



### **The Nil Rate Band Service – why is it needed?**

If a Deceased died on or after 9th October 2007 and their spouse (read also: Civil Partner) predeceased them without using all of the nil-rate band available to them at the time, it is open to the PRs to transfer any unused portion of the predeceasing spouse's nil-rate band and add it to the Deceased's nil-rate band, thus saving IHT accordingly.

See IHT Form 400 for full details.

Broadly, in order to be satisfied that there's some nil-rate band to be transferred from the predeceasing spouse to the deceased, HMRC wants to know:

- That the Deceased had a spouse;
- That the Deceased's spouse predeceased;
- Who benefited from the predeceasing spouse's estate;
- Whether there was a trust;
- Who the predeceasing spouse's PRs were; and
- How much of the predeceasing spouse's nil-rate band was used.

HMRC **requires** documentary evidence of much of the information set out above. IHT 400 says that HMRC **requires** the following:

- The couple's marriage / civil partnership certificate
- Predeceasing spouse's death certificate
- Copy of Grant / Confirmation to predeceasing spouse's estate
- Copy of predeceasing spouse's Will, if any
- Copy of any deed of variation or other document altering the terms of the will or intestacy



Title Research

### **What the Nil Rate Band Service offers**

In response to client requests for help completing HM Revenue & Customs (HMRC) IHT 400, we have launched a new service, the Nil-Rate Band Service.

If a deceased died on or after 9th October 2007 and their spouse or civil partner predeceased them without using all of the nil-rate band available to them at the time, it is open to the deceased's Personal Representatives (PRs) to transfer any unused portion of the predeceasing spouse's nil-rate band and add it to the deceased's nil-rate band, thus saving IHT.

HMRC require documentary evidence that the deceased had a spouse who predeceased. They also need to know who benefited from the predeceasing spouse's estate, whether there was a trust, who the predeceasing spouse's PRs were, how much of the predeceasing spouse's nil-rate band was used, and require sight of any deed of variation on the predeceasing spouse's estate.

We can supply this evidence to our clients quickly and efficiently.

The Nil Rate Band Service comprises the following:

- Marriage search to document the marriage of the Deceased;
- Death search to document the death of the Deceased's spouse;
- Probate search to obtain office copies of any Grant of Representation (Probate or Letters of Administration) and Will, or Scottish equivalents

The service provides a 14-day delivery of the deceased's marriage certificate, the predeceasing spouse's death certificate and will and grant or confirmation (if any). Where the dates and places of marriage and death are known, we charge £90 exclusive of VAT and disbursements (typically £19). Where dates and places are not known, and more detailed research is required, our fee is £249 exclusive of VAT and disbursements.

To find out more or for an initial discussion of your requirements, telephone us now on 020 7332 9090.