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Journal



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SPRING 2019

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Boost for employers to come

Changes that should help small- to medium-sized employers were announced in the autumn 2018 Budget and will take effect over the next two tax years.

Changes to how the apprenticeship levy works will come in from April 2019. The levy is paid by employers with an annual pay bill (excluding benefits in kind) of over £3 million – the levy is, in effect, 0.5% of the amount of that bill that exceeds £3 million. The payment is held in a levy fund and employers can spend it on various training and assessment costs, primarily for apprentices in their own business.

Many employers fail to spend the full amount of their funds in time, despite losing funds not spent after 24 months. From April, employers can transfer up to 25% of their fund to pay for apprenticeship training in their supply chains.

Employers who don't pay the apprenticeship levy can draw on government funds for 90% of the costs of training and assessing their apprentices. Only certain training costs qualify. Employers pay the training provider and then reclaim 90% of the cost. The 2018 Budget also announced a halving of the employer contribution to 5%, but the start date remains unclear.

Employment allowance

The £3,000 national insurance contributions (NICs) employment allowance will be restricted from 2020/21 to employers with a liability to employer's NICs of less than £100,000 in the previous tax year.

The allowance is not available to companies where the director is the only employee above the employer's NIC threshold – £166pw in 2019/20. It is also not generally available to personal service companies or to people who employ domestic workers, such as a nanny.

If you'd like to discuss options for your business, please get in touch.

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Double hit to company cars

There is a steep 3% increase in company car tax rates from 6 April.

The maximum percentage charge is capped at 37%. For diesel cars, a 4% surcharge is added when calculating the percentage tax charge, subject to the 37% maximum.

CO ₂ g/km	0-50	51-75	76-94	95 and above
2018/19	13%	16%	19%	20% + 1% per 5g/km over 95g/km
2019/20	16%	19%	22%	23% + 1% per 5g/km over 95g/km

Measuring CO₂ emissions

There has also been much uncertainty about changes to the way cars' CO₂ emissions will be measured. The change could push up a car's CO₂ emissions by several percentage points, but the government will not be reviewing the impact until this spring. CO₂ emission figures for company cars will be based on the



new worldwide harmonised light vehicle test procedure (WLTP) from April 2020. Until then, cars undergoing the new test will be given a CO₂ emission figure correlated to the old basis of measurement.

The correlated figures are, however, resulting in higher percentages than the previous basis, and this disparity will worsen once true WLTP emission figures are used.

Ultra-low emission vehicles

If you are planning to change your company car and want to keep the tax cost to a minimum, then look ahead to the new ultra-low emission regime coming in for 2020/21. From 6 April 2020, the percentage charge will be just 2% for a car with zero emissions, or for a plug-in electric vehicle with CO₂ emissions of 1-50g/km and with an electric range of 130 miles or more. The percentage increases as the electric range reduces.

The electric range is the maximum distance that can be travelled in pure electric mode without recharging the car's battery or using the combustion engine of the plug-in vehicle.

Increasing tax costs make vehicle selection even more important. To discuss how you might be affected, please get in touch.

Probate fees hike hits larger estates

The government has resurrected its controversial probate banding structure, now due to come in from April 2019, essentially creating a stealth tax aimed at larger estates.

The new fees for obtaining probate – in England and Wales only – are on a sliding scale, based on the value of an estate before inheritance tax (IHT). There are different systems in Scotland and Northern Ireland.

Currently, there's a flat fee of only £155 where a solicitor obtains a grant of probate or £215 if it is obtained by another person; there is no fee for estates of £5,000 or less. The new fees can be as much as 0.5% of an estate's value, while the threshold below which no fee is payable will increase to £50,000:

Value of estate	Probate fee
Up to £50,000	No fee
Over £50,000 to £300,000	£250
Over £300,000 to £500,000	£750
Over £500,000 to £1 million	£2,500
Over £1 million to £1.6 million	£4,000
Over £1.6 million to £2 million	£5,000
Over £2 million	£6,000

The same fees will apply for obtaining letters of administration where the deceased dies without a will.

Funding higher fees

Banks and building societies will usually release funds up to a certain threshold without requiring a grant of probate, but this will be of little help to estates that are cash poor but asset rich. Possible ways of funding fees include the executor or beneficiaries paying the fees personally, or the executor obtaining a loan. A solicitor or probate company might be willing to pay the fee up front, or an alternative executor with adequate funds or a better credit rating could be appointed.

