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Anyone assisting suicide needs to know about forfeiture

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Kind-hearted relatives risk losing their inheritance and claim to joint assets



The criminal offence of assisted suicide stirs up strong opinions. But what is often overlooked in the debate is the potential financial consequences for families.

Anyone who assisted or encouraged another to commit suicide forfeits their interest in the deceased's estate and any jointly owned assets. This is known as the forfeiture rule, in relation to which the judgment last month in *Ninian v Findlay* provides [useful guidance](#).

Mr Ninian was an intelligent, decisive and fiercely independent individual who had enjoyed a successful career in business and worked as a travel writer during retirement. In 2013, he was diagnosed with the incurable disease progressive supranuclear palsy.

Three years after the diagnosis, Mr Ninian contacted the Dignitas Clinic in Switzerland having decided to go through with an accompanied suicide. Sarah Ninian, his wife, only learnt of his plans by accident and actively, albeit unsuccessfully, sought to dissuade him.

It was only when his condition had deteriorated to the extent that his communication was limited to hand written notes that she reluctantly agreed to help him with some of the administration required, and to accompany him to the clinic where he chose to end his life.

When she returned to the UK from Switzerland, she reported her husband's death to the police and was interviewed under caution. Three months later the Crown Prosecution Service concluded that a criminal prosecution would not be in the public interest.

Ms Ninian then claimed relief from forfeiture and following a hearing in February, the court granted the application. If she had been unsuccessful, Ms Ninian would not have inherited anything and would have lost her interest in the couple's jointly owned assets.

The case is a useful example in helping families, and those advising them, to understand the various issues around the forfeiture rule – what it is, when it applies, its effect, how the court analyses whether it is engaged, and the court's approach to an application for relief. There is widespread and fundamental misunderstanding among the public about these issues. If they are not dealt with contemporaneously, the effect on the assister's interests and assets, including tax consequences, may affect the administration of their estate decades later.

As the law stands, there is no alternative to the process of applying for relief. Careful thought should be given at an early stage, before the assisted suicide, as to what evidence will be available to support the application. It is essential to talk about what happens to those left behind, not just the criminal aspects of assisted suicide, to support loved ones at such a difficult time.

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