

Trusts, wills, attorneys and cross-border estate questions

Prepared October 2026 | General information, not personal advice

Estate arrangements should be chosen for a clear purpose and reviewed together. Trusts, wills, pension nominations and powers of attorney perform different functions. Cross-border cases add residence and legal questions. None is a universal tax exemption. Coordinate legal, tax and regulated financial advice using the actual documents and current rules.

Important risks

Legal ownership, retained benefits and conditional tax rules can change the outcome. Gifts and trusts can be irreversible and may leave insufficient resources for your own future needs.

Tax treatment depends on individual circumstances and may change in the future. A general example does not establish your relief, allowance or tax liability.

General information only, not personalised financial, tax or legal advice. Suitability and available relief depend on your circumstances. Obtain appropriate advice before acting on a product, transfer or legal arrangement.

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Before you begin

Begin with a map of decision-making during life and asset distribution after death. Identify which arrangements control each asset and who can change them. A trust creates responsibilities as well as potential benefits, while an attorney's authority serves a different need. For international cases, gather residence history rather than using nationality as a shortcut. Obtain advice on your actual residence history and documents before implementing a structure.

Terms in plain English

Trust

An arrangement under which trustees hold or manage assets for beneficiaries according to its terms. Tax, legal and administrative duties can apply.

Lasting power of attorney

A legal arrangement in England and Wales for appointed people to act within its terms. Property/financial and health/welfare arrangements perform different roles.

Would a trust help me pass wealth to my family?

Start with the problem to solve: control, vulnerability, timing or another documented family need. Explain trustee responsibilities and who can change arrangements. HMRC describes potential charges when assets enter, remain in or leave relevant trusts; a trust is not automatically an exemption. Compare the ongoing costs and administration with simpler alternatives before committing assets.

Decision boundary: Trusts can create tax charges, administration and restrictions on access or control. Ask the adviser: Which family need does the trust meet, and what charges and responsibilities would it create?

Sources: G16, G18

How can someone manage my finances if I lose mental capacity?

In England and Wales, review whom to appoint, how multiple attorneys would act and what safeguards are needed. Discuss records, investment accounts and practical access before an emergency. A financial adviser cannot substitute for the legal document or determine every capacity issue. Rules differ elsewhere in the UK, so use the correct jurisdiction.

Decision boundary: Without appropriate authority, needed financial decisions can be delayed or require a different legal process. Ask the adviser: Who should act, what safeguards do we need, and which legal document covers the relevant decisions?

Sources: G17, M11

Do my will and pension nominations need to say the same thing?

Create an asset-by-asset record showing whether payment follows the will, joint ownership, a trust or scheme discretion. Check nominations with each pension provider rather than relying on one generic expression of wishes. Resolve inconsistent intentions with the relevant professionals. Avoid assuming that a beneficiary named in the will receives every pension or insurance benefit.

Decision boundary: Conflicting documents or outdated nominations can leave intended

beneficiaries uncertain or unsupported. Ask the adviser: Which document or rule governs each asset, and are my intended beneficiaries accurately recorded?

Sources: G18, M11, M05

How can charitable giving fit into estate planning?

Clarify whether the gift is during life or by will and ensure the charity is identified accurately. Review the effect on other beneficiaries and the resources retained for later needs. A published reduced estate-tax rate has specific conditions and is not a universal incentive calculation. Keep the philanthropic objective separate from any illustration of tax consequences.

Decision boundary: A gift can reduce resources available to the donor or other beneficiaries and may not meet assumed tax conditions. Ask the adviser: How does this gift support my intentions, and what verified tax conditions apply?

Sources: G14, G18, G15

Do overseas assets or moving abroad change my Inheritance Tax position?

Compile a tax-year residence timeline, not merely current addresses or nationality. Identify foreign assets and any trust interests separately. HMRC explains that long-term residence can continue to matter after becoming non-resident. Other countries may apply their own rules, so UK analysis alone may be insufficient. Older domicile-led summaries should not be presented as the current general framework.

Decision boundary: Cross-border tax, legal and succession rules can overlap and continue after a move. Ask the adviser: Which residence years and countries determine the treatment of these particular assets?

Sources: G24, G21

Your preparation checklist

- Document the purpose before selecting a trust.
- Confirm the jurisdiction for legal documents.
- Review the will and provider nominations together.
- Keep a residence timeline for cross-border advice.

Next steps

The appropriate arrangement may be simpler than the structure initially considered. Ask each professional to explain the limits of their role and identify remaining legal or tax work. Confirm the relevant expertise and permissions before acting on a particular recommendation.

General information only, not personalised financial, tax or legal advice. Suitability and available relief depend on your circumstances. Obtain appropriate advice before acting on a product, transfer or legal arrangement.

Sources and further reading

G16: HMRC / GOV.UK - Trusts and taxes

<https://www.gov.uk/trusts-taxes/trusts-and-inheritance-tax>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

G18: GOV.UK - Making a will

<https://www.gov.uk/make-will>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

G17: GOV.UK - Make, register or end a lasting power of attorney

<https://www.gov.uk/power-of-attorney>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

M11: MoneyHelper / Money and Pensions Service - How to get your finances in order before you die

<https://www.moneyhelper.org.uk/en/family-and-care/death-and-bereavement/putting-your-financial-affairs-in-order-if-you-get-ill-or-die-making-a-will-and-more>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

M05: MoneyHelper / Money and Pensions Service - What is life insurance?

<https://www.moneyhelper.org.uk/en/everyday-money/insurance/what-is-life-insurance>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

G14: HMRC / GOV.UK - How Inheritance Tax works: thresholds, rules and allowances

<https://www.gov.uk/inheritance-tax>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

G15: HMRC / GOV.UK - How Inheritance Tax works: thresholds, rules and allowances

<https://www.gov.uk/inheritance-tax/gifts>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

G24: HMRC / GOV.UK - IHTM47001 - Long-term UK residence test: Introduction and when domicile will remain relevant

<https://www.gov.uk/hmrc-internal-manuals/inheritance-tax-manual/ihtm47001>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

G21: HMRC / GOV.UK - Tax on foreign income

<https://www.gov.uk/tax-foreign-income/residence>

Retrieved 2026-10-02. Source publication date not stated; retrieval is not a publication date.

Related planning information

<https://castlestonebridge.co.uk/trusts-advice>

Discuss your questions

For a discussion of your circumstances, contact Castle Stonebridge on 01246 308249 or visit <https://castlestonebridge.co.uk>. Any personal recommendation requires an individual assessment.