



Wanstall Consulting

Wills & Estate Planning

Protecting vulnerable beneficiaries in Wills

You want to benefit family members or friends in your Will, but are concerned they may be potentially vulnerable. This could be because of their health issues, means tested benefits, money problems, or going through divorce.

Is it possible to both provide for, and protect, such beneficiaries, whilst also protecting your assets in your Will? Yes, I am pleased to say it is!

How?

Using a discretionary trust in your Will can provide all of this. I will outline how below, and will give some examples of it being used next month.

What is a discretionary trust?

Rather than actually giving the potentially vulnerable beneficiaries assets in your Will, the assets are held in a trust on their behalf by your chosen trustees. The beneficiaries are not entitled to any money “as of right”, but are entitled to be considered by the trustees. The

trustees have the discretion who, and when, they benefit, but this can only be members of your group of beneficiaries.

I recommend preparing a side letter explaining what you would like your trustees to do. You cannot tell them what to do, but you can certainly guide them. You therefore want to appoint people you trust and who know you well enough to be able follow and implement your wishes as your trustees. They would often be family, friends and sometimes professional advisers.

Benefits of a discretionary trust

Using a discretionary trust in a carefully and professionally planned Will offers a flexible, but safe, way of both providing for, and protecting, possibly vulnerable family members or friends.

If you have any questions, or would like to discuss matters, please contact me on iain@wanstallconsulting.co.uk or [01296 415700](tel:01296415700) or www.wanstallconsulting.co.uk.