

How to establish and service a flexible gift trust

Nucleus platform user guide

Edition 09

Date of publication 01/2025

Introduction

This document covers the practical steps to establishing the trust and processing the trust case appropriately on the platform, including:

- Formation of the flexible gift trust
- Trust account new business and gifting
- Trust account servicing events
- Fees

The flexible gift trust is one of the draft deeds provided in the Nucleus platform trust suite. Potential users must seek their own legal advice in relation to the suitability of the draft for their specific purpose.

This document should be read after you've selected the trust and reviewed the relevant trust adviser guide found within the trust suite section of the platform library. The flexible gift trust adviser guide explains key technical points that should be considered in the use of this trust.

Guide

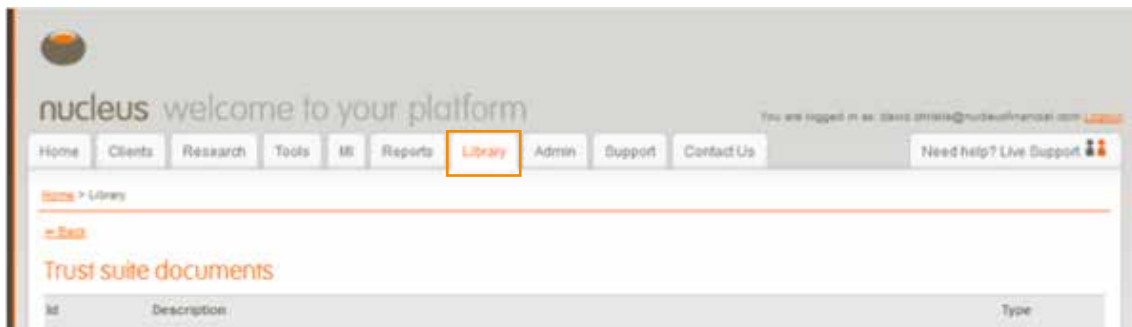
Which Nucleus accounts can be used with this trust?

The following accounts can be used in conjunction with this trust deed:

- Nucleus General account
- Nucleus Offshore Bond account
- Nucleus Onshore Bond account
- Nucleus Onshore Bond (previously provided by Scottish Friendly)

Formation of the flexible gift trust

You'll find all the documents you need for your client's trust case in the trust suite section of the platform library.



Select and complete the required flexible gift trust deed. Legal guidance should be considered when you complete this deed.

A minimum of two trustees are required for this trust deed.

Please note the Nucleus Draft deeds specify that the trust is to be governed by the laws of England and Wales. Therefore we would require all trustees to sign on application and when making amends or taking actions on the trust. Should you wish to have this investment subject to Scottish or Northern Ireland trust law, you will need to seek legal advice on the implications of this and for a bespoke trust deed to be created.

Trust account new business

The trust account application should be completed on the platform. Lump sum investments can be keyed at this time.

It is critical that no accumulation units are selected within chosen collective investments. The beneficiary is entitled to income only – not capital. You can find information on specific assets, including individual fund factsheets, on the research tab on the platform.

Trust Registration Service (TRS)

Due to changes to anti-money laundering regulations, from 1 September 2022, before we can accept an application or monies for new registrable trust cases, we will need sight of a 'proof of registration' document issued by HMRC. For any exempt trust, we will require confirmation they are exempt from registering.

If we receive an application without the 'proof of registration' document or confirmation of exemption, this may cause a delay in applying the customers monies to the platform. It can take up to 15 working days for trustees to receive their 'proof of registration' document from HMRC after their online submission – please bear this in mind before sending any monies to us.

Please note that although trusts do not need to register with HMRC immediately, the regulations require Nucleus to have sight of a 'proof of registration' document before Nucleus can apply monies to an account.

Trust account gifting

General accounts	<p>Any general account asset from the investor's individual account can be gifted by re-registration.</p> <p>It's important to note that the assets being re-registered must be already held on the Nucleus platform i.e. same nominee.</p> <p>It's not possible to re-register assets directly from another nominee into a Nucleus trust account.</p> <p>Tip: For non-Nucleus assets, re-register these to a Nucleus individual account first.</p> <p>Remember to analyse the portfolio to avoid any accumulation units. The research tab on the platform can help with this.</p>
Bonds	<p>Bonds can be gifted from the investor's existing individual account to trust via a whole policy assignment.</p> <p>The assignment is defined legally within the trust deed itself, so completion of a separate Deed of assignment is not required.</p> <p>The bond being assigned must be a whole policy i.e. all 100 segments.</p>
Longer term	<p>Please note that in future years the trust can still be preserved where the assets are moved off platform or to another platform as best serves the needs of the trustees.</p>

Supplementary application forms

Onshore and offshore bond account trust applications require a supplementary application form. These can be found in the 'account specific' section of the platform library.

