












Odiri Tax Consultants & Accountants



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Information

This guide covers tax planning opportunities for individuals and family owners to consider prior to the end of the tax year ending 5 April 2021.



This guide will cover the following:

- Income tax
- Pensions
- Capital Gains
- Investments
- Inheritance Tax

Please note all the suggestions in this guide may not be relevant to you but, where a suggestion is of interest, please contact us for specific advice.

Income Tax

Let a room tax relief

The relief currently covers rents of up to £7,500 a year. This is the limit per individual, not per lodger. This is not pro-rated if the income period is less than a full year.

If the gross rents are less than £7,500, the income is ignored for income tax purposes, although this limit will be halved if another person is also entitled to the income.

For example, where a couple own the property jointly, the limit is reduced to £3,750 each, even if the income is not split equally.

The rent-a-room scheme applies where a lodger shares the taxpayer's own home. It cannot be applied to rooms let as an office or otherwise for business purposes. The relief is subject to a number of conditions and please use the flow chart below to check whether you are eligible for this relief on [Page 21](#).

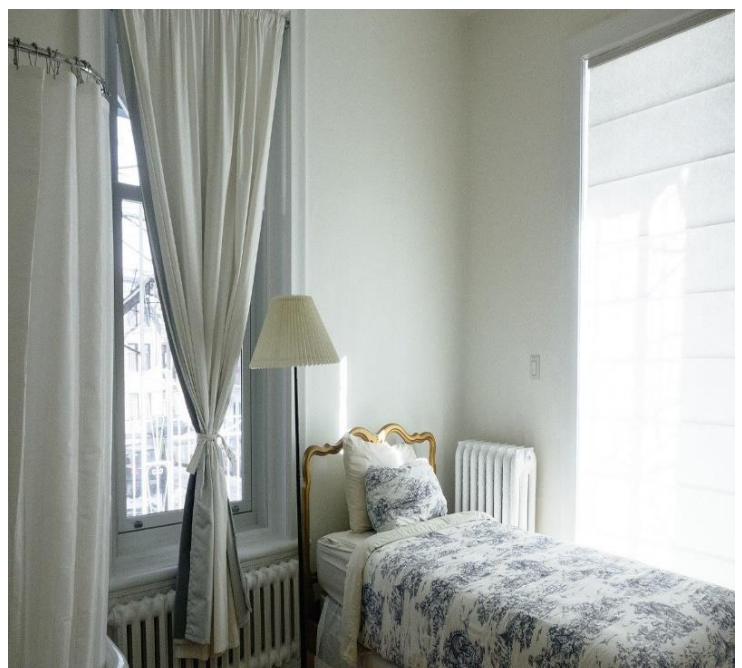
Dividend allowance

The first £2,000 of taxable dividends received by an individual is taxed at 0%. Taxable dividend income in excess of £2,000 but up to the basic rate band is taxed at 7.5%.

Dividend income in excess of the basic rate limit but up to the higher rate band is taxed at 32.5%.

Dividend income in excess of the higher rate band is taxed at 38.1%. It is more tax advantageous for company owners or shareholder to take dividend instead of salary.

Alternatively, you may consider taking capital repayments on loans that you have previously made to the company or consider increasing the pension contributions that the company makes on your behalf.



Restructure buy to let property

Where one spouse/civil partner is a basic rate taxpayer and the other one is a higher rate taxpayer, it is tax advantageous for the spouse/civil partner with the lowest income to be recipient of the rental income. Where the property is owned by the higher earner spouse/civil partner, the ownership can be structured so that the legal and beneficial ownership is completely or partially transferred to the lower earner spouse/civil partner. This will not be crystallising capital gains tax but stamp duty land tax (SDLT) may arise on the value of the outstanding mortgage taken on by the new owner if this is over the SDLT 0% threshold.

It is imperative to take specific advice on all the tax implications of asset transfers as the income tax savings sought may be wiped out by other taxes that are triggered by the transfer.



Transferring...



Transfer income generating assets to spouse/civil partner with lower income

Personal income in excess of £150,000 is taxed at 45% (46% for Scottish residents). However, personal allowance is reduced by £1 for every £2 of net income over £100,000. This means that individuals with adjusted net income of £125,000 or more will not be eligible to claim personal allowance in 2020/21.

