



SIMPSON WOOD

CHARTERED ACCOUNTANTS
CHARTERED TAX ADVISERS



2009 Spring Budget

CAPITAL TAXES

Capital gains tax

The 2009/10 capital gains tax annual exemption is £10,100 and the exemption for trusts is generally £5,050.

Inheritance tax

The 2009/10 inheritance tax nil rate band is £325,000 and the rate of tax on death remains at 40%.

Inheritance tax: agricultural property relief and woodlands relief

Both inheritance tax agricultural property relief and woodlands relief will be extended to property in the European Economic Area (EEA). The change will affect inheritance tax due or paid after 22 April 2003 for agricultural property in an EEA state. The earliest deadline for reclaiming overpayments of inheritance tax will be 21 April 2010.

Capital gains tax hold-over relief

Hold-over relief on gifts or sales at an undervalue of business assets will be extended to agricultural property in EEA states which has been farmed by a person other than the owner. The extension will apply retrospectively to disposals of agricultural property in a qualifying EEA state for five years from 31 January following the tax year to which the claim relates. Therefore, claims for disposals taking place in the 2003/04 tax year must be made by 31 January 2010. The time limit for making claims for hold-over relief will be reduced to four years from 1 April 2010.

Stamp duty land tax (SDLT)

The stamp duty land tax 'holiday' announced in September 2008 has been extended to 31 December 2009. This exempts from SDLT individuals' purchases of residential property for up to £175,000. Legislation will be introduced with effect from 22 April 2009 to allow leaseholders to claim SDLT relief where they acquire the freehold of their block of flats through the statutory right of leasehold enfranchisement.

Stamp duty land tax (based on consideration)

Residential	Commercial	Rate
£175,000* or less	£150,000 or less	Nil
Over £175,000* up to £250,000	Over £150,000 up to £250,000	1%
Over £250,000 up to £500,000	Over £250,000 up to £500,000	3%
Over £500,000	Over £500,000	4%

*From 1 January 2010 £125,000 (or £150,000 for property in disadvantaged areas)

Stamp Duty (including SDRT): stocks and marketable securities	0.5%
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No charge unless the duty exceeds £5

don't forget

Take advantage of low values. Depressed property and share values could mean you can make lifetime gifts of investments now with little or no capital gains tax to pay. The gift's value will also be lower if inheritance tax ultimately has to be paid.

BUSINESS TAX

Corporation tax rates

The main rate of corporation tax will remain at 28% from 1 April 2010 and the small companies' rate continues at 21% for 2009.

First year allowances

A new temporary first year allowance (FYA) of 40% will apply to expenditure on general plant and machinery above the first £50,000 a year that qualifies for the annual investment allowance. The allowance is available to individuals carrying on a qualifying activity (normally trades, professions and ordinary property businesses), as well as companies and partnerships.

For companies, the FYA applies to qualifying expenditure in the 12 months from 1 April 2009. For individuals and partnerships, the expenditure must occur in the 12 months starting on 6 April 2009.

Some expenditure does not qualify, such as cars, assets for leasing, long-life assets and integral features of buildings.

Expenditure on designated environmentally beneficial equipment already qualifies for a 100% FYA under schemes for energy-saving and water efficient technologies. Some changes are being made to the equipment included in the schemes and to the criteria. New lists will be published later in 2009.

Business expenditure on cars

The Government has confirmed proposals under which the rate of capital allowances on business cars will depend on the car's CO₂ emissions. Expenditure on cars with CO₂ emissions of 160g/km or less will generally attract writing down allowances of 20% a year. Expenditure on cars with higher CO₂ emissions will attract only 10% allowances. Very low emission cars may attract a 100% FYA.

The special rules that restrict the amount of car rentals deductible for tax purposes will be reformed. There will be a flat rate disallowance of 15% of leasing payments for cars with CO₂ emissions exceeding 160g/km. However, there will be no restriction where the car is leased for a period of no more than 45 days. A business that hires a car to lease to a customer for more than 45 consecutive days will not be subject to any restriction. Leases that started before the commencement date of the new rules will remain subject to the previous rules until the end of the lease.

The proposed legislation includes specific anti-avoidance rules to restrict balancing allowances in certain circumstances. The new rules started on 1 April 2009 for companies and on 6 April 2009 for individuals and partnerships.

