.5.1, 7.5.2
of deceased	2.2.1, 4.3, 5.2.3, 9.2
of PRs	4.3
probate considerations	2.2.1
UK wills	1.19, 1.20
Donatio mortis causa	
definition	1.3.5
inheritance tax on (liability for)	3.4.2
land	1.3.5
no gain arising when made	5.2.2
probate not required	2.3.1, 2.3.7
property not disposable by will	1.3.1, 1.3.5
use where no will in place	1.3.5
Double probate	
later application by executory	2.2.2
Double tax treaties	
income tax and CGT	4.5

Duties and responsibilities of personal representatives	
administration of estate	2.1.3
filing of tax returns	2.1.3
funeral arrangements	2.1.3
generally	Intro, 2.1.3
Excepted estates	
defined terms	9.2.5
exempt estates	9.2.3
foreign domiciliaries	9.2.4
form IHT 205	9.2.7
form IHT 400	9.3
HMRC guidance	9.2.6
low value estates	9.2.2
overview	9.2.1
Executors	
administrators distinguished	2.1.1
authority of	2.2.1
capacity to act as	2.1.2
partners (of professional partnerships) as	2.1.2
refusal to act	2.2.2
Executor's year	
meaning	3.2
Expenses, debts and liabilities	
borrowing from trust	3.4.1
charged property	3.4.2
duty to discharge	3.4.1
inheritance tax	3.4.2
statutory order of applying assets	3.4.2
testamentary and administration expenses (meaning)	3.4.1
trust assets	3.4.1
Failure of gifts (see <i>Gifts – failure of</i>)	
Family and dependants	
provision for	5.2.3
Family home	
charged property re settling expenses	3.4.2
joint tenants or tenants in common	1.3.2
mortgaged	3.4.2
Forced heirship	
meaning	1.2.0
principle	1.2.1
Foreign property (see <i>Overseas property</i>)	
Form IHT 205	
deadline for delivery	9.5.1
duties of PRs	2.1.3

generally	9.2.7
HMRC guidance	9.2.6, 9.3.2
lodgement of	2.2.4
obtaining probate	9.1
penalties	9.5.2
Form IHT 207	
duties of PRs	2.1.3
obtaining probate	9.1
Form IHT 400	
administration expenses	10.1.3
amending	9.3.3
deadline for delivery	9.5.1
duties of PRs	2.1.3
estimated valuations	8.6.2
excepted estates	9.2.1
generally	9.2.7, 9.3.1
lodgement of	2.2.4
HMRC guidance	9.2.6
obtaining probate	9.1
penalties	9.5.2
reduced form IHT 400	9.3.2
Form IHT 401	
duties of PRs	2.1.3
obtaining probate	9.1
Form PA1	
contents of	2.2.4
destination of	9.3.1
lodgement to accompany IHT 205	9.2.7
Funeral arrangements	
duties of PRs	2.1.3
expenses	3.4.1
will	1.2.4
General anti-abuse rule	
inter-spouse planning	5.3
General devise	
meaning of	1.11.2
General legacy	
income tax	10.4.4
meaning of	1.11.2
Gifts	
failure of	
. ademption	1.13
. capacity to inherit	1.16
. commorientes	1.12.2

. disclaimer	1.14
. forced heirship	1.20
. foreign issues	1.19
. lapse	1.12.2
. marriage	1.21
. reasons for failure	1.12.1
. survivorship clause	1.18
. uncertainty	1.15
residue	1.11.2, 3.4.2
types of (legacies and devises)	1.11.2
Gifts with reservation	
inheritance tax on (liability for)	3.4.2
specified transfers	9.2.5
Grant of probate (<i>see Probate</i>)	
Hand-written wills	
validity of	1.6
Holograph wills	
validity of	1.5.1
Income tax	
administration period income	
. administration expenses	10.1.3
. amending returns	10.6
. apportionment of income.....	10.3.2
. beneficiaries	10.1.4, 10.4
. categories of income arising	10.2
. complex estates	10.1.1
. death of residuary beneficiary	10.4.7
. dividends	10.3.1
. expenses	10.4.2
. general legacies	10.4.4
. generally	10.1
. income of administration period or of deceased?	10.3
. informal payment procedures	10.1.1
. interest paid	10.1.3
. interest received	10.3.1
. pecuniary legacies	10.4.4
. rates of tax	10.1.2
. residuary legacies	10.4.5
. reporting requirements	10.1.2
. specific legacies	10.4.3
. successive interests in residue	10.4.6
apportionment of income	10.3.2
deed of variation (no effect)	7.4.2, 10.7
disclaimer	10.7

