

HM REVENUE & CUSTOMS TRUST REGISTRATION SERVICE FACTSHEET



NFU Mutual
INSURANCE | PENSIONS | INVESTMENTS

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Under UK tax legislation, trustees of plans held in certain trusts are required to provide details of the trust to HM Revenue & Customs. This is done using the Trust Registration Service which can be accessed via a government gateway on gov.uk.

As part of their Anti Money Laundering regulations, HM Revenue and Customs have widened the:

- number of trusts that need to register with them, and
- information they want to know about a trust which now includes details about the:
 - trust itself
 - settlor - the person who took out the plan and put it into trust during their lifetime or via their Will after they've died
 - beneficiaries - the person(s) or classes of persons who will/can benefit from the plan value held in the trust
 - trustees - the people who hold the plan for the benefit of the beneficiaries (the settlor of an NFU Mutual trust is automatically a trustee and can appoint other people to act with them)
 - plan type
 - value of the plan at the time you register the trust (not required in all instances)
 - any liability to Income or Capital Gains Tax that has been incurred on the plan/trust.

This factsheet

- reflects some of the requirements and guidance from HM Revenue & Customs that may be particularly relevant for NFU Mutual customers

- is tailored to NFUM products and trusts and should not be considered as a replacement for the full requirements which can be found on gov.uk/register a trust as a trustee
- is based on our understanding of legislation as at September 2021 and this may change in the future.

As NFU Mutual is not an accountancy service provider, HM Revenue & Customs do not allow us to:

- guide you on the:
 - specific information you need to enter on the Trust Registration Service other than what we have provided in the How Do I section
 - how and where to enter information on the Trust Registration Service
- help you with the registration process
- be your Agent and/or update the trust registration service on your behalf.

If after reading this factsheet you have any queries or need help with any aspect of the registration process, please visit gov.uk/register a trust as a trustee, call the HM Revenue and Customs Trustee helpline on 0300 123 1072 or speak to your Accountant.

- If you want your Accountant to be able to discuss this with us directly, you'll first need to let us have written permission allowing us to do so, which must include your Accountants name and business address.

QUESTIONS AND ANSWERS – REGISTERING A TRUST FOR THE FIRST TIME

You've recently contacted me to say that I may need to register a trust with the Trust Registration Service. Do I need to do this for my plan?

Yes, if your plan is in a UK trust (which includes, but is not limited to, all NFU Mutual Trusts and the Married Women's Property Act). A UK trust is one where either:

- all the trustees are UK resident or

- at least one trustee is UK resident and the settlor was UK resident when the trust was set up or funds were added to it

If your plan is in a UK trust, then what your trustees need to do and when will depend on the plan type and whether or not a payment has already been taken from it.

If you hold	then the trustees
a whole life or low cost whole life plan	<p>don't need to do anything now if the plan has not been cashed in.</p> <p>If the trustees cash in the plan while the life assured is alive, the trust will need to be registered.</p> <p>If the plan is left to pay out when the life assured dies, the trustees will have to register the trust if they don't distribute the trust fund to the beneficiaries within two years of the life assured's death. If there is more than one life assured, this will be from when the second life assured has died.</p>
a retirement annuity plan	<p>don't need to do anything now.</p> <p>If you die before starting your pension payments, the trustees will have to register the trust if they don't distribute the trust fund to the beneficiaries within two years of the date of your death.</p>
an endowment or mini-cost endowment plan	<p>need to register the trust.</p> <p>If the trust deed was/is signed:</p> <ul style="list-style-type: none"> • before 2 June 2022 - the trustees need to register the trust by the later of 1 September 2022 or 30 days after the date the settlor signed the trust deed • on and after 2 June 2022 - the trustees need to register the trust by the later of 1 September 2022 or 90 days after the date the settlor signed the trust deed

If you hold	then the trustees
<p>one of the following plans in a UK trust:</p> <ul style="list-style-type: none"> • a Capital Access Bond • a Capital Investment Bond • a Capital Re-investment Bond • a Flexibond • an NFU Mutual Classic Bond or Vintage Bond • a Select Investment Plan • a Family Legacy Bond 	<p>need to register the trust.</p> <p>If you have a Select Investment Plan please go to the section ‘When do I.....’</p> <p>For all plans other than a Select Investment Plan, If the trustees have not taken a payment from the plan and the trust deed was/is signed:</p> <ul style="list-style-type: none"> • before 2 June 2022 - the trustees need to register the trust by the later of 1 September 2022 or 30 days after the date the settlor signed the trust deed • on and after 2 June 2022 - the trustees need to register the trust by the later of 1 September 2022 or 90 days after the date the settlor signed the trust deed <p>If the trustees have already taken a payment from the plan please go to the section ‘When do I.....’</p>

WHAT HAPPENS IF

I can't remember if my plan is in trust, or all of the trust details?

