

# A guide to making a Will



## Your Gift Their future

*“Burma Campaign UK has a vital role to play in shining a light on the corrupt and inhumane practices of the Myanmar military. I have supported its work for a number of years, and felt that leaving a legacy in my will was the most practical way of ensuring that it is able to continue. I would urge you to think about joining me.”*

**John, Burma Campaign UK supporter**

# Leave a lasting legacy

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(A codicil is an addition to an already existing Will)

## 1. About Burma Campaign UK

Burma Campaign UK is part of a global movement working for the promotion of human rights, democracy and development in Burma.

We play a crucial role in coordinating the international campaign for human rights in Burma and work closely with human rights activists in Burma and in exile.



### Our work

- We work with activists and organisations across Burma to make sure their voices and demands for international action are heard.
- We have helped secure sanctions on military companies.
- We have forced many companies to stop doing business with the military.
- We mobilise international action to cut money and arms going to the military.
- We expose human rights abuses that the military tries to keep secret.
- We have ensured life-saving aid reaches villagers forced to flee attacks by the Burmese Army.
- We generate worldwide media coverage, ensuring the world does not forget about Burma.

## 2. Why does Burma Campaign UK need legacies?

Leaving a legacy to Burma Campaign UK will allow us to carry on fighting for freedom and justice in Burma far into the future.

Burma's military has one of the worst human rights records in the world. The Burmese army rapes, loots, burns, tortures and kills.

The people of Burma desperately need our support but we can't do it without your help.

*“Our heartfelt thanks to Burma Campaign UK for what you have done and many things that you are doing for us, Kachin and the people of Burma. We understand that the victory is still a long way to go, but with friends like you, we will not be alone and we will continue to fight for justice till the end. Thank you again for standing with us.”*

**A Kachin human rights activist in Burma**

## 3. Why should I make a Will?

Making a Will is the only way you can be sure that your wishes will be followed after you die. If you don't make one, part or all of your estate may go to people who you never intended to benefit. Not only that, Inheritance Tax legislation means that, if you don't prepare properly, a substantial part of what you leave behind may go to the State instead of the people or causes you wish to benefit.

Thankfully it is easy, quick and inexpensive to have a Will drafted by a properly qualified professional.

## **4. What about homemade Wills?**

Homemade Wills can be disastrous. You may omit particularly important details, such as what you wish to happen if the main beneficiary does not survive. It's always worth talking to a professional to make sure everything you need to cover is included in your Will.

## **5. What should I consider when writing a Will?**

Wills aren't solely about passing on your assets. You can also include specific funeral arrangements: for instance, burial, cremation or the use of your body for medical research. You may also want to appoint legal guardians to care for your children if you and your partner should die before they are 18.

One other important consideration is the appointment of your Executors – the people who will deal with your estate in the event of your death. Ideally, these should be business-minded family or friends or professional advisers. Three is an ideal number – for instance, two family members and a professional.

## **6. What else can I include in my Will?**

You may choose to use your Will to pass on business interests: for instance, you could leave shares in the family company to a son or daughter who has come into the business. This is a very tax-efficient way to leave assets to your intended beneficiaries. Personal items like jewellery, paintings and heirlooms can also be covered in a Will, as can any gifts you wish to make to Burma Campaign UK.

## **7. Can I leave money to Burma Campaign UK in my Will?**

Thank you, yes you can. If you do want to leave something to Burma Campaign UK, the donation can be as small or as large as you like. However much you decide to give, you can rest assured that Burma Campaign UK will use your money to work for a free Burma.

On the other hand, you may wish to leave assets to Burma Campaign UK by setting up a Trust. Some tax advantages apply, and you can also arrange for Burma Campaign UK to start benefiting from your donation before you die. If you feel that it would be appropriate to leave a donation in your Will, your solicitor will be able to advise you on what exactly is best suited to your circumstances. (See point 13 for more information on Trusts)

## **8. Inheritance Tax**

Inheritance Tax is the tax that is paid on your estate when you die, as well as on some assets that you may have given away during your lifetime. Under current legislation, if the estate you leave behind is less than the 'nil-rate' band (which varies each tax year and at the time of writing is £325,000) your beneficiaries will not have to pay Inheritance Tax. However, if your estate is worth more than this threshold, they will have to pay Inheritance Tax on anything beyond the nil-rate band.