double tax treaties	4.5
general legacies	10.4.4
income arising after death	Ch. 10
liability of PRs	4.2.1, 4.2.2
meaning of PRs	4.1.1
payments to beneficiaries, timing of	10.5
pecuniary legacies	10.4.4
post-death restructuring	10.7
rates of tax during administration period	10.1.2
residence status of PRs	4.4.2
residuary legacies	10.4.5
Inheritance tax	
agricultural property relief	8.2.4
annual exemption	8.2.4
as expense of estate	3.4.2
basics of IHT	
. background	8.2.1
. exemptions	8.2.4
. generally	8.2
. nil rate band	8.2.2
. rates of tax	8.2.2
. reliefs	8.2.4
. residence nil rate band	8.2.3
business property relief	7.4.5, 8.2.4
charge on death	8.1, 8.3
commorientes	1.12.2
deed of variation	7.4.2
discretionary will trusts	7.4.5
distribution risks	8.4
estate on death	8.3.1
excepted estates	9.2
exemptions and reliefs	8.2.4
family home	1.3.2
family maintenance (dispositions for)	8.2.4
filing of returns by PRs	2.1.3
foreign currency	8.2.4
gifts in contemplation of marriage	8.2.4
gifts to UK charities	8.2.4
indemnities for PRs	8.5
liability of PRs	4.2.1, 8.3, 8.4
life policies	1.3.4
lifetime transfers	8.3.2
meaning of PRs	4.1.2
nil rate band	8.2.2

normal expenditure out of income	8.2.4
payment of	
. as condition for probate	2.1.3
. late payment	9.4.2
. statutory requirement	9.4.1
penalties	9.4.2, 9.5.2
pension death benefits	1.3.3
potentially exempt transfers	8.4
probate returns	Ch. 9
property not disposable by will	1.3
rates of tax	8.2.2
residence nil rate band	8.2.3
returns	Ch. 9
small gifts exemption	8.2.4
survivorship clauses	1.18
valuations	8.6
International wills	
nature and use of	1.5.4
Intestacy	
administration of estate	3.1
appointment of administrators	2.1.1
definition	1.1
minors	1.9
partial	1.11.2
Joint tenancies	
not severable by will	1.3.2
probate not required	2.3.1, 2.3.2
property not disposable by will	1.3.1, 1.3.2
tenancies in common (distinguished)	1.3.2
Joint wills	
nature and use of	1.5.3
Land	
appropriation of	3.6.1
assent of	3.6.2
donatio mortis causa	1.3.5
Lapse	
death of beneficiary	1.12.2
Legacy	
definition	1.11.1
non-residuary	1.11.2
Legatee	
definition	7.2
Liabilities – see also Expenses, debts and liabilities	
of PRs	2.1.4

Life policies	
inheritance tax	1.3.4
probate not required	2.3.1, 2.3.3
proceeds dealt with under will	1.3.1, 1.3.4
Losses on assets sold	
capital gains tax treatment	6.6
Marriage – see also Spouses	
automatic revocation of will	1.7
capacity to marry	1.21
gifts in contemplation of.....	8.2.4
polygamous	1.21
second (survivorship clauses)	1.18
Mental capacity	
making of will	1.7
Minors	
as beneficiaries	1.16
capacity to make will	1.7
Mortgaged property	
liability to clear related debt	3.4.2
Mutual wills	
nature and use of	1.5.2
Non-residuary	
legacies and devises	1.11.2
Overseas property	
as part of estate	3.4.2
EU consistency	2.5
inheritance tax on (liability for)	3.4.2
international wills	1.5.4
non-resident PRs	7.5.1
non-resident will trust	7.5.1
revocation	1.7
UK wills	1.4, 1.19, 2.5
Pecuniary legacy	
income tax	10.4.4
meaning of	1.11.2
Penalties	
estimated valuations	8.6.2
failure to report errors	9.3.3
late IHT payment	9.4.2
late IHT returns	9.5.2
Pension schemes – lump sum benefits	
inheritance tax planning	1.3.3
probate not required	2.3.1, 2.3.4
property not disposable by will	1.3.1, 1.3.3

Personal representatives

as trustees	2.1.3, 6.8.1, 7.2, 7.3
complex estates	2.4.2
definition	Intro, 4.1
disposal of body	2.1.3
domicile of	Ch. 4
estates that are not complex	2.4.3
indemnities re tax paid	8.5
inheritance tax	Ch. 8
liability of	2.1.4, Ch. 8
residence of	Ch. 4, 7.5.1
responsibilities and duties	Intro, 2.1.3, 3.6.1
single and continuing body	4.4.1

Personalty

assent of	3.6.2
definition	1.11.1, 3.1
part of estate of deceased	3.1

Potentially exempt transfers

deed of variation	7.4.2
exemptions and reliefs	8.2.4
form IHT 400	9.3.1
hold-over relief	6.9.3
inheritance tax on (liability for)	3.4.2, 8.3.2, 8.4