Please complete the Request Trust Information form found on [nfumutual.co.uk/Request Trust Information](http://nfumutual.co.uk/Request%20Trust%20Information) or call us on 0800 622 323. We will then either send you:

- a copy of the trust deed(s) we have in our records and a factsheet that gives information about the trust or
- a letter telling you that we do not have a record of your plan being in trust.

I have more than one plan in trust?

You need to register, and keep updated, each trust individually.

I don't register the trust or keep the Trust Registration Service updated?

HM Revenue & Customs will contact you directly and ask you to register/update the trust.

A payment has been taken from the plan which means the plan has now ended?

You need to register the trust and then update the register to close the trust. For more information see ‘Questions and Answers - Updating a trust that's already registered.’

HOW DO I

Register the trust?

If there is more than one trustee, the trustees will need to decide who is going to become the lead trustee, and so be responsible for updating the Trust Registration Service. The lead trustee will need to set up a Government Gateway account for each trust.

Register the trust if I don't have online access or am unable to access the Trust Registration Service?

HM Revenue & Customs class this as a 'digitally excluded trustee'. This is a trustee who, for reasons of age, disability, remoteness of location, religion or other valid reason is unable to engage with HM Revenue & Customs online digital services.

If the lead trustee, usually the settlor, is digitally excluded, one of the other trustees can set up the necessary Government Gateway on their behalf. If all the trustees are digitally excluded, the lead trustee should contact HM Revenue & Customs Trustee helpline directly on 0300 123 1072 for help and support.

Get the information I need to register?

A lot of the details you need about the trust itself will be found on the trust deed.

- If you don't have a copy of the trust deed, please complete the Request Trust Information form found on nfmutual.co.uk/Request Trust Information or call us on 0800 622 323.
- We will then send you a copy of the trust deed and a factsheet that gives information about the trust.

The answers to some of the other questions are given below and relate to all NFU Mutual Trusts and Married Women's Property Act Trusts. If your trust was created via a Will Trust or a solicitor's trust deed, you may need to speak to the solicitor who drew the Will/trust deed up.

You will be asked:

- if the trust has a Unique Taxpayer Reference (UTR).
 - this will be no at first registration.
- for the name of the trust. This will either be:
 - as it appears on the plan statement and schedule if the plan was invested by a bare loan trust, discretionary loan trust, inheritance protection plan or Will Trust or
 - for all other plans/trusts, it'll be whatever you decide to call it. For example, if your surname is Thomas and the trust is for your grandchildren, you could call it the Thomas Grandchildren Trust.
- if the trust is an express trust.
 - All trusts relating to NFU Mutual plans will be an express trust.
 - HM Revenue & Customs also class the Married Women's Property Act as an express trust.
- for the assets held in the trust.
 - This will be the plan you hold. You can obtain an up to date value at any time by calling 0800 622 323.
- whether the trust has acquired UK land or property since 6 October 2020.
 - This does not apply to NFU Mutual Trusts and so you should answer No.
- if the trust has a protector.
 - NFU Mutual Trusts and Married Women's Property Act Trusts do not have a protector.
- if the trust is listed on a European Economic Area (EEA) register.
 - No, the trust is not listed on a European Economic Area (EEA) register
- if the trust has a business relationship in the UK.
 - No, the trust does not have a business relationship in the UK.

NFU Mutual products are not a non-EEA entity and so this section of the Trust Registration Service will not apply to you.

WHEN DO I

Need to register the trust?

When a payment is made from a plan, HM Revenue & Customs class this as a chargeable event. If this leads to a chargeable gain/profit, there could be a liability to UK Income or Capital Gains Tax.

The registration deadline depends on:

- Whether the trust is, or has been, liable for UK Income or Capital Gains Tax. HM Revenue & Customs refer to this as being either a 'non-taxable trust' or a 'taxable trust' and
- The date the trust deed was signed

A non-taxable trust

This is a trust that hasn't had a payment made from it that created a potential liability to UK Income or Capital Gains Tax.

