



## WELCOME

A warm welcome to the fifth in the series of our new newsletter to keep you up-to-date with a round-up of all the essential tax news and important deadlines. We hope you find it informative. Please do not hesitate to contact us if you wish to discuss any matters in more detail.

## RUSHTONS NEWSLETTER

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# SALARY OR DIVIDEND BEST IN 2023/24?

In recent years many accountants have advised their director/shareholder clients the most tax efficient method of extracting profit from their family company was to pay themselves a low salary, at or around the £12,570 personal allowance, with the balance in dividends.

This strategy may need to be revisited with the introduction of higher corporation tax rates from 1 April 2023 as company profits in excess of £50,000 are taxed at an effective 26.5% rate. Where company profits exceed £50,000 it may be more tax efficient to increase the salary, or put a bonus through the company accounts.



Other things to consider would be for the company to pay more into your pension, or provide you with an electric company car, both of which can be tax efficient. There are lots of factors to take into account, including the level of profit and how much you need to draw out of the company to live on.

# YEAR END TAX PLANNING IDEAS FOR YOUR BUSINESS



In addition to considering paying yourself a bonus from your company, you might consider:

- Bringing forward expenditure on equipment to take advantage of the 100% annual investment allowance (AIA) - up to £1 million a year on new and used equipment.
- For limited companies, most new equipment qualifies for unlimited "full expensing" relief.
- Where equipment is bought on hire purchase, make sure it is brought into use by the year end to get tax relief on the full purchase price.
- Making additional pension contributions, taking advantage of the new £60,000 annual input allowance.

**We would suggest we set up a meeting with you a couple of months before the company year end so we can give you the best advice.**

# NOT ALL LLP MEMBERS ARE SELF-EMPLOYED

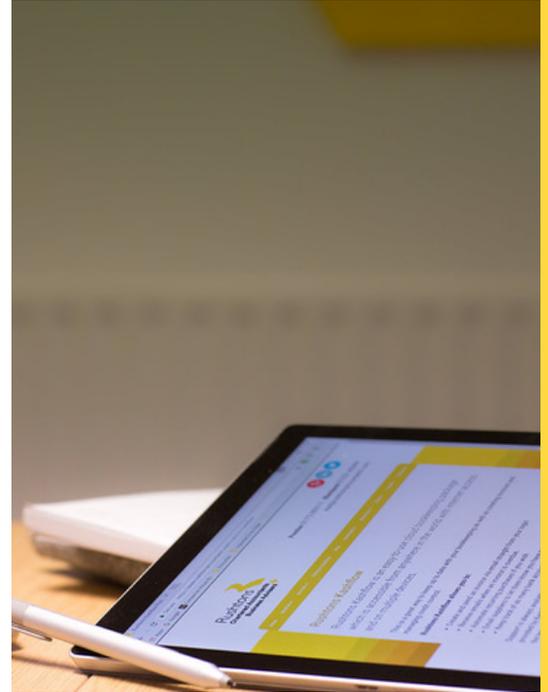
Members of a LLP (Limited Liability Partnership) are no longer automatically treated as self-employed for tax purposes. A recent case before the Upper Tax Tribunal has examined the tax status of 82 members of an LLP and found most of them should be taxed as employees not self-employed.

LLP members are treated as salaried members and taxed as employees where three conditions are present:

- **Condition A** considers the manner in which the individual is rewarded for his or her performance of services to the LLP. A Salaried Member will have a reward package that is largely that which an employee would have. This means they are being substantially remunerated through a fixed salary, or a variable bonus based on their performance, rather than a share of the profits of the overall business.
- **Condition B** is where the Member does not have a significant say in the running of the business as a whole.
- **Condition C** looks at the capital contribution made by the member to the LLP. The individual will be a Salaried Member if he, or she has invested less than 25% of their expected income from the LLP as a capital contribution. This will need to be reviewed on an annual basis.

The management structure of many larger LLPs will trigger Condition B, as the major strategic and operating decisions are taken by an Executive Committee of members. This means that most members would be treated as employees where Conditions A and C are also present.

If you operate as an LLP, we can review the status of the various members to ensure they are taxed correctly. Where the member is taxed as an employee, PAYE and Class 1 National Insurance Contributions should be applied and the salary would be deductible in arriving at the LLP profit.



# HMRC CHALLENGES LLP SCHEME FOR PROPERTY BUSINESSES

HMRC have recently published Spotlight 63 which alerts taxpayers to a marketed tax avoidance scheme that claims to help taxpayers reduce the tax payable on their property rental profits.

The HMRC view is the “hybrid” structure involving an LLP with individual and corporate members does not have the tax savings the scheme promoters claim.