Individuals with adjusted net income between £100,000 and £125,000 suffer an effective marginal income tax rate of 60% due to the reduction in personal allowance. Taxpayers with income between £100,000 and £150,000 may consider reducing their income tax liabilities by making pension contributions, investing in tax efficient investments, making charity donations or transfer income generating assets to a spouse/civil partner with lower income.

£1,000 of savings income is tax free for basic rate taxpayers and £500 of savings income is tax free for higher rate taxpayers. Moreover, couples can make the most of these allowances by transferring income generating assets between them so that they both have income to use up the allowances.

Child benefit

Child benefit is clawed back where annual taxable income exceeds £50,000. The clawback is at 1% of the benefit for every £100 of income over £50,000, so that when income reaches £60,000, child benefit is completely clawed back. It may be beneficial for both partners to keep their annual taxable income below £50,000 (as this will not result to the Child Benefit being clawed back). You may also consider making personal pension contributions and rearranging your assets or trading profits to keep both partners income below £50,000. Where it is not possible to reduce your income below £50,000, you have the following options:

- The highest earning partner can pay the clawback tax charge back via self-assessment or tax code can be adjusted.
- Claim Child Benefit but elect to receive no money now.
- Don't claim Child Benefit in the first place.



Tax free childcare

Where each working parent earns less than £100,000 a year, the parents can claim top-up payments from the Government to pay for approved childcare for children aged up to 11. But parents claiming universal credits cannot participate in this scheme but those that already receive tax-free childcare vouchers from their employer can join this new scheme but must tell their employer that they no longer want the vouchers.

The scheme can be used alongside the 15 hours' free child schemes for two year olds and the 30 hours scheme for three and four year olds. Parents must open an account into which they can transfer funds. The Government will add a 25% extra to the account, up to a maximum of £2,000 a year, tax-free. The funds in the account can then be paid across to the childcare provider. Grandparents wishing to help their children pay for childcare, can gift funds to their children to pay into the childcare account so that the tax-free top-up payments can be claimed.



Company Car

Consider choosing a lower emissions car to save tax. Each year the taxable benefits on company cars are effectively increased by reducing the level of CO2 emissions that trigger each 1% increase in benefit.

Alternatively, consider using your own car for business travel and claim a tax-free mileage allowance from your employer, which is currently 45p per business mile for the first 10,000, and 25p thereafter. Where fuel has been provided for private use, consider whether full reimbursement of the cost to the company would be a cheaper option than paying the fuel scale charge, which is based on the car's CO2 emissions.



Working from home expenses

You may be able to claim tax relief for additional household costs if you must work at home on a regular basis, either for all or part of the week. This includes if you have to work from home because of Coronavirus (COVID-19). Additional costs include things like heating, metered water bills, home contents insurance, business calls or a new broadband connection. They do not include costs that would stay the same whether you were working at home or in an office, such as mortgage interest, rent or council tax.

You can either claim tax relief on £6 a week from 6 April 2020, or, the exact amount of extra costs you've incurred above the weekly amount. You will need evidence such as receipts, bills or contracts.

Non-UK resident

If you are intending to be a non-UK resident, it is strongly recommended to seek professional tax advice contact us and start planning prior to 6 April in the year of departure. If you are not resident in the UK, you generally do not pay UK income tax on income generated outside the UK, or CGT on most assets sold. In order to be treated as a non-UK resident, you will need satisfy the statutory residence test requirements, which varies depending on your circumstances. However, HMRC has announced that, in some circumstances, days spent in the UK as a result of COVID-19 outbreak will count as "exceptional" for the purposes of the UK statutory residence test.

If you wish to sell an asset without triggering CGT, you will need to make the disposal after you have departed the UK to take on overseas residence. If you later resume tax residence in the UK within five complete years, the gain arising as a result of UK assets sold when non-UK resident will become taxable in the first tax year you resume resident in the UK



Non-UK resident individuals are subject to CGT on gains arising from UK residential property. However, for non-UK residents, it is only the proportion of any gains arising after April 2015 that is taxable whereas UK residents are taxable on the gains over the whole period of ownership.