You might consider taking out a life assurance policy which is then held in trust for the benefit of either the executor or a beneficiary. There are also proposals to provide limited access to estate assets for the sole purpose of paying the probate fee.

You should get expert advice before taking any measures.

IR35 and the private sector

Changes to the off-payroll working rules, known as IR35, will be extended to private sector engagements in line with those in the public sector.

The reform has been delayed to April 2020, but contractors and businesses will need to start planning for the change now.

The IR35 rules are designed to prevent companies and workers gaining a tax advantage by using a personal service company to avoid direct employment and the resultant higher PAYE and national insurance liabilities.

The responsibility for checking a worker's status will move to the business engaging the worker. The smallest businesses will be exempt. The definition of 'smallest businesses' is not yet clear, but it could mean up to 250 employees. Similar rules for public sector engagements came into effect in April 2017. The rules do not apply to self-employed people.

The government has also proposed a package of reforms to increase workers' rights and intends to improve the employment status tests to reflect modern working relationships.

BUSINESS

Capital allowances in focus

A new structures and buildings allowance (SBA) announced in the 2018 Budget will address 'a gap in the current capital allowances system'.

The SBA is available for eligible construction costs on qualifying, new, non-residential structures and buildings where all the contracts for the physical construction works were agreed after 28 October 2018. The relief is given at 2% a year on a straight line basis over 50 years. Full details of the SBA have not yet been announced but its main features are expected to be:

- Only costs of buildings and structures intended for commercial activity qualify and relief is limited to direct construction costs, including demolition and land alteration.
- For mixed-use developments, the SBA will be given on the proportion of costs that relate to the business element.
- The relief will apply to the costs of new conversions or renovations.
- Structures and buildings include offices, retail and wholesale premises, walls, bridges, tunnels, factories, warehouses, hotels and care homes.
- There is no relief on the cost of land, or for work spaces in a home.
- Relief is limited to the original cost of construction or renovation regardless of ownership changes. There are no balancing charges or allowances.
- Claims can only be made when a structure or building first comes into use.
- Unclaimed relief cannot be carried forward and will be lost.

Expenditure that qualifies for plant and machinery (P&M) allowances will not qualify for the SBA. It remains important to identify all the costs of integral features of a building that qualify for P&M allowances, which are given at a higher rate than SBA.

AIA goes up, briefly

The 2018 Budget also included a temporary increase to the annual investment allowance (AIA). Businesses will be able to claim 100% relief on qualifying P&M expenditure of up to £1 million a year – instead of the current limit of £200,000 – in the period 1 January 2019 until 31 December 2020. Many businesses have accounting periods that span the start and end dates, and the limit will then be calculated by apportionment.

For example, for the period 1 July 2018 to 30 June 2019, costs of up to £600,000 will qualify for AIA: six months at £200,000 a year (£100,000) and six months at £1 million a year (£500,000).

No more than £200,000 of expenditure can qualify in the period up to 31 December 2018, so timing is a crucial consideration. The calculation is similar for accounting periods spanning 31 December 2020, and businesses may need to ensure that major expenditure occurs before 1 January 2021.

Writing down allowance changes

The third main Budget change to capital allowances is a reduction in the special rate allowance from 8% to 6% from April 2019. The special rate applies to expenditure on long-life assets, thermal insulation, integral features in buildings, and cars with CO₂ emissions of more than 110g/km. A hybrid rate will apply to expenditure in periods that span 1 April (corporation tax) or 6 April (income tax). There is no change to the 18% allowance on the main P&M expenditure pool.

Please get in touch if your business may be affected by these changes.



Businesses will be able to claim 100% relief on qualifying plant and machinery expenditure of up to £1 million a year – instead of the current limit of £200,000 – in the period 1 January 2019 until 31 December 2020.

VAT



Latest on making VAT digital

Making Tax Digital (MTD) for VAT looks set to go ahead, despite repeated calls for postponement. The only concession will be a six-month deferral for businesses with more complicated VAT affairs.

A House of Lords committee strongly recommended putting off the introduction of MTD for at least a year, but so far without any effect.

MTD will be required for most VAT-registered businesses with taxable turnover above the £85,000 threshold from 1 April 2019, but those who prepare their VAT returns on an annual basis can defer entry until 1 October 2019. The later start date also applies to:

- Trusts.
- Businesses registered in divisions or as part of a VAT group.
- Overseas based traders.
- Larger businesses that are required to make payments on account.

