

PREFACE

“Enjoy yourself; it’s later than you think.”

(Horace, Roman lyric poet, BC 65–8)

In October 2019, my wife Annie and I were spending a long weekend with friends, two of whom had been widowed fairly recently. One commented that, apart from the devastating grief of sudden bereavement, she had found herself wishing that her husband had left clear information and instructions on management of the family home and financial affairs. The other (who had had time with her husband to get a reasonable feel of what she needed to know) suggested that leaving as full a record as possible of such things might fairly be regarded as a gift to those left behind: hence, the title of this book. A number of the married couples present, and others since, also thought that some essentially practical guidance would be very helpful.

The circumstances in which our friends found themselves are not a matter of gender, age, property values or intelligence. Regardless of ‘who goes first’, far too many couples and indeed individuals have as yet not ‘put their affairs in order’.

That got me thinking. As a former private client solicitor, tax adviser, author and lecturer and, more recently, as a vicar in the Church of England, I have long found myself giving pastoral support to people facing death and to their relatives after death. In particular, my previous professional role included putting together a *pro forma* list of assets and liabilities for completion by the client to help me advise them. How could I develop this idea?



"SURPRISE!"

It occurred to me that, if someone thought about the subject at all, they might well just think: -

- (a) I must make a Will.
- (b) I must outline the funeral arrangements and perhaps pay in advance.

As to (a), some three in five of all UK adults haven't made a Will (and will doubtless be astonished to see the impact of the 'Intestacy Rules' (set out on pages 28-29) which lay down how property is distributed when you die intestate, which means dying without having made a Will).

As for (b), people often haven't given much attention to their funeral arrangements, until perhaps death is looking fairly certain. Moreover, in my experience as an ordained minister, when putting the funeral together, one of the main questions the family ask is, 'What would they have wanted?'

Of course, the subject is so much broader than that. None of us likes to think about our death, but, as Benjamin Franklin famously said, death is one of the “*two certainties in life*” (the other being taxes). So, if, when alive, we spend serious time and energy thinking about our friends and families, work, possessions, holidays and the like, it surely makes sense to give careful thought as to what happens to those we leave behind. Our death affects the overall pattern of our lives.

This book tries to keep the subject within reasonable bounds. And it’s intended to encourage not morbidity, but rather realism. I hope that *My Last Gift* can be seen as part of living life to the full.

And part of that living life to the full is considering what Legacy you will leave behind you, in terms not of what you may own, but of who you are. Here it is of course perfectly legitimate to think of achievements, things you have done over the course of your life. But I wonder whether most of us would not consider as much more important in this context the relationships we have enjoyed and nurtured, in particular with our family and our friends. Hence the importance of the content of Chapter 3 – The People who matter to you and especially the issue of giving and receiving forgiveness for words or acts which have caused a rift (see the second paragraph on page 44). And then there’s what you may leave behind in terms of the story of your life, to help foster fond memories after you’ve gone¹.

- “*How would you like to die?*”
- “*At the end of a sentence.*”

(Sir Peter Ustinov, English actor, interviewer,
film-maker and writer, 1921-2004)

¹ See pages 60 to 62 for Photographs, Your Papers and Memoirs.

The Format of the Book

There are six Chapters drawing individual topics together under a number of overall headings.

Chapter 1: Your Preparation – For the inevitable

None of us knows when the ‘grim reaper’ will strike. In this Chapter I talk about the issues which need to be addressed at whatever stage of your life – starting with ‘The Essentials’, a list of important questions to answer. I look at Lasting Powers of Attorney in regard to property & financial affairs and health & welfare and the Court of Protection. The Chapter finishes with important matters including guardianship, digital assets and any advance planning of your funeral.

Chapter 2: Some Practicalities – Your Will and any Letters of Wishes

This Chapter focuses on making a Will and what sort of things it might contain. It will enable you to be sure that those who you want to inherit the various things in your estate do indeed do so.

Chapter 3: The People – Who matter to you

How can you make sure you spend time with your closest family and friends, and maybe make gifts to them? Then follows the putting together of a list of contact details of people or organisations to be notified after your death.

Chapter 4. Your Possessions – And how to access them

This Chapter will help your Executors to know what they have to deal with. You need to make some sort of record of what you own (see Appendix 5 on pages 98-99). Succeeding sections of this Chapter deal with a variety of particular assets, for example: your house or flat; bank accounts and investments; pensions; insurance(s); cars; photographs; plus papers, letters and files; and your business, if relevant.

Chapter 5: Your Plans for the Future – Thinking them through

The Chapter starts with a brief description of how Inheritance Tax (traditionally known as ‘death duties’) operates, with some suggestions for reducing the tax bill by way of lifetime gifts. Your focus, wants and needs may well change with age. This includes possibly downsizing

your home, perhaps visiting certain places and doing things you have always wanted to do. There is the all-important matter of religious faith too, at least to consider.