Some income arising in the UK while you are overseas, for example, rents from letting your UK property, will remain taxable in the UK. Since 6 April 2019, non-UK resident investors are liable to CGT on gains arising from disposals of direct or indirect interests in all UK property (commercial and residential).



Non-UK domiciled Individuals

If you are a non-UK domiciled, it is vital to review your remittances each year before 5 April. There may be scope for further remittances to the UK or it may be appropriate to take remedial action to reduce future liabilities.

Individuals who remit foreign funds to the UK to invest in certain qualifying companies can do so without incurring UK tax charges regardless of the source of the funds remitted. Investments can either be by way of loans to, or acquisition of shares in, the company.

Qualifying companies are unlisted, commercially trading companies (with at least 80% trading activities) and, for this relief only, generating letting income or income from research and development activities counts as a qualifying trade. Provided that the funds are invested in a qualifying company within 45 days of entering the UK, any untaxed foreign income and capital gains comprised in those funds will not trigger a UK tax charge. When the investments are sold the funds must be sent offshore or reinvested in another qualifying company within 45 days.



Trading Losses

If you have self-employment income, any trading losses you make can be set against your other income in the same tax year or the previous tax year to generate tax relief. These claims are subject to a cap which restricts certain income tax reliefs to £50,000 (or 25% of your income if higher) per year. Losses of the first four tax years of trading can be carried back for up to three tax years but are also subject to limits on loss set-off.

Carry back of investment in Enterprise Investment Scheme

It is possible to carry back up to 100% of investments into qualifying EIS companies to a previous tax year. The annual maximum investment is £1m (£2m if amount over £1m invested in one or more qualifying knowledge intensive companies) and tax relief at 30% can be claimed. For example, a carry back claim made for a 2020/21 investment would reduce tax liabilities for 2019/20, accelerating tax relief.

Furthermore, spouses and civil partners each have individual investment entitlements. CGT reliefs are also available. EIS investments are frequently high risk and advice from a qualified Independent Financial Adviser is recommended.



Carry back of investment in Seed Enterprise Investment Scheme

In each tax year, an individual can invest up to £100,000 in start-up companies and claim income tax relief at 50% (regardless of his or her highest effective tax rate). In addition, to the extent that you did not use up the £100,000 investment limit for the previous tax year, an investment made in the current year can be carried back and relieved as if it was made in the earlier year. There is also a potential CGT advantage.

Qualifying seed enterprise investment scheme (SEIS) investments that are relieved for income tax purposes in the previous tax year can be matched with capital gains made in that year, but only 50% of the matched gain can be exempted.

For SEIS investments giving income tax relief in the current tax year, the same capital gain matching exemption applies so that the same 50% of the matched gain can be exempted for the current year. Such investments are not regulated by the Financial Conduct Authority, so should only be considered by experienced business owners and investors practiced at making direct investments.

Losses on unquoted shares

Losses on unquoted shares that you subscribed for when they were first issued can be claimed in the year of loss to set against your other income in that tax year to generate tax relief. If you have no other income in that year, the loss can be carried back to the previous tax year for set-off. However, these claims are subject to the cap unless they relate to companies that have undergone a formal process and whose shares are certified as qualifying for EIS or SEIS.

Consider gifting Charities

If you have a favourite charity, consider making Gift Aid donations before 31 January to provide an early benefit to the charity and elect for the donation to be treated as made in the prior tax year to accelerate tax relief. Instead of giving cash, you may consider giving listed shares to a charity and this will generate income tax relief rather than triggering a CGT liability. However, if the asset is standing at a paper loss, it may be better to sell it first to crystallise the loss (which you can set against later gains) and simply claim tax relief on the gift of the sale proceeds to the charity.



Self-employment income support (SEISS)

On 26 March 2020, the Chancellor announced initial details of a Self-Employed Income Support Scheme (SEISS) which will now run to the end of April 2021. The scheme is open to those who have annual profits of less than £50,000 and receive at least half their income from self-employment. Eligible individuals can apply for a grant payment under a total of four rounds of the scheme. All payments are subject to income tax and Class 4NICs.