Trading losses

The period for which businesses can carry back trading losses has been temporarily extended by two years. Businesses can currently carry back unlimited trading losses against profits of the preceding year. For a temporary period, businesses will be able to carry back losses of up to £50,000 a year against profits of the two years before the preceding year. Losses must first be set against the preceding year's profits, then any balance up to £50,000 can be carried back further, setting the losses against the later of the two years first.

The measure applies to company accounting periods ending between 24 November 2008 and 23 November 2010 and for the tax years 2008/09 and 2009/10 for unincorporated businesses.

> think ahead

Get the timing right for your investment in new business equipment. Businesses of any size generally benefit from immediate tax relief on the first £50,000 a year spent on most types of equipment. Expenditure over £50,000 in a year qualifies for the 40% first year allowance for 2009/10 only.

Foreign profits and losses

- From 1 July 2009, dividends received from foreign companies will be largely exempt from corporation tax. Until now they were taxable.
- Changes are being made to the controlled foreign companies regime to remove the exemptions for 'acceptable distributions' and certain holding companies. The new rules take effect for periods starting after 30 June 2009, with transitional provisions.
- The Treasury Consents rules for certain transactions involving subsidiary companies resident outside the UK will be repealed and replaced by a post-transaction reporting requirement from 1 July 2009.
- There will be a cap on tax relief for finance expenses payable by UK members of a group of companies for accounting periods beginning after 31 December 2009.
- New currency conversion rules will affect companies that compute their profits and losses in a currency other than sterling. Where such losses are set against the profits of another period, the losses may be converted into sterling at the same exchange rate as the profits or may be carried forward or back in the same currency.
- The amount of double taxation relief on a dividend must match the corporation tax rate in periods that straddle 1 April 2008, when the corporation tax rate was reduced to 28% (from 30%).

Groups of companies

New rules will make it easier for groups to match gains and losses on disposals without the need to transfer assets between group companies. From Royal Assent, companies will be able to transfer the actual gain or loss without the current restrictions for deemed transfers of assets.

Changes to the definition of a group will ensure that companies issuing particular types of preference shares to external investors will not lose the ability to claim and surrender group relief. It will therefore be more difficult to break a group structure inadvertently. The changes will generally apply to accounting periods beginning after 31 December 2007.

Personal accountability

Senior accounting officers of large companies (those defined as not 'small' or 'medium-size') will have to certify annually that their company's accounting systems are adequate for reporting tax accurately or they will have to specify any inadequacies. The obligations, which will apply to returns for accounting periods beginning on or after Royal Assent, will be supported by penalties on the officer personally as well as on the company.

Loan relationships

The corporation tax rules on the late payment of interest between connected companies are being relaxed. For accounting periods beginning after 31 March 2009, interest will be deductible under the normal corporation tax rules as it accrues unless the creditor is located in a tax haven.

The release of a trade debt between connected persons after 21 April 2009 will not give rise to a tax charge on release. The position is thus aligned with the general loan relationship provisions.

saver

Choose the right company car and reduce your tax. You can set the full cost of buying a new company car against your company's profits this year, if you choose one from over 50 models with CO₂ emissions of 110g/km or less. In contrast, cars with higher emissions just qualify for a 10% or 20% annual writing down allowance. What's more, the driver will benefit from a lower income tax charge on the benefit in kind.

saver

Get paid for filing PAYE returns over the internet. If you have fewer than 50 employees and you submit your 2008/09 end of year PAYE return to HMRC over the internet, you will receive a tax-free cash incentive of £75. The deadline is 19 May. You need to register in advance.

Business rates

Businesses will be able to spread the payment of the 2009/10 inflation increase in business rates over three years, as announced on 31 March 2009. Those affected by the end of the 2005 transitional relief scheme will also be able to spread the increase in their bills over three years. Certain businesses facing significant backdated business rates bills issued before 31 March 2010 can pay over eight years interest-free, as announced in the 2008 Pre-Budget Report.

From 1 April 2009, the threshold at which business rates are charged on empty property in England has been temporarily increased from £2,200 to £15,000 until 31 March 2010, also as announced in the 2008 Pre-Budget Report.

VALUE ADDED TAX (VAT)

Registration and deregistration thresholds

The VAT registration threshold will increase to £68,000 (from £67,000) from 1 May 2009. The threshold at which a business can apply for deregistration will increase from £65,000 to £66,000 from the same date.

Temporary change of standard rate

The Chancellor has confirmed that the temporary reduction in the standard VAT rate to 15% will end on 31 December 2009.

