HMRC - STSM081060 - Declarations Of Trust

A declaration of trust is the document which creates a trust. There are three essential elements:-

the wording clearly shows the intention to create a trust

the property settled by the settlor in the trust must be clearly defined, and

the beneficiaries of the trust must be identified

Declarations of trust documents, if executed on or after 13 March 2008, do not need to be submitted to Stamp Taxes for stamping (prior to that date a £5 fixed duty charge would have been approriate).

If, however, the document in fact effects a transfer on sale of stock or marketable securities, it will attract ad valorem stamp duty (see STSM081070).

Please refer to the Trusts, Settlements and Estates Manual (TSEM) for further information.

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