The first round of grants, for which claims closed on 13 July 2020, was worth up to 80% of average monthly trading profits, for a period of three months and capped at an overall maximum of £7,500. The second round of grants, for which claims opened on 17 August 2020 and closed on 19 October, was worth up to 70% of average monthly trading profits and capped at an overall maximum of £6,570. On 24 September 2020 it was announced in the Chancellor's Winter Economy Plan that the scheme would be extended further for self-employed individuals who were currently eligible for the SEISS and are actively continuing to trade but facing reduced demand due to COVID-19.

This extension will be in the form of a further third and fourth round of grants. The third round of grants, for which applications opened on 30 November 2020, will cover the period from the start of November 2020 until the end of January 2021 and be worth up to 80% of average monthly trading profits, capped at an overall maximum of £7,500.

The fourth round will cover a three-month period from the start of February until the end of April. The Government has indicated that it will review the level of the fourth round and set this in due course.

Numerous conditions must be met in order to be eligible for support scheme. If you are eligible, in calculating the amount of grant payable, HMRC will average your taxable profits over the past three tax years (or a shorter period, provided profits have been declared on at least one tax return).



Capital Gains Tax



Negligible values claim

Negligible value claims for assets that became worthless in the current tax year or an earlier year, can be made now. The loss on such assets will then be treated as occurring in the current year so that it can be set against taxable gains in the year.

Selling your main residence

When you sell a home that has always been your main residence since the day you bought it, principal private residence (PPR) relief ensures no CGT is payable on any gain. PPR relief extends for 9 months after you move out of the property so that owners who struggle to sell are not penalised. Property owners who have moved to a new main residence but have yet to sell their former home should consider their position carefully.

Making election for multiple residence

If you have two homes and reside in both, consider making a main residence election for your second home if it is standing at a larger gain or you are likely to sell it first. Subject to time limits, an election to have your second home treated as your main residence for tax purposes (even for only a short period) can add valuable reliefs when you come to sell it, at a cost of a smaller loss of relief on your main home.

Use annual CGT exemption

Everyone can realise capital gains up to the annual exemption tax-free – £12,000 in 2020/21. The exemption is available to everyone, including minor children but any exemption unused in a year cannot be carried forward.

Utilise Investors' relief

Investors' relief (IR) from CGT can be claimed by external investors in unlisted trading companies (or a holding company of a trading group): companies listed on AIM will be treated as 'unlisted' for this purpose. IR offers a 10% CGT rate on gains and a lifetime gain limit of £10m will apply (a separate limit to ER). It will only apply to shares subscribed for by individuals themselves (or their spouse or civil partner or by trustees for the benefit of an eligible beneficiary). If the investor (or anyone connected with them) is an employee or paid officer of the company, the investment will not qualify for IR. However, an unpaid director (e.g. a 'business angel') can still qualify.

Finally, the shares must be ordinary shares that have been subscribed for and fully paid in cash and held for at least three years from 6 April 2016. Ordinary shares purchased when taking up a rights issue will normally qualify as 'subscribed for'.

There are no rules relating to the number of shares held but the company must be a trading company or the holding company of a trading group (e.g. a property letting company would not qualify as it is classed as an investment business).

Sale of residential property

A new requirement for UK residents to report and pay CGT on disposals of UK land within 30 days was introduced in April 2020. Non-residents have had an obligation since 2015. This also applies to disposals of UK land by trustees of trusts, and partners in partnerships.



Utilisation of capital losses

Capital losses arising in the year are deducted from gains before net gains are reduced before the annual exemption. Crystallising a loss that wastes the annual gains exemption should be avoided. If you have already realised a capital loss during 2020/21 or cannot avoid doing so, remember that losses can be utilised in the most efficient way. When you complete your tax return for the year, the loss can be allocated against gains realised in the year that are subject to the highest rate of CGT.

Once losses have been claimed on your tax return, any losses that are not set against gains in the same year can be carried forward indefinitely to be set against capital gains in future tax years to reduce your potential CGT liabilities, but remember, no relief will be given unless the loss is claimed on your tax return.



