Guide to International Estates

An increasing number of people own properties in different countries, be that France, Spain or further afield. Whilst owning a property abroad can be a luxury during lifetime this can leave an administrative headache after death. We have acquired wide experience of dealing with estates with an international element and may be able to help if problems are encountered.

As a first step, if you have assets abroad, we strongly recommend that you take professional advice and structure your Wills accordingly. We can help with drawing up Wills to cover your UK assets and it may be possible to deal with your foreign assets to an extent; however, we would always advise seeking the advice of a lawyer in the country where your assets are located to ensure that the Wills you have in place comply with the relevant local laws.

Assuming you are UK domiciled at the time of your death (or from April 2025 a 'long-term resident' of the UK), international assets will need to be taken into account when calculating any liability to UK inheritance tax. However. that really is only the beginning of the matter. Some of the issues we have encountered include:

- The administration of overseas assets covered only by a UK Will;
- Foreign succession regimes which might restrict your freedom to leave foreign property to those you wish after your death (known as 'forced heirship');
- Ensuring that where inheritance tax or its equivalent is paid in both the UK and abroad, double tax treaties are used where possible to reclaim overpaid tax;
- The resealing of Colonial Grants instead of full applications for English Grants;
- Negotiations with overseas property registrars who have requested an English Grant in order to transfer the deceased's foreign property, even where the deceased left no assets in England;
- Ensuring that IHT in the UK is paid on the correct sterling equivalent value of foreign assets, and claiming back IHT if a foreign property is sold at a loss post-death; and
- Where possible, negotiating the release of overseas assets without the additional time and expense of first obtaining a foreign Grant.

We can never promise that it will all be plain sailing, but we certainly can offer you our accumulated knowledge and assistance as part of a strong, professional team of solicitors.

If you think this may be relevant to you, please do not hesitate to contact the Private Client Team at Wansbroughs on 01380 733 300, or via email at wealth@wansbroughs.com.

This guide is for information only and is not a substitute for taking legal advice.