Further details of the current tax threshold are available on the HM Revenue & Customs website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

One way to avoid Inheritance Tax is to leave your assets to your spouse or civil partner, as they will be exempt from the tax. However, this does not apply to couples living as 'partners' rather than married couples or civil partnerships. Also, once your spouse dies, there can be no such exemption and his or her whole estate will be eligible for Inheritance Tax.

A more effective way to limit Inheritance Tax is for you and your spouse to make the most of your nil-rate bands and set up a 'Discretionary Trust' in your Will. Your solicitor will be able to give you more details about how to do this. Inheritance Tax is a complex subject, and if you have a potentially large estate you should seek professional advice.

## **9. Annual exemption**

You can give away gifts worth up to £3,000 in each tax year and these gifts will be exempt from Inheritance Tax when you die. You can carry forward any unused part of the £3,000 exemption to the following year, but if you don't use it in that year, the carried-over exemption expires.

The annual exemption is in addition to the other gift exemptions and you should consult your solicitor on this.

## **10. What happens if my circumstances change?**

It's important to review your Will regularly – at least once every five years. After all, life never stands still. Your family circumstances may change, as may the relevant taxation laws.

## **11. Is there anything else I need to consider?**

Once you have made a Will you'll be able to enjoy the reassurance of knowing that your affairs will be taken care of after your death. But did you know you can also set up an arrangement to look after things if you become incapable during your lifetime?

This is known as an 'Enduring Power of Attorney.'

## **12. How does an Enduring Power of Attorney work?**

To ensure that your affairs will always be taken care of, you can appoint an attorney to safeguard your interests and act on your behalf if necessary. You are entitled to appoint more than one attorney to act together or separately.

If you ever do begin to lose your mental capacity your attorney applies to the Court of Protection and registers the Enduring Power of Attorney and they then take over the management of your affairs. Your attorney is always subject to the Court of Protection's jurisdiction.

## **13. What is a Trust?**

If you'd like a person or favourite cause to benefit from your assets – cash, shares or property – then a Trust could be the answer. A Trust transfers the assets to a small group of people or a Trust company (the 'Trustees') with instructions as to how they use them to benefit someone else (the 'beneficiary').

You can set up a Trust to come into effect after your death, or to function in your lifetime. If you choose the latter, you can appoint yourself as a Trustee so that you retain some control of the assets.

## **14. Why should I think about making a Trust?**

There are two main reasons for setting up a Trust. Firstly, you may want to reduce your exposure to Inheritance Tax. For instance, by placing assets into a Trust you are effectively reducing your wealth and consequently your tax liability and, if you use a Trust to give to Burma Campaign UK, you can leave unlimited assets to us, all of which can be free from all forms of tax.

It can also help in certain domestic situations. For example, if you wish to leave something to children or grandchildren, a Trust can hold the assets until they are old enough and or wise enough to receive them. Or, to take another example, if you are leaving your wealth to your spouse in your Will, you may want to ensure that some of it remains for your children. A Trust can ensure that the capital is protected.

## **15. What types of Trust are there?**

Most Trusts fall into one of two main categories. 'Interest-in-possession' Trusts are those where the income from the Trust must be given to the beneficiary you specify. 'Discretionary Type Trusts' are where the Trustees decide how to allocate the benefits.

The Charities Aid Foundation (CAF) has a scheme whereby it acts as a Trustee to manage your legacy as a Trust. The sum you leave to CAF as part of your Will is used to benefit the types of causes set out by you in a Letter of Wishes.

For further details of this scheme, talk to your professional adviser.

**You can also contact CAF for further help and information:**

Charities Aid Foundation (CAF)

Customer Service team: Tel: 03000 123 000 Website: [www.cafonline.org](http://www.cafonline.org)

## **16. Will a Trust be right for me?**

Trusts are one of the most flexible ways to give. Indeed, it has been said that for every family situation, there is a Trust that can be constructed to suit the need. Creating the right type of Trust to match your particular situation takes skill and expertise. If you are considering setting up a Trust it is worth talking to a professional to gain specialist help and advice.

## **17. What should I do now?**

If you are making a Will or setting up a Trust, it's worth speaking to your solicitor about your plans in detail. Everyone's circumstances are different, and your solicitor will be able to advise on the best options available to you.

Please don't forget to consider leaving a donation to Burma Campaign UK. Donations in Wills prove very valuable to us, helping us to campaign for freedom and democracy in Burma.