HMRC has now opened up its MTD for VAT pilot to most businesses to help them prepare for the introduction of the scheme. Eligibility is being extended, although partnerships and those trading with the EU will have to wait a bit longer. The pilot will be available to deferred-entry businesses from spring 2019.

With the start date for MTD now just a few months away for most businesses, it is essential for you to check with your software provider that their products will be ready in time. HMRC regularly updates their list of software suppliers, and helpfully splits the list between those with products available now and those whose products are still in development.

Child tax credit – three’s a crowd?

There is no entitlement to the child element of child tax credit for a third or later child born on or after 6 April 2017. There are certain exceptions, some of which might not be that obvious. What’s more, the entitlement rules have recently been relaxed.

The two-child restriction will apply for brand new universal credit claims from 1 February onwards regardless of your children’s dates of birth, and the entitlement to universal credit is currently on the same basis. There is no restriction to childcare or to the disability element of tax credits.

Recent relaxation

Since 28 November 2018, the two-child restriction no longer applies to adopted children or to children who are looked after by friends or family, but not the child’s parent or step-parent. This exception does not apply if you adopt a child from abroad.

Twins, triplets or more

If the first child of a multiple birth is either your first or second child, the child element will be

paid for all the children born as part of the multiple birth. If you already have two children and a further pregnancy results in a multiple birth, you will receive the child element for all but one of the multiple birth children. For example, if you already have two children and then have triplets, you will receive the child element for two of the triplets.

Grandchildren

If you are claiming for children and one of them has a child, you can claim for their child too. The claim continues until your child makes a claim in their own right or you are no longer responsible for your child.

Non-consensual conception

There is an exception for any child that was born as result of rape or other non-consensual



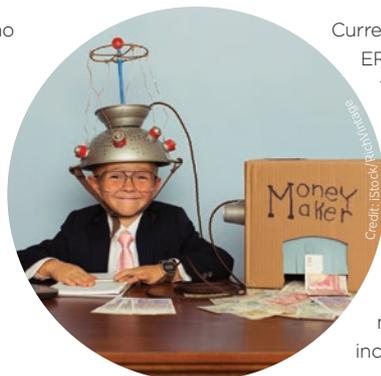
conception. This could include children born within an abusive relationship, unless the claimant continues to live with the other biological parent.

Let us know if you require guidance.

Restricting entrepreneurs’ relief

The qualifying conditions for entrepreneurs’ relief (ER) have been tightened up and further changes will take effect in April 2019.

ER is given to individuals who dispose of all or part of a business, including shares in a personal company. Where a disposal qualifies for relief, up to £10 million of lifetime chargeable gains are taxed at a reduced rate of 10%. For disposals from 29 October, two new tests have been added.



Currently investors must meet the ER conditions throughout the 12 months up to the date of disposal, or the last day of trading if the business has ceased. But for disposals taking place after 5 April 2019, except where a business ceased before 29 October 2018, the minimum qualifying period increases to two years.

Conditions and timing

Investors must now be a director or employee of the company, hold at least 5% of its ordinary share capital and associated voting rights, be beneficially entitled to 5% of the company’s distributable profits and also 5% of its distributed assets in a winding up.

The additional profits and assets conditions may affect employees acquiring shares through enterprise management incentives (EMI), as these shares are often issued with restricted rights. However, an alternative condition, based on 5% of expected sale proceeds, was added to the Finance Bill in December.

Another revision will benefit individuals who transfer a business to a personal company in exchange for shares. For disposals after 5 April 2019, the period of ownership before the transfer counts towards the two-year qualifying period.

Help is also provided for individual investors whose shareholdings are diluted to below the 5% qualifying threshold as a result of a fundraising issue of new shares after 5 April 2019. They will now be able to obtain relief for gains up to the dilution date.

We can help explain how you may be affected.

Class 2 NICs back from the brink

The withdrawal of the proposed abolition of class 2 national insurance contributions (NICs) will make it easier for self-employed people with low earnings to continue to build up their entitlement to the state pension.

The self-employed pay class 2 NICs on their self-employment profits at £2.95 a week. There is no liability if your profits are lower than the small profits threshold (currently £6,205 a year), but you can make a voluntary payment of these NICs.

The proposed abolition would have left low earners having to pay the much higher class 3 voluntary contributions of £15 a week in 2019/20 to add to their NI record. You normally need 35 years of contributions to qualify for the full state pension.

Unlike self-employed people, non-earners and employees with earnings below the lower earnings limit of £116 a week cannot pay class 2 NICs – their only option is to pay class 3. Individuals living and working abroad can pay class 2 NICs subject to conditions.