From 25 November 2008 there are rules to counter 'forestalling' schemes that aim to apply the 15% rate to goods or services supplied after 31 December 2009. Forestalling works by the supplier issuing an invoice or receiving payment before the rate rises. A supplementary 2.5% VAT will be charged where the customer cannot recover all the VAT on the supply and one of the three following conditions is met. These are that the supplier and customer are connected, the supplier funds the purchase, or a VAT invoice is issued where payment is not due for at least six months.

There will also be a supplementary charge on certain prepayments of more than £100,000 made before the rate rise for goods or services to be supplied after 31 December 2009, unless the prepayment is in accordance with commercial practice. This rule has effect after 30 March 2009.

Opting to tax land and buildings

It will be easier to opt to tax supplies of land and buildings on which the taxpayer has made previous exempt supplies. Such taxpayers currently have to obtain HMRC's permission to tax supplies unless they meet one of four automatic permission conditions. These conditions will be widened from 1 May 2009.

Children's car seats

The existing 5% reduced rate of VAT for children's car seats will be extended from 1 July 2009 to include bases for such seats.

Gaming

VAT will be removed from participation fees for playing bingo and other games of chance. Participation fees are charges that a gaming operator makes to customers for participating in gaming. The VAT exemption will be introduced alongside a package of changes to bingo and gaming duties that will take effect on 27 April 2009.

> think ahead

Consider switching to the flat rate VAT scheme for small businesses if your business has few costs and overheads, and your turnover is less than £150,000 a year. The VAT you pay is calculated by multiplying your gross sales by a flat rate determined by your business sector. Purchases are ignored, so the scheme is very simple to use.

Cross-border VAT

Amendments will be made to the VAT rules for cross-border supplies from 1 January 2010.

- Changes to the place of supply rules for services will ensure that, as far as possible, VAT is due in the country in which the service is consumed rather than where the supplier is established. Most UK business customers will therefore have to account for UK VAT on most services provided by overseas suppliers under the reverse charge provisions. There will be some exceptions. Land-related services will be deemed to be supplied where the land is situated, as at present. Some of the changes will be delayed until 1 January 2011 and others until 1 January 2013.
- New rules for determining the time of supply of cross-border services will affect supplies treated as made in the UK by the recipient. The time of supply will be governed primarily by when a service is performed.
- Where a UK business makes supplies to a customer who has to account for a reverse charge in their own country, the supplier will have to complete EC sales lists for each calendar quarter.
- A new electronic VAT refund procedure is being introduced across the EU to replace the current paper-based system. UK businesses will submit claims electronically for overseas VAT on a standardised form to HMRC rather than direct to the member state of refund. There will be changes to the time limits governing refund claims.

Fuel scale charges

The fuel scale charges have been revised to reflect changes in fuel prices. Businesses must use the new scale charges from the start of their next prescribed accounting period beginning on or after 1 May 2009.

CO ₂ Emissions g/km	VAT fuel scale charge £	VAT due per car £	CO ₂ Emissions g/km	VAT fuel scale charge £	VAT due per car £
120 or less	126.00	16.43	185–189	314.00	40.96
121–139	189.00	24.65	190–194	327.00	42.65
140–144	201.00	26.22	195–199	339.00	44.22
145–149	214.00	27.91	200–204	352.00	45.91
150–154	226.00	29.48	205–209	365.00	47.61
155–159	239.00	31.17	210–214	378.00	49.30
160–164	251.00	32.74	215–219	390.00	50.87
165–169	264.00	34.43	220–224	403.00	52.57
170–174	276.00	36.00	225–229	416.00	54.26
175–179	289.00	37.70	230–234	428.00	55.83
180–184	302.00	39.39	235 or more	441.00	57.52

! *don't forget*

Register for VAT in time! If you are running a new business, you may be too busy to notice how much your turnover has grown. Track your sales in the 12 months up to the end of each month. If the total tops £68,000, you must register for VAT within 30 days. If you delay, the penalties can be painful and have just been increased.



MISCELLANEOUS ISSUES

Child Trust Fund

A contribution of £100 every year will be made to the Child Trust Fund accounts of all disabled children, with severely disabled children receiving £200 a year. Payments will start in April 2010 for children receiving disability living allowance in 2009/10.