Submission

You should send the application pack to:

Nucleus client solutions
PO Box 26968
Glasgow
G2 9DY

This application pack must contain:

- Flexible gift trust deed or certified copy
- Corporate/trustee declaration
- Authorised list of signatories (certified) (for corporate settlors/trustees only)
- Anti-money laundering individuals form for all settlors, trustees and named beneficiaries
- Copy of online application
- Supplementary application form, if applicable
- Cheque/bank payment (for any new business)
- The proof of registration document or confirmation of exemption from registering on the Trustee Registration Service

Any original or certified documentation will be returned to the trustees.

Note that certification of documentation may be made by a solicitor, notary or the Nucleus adviser.

Trust account servicing events: top-ups and regulars

The standard top-up process applies. Note that top-ups can only be made by the original settlor. Top ups are only permitted from the trust bank account.

Regular payments into the general account must also be made from the trust bank account.

Trust account servicing events: withdrawals

Standard processes apply for general account and bond accounts.

The natural income basis means that a fixed amount must not be set on platform.

For General accounts only, natural income should be used to pay the income distributions automatically to the beneficial interest's bank account.

Trust account servicing events: assignments to a beneficiary

General accounts	Trustees can assign a general account to another individual account on the platform.
Bonds	Trustees can assign whole bond policy to another individual account on the platform using an assignment form. Trustees cannot make partial assignments to another individual account on the platform e.g. 25 segments. Trustees can make partial encashments to the trust bank account as required (refer to withdrawals process). A guide – 0274 Assigning segments from an Offshore or Onshore Bond assignments is available in the library.

Trust account servicing events: cancellations, cooling-off, account closure and death

Please refer to the relevant key features document, which explains the standard processes that apply.

Fees

VAT – where advice is only being given in respect of a flexible gift trust selection and creation and it's clear there will not be some associated investment being established as part of that advice, then that advice will be subject to VAT.

As mentioned, careful consideration should be given to bonds operating on an adviser charging basis.

Initial fees	Initial fees are the responsibility of the investor. For new investments, it's not permitted for an initial fee to be charged. Instead an ad hoc fee from the investor's account or an off-platform payment should be made. Acting otherwise would give rise to gift with reservation consequences. For existing investments, any initial fees should be taken from the investment before it is transferred to the trust account. An ad hoc fee from the investor's account (or an off-platform payment) should be made.
--------------	--

Ongoing fees	<p>Ongoing fees are the responsibility of the trustees.</p> <p>Ongoing adviser fees can be met from general account cash. If met from a unit/share sale then consideration should be given to Capital Gains Tax on any realised gain, as is the case for individual accounts.</p> <p>For bonds, it's very important that 5% capital withdrawal entitlement is not exceeded such that a chargeable event arises; if the settlor does not reclaim the tax then this will constitute a further gift.</p> <p>The payment of any advice fees, or discretionary asset manager fees from the bond account will be treated as a capital withdrawal for tax purposes and will count towards the 5% tax deferred allowance.</p>
--------------	---

Checklist

The following checklist will help ensure swift processing of your trust account:

- Flexible gift trust deed is complete and signed, please refer to the completion guide within the deed
- Documents are certified where required
- Any re-registrations to the trust are in the same (Nucleus) nominee
- Portfolio has been analysed and no accumulation units exist
- Supplementary application form is included, if applicable
- No regular fixed income has been set up – instead natural income functionality is in place
- Consideration has been given to fees in respect of adviser charging rules and the nature of the chosen trust
- The proof of registration document or confirmation of exemption from registering on the Trustee Registration Service

Application pack reminder

- Flexible gift trust deed or certified copy
- Corporate/trustee declaration
- Authorised list of signatories (certified) only for corporate settlors/trustees and must be on headed paper
- Anti-money laundering individuals form for all settlors, trustees and named beneficiaries.
- Copy of online application
- Supplementary application form, if applicable
- Cheque/bank payment (for any new business)
- The proof of registration document or confirmation of exemption from registering on the Trustee Registration Service

Further support

If you need further help please contact your client solutions - relations manager.



0131 226 9535



client.relations@nucleusfinancial.com



www.nucleusfinancial.com