Chapter 6: Post-Script – What happens afterwards

This Chapter looks ahead to what happens after death, so you can make it as easy as possible for your nearest and dearest. It starts with telling family and close friends (see pages 96-97 for Appendix 4). The funeral director also needs to be contacted, and the funeral put together, so far as possible in accordance with your wishes. The Death Certificate has to be obtained and newspaper announcements considered. There's also the issue of accessing the Will and any Letters of Wishes, plus the process of applying for Probate where required. Probate is the official term for reviewing the validity of your Will and dealing with your property. This includes paying any Inheritance Tax due and other debts.

*– “To what do you attribute your long life?”
– “To the fact that I haven’t died yet.”*

(Sir Malcolm Sargent, English orchestral conductor, composer and interviewer, 1895-1967)

Updates

This is a section on the website www.yourlastgiftbook.com where any significant developments either in the law or in practice after publication of the book will be posted. Also, any amendments to the text and any notable changes to the content of the forms on the website will be posted there. Purchasers of the 1st Edition will also find the detail of the fresh material in this 2nd Edition.

The Appendices, as the ‘Guts’ of the Book

Above all, this is a practical book. Hence the idea of checklists and a variety of forms which you can fill in for those you leave behind (to

update from time to time). These are set out in the Appendices and can be accessed from the website www.yourlastgiftbook.com:

1. The Two Checklists
2. Personal Details
3. Whereabouts of Important Documents
4. People to Contact, in Person, by Telephone or by Email
5. List of Possessions
6. Things to Know about your Home.

Appendix 7 lists Some Useful Resources.

The first 'Critical Checklist' is for immediate use. The second, 'Comprehensive Checklist', is intended for more leisurely attention. Do remember the title of the book, *Your Last Gift*, which is about helping those you leave behind. I am conscious that the second checklist and the content of the further forms in Appendices 2 to 6 might seem rather formidable. Certainly, it would be practically impossible for anyone to sit down and fill them all in at a single sitting.

So completion is likely to be a gradual thing – and, indeed, there is no requirement to fill everything in. Some headings will simply not be applicable to you. On the other hand, you may find that, to meet your own circumstances, some subjects are missing from the Appendices, in which case you can simply adapt the content as you choose.

The Appendices set out at the back of the book are for illustrative purposes and have been condensed down for reference only. You will find expanded and fully editable digital versions of these pages available to you as a purchaser of the book (whether in hardback or in electronic format) on the website, as updated from time to time, which form a much more practical way to create your own records. Alternatively, you can print off an editable word document or buy a printed ring-bound book of the various checklists and forms.

In order to accommodate the digital forms to your own circumstances, you can – as well as deleting a particular section or series of boxes or cells – add to them. For an explanation of how to do this, have a look at the FAQ's (Frequently Asked Questions) on the website.

How to Make Best Use of the Book

This is a short book and readable enough to be covered without too much difficulty, perhaps even in a single sitting. There's lots of detail I could have added, but I want to make it as concise as possible. Not every section in the book will apply to everybody. However, an initial read through will give you an idea of what is relevant to you.

Then perhaps look at the two Checklists in Appendix 1 on pages 83-93. You could start to make a note of what action you would like to take, maybe in discussion with your other half, if you have one. If there are two of you, you might like to do it together, each making up your own version of the various lists and forms. The book is for you to use as best suits you.

The big question, of course, is where and how to store the information safely. Given that your Will is kept by your solicitor, you might like to make a physical copy to be kept with your Will, as well as leaving one in a secure place at home, perhaps in a safe. To guard against the possible hacking of your computer, you could delete the information from your hard drive and pop the file on a memory stick to be kept with the version in your safe for easy updating. The securest method is undoubtedly the Password Manager suggestion in Chapter 1 on page 19. Using such software means that all your up-to-date passwords to all your internet sites would be available to your family after your death. All you need to do is lodge the Master Password and your sign-in email with your solicitor and keep a copy in your safe.

Do remember that *Your Last Gift* is written by an Englishman for the benefit of those who live in the United Kingdom, with primary reference to the law and practice of England and Wales. Some, but not necessarily all, relevant differences are noted in the text in relation to Scotland and Northern Ireland. So, if you live elsewhere, please take professional advice on - and make - any necessary adjustments.

Finally, and maybe a bit paradoxically, I should say that I don't think of this as a book primarily about death. Rather, it's intended to be about life. OK, about the end of that life - and none of us knows when that will happen. But my hope is that the process of following my suggestions may encourage each of us to reflect more deeply on what, and much more importantly who, matter to us most.

"I'm not dying of cancer, I'm living with cancer."

(Deborah Hutton, my late sister, author of *What can I do to help?*², 1955-2005)

Warning

The law of tax and pensions in relation to estates is very complex. The rules (and particularly the reliefs and exemptions) can change within a day or two without publicity, whether by a decision of a Court, by a regulation made by Government or by a revised interpretation from HMRC. Only a specialist can monitor such changes on a daily basis. Consequently, the information in this book can only provide suggestions to look into areas which are well worth considering, but before you take any action professional advice is essential.

² Referenced in Appendix 7 on pages 103 - 104.