Examples are:

- An investment bond in trust that has:
 - not had any payments taken from it or
 - had payments taken from it which:
 - are within the 5% tax deferred allowance and so
 - have not created a chargeable gain (if a payment has been taken, the letter we sent confirming that a payment had been made will tell you if there has been a chargeable gain or not)
- An endowment or whole life plan in trust, that paid out and a chargeable gain was not created (the letter we sent confirming that a payment had been made will tell you if there has been a chargeable gain or not)

The deadline for registrations for non-taxable trusts is the later of:

- 90 days from the date the trust deed was signed, or
- 1 September 2022

For example:

- A trust created on 26 August 1989 will have until 1 September 2022 to register
- A trust created on 26 August 2022 will have until 24 November 2022 to register

A taxable trust

This will depend on the type of plan held.

- A trust on a Select Investment Plan is always subject to tax.
- For all other plans, it is a trust that has had a payment from it that created a potential liability to UK Income or Capital Gains Tax.

Examples are:

- An investment bond in trust, that has had a payment taken from it that has created a chargeable gain (the letter we sent confirming that a payment had been made will tell you if this has happened and you will have received a Chargeable Event Certificate).
- An endowment or whole life plan in trust, that paid out and a chargeable gain was created (the letter we sent confirming that a payment had been made will tell you if this has happened and you will have received a Chargeable Event Certificate).

The deadline for registrations of a taxable trust will depend on when the trust deed was signed and whether the trust is liable for tax for the first time or not.

For a trust deed that was signed:

- on or after 6 April 2021 the deadline for registration of a taxable trusts is the later of:
 - 90 days from the date the trust deed was signed, or
 - 1 September 2022
- before 6 April 2021 and the trust is liable for UK Income or Capital Gains Tax for the first time:
 - the trust must be registered by 5 October in the tax year after the one in which the trust becomes liable to UK Income or Capital Gains Tax.
 - For example, a trust receiving interest or has a chargeable gain that is liable to Income Tax for the first time in May 2021 (2021/22 tax year) will need to be registered by 5 October 2022 (2022/23 tax year)
- before 6 April 2021 and the trust has been liable for UK Income or Capital Gains Tax previously:
 - the trust must be registered by 31 January in the tax year after the one in which the trust is liable to UK Income or Capital Gains Tax.
 - For example, a trust receiving interest or has a chargeable gain that is liable to Income Tax in September 2021 (2021/22 tax year) will need to be registered by 31 January 2023 (2023/24 tax year)

I'm unsure if a payment has been taken from the plan that resulted in a chargeable gain.

What do I do?

Please complete the Something Else form found on [nfmutual.co.uk](https://www.nfmutual.co.uk) by searching for 'Manage Your Plan'. We will then either send you:

- a copy of the chargeable event certificates that have occurred on your plan, or
- a letter telling you that no chargeable gains have occurred on your plan

QUESTIONS AND ANSWERS – UPDATING A TRUST THAT’S ALREADY REGISTERED

What changes to a trust do the trustees have to update the Trust Registration Service with?

Your trustees must update the Trust Registration Service with any changes made to a trust.

For example:

- changes to who the trustees or beneficiaries are
- whether the lead trustee or an absolute beneficiary changes their name or address
- if the trust changes from being non-taxable to taxable (this will be due to a payment that creates a chargeable gain)
- the trust closes.

What is the deadline for registering changes to the trust?

90 days from the date of the change.

When does a trust close?

A trust will close if:

- all the money is taken from the investment or savings plan and is paid to the beneficiaries
- the investment or savings plan is transferred into the name of the beneficiary so they own the plan in their own name

If the trust is closing now and I’ve not registered it before, what do I do?

You need to register the trust and then close it straight away.

What additional information is needed to update the Trust Registration Service when a trust changes from non taxable to taxable?

You will need to know:

- the country where the trust is generally administered. For a trust deed

- issued by NFU Mutual:

- this is generally England
- however, in the past we have issued trusts that are written under Scottish Law. If the NFU Mutual trust deed has Scottish on the front (for example Scottish Bare Trust) then the country of general administration will be Scotland

- created by a Will or solicitor’s deed:

- this will be the country in which the deed was drawn up and completed.

• details of the liability to Income Tax and Capital Gains Tax. For

- all plans other than a Select Investment Plan:

- this will be on the chargeable event certificate

- a Select Investment Plan:

- you may need to speak to your accountant who will help you calculate from the information shown on the contract notes and quarterly statements

• the plan value and how much money was added to the plan and when.

- you can request this information at any time by calling 0800 622 323.



NFU Mutual

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