Investments

ISA

There 4 different types of ISA and income:

- ISA: An annual allowance of £20,000 can be invested by UK residents over 18.
- Junior ISA: An annual allowance of £9,000 can be invested per child. This provides an opportunity for parents or grandparents to transfer funds to a child tax free.
- Help-to-Buy ISA: Over 16's can save up to £200 per month. The government will add a 25% tax-free bonus, when the money is used to buy a first home, capped at £3,000. This provides a tax-efficient opportunity for parents or grandparents to assist children getting on the property ladder.
- Lifetime ISA (LISA): Up to £4,000 of the ISA limit can be contributed. This is only available for those aged between 18 and 40 at the time of opening the account. Contributions can be made up until the age of 50. In addition to the usual ISA tax benefits, a LISA will receive a bonus of 25% of that year's contributions. In order to retain the bonus, the LISA must be used to purchase either a first home or be withdrawn after the age of 60.



Children will automatically have access to the funds in their ISA when they reach age 18 but ISAs are a useful vehicle for building up funds to support them through higher education.

If you have adult children who are planning to buy a home, it would make sense to gift funds to them so that they can invest in the new Lifetime ISA (LISA). Savers can invest up to £4,000 a year to which the Government will add a 25% tax-free bonus of up to a maximum of £1,000 a year. LISA funds can be used to buy a first home or as a pension (if funds are withdrawn for other purposes the Government bonuses are lost).

Individuals with a LISA can also invest into another ISA providing the combined investment limit of £20,000 for the year is not breached. Income and capital gains from ISAs are tax-free and withdrawals from adult ISAs do not affect tax relief.



Seed Enterprise Investment Scheme

Investing in start-up enterprises qualifying for the SEIS is often thought to carry even more risk than EIS and VCT investments but it is now possible to obtain substantial tax relief to offset a large part of any potential losses.

An individual can invest up to £100,000 in such companies in a tax year and claim income tax relief at 50% irrespective of his or her marginal rate of tax. In addition, to the extent that you did not use up the £100,000 investment limit for the prior tax year, an investment made now can be carried back and relieved as if it was made in the prior tax year.

No matter when the investment is made, should a loss eventually be made on the investment, this can be claimed against income in a later year when the shares become worthless (although loss relief is reduced by the tax relief given in the year of investment).

SEIS investments are not regulated by the Financial Conduct Authority, so should only be considered by experienced business owners and investors practiced at making direct investments.



Enterprise Investment Schemes

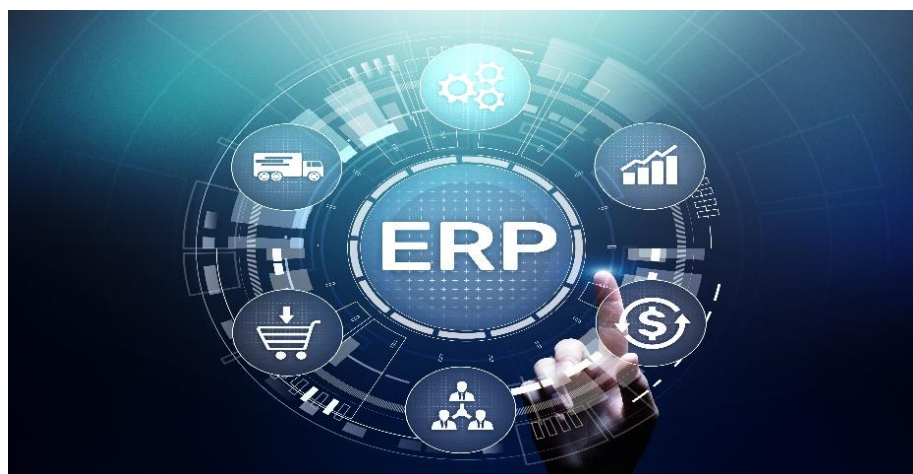
Investments made in qualifying companies (for example, certain companies listed on AIM or that are unlisted) may qualify for income tax relief and EIS shares may be exempt from CGT on disposal. Such investments are often thought to carry a comparatively high risk and the tax reliefs are intended to offer some compensation for that risk.

Investments in qualifying EIS companies attract income tax relief at 30% on a maximum annual investment of up to £1 million for qualifying individuals - spouses and civil partners each have individual investment entitlements.

The investment limit is £2m a year where the amount over £1m is invested in one or more qualifying knowledge intensive companies. Relief from CGT is available where disposal proceeds are reinvested in a company qualifying for EIS deferral relief. The original gain is frozen until the EIS shares are sold. Any further gain made on the qualifying EIS shares is exempt provided they have been held for a minimum period of three years.

