Money Matters

MAY 2023

BSR BESPOKE
CHARTERED ACCOUNTANTS

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Mind your allowances

Reductions to some tax allowances and the freezing of others will hit many individuals and businesses hard. The tax changes for 2023/24 also require a rethink of the strategy for small company owners of drawing income as dividends rather than salary.

Until fairly recently, it was usually beneficial for tax for shareholder directors to take dividends instead of bonuses, because dividends are taxed at lower rates than earnings. However, from 1 April 2023:

- the main rate of corporation tax (CT) jumped from 19% to 25%;
- companies with profits up to £50,000 remain subject to 19% CT;
- in effect most companies with profits between £50,000 and £250,000 pay CT at 26.5% on profits between these limits.

For income tax, from 6 April 2023:

- only the first £1,000 of dividends an individual receives is tax free, down from £2,000;
- the 45% additional rate (39.35% on dividends and 47% top rate for Scottish non-dividend, non-savings income) is charged on income over £125,140 (previously £150,000).

For higher rate and additional rate taxpayers these changes largely remove the tax benefit of paying dividends out of company profits above £50,000.

Even at £1,000, the tax-free dividend allowance should not be overlooked. But remember to take into account dividends received from other investments, because these might have used all or part of the allowance.

The biggest cut has been to the capital gains tax (CGT) annual exempt amount (AEA), which for individuals is now £6,000 and will fall to £3,000 from April 2024. If you are married or in a civil partnership, spreading investments between you will double up on the exempt amount.

The reductions in the AEA and dividend tax-free allowance increase the attraction of investing in pensions and ISAs, because income and gains within these wrappers are exempt from tax. The ISA subscription limit for 2023/24 remains at £20,000, but key pensions annual allowances have increased. Remember you need salary or self-employment income to support pension contributions.

> *“Most companies with profits between £50,000 and £250,000 pay CT at 26.5% on profits between these limits.*

Improving employee **happiness**

High inflation has led to a cost-of-living crisis and strike action by groups of employees demanding pay rises in line with inflation. Strikes are less common in smaller businesses, but their employees will also be feeling the pinch, and the temptation of higher wages elsewhere. What can you do to help?

Financial stress often leads to lower job satisfaction, but increasing employee pay in line with inflation may be unaffordable for many businesses. There are, however, steps employers can take to help bridge the gap between an affordable pay rise and inflation pressures.

- Inflation is predicted to fall. A one-off payment could help staff cope with immediate financial pressures without committing a business to higher salary bills in the longer term.
- Linking pay more closely to performance means that a salary rise at least partly pays for itself by increasing business income.
- Education about budgeting and financial decision making helps employees make their money go further and understand the longer-term consequences of potential money-saving moves such as cancelling pension contributions.
- Employers could even provide additional benefits in kind that they can access more cheaply than individual employees, for example gym membership or discounted goods and services.
- Likewise a business may be able to provide medical insurance for employees at a lower cost than employees taking out their own policies.
- Setting up a cycle-to-work scheme gives employees the chance to save public transport costs and may provide a tax advantage depending on how it is set up. It also gives rise to potential health benefits for employees.
- Meals in a staff canteen, a mobile phone and some forms of childcare support are valuable tax-free benefits for employees where it is feasible for these to be provided.

Many employee benefits are taxable, but there are some non-financial benefits that can promote employee wellbeing and retention. Flexible working and home working have grown in popularity especially since the Covid-19 lockdowns. Such practices make it easier for employees to manage childcare and other responsibilities and improve work–life balance. Working at home also reduces commuting costs.

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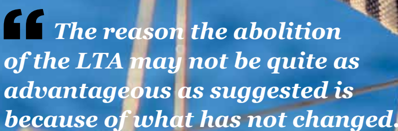
Pensions shake up – what it could mean for you

The headline-grabbing announcement from the March Budget was the abolition of the lifetime pension allowance. However, this may not be quite as advantageous for higher paid individuals as some reporting suggests. The other pension changes announced in the Budget should help less well-off taxpayers with their retirement planning.