Probate

application for, timing of	2.2.3
assets not requiring	
. bare trusts	2.3.1, 2.3.8
. chattels	2.3.1, 2.3.5
. donatio mortis causa	2.3.1, 2.3.7
. joint tenants, assets held as	2.3.1, 2.3.2
. life policies in trust	2.3.1, 2.3.3
. pension scheme payments	2.3.1, 2.3.4
. small payments	2.3.1, 2.3.6
domicile considerations	2.2.1
double probate	2.2.2
form PA1	2.2.4
grant of, obtaining	2.2.2
inheritance tax to be paid first	2.1.3
need for	2.2.1, 3.1

Professional partnerships

as executors	2.1.2
--------------------	-------

Realty

assent of	3.6.2
definition	1.11.1, 3.1

Remittance basis	
non-domiciled beneficiaries	7.5.2
non-resident will trust	7.5.1
not applicable for PRs	4.4.1
Residence status	
capital gains tax	4.4.2, 6.4.3
of beneficiaries.....	7.5.2
of company (apportionment of gains)	7.5.1
of PRs	4.4, 7.5.1
of will trust	7.5.1
Residential property gains	
capital gains tax	6.4.2
Residuary legacies	
income tax	10.4.5
Residue	
appropriation	3.6.1
debts and liabilities	3.4.2
Returns	
excepted estate	9.2
obtaining probate	9.1
Revocation	
of will	1.12.1
Sales of property	
capital gains tax	Ch. 6
need for disposals by PRs	6.8
Scottish law (differences from England and Wales)	
capacity to marry	1.21
commorientes	1.12.2
exempt estates	9.2.3
forced heirship	1.2.1, 1.20
hand-written wills	1.5.1
low value estates	9.2.2
wills	Ch. 1
Selling assets of the estate	
disposal by the PRs	5.4, Ch. 6
Small payments	
probate not required	2.3.1, 2.3.6
Specific devise	
meaning of	1.11.2
Specific legacy	
meaning of	1.11.2
Spouses – see also Marriage	
inter-spouse planning on death	5.3

Survivorship

clauses	1.12.2, 1.18
commorientes	1.12.2
property passing by	1.3.2
trusts as alternative	1.18

Tax planning

appropriation	3.6.1
assent	3.6.2, 6.8.2
capital gains tax	5.2.1, 6.7.1, 6.8, 7.5.2
deeds of variation	7.4
discretionary will trust	7.4.5
inheritance tax	5.2.1
inter-spouse	5.3
life policies	1.3.1
pensions	1.3.3
post-death restructuring	10.7
residence and domicile considerations	7.5.2
timing of payments to beneficiaries	5.3
valuation issues	5.2.1, 8.6

Tax returns

filing of by PRs	2.1.3
------------------------	-------

Tenants in common

assets passing by will	2.3.2
joint tenants (distinguished)	1.3.2

Trusts and trustees

as alternative to survivorship clauses	1.18
bare trusts	2.3.8
confidentiality of wills	1.2.2
discretionary will trusts	7.4.5
disposals after administration period	7.2, 7.3.1
disposals during administration period	6.8.1
inheritance tax on trust property (liability for)	3.4.2
life policy proceeds	1.3.1, 2.3.3
loans to estate	3.4.1
non-resident will trusts	7.5.1
personal representatives as trustees	2.1.3, 6.8.1, 7.2, 7.3
property not available to settle expenses of estate	3.4.1
Trust Registration Service	2.4

Uncertainty

failure of gift under will	1.12.1, 1.15
----------------------------------	--------------

Valuation

appropriated assets	3.6.1
ascertained values	5.2.1
estimated valuations	8.6.2

for inheritance tax	8.6
of assets on death	5.2
Vesting	
of deceased's estate	3.3
Wills	
ademption	1.2.2
ambulatory nature of	1.2.2
approval by testator	1.10
asset sales	6.8.1
beneficiaries	1.11.1
capacity to make	1.9
clerical errors in	1.6
codicils	1.2.3, 1.7
confidentiality of	1.2.2
construction of	1.8
definition	1.2
destruction of	1.7
discretionary will trusts	7.4.5
divorce	1.7
donatio mortis causa	1.3.5
emotional statements (no legal force)	1.2.4
failure of gifts	1.12-1.21
forced heirship	1.2.1
foreign property	1.4
formalities of	1.6
gifts, different types of	1.11
hand-written	1.5.1, 1.6
intestacy	1.1
joint tenancies	1.3.2
joint wills	1.5.3
knowledge and approval	1.10
life policy proceeds	1.3.1
marriage, revocation by	1.7
marriage, second or subsequent	1.18
mutual	1.5.2
one valid will only	1.2.3
property not disposable by	1.3
public nature of, after death	1.2.2
revocation of	1.2.2, 1.7, 1.12.1
statutory rules	1.2.1
survivorship	1.3.2, 1.12.2
types of	1.5
validity of	1.2.3, 1.6
witnesses	1.6, 1.12.1