EIS investments remain higher risk than many other choices but there is now a wide range of sector options available in this maturing market (including media, green energy, leisure and wine).

These investments are not regulated by the Financial Conduct Authority so should only be considered by experienced business owners and investors practiced at making direct investments.



Venture Capital Trust

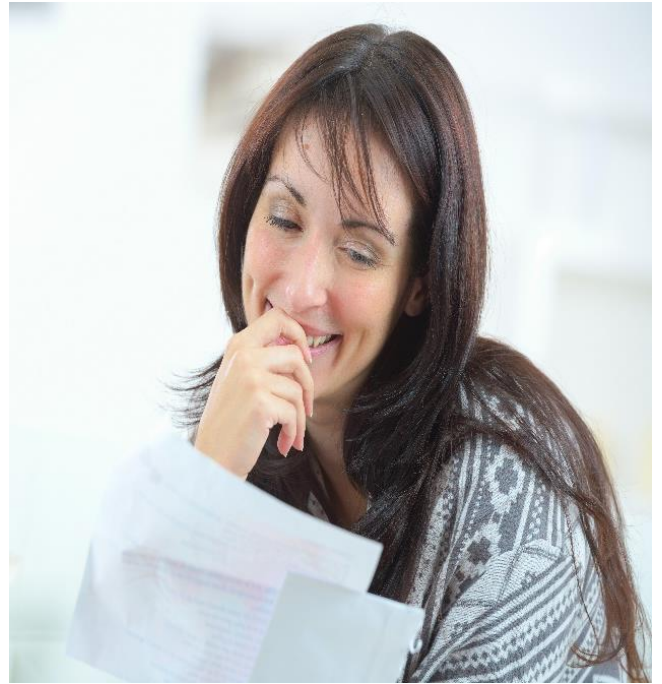
Buying units in venture capital trusts (VCTs) is higher risk than many other investment choices as VCTs are required to invest in smaller companies that are not fully listed, however, they offer a range of tax benefits. Income tax relief at 30% is available on qualifying investments of up to £200,000 and dividends received from the units are tax-free. In addition, the VCT can buy and sell investments without suffering CGT within the trust and there is no CGT payable on any gain made when you sell the VCT units.

Bonds

Insurance backed bonds provided by major insurance companies offer relatively secure returns to investors (depending on the underlying investments). They have the added tax advantage that 5% of the original capital invested can be withdrawn each year tax free. After such withdrawals reach 100% of the original capital (i.e. after 20 years), income tax is payable on further withdrawals or on surrender of the policy.

Use family Investment company

Operating an investment company may be attractive in some circumstances if you are seeking to preserve family wealth within a controlled family environment and/or wish to consider introducing the next generation into the decision making about investments made. The most appropriate structure will depend on the family's circumstances and objectives. By exchanging capital for shares in the company and making loans to it, the family directors can then invest as appropriate. Income and capital gains will be taxed at the main corporation tax rate (19% in 2020/21) which is lower than the 20/45% rates paid for gains/income received personally or by a trust.



Where shares in an investment company are held by the next generation, dividends could be paid to fund university education (after the personal allowances and dividend exemption these will be taxed at a maximum of 7.5% in the hands of a basic rate taxpayer). Where a parent sets up the company, dividends paid to children before they reach age 18 are taxed on the parent under the settlement rules.

Inheritance Tax

IHT is payable on the chargeable value of your estate above £325,000. However, several types of asset qualify for 100% relief from IHT once held for two years. So, consider realising your current assets and reinvesting in business and agricultural assets. Another option is to move your cash into a discounted gift trust which allows the gifting of a lump sum into a trust for other beneficiaries while you can retain a lifelong income. As always, before you restructure investments you should seek both Independent Financial Advisor and Investment Advice from professionals like us.

Utilise IHT reliefs

Potential reforms to IHT have been the source of much speculation since the pandemic has highlighted the need to raise government tax revenues. The ongoing review of CGT has helped to increase speculation that IHT changes lie ahead. Therefore, it is a good time to review your current estate planning and Will to ensure that they still meet your family's financial objectives and make sensible use of the IHT reliefs currently available.