Lifetime allowance

The lifetime allowance (LTA), which previously set a maximum of tax relievable pension savings an individual could hold during their lifetime, has effectively been abolished from 6 April 2023. The reason the abolition may not be quite as advantageous as suggested is because of what has not changed:

- Pension saving is particularly beneficial if the rate of tax relief on contributions going in is higher than the tax rate payable on the pension coming out on retirement. The ability to take a 25% tax-free lump sum greatly helps in this equation, but the tax-free amount has now been fixed at £268,275, which is 25% of the most recent lifetime allowance. It could be higher if the lifetime allowance has previously been protected.
- Although there is now no maximum to the amount of pension savings that can be built up during a person's lifetime and then passed on to descendants free of inheritance tax (IHT), this is not the complete picture.
- Death benefits only pass completely tax-free on death before age 75, and – with the wealthy having longer life expectancy – this will be the exception rather than the rule.
- For deaths occurring on or after age 75, death benefits are normally taxed as pension income in the hands of the recipient. Although some planning is possible here, the



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tax rate is going to be 45% if pension savings are substantial; higher than the 40% rate of IHT payable on death.

Be warned that when it comes to long-term pension planning, this is an area of tax which sees change every few years. An election is less than two years away, and the Labour party has said they will reinstate the lifetime allowance.

Annual allowance

The annual allowance has been increased from £40,000 to £60,000. Pension contributions are often only made to eliminate higher or additional rate tax liabilities, and covering the 60% charge when the personal allowance is tapered away is particularly beneficial.

The uplift will help any self-employed people who can see wide fluctuations in income from one year to the next.

For example, a self-employed person with anticipated profits of £150,000 will now be able to make a pension contribution of £50,000, with £25,140 of this benefiting from 60% tax relief, and the remainder at 45%. However, the problem – as always – is forecasting profits before the pension contribution deadline of 5 April.

Money purchase annual allowance

The money purchase annual allowance has been increased from £4,000 to £10,000. This increase could benefit those who have taken funds out of their pension pot to help pay for the rising cost of living. Previously, they would have only been able to rebuild their pension savings by investing a maximum of £4,000 annually but can now save £10,000 if they can afford to do so.

Anyone who has had to dip into their pension savings will be also pleased that it looks as if the plan to bring forward a rise to the State pension age to 68 has been postponed for now.

News in brief...

Non-UK charities excluded from IHT exemptions

Anyone intending to leave 10% of their estate to charity so inheritance tax is paid at the reduced rate of 36% needs to be aware that non-UK charities won't count from 1 April 2024. Wills may need to be amended.

R&D enhanced credit

From 1 April 2023, loss-making R&D intensive SMEs can qualify for a payable credit of 14.5% instead of the normal 10%. Eligibility is based on the company's qualifying R&D expenditure for a period being at least 40% of total expenditure.

IHT on non-UK agricultural property and woodlands

Agricultural property and woodlands generally qualify for 100% inheritance tax relief. From 6 April 2024, relief will be restricted to property situated in the UK, with any property situated in the EEA, the Channel Islands and the Isle of Man no longer qualifying.

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New tax year resolution: don't be careless

The former Chancellor, Nadim Zahawi, is reported to have paid a 30% tax penalty as part of a £5 million settlement with HMRC. The penalty was for a careless, but not deliberate, error, raising the question: what constitutes carelessness?

HMRC only charges a penalty if there is a lack of reasonable care. The penalty will be higher if an inaccuracy is deliberate, but can be reduced, sometimes down to nil, if a taxpayer is helpful in correcting the inaccuracy.

Lack of reasonable care

A penalty for carelessness is charged where an error is not deliberate, but a taxpayer has failed to take reasonable care. This will differ depending on a taxpayer's circumstances and abilities. HMRC expects each person to make and preserve sufficient records for them to make a correct and complete tax return.