Before visiting your professional adviser, you should consider these two questions:

- What have I got to leave?

If you own your own home, how much is it worth?

Have you any savings or investments?

Valuables?

Jewelry?

- Who do I want to help?

Make a list of their full names and addresses for your solicitor.

Hopefully after considering your loved ones, you might consider a gift in your Will to Burma Campaign UK.

## 18. Different types of legacy you can leave

- A residuary gift – or share of your estate, for instance 10% of the value of your estate after all other gifts and payments have been made (residue).

This is a good option if you want to ensure that your gift is not reduced by inflation over time.

- A pecuniary gift means a specific sum of money.
- A reversionary gift means leaving Burma Campaign UK something you want another beneficiary to have use of during that person's lifetime. Example wording of this might be:

*"if she survives me by 30 days to my wife £x and thereafter to Burma Campaign UK"*

## 19. Suggested wording for bequests to Burma Campaign UK

1) Wording for a residuary bequest

*"I give to Burma Campaign UK of 110 The Bon Marche Centre, 241-251 Ferndale Road, London SW9 8BJ the residue (or % share of the residue) of my estate absolutely and I direct that: i) The proceeds may be used for the general purposes of Burma Campaign UK and ii) a receipt signed by a person for the time being authorised by the Executive Director of Burma Campaign UK shall be a good and sufficient discharge to my executors."*

2) Wording for a pecuniary bequest

*"I give to Burma Campaign UK of 110 The Bon Marche Centre, 241-251 Ferndale Road, London SW9 8BJ the sum of £ and I direct that: i) such money may be used for the general purposes of Burma Campaign UK and ii) a receipt signed by a person for the time being authorised by the Executive Director of Burma Campaign UK shall be a good and sufficient discharge to my executors."*

3) Wording for a specific bequest

*"I give to Burma Campaign UK of 110 The Bon Marche Centre, 241-251 Ferndale Road, London SW9 8BJ my (shares in ABC company, jewellery, personal effects) and I direct that: i) such assets may be sold and the proceeds used for the general purposes of Burma Campaign UK and ii) a receipt signed by a person for the time being authorised by the Executive Director of Burma Campaign UK shall be a good and sufficient discharge to my executors."*

**20. Wording for a codicil for a bequest to Burma Campaign UK**

(A codicil is an addition to an already existing Will)

*"This is the first (or whichever number) codicil of me*

*..... (your name)*

*Of*

*.....(your address)*

*to my Will dated*

*.....(date of the original Will)*

*1) In addition to any legacies given by me by my said Will, I give to Burma Campaign UK of 110 The Bon Marche Centre, 241-251 Ferndale Road, London SW9 8BJ the sum of £ (for a pecuniary bequest) for its charitable purposes and I declare that a receipt signed by a person for the time being authorised by the Executive Director of Burma Campaign UK shall be a good and sufficient discharge to my executors."*

*2) In all other respects I confirm my Will (you must include this clause)*

*In witness thereof I have hereunto set my hand this*

*..... (date of codicil)*

*Signed by the said*

*..... (your full name)*

*as a codicil to his/her Will dated*

*..... (date of Will)*

*Signed by*

*..... (your name)*

*In our presence and then by us in his/hers.*

*Signed by*

*.....*

*.....*

(Two witness signatures with names in block capitals, addresses, and details of occupations. Ensure neither witness is a beneficiary to your Will).

**What if Burma Campaign UK succeeds and is not needed anymore?**

We all hope that we will win our campaign for freedom and democracy for Burma - and win it soon. So when we do and Burma Campaign UK is no longer needed, we will inform you and advise you of your options.



**Please let us know if you can help by remembering us in your Will.**

If you have made the decision to include a gift in your Will to Burma Campaign UK, this is greatly appreciated.

It would be helpful if you could inform us that you have included us so that we know not to approach you again. All information will be treated in the strictest of confidence.

**For further information on anything in this guide, please contact:**

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**Phone:        020 3095 1991**

**Post:**

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*"I've supported advocacy on behalf of all the people of Burma for many years and hope that a part of my estate when I die might continue supporting that vital work by Burma Campaign UK. It seems all the more important now when I see the rights of ethnic minorities so abused. Only persistent external pressure keeps the rights of all citizens in the public eye!"*

**David, Burma Campaign UK supporter**



**for Human Rights, Democracy  
& Development in Burma**