You can give away up to £3,000 worth of gifts a year plus:

- £250 to as many individuals as you like in a year
- £5,000 to your children on their marriage



Leaving your family home to a direct descendant

For 2020/21, an additional IHT nil rate band of £175,000 (the residence nil rate band, RNRB) is available on death where a residence is passed on to a direct descendant (including adopted, step and foster children). The RNRB is tapered away for estates with a net value of more than £2m (before reliefs and exemptions).

Any unused RNRB can be transferred to a spouse or civil partner in a similar way to the transfer of an unused main nil rate band. If the first spouse or civil partner died before 6 April 2017, there are provisions for a carried forward amount of RNRB to be transferred to the survivor.

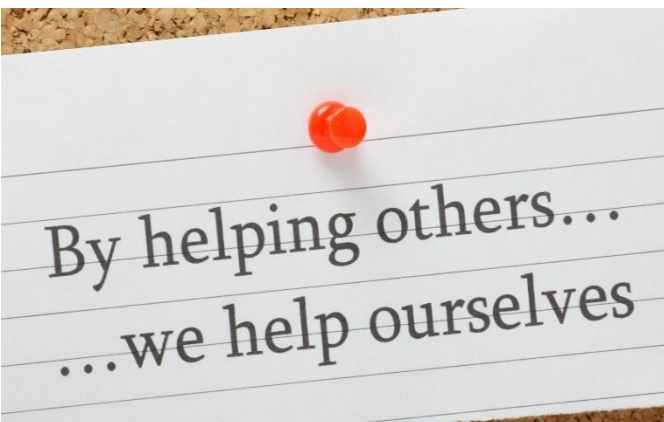
The relief is preserved where the individuals' residence is sold (or no longer owned) after 8 July 2015 and certain qualifying conditions are met.

Charitable gifts

If you already plan to make substantial gifts to charity in your Will, leaving at least 10% of your net estate (after all IHT exemptions, reliefs and the nil rate band) to charity could save your family IHT. A reduced rate of IHT of 36% (rather than 40%) applies where 10% or more of the net estate is left to charity. This will reduce the cost of your gifts to other beneficiaries of your estate but it is important that such charitable gifts are specified as a percentage of your estate, rather than a fixed sum or specific asset, to ensure that changes in asset values do not cause the eventual gift to fall below the 10% threshold.

Updating your will

Regularly reviewing and updating Wills as financial and family circumstances change and tax rules evolve is the best way for all individuals to manage their family's IHT exposure. It is important to take expert IHT advice to ensure that appropriate changes can be made to existing will.



Lend funds to help your child/grandchild onto the property ladder

If you have unused capital, it can be possible to help a child aged 18 or older to take a first step on the property ladder in a relatively cost-effective way.

Gifts of funds to a child annually to help them fund lifetime ISA contributions will help them build up funds for a deposit with a 25% bonus paid by the Government.



Use Trust

There are many family situations where the use of a formal trust can help you protect and enhance your family's future finances. Appointing trustees to manage assets on your behalf can have both practical and tax advantages as well as ensuring that family assets are protected after your death (both in the UK and overseas). For example, an insurance policy can be written in trust for family members so that the proceeds do not form part of your estate for IHT purposes on your death.

With appropriate powers written into the trust deed, trustees can invest, trade and provide financial supervision for family assets and protect the interests of family members from minors to the elderly. In many cases, you can also be one of the trustees to keep a close eye on matters.