The scheme claims to enable buy to let landlords to transfer properties to the structure without paying capital gains tax (CGT) or stamp duty land tax (SDLT) and, once established,



obtain a bigger deduction for their mortgage interest payments than they would have obtained if the property had remained in individual ownership. It is also claimed the “hybrid” structure saves inheritance tax when the property is passed on, which is incorrect as there is no IHT business relief for property investment businesses.

**Please take care if you are tempted to use a scheme that claims to save tax; talk to us first.**



# RECLAIMING INPUT VAT ON THE SALE OF SHARES

The sale of shares is an exempt supply for VAT purposes, which means input VAT on professional fees in connection with the transaction cannot be claimed. However, a recent tax tribunal decision has determined, under certain circumstances, the input VAT may be claimed.

The case concerned the sale of a subsidiary company in order to provide additional funds to complete the building of a new hotel within a hotel group. The taxpayer successfully argued the costs had been incurred as part of raising funds for the group’s downstream activities generating taxable supplies.

HMRC may be appealing the decision, but in the meantime, companies in a similar position may seek to make protective claims to recover the input tax on professional fees.

# CHARGING ELECTRIC CARS AT HOME

HMRC have recently clarified their view of the tax treatment of the reimbursement of electricity costs where employees charge their electric company cars at home. HMRC now accepts that reimbursing part of a domestic energy bill, which is used to charge a company car or van, is exempt from income tax. Their previous view was such reimbursements were taxable.

Note the exemption will only apply provided it can be demonstrated that the electricity was used to charge the company car or van, which may be difficult to determine in practice. Employers will need to make sure any reimbursement made towards the cost of electricity relates solely to the charging of their company car or van.

It should be remembered where the employee uses workplace charging facilities there is no taxable benefit.

It should be noted HMRC have still not revised their view on reclaiming VAT in



respect of business miles driven by an employee who has charged their car at home. Regardless of whether the vehicle is a company car or the employee's own, the employer cannot reclaim the VAT because the supply of electricity is made to the employee, not the employer.



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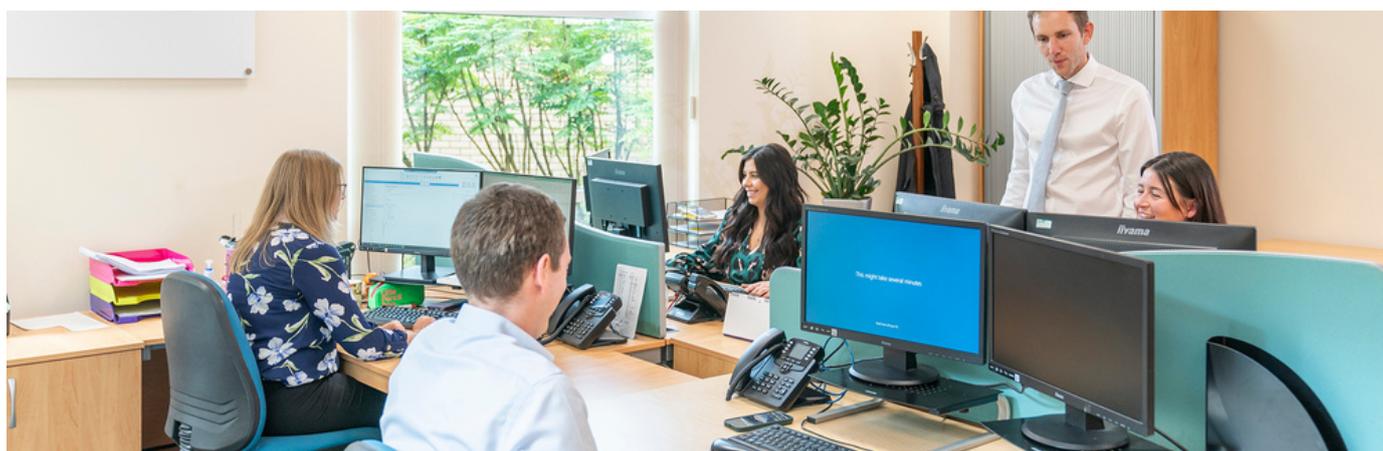
## NEW LOOK WEBSITE COMING SOON

Our new look website will soon be launched. We commissioned one of our valued, longstanding clients Scopic Productions to do the photography.

Scopic based in Kendal, offer professional commercial photography and videos, having grown significantly since 2012.

# DECEMBER 2023 DEADLINES

Date	What's Due
1/12	Corporation tax for year to 28/02/2023 unless quarterly installments apply.
19/12	PAYE & NIC deductions, and CIS return and tax, for month to 5/12/2023 (due 22/12 if you pay electronically).
30/12	Deadline for filing 2022/23 tax return online to request HMRC collect outstanding tax via the 2024/25 PAYE code.



# Rushtons



Chartered Accountants + Business Advisers

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