Tax avoidance

The Government has announced action to counter a number of tax avoidance schemes including legislation to:

- Clarify the rules of the corporate intangible fixed asset regime by confirming that goodwill is treated as intended, and includes internally generated goodwill.
- Tackle tax avoidance where an employee or company director is provided with accommodation through the payment of a lease premium rather than a full market rent for the use of the property.
- Stop individuals obtaining relief for interest payments on loans to invest in partnerships or small companies where the borrower is guaranteed to make a profit as a result of the availability of the relief.
- Prevent taxpayers from avoiding tax by transferring rights to receive future income streams.

A new disclosure opportunity for offshore account holders will run until March 2010 giving them the opportunity to disclose any unpaid tax.

Publishing tax defaulters' names

Taxpayers will have their names and details of unpaid tax, interest and penalties published for one year on HMRC's website if they deliberately understate tax due, or overstate claims or losses, by more than £25,000, or fail to notify HMRC of their tax liability leading to a loss of tax of over £25,000, or commit certain VAT or excise wrongdoings.

Payment of tax

Some time after April 2011, taxpayers will be allowed to make voluntary managed payment plans which will permit them to spread their income tax or corporation tax payments equally over a period straddling the normal due dates without accruing interest and penalties. Small debts will be collectible through PAYE, probably from April 2012.

Businesses will also be required to supply contact details for individuals who are in debt to HMRC and with whom HMRC has lost contact. The penalty regime for late filing of tax returns and late payment of tax has been revised. Penalties will be introduced for employers who are late in making monthly PAYE and NICs payments and paying corporation tax. Interest due on under or over paid tax and refunds for most taxes will be harmonised.

Vehicle scrappage scheme

Dealers participating in the temporary scheme will offer a £2,000 discount to consumers who buy a new vehicle to replace one that is over ten years old and that they have owned for more than 12 months.

Capital disregard for pension credit

From November 2009, the capital disregard for pension credit and pensioner related Housing and Council Tax benefit will increase from £6,000 to £10,000.

think ahead

The minimum age at which you can draw benefits from a pension arrangement will generally rise from 50 to 55 from 6 April 2010.

NATIONAL INSURANCE CONTRIBUTIONS (NICs)

Class 1 (Employees)

Not Contracted-out of State Second Pension S2P

	2009/10	2008/09
Employee	No NICs where earnings are up to £110 pw 11% NICs on £110.01–£844 pw 1% NICs over £844 pw	No NICs where earnings are up to £105 pw 11% NICs on £105.01–£770 pw 1% NICs over £770 pw
Employer	No NICs on the first £110 pw 12.8% NICs over £110 pw	No NICs on the first £105 pw 12.8% NICs over £105 pw

Earnings limit or threshold	2009/10			2008/09		
	Weekly	Monthly	Annual	Weekly	Monthly	Annual
	£	£	£	£	£	£
Lower limit (LEL)	95	412	4,940	90	390	4,680
Earnings threshold	110	476	5,715	105	453	5,435
Upper accrual point	770	3,337	40,040	N/A	N/A	N/A
Upper limit (UEL)	844	3,656	43,875	770	3,337	40,040

Contracted-out S2P rebate	2009/10	2008/09
Reduction on band earnings	£95.01–£770 pw	£90.01–£770 pw
Employer rate reduction:		
• Salary-related scheme	3.7%	3.7%
• Money-purchase scheme	1.4%	1.4%
Employee rate reduction	1.6%	1.6%

Class 1A (Employers)

	2009/10	2008/09
Most taxable employee benefits	12.8%	12.8%

Class 2 (Self-Employed)

	2009/10	2008/09
Flat rate	£2.40 pw £124.80 pa	£2.30 pw £119.60 pa
Small earnings exception	£5,075 pa	£4,825 pa

Class 4 (Self-Employed)

	2009/10	2008/09
On profits	£5,715–£43,875 pa 8% Over £43,875 pa 1%	£5,435–£40,040 pa 8% Over £40,040 pa 1%

Class 3 (Voluntary)

	2009/10	2008/09
Flat rate	£12.05 pw £626.60 pa	£8.10 pw £421.20 pa

FINANCIAL CALENDAR

Every month:

1

Annual corporation tax due for companies with year ending nine months and a day previously, eg tax due 1 May 2009 for year ending 31 July 2008.

14

Quarterly instalment of corporation tax due for large companies (depending on accounting year end).

19

Pay PAYE/NIC and CIS deductions for period ending on 5th of that month unless paid electronically. Submit CIS contractors' monthly return.

22

PAYE/NIC and CIS deductions paid electronically should have cleared into HMRC bank account.