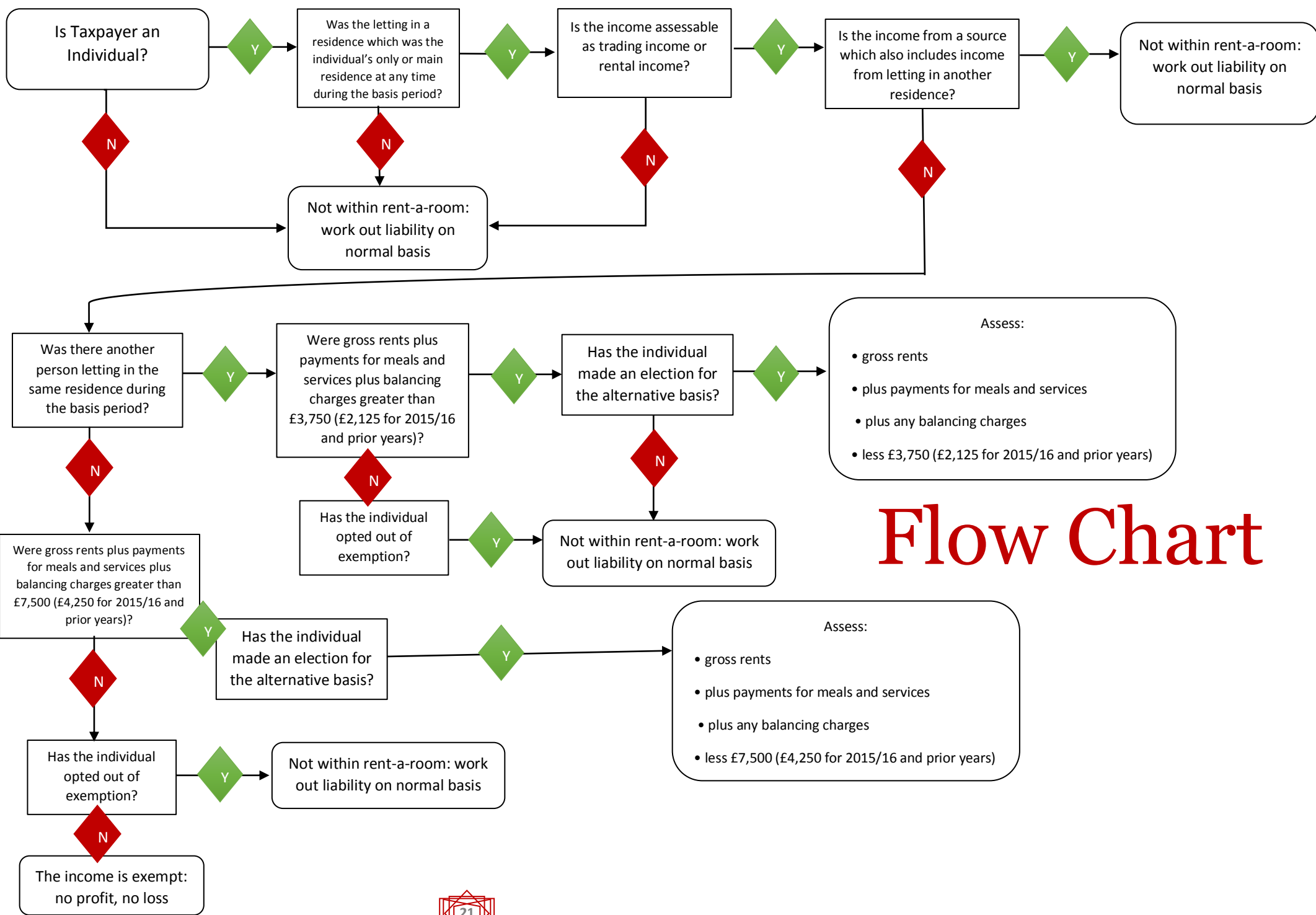
The timing of creating a trust can have significant tax implications – for example, non-UK domiciled individuals should consider setting up a trust before they acquire a UK domicile. Therefore, if you have long term financial goals, the sooner you seek expert advice on your options the better.



Spouses and Civil Partners domiciled outside the UK

The IHT exempt amount that a UK domiciled individual can transfer to his or her non-UK domiciled spouse or civil partner is £325,000 (the level of the nil-rate band). It is also possible for a non-UK domiciled spouse to elect to become UK domiciled for IHT purposes only. If such an election is made, the 100% exemption for transfers between spouses will apply to all transfers between them (during their lifetimes or on death). However, care must be taken with the election as it means that all assets owned outside the UK become liable to UK IHT and the election cannot be revoked while the individual is resident in the UK.

If the individual subsequently leaves the UK, the election will automatically cease to have effect after four complete tax years of overseas tax residence. However, it would be sensible for couples in this position to carry out a review of their combined IHT exposure in light of the deemed UK domicile changes from April 2017 before deciding whether to elect.



Flow Chart

Contact Us

Contact us to discuss any of the planning opportunities mentioned in this guide.



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