- A taxpayer who has to deal with a transaction with which they are not familiar should find out about the correct tax treatment or seek appropriate advice. This will generally be the case where an asset is disposed of, with capital gains tax payable as a result.
- If still unsure, the taxpayer should draw HMRC's attention to the entry and the uncertainty when submitting the relevant tax return.

This approach will mean reasonable care has been taken, and, even if the wrong tax treatment has been applied, it will not have been done so carelessly.

Unprompted disclosure

Unprompted disclosure can result in a large penalty reduction, but a disclosure will only be treated as unprompted if the taxpayer has no reason to believe HMRC has discovered the inaccuracy or is about to.

A disclosure will therefore be a prompted one if it is made after HMRC has already informed the taxpayer that they are going to carry out a compliance check into the relevant tax return.

> *A penalty will be higher if an inaccuracy is deliberate, but can be reduced, sometimes down to nil, if a taxpayer is helpful in correcting the inaccuracy.*

Increasing company transparency

Small companies and micro-entities will have to file their profit and loss accounts at Companies House when the Economic Crime and Corporate Transparency Bill, currently going through Parliament, becomes law. The aim of the change is to improve transparency by making more financial information available to the public.

At present small companies have to file a balance sheet each year but adding a profit and loss account and directors' report is optional. Most choose not to do so. Putting key information on the public record, including turnover and profit or loss, is intended to help creditors and consumers make better-informed decisions.

The Bill will also give Companies House greater powers to check, remove or decline information filed. Currently all submissions are accepted without questioning their reliability. Other measures aimed at ensuring accuracy include:

- Anyone setting up, running, owning or controlling a UK company will have to verify their identity with Companies House.
- For existing companies, all directors and people with significant control will have to verify their identity within a set period.
- Anyone acting on behalf of companies will also need to verify their identity before they can file information.
- Companies House will be able to challenge suspicious information and inform security agencies of potential wrongdoing.

The legislation will also help company directors to better protect personal information published by Companies House that may put them at risk of fraud or other harm.

In addition, filing processes for small businesses will be digitised. All accounts will have to be filed fully tagged using iXBRL. This is an open standard that enables a single document to provide both human-readable and structured, machine-readable data. Most companies will not be able to file on paper and the number of times a company can shorten its annual reporting period will be limited.

"The legislation will also help company directors to better protect personal information published by Companies House that may put them at risk of fraud or other harm.

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Top up or lose out

When the new State pension was introduced back in 2016, transitional arrangements meant people could make voluntary national insurance contributions (NICs) to fill gaps from 2006/07 onwards – much further back than the normal six-year time limit. The deadline for making these contributions has recently been extended to 31 July 2023.

To qualify for a full State pension, you need 35 qualifying years on your NI record. For 2023/24, the normal State pension is £10,600, having benefited from a recent 10.1% uplift.

- If you have fewer than 35 years of contributions, each additional year added could boost your annual pension by £303. Each missing year filled between 2006/07 and 2016/17 will cost £824, so that's a very respectable return if you enjoy 20 years of retirement.
- Only full contribution years count, so any years with just a few missing weeks should be topped up first. Prioritise the years with the smallest amounts left to pay; it could cost you as little as £15.85 to complete a year.

Voluntary NI contributions are paid at the current rate, but contributions for the years 2006/07 to 2016/17 paid by 31 July will be at the 2022/23 rate of £15.85 a week even though the rate has now increased to £17.45.

Contribution record

As a matter of urgency, if you think you have any contribution gaps back to 2006/07 you should check your State pension forecast and NI record. This can easily be done online. Voluntary contributions will not always increase your State pension, and the decision can be especially complex for anyone who was contracted out of the State pension before 2016.

Younger people may well have sufficient years remaining until retirement in which to get to 35 qualifying years, although it will still be sensible to fill partial years. After 31 July, the opportunity to fill gaps before 6 April 2017 will be lost for good.

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