30/31

Submit CT600 for year ending 12 months previously. Last day to amend CT600 for year ending 24 months previously.

30/31 April-Sept 2009

For accounting periods beginning before 6 April 2008, file accounts at Companies House for private companies with year ending 10 months previously and for public companies with year ending 7 months previously. For accounting periods commencing after 5 April 2008, filing periods are reduced to 9 months and 6 months – see main text.

If the due date for payment falls on a weekend or bank holiday, payment must be made by the previous working day.

May 2009

- 3** Submit forms P46 (car) for quarter to 5 April 2009.
- 19** File 2008/09 end of year PAYE forms (P35 and P14s). (Penalties may be charged if forms are late and are automatic from 26 May 2009.)
- 31** Last date to give 2008/09 P60s to employees

July 2009

- 5** Final date to agree 2008/09 PAYE Settlement Agreements (PSA).
- 6** Last date for returns of expenses and benefits (forms P11D, P9D and P11D(b)) for 2008/09 to reach HMRC. Relevant employees to receive copies of forms P11D and P9D.
- 6** Last date to submit annual returns for employee share schemes and employment-related securities for 2008/09 (forms 34, 35, 39, 40 and 42).
- 14** Due date for CT61 return and payment for quarter to 30 June 2009.
- 19** Class 1A NICs for 2008/09 due (22 if paid electronically)
- 31** Due date for second payment on account of 2008/09 income tax and Class 4 NIC. Last day to pay 2007/08 tax to avoid second automatic 5% surcharge (unless late payment agreed with HMRC) and to file 2007/08 tax return to avoid second automatic penalty up to £100.

August 2009

- 2** Submit forms P46 (car) for quarter to 5 July 2009.

October 2009

- 5** Deadline to notify HMRC of chargeability to income tax or CGT for 2008/09.
- 14** Due date for CT61 return and payment for quarter to 30 September 2009.
- 19** Due date for tax and NICs payable under 2008/09 PSA
- 31** Deadline to submit 2008/09 self-assessment tax return if filed on paper (up to £100 penalty if late). File accounts at Companies House for private companies with year ended 31 December 2008 and public companies with year ended 31 March 2009 and year ended 30 April 2009 (shorter filing period for accounts starting after 5 April 2008).

November 2009

- 2** Submit forms P46 (car) for quarter to 5 October 2009.
- 30** File accounts at Companies House for private companies with year ended 31 January 2009 and public companies with year ended 31 May 2009.

December 2009

- 28** File accounts at Companies House for private companies with year ended 28 February 2009.
- 30** Last day to submit 2008/09 tax return online to have unpaid tax of up to £2,000 collected through the 2010/11 PAYE code.
- 31** File accounts at Companies House for public companies with year ended 30 June 2009.

January 2010

- 1** VAT standard rate expected to return to 17.5%.
- 14** Due date for CT61 return and payment for quarter to 31 December 2009.
- 31** Submit 2008/09 self-assessment return electronically (up to £100 penalty if late). Pay balance of 2008/09 income tax and CGT plus first payment on account for 2009/10. File accounts at Companies House for private companies with year ended 31 March 2009 and year ended 30 April 2009 (shorter filing period for accounts starting after 5 April 2008) and for public companies with year ended 31 July 2009.

February 2010

- 2** Submit forms P46 (car) for quarter to 5 January 2010.
- 28** Last day to pay 2008/09 tax to avoid automatic 5% surcharge (unless late payment agreed with HMRC). File accounts at Companies House for private companies with year ended 31 May 2009 and public companies with year ended 31 August 2009.

March 2010

- 31** File accounts at Companies House for private companies with year ended 30 June 2009 and public companies with year ended 30 September 2009. Last-minute planning for 2009/10. Last few days to use any CGT and inheritance tax annual allowances and exemptions.



SIMPSON WOOD

CHARTERED ACCOUNTANTS
CHARTERED TAX ADVISERS

Bank Chambers
Market Street
Huddersfield
HD1 2EW
Tel: (01484) 534431
Fax: (01484) 540579

10a Market Street
Penistone S36 6BZ
Tel: (01226) 766032

Email: firstname.surname@simpson-wood.co.uk
Web: www.simpson-wood.co.uk

Partners

Giles D T Cliffe MA (Cantab) FCA
Peter Sykes CTA Cert PFS
Mark Fielding BSc FCA
Mike J Nicholas TEP
Daniel J McAllister BSc ACA

Associate

Craig M Stratford MAAT ACA

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