Free Will Advice

Deed of Gift Checklist (UK Jurisdiction)

Use this to prepare your thoughts before drafting your Deed of Gift. It is not your final Deed-just a planning tool.

PARTIES AND INTENTION

- [ ] Donor (Giver): Full legal name, address, and capacity (must have legal ownership and sound mind).
- [ ] Donee (Receiver): Full legal name and address.
- [ ] Intention to Gift: Must be clearly stated that the transfer is voluntary, unconditional, and without consideration (no payment).

FORM AND EXECUTION

- [ ] Written Instrument: The Deed must be in writing.
- [ ] Deed Format: Expressly states it is a Deed and includes wording showing intention to be bound.
- [ ] Signature of Donor: Signed by the donor (and by both joint owners if jointly owned).
- [ ] Witness: Signature must be attested by at least one independent adult witness who is not a party or related to either party.
- [ ] Date of Execution: Clearly indicated on the deed.

DESCRIPTION OF THE GIFTED PROPERTY

- [ ] Precise identification: For land or real property — full postal address, title number, and plan if available.
- [ ] Ownership confirmation: Confirm that the donor has absolute title and right to gift the asset.
- [ ] State any conditions or reservations: (if conditional gifts — e.g. life interest retained — these must be expressly written).

REGISTRATION (IF LAND OR REAL PROPERTY)

- [ ] Land Registry Form TR1: Transfer form completed and signed.
- [ ] AP1 Form: Application to change ownership details at HM Land Registry.
- [ ] Title Deeds: Submitted with the deed and relevant Land Registry forms.
- [ ] Identity Verification (ID1/ID2): For unrepresented individuals.
- [ ] Registration Fee: Paid to HM Land Registry (based on property value band).

TAX AND LEGAL CONSIDERATIONS

- [ ] Stamp Duty Land Tax (SDLT): Usually not payable on a pure gift unless the donee takes on existing mortgage debt.
- [ ] Inheritance Tax (IHT): Gift may be treated as a Potentially Exempt Transfer (PET) if the donor survives 7 years after the gift.
- [ ] Capital Gains Tax (CGT): May apply if the property is not the donor's principal residence.
- [ ] Independent Legal Advice: Strongly recommended for both donor and donee, especially if land or property is involved.

DELIVERY AND ACCEPTANCE

- [ ] Delivery: The deed must be physically delivered (handed over or executed with clear intention to take effect immediately).
- [ ] Acceptance: The donee must accept the gift (explicitly or by conduct, e.g. taking possession).

RECORD KEEPING

☐ Keep copies of:

- Executed Deed of Gift
- Witness ID and signature page
- Land Registry receipts
- Tax clearance or declarations (if applicable)