

Remembering the Multiple System Atrophy Trust

A brief guide for Will draftsmen – Gift Type and wording

Your client may wish to leave a legacy (of a cash sum or specific item) to the MSAT or, indeed, a share of his or her estate. The various different types of gift are described in the Get Involved section of the MSA website. Such a gift might be worded as follows:- I give to the Multiple System Atrophy Trust (the MSAT) of 51 St Olav's Court, Lower Road, London SE16 2XB (registered charity no. 1137652 in England and Wales, and SC044535 in Scotland) the sum of £[xx]/my property known as [xx]/the whole of the Trust Fund (or such other term used to define the residuary estate of the testator).

It is suggested that the following clauses are also included in the Will, the first for the protection of the personal representatives and the second, to prevent the possibility of the gift failing in the unlikely event that the MSAT has changed its name or amalgamated with another body:-

- In relation to the gift to the MSAT, the Trustees [*or such other term used to define the personal representatives*] may pay or transfer the money or property the subject of that gift to the MSAT treasurer or other proper officer whose receipt shall be a full and sufficient discharge to the Trustees.
- In relation to the gift to the MSAT, if the MSAT, has, before the relevant payment or transfer is made, changed its name or amalgamated with any other body or transferred all its assets to any other body, then my Trustees shall pay or transfer the money or property to the body in its changed name or to the body which results from the amalgamation or to the body to which the assets have been transferred.

Most gifts left to the MSAT are unrestricted and this gives the Trustees much greater flexibility in the way in which those funds are expended. However, if your client wishes the funds to be applied for some particular purpose, it is suggested that this is best expressed as a request rather than an obligation, for example:-

- I give..... with the request (but without imposing any trust or binding obligation) that this gift be applied in the funding of research.

The MSAT and tax

- Inheritance tax - The MSAT is a registered charity and is wholly exempt from inheritance tax by virtue of s.23(1) Inheritance Tax Act 1984 which provides:- Transfers of value are exempt to the extent that the values transferred by them are attributable to property which is given to charities. Transfers to others are not and it is important to establish from your client exactly how they wish to benefit the MSAT to avoid a Benham type situation.
- Income tax - The MSAT is broadly able to claim back any tax deducted at source or paid by the personal representatives on income arising in the administration of the estate and should be provided with Statements of Estate Income at the end of each fiscal year.
- Capital Gains tax - The MSAT is not liable for capital gains tax but the personal representatives are liable (subject to the availability of their personal allowance). Therefore, if any assets are standing at a gain in excess of the personal representative's annual allowance, consideration should be given to appropriating those assets to the MSAT prior to sale (subject, in the case of land, to compliance with s.117 Charities Act 2011).

We rely entirely on donations, of which legacies are a vital part. Please consider remembering the Trust in your Will.

The Multiple System Atrophy Trust is a charity registered in England as a limited company.

Company Registration No: 7302036. Registered Charity No. 1137652 (England & Wales) and SC044535 (Scotland)