

Tax and NI



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Anyone starting up a small business needs at least a basic knowledge of tax. For the details, speak to a tax expert. A genuine expert should be able to save you much more in tax than the cost of the fees, as well as sparing you effort, time and stress.

This briefing explains:

- What taxes will affect your business.
- What can be claimed as business expenses.
- How to calculate National Insurance payments.
- How to pay less tax.

1 Different taxes

1.1 A self-employed person, or any employee of a business, pays **income tax** (see **3-4**).

1.2 A limited company pays **corporation tax** (see **5**).

1.3 National Insurance is a form of taxation paid by both employers and individuals (see **13**).

1.4 Value added tax (VAT) is a tax on 'supplies' (usually sales) of goods and services (see **VAT**).

1.5 Capital gains tax may be payable when you sell certain assets for more than you paid for them (see **14**).

1.6 Inheritance tax may be payable if you die leaving assets worth over £312,000. This personal tax is not covered in this briefing.

1.7 Stamp duty land tax (SDLT) is charged on transfers of land and property.

- For commercial property transactions, rates on transfers (excluding shares) are 1 per cent on values in excess of £150,000, 3 per cent on values in excess of £250,000 and 4 per cent on values in excess of £500,000.

1.8 Stamp duty at 0.5 per cent is charged on share transfers.

2 Are you self-employed?

A self-employed person can enjoy significant tax and National Insurance advantages over a company employee (see **4** and **13**).

2.1 You are self-employed if you are your own boss and trade as a **sole trader** or as a **partnership**.

- If you trade as a limited company, you, as a shareholding director, are an employee of the company. You are not classed as self-employed.

2.2 Some people who work full-time for a single company call themselves **consultants**, or contractors, and claim to be self-employed. A tax inspector is unlikely to treat you as self-employed unless you can demonstrate that you:

- Control what you do, and how and when you do it.
- Have more than one customer.
- Bear an element of business risk.
- Have a right of substitution.

3 Income tax

3.1 There are currently **two income tax bands** (for the income tax year from 6 April 2009 to 5 April 2010):

taxable income (£)	tax rate
1–37,400	20%
Over 37,400	40%

Your taxable income is reduced by allowances (see **11**).

From 6 April 2010 to 5 April 2011 there will be an additional higher rate of 50 per cent for taxable income above £150,000.

3.2 If you are a company **employee**, you pay income tax every time you are paid. This is called PAYE — Pay As You Earn.

- The tax year runs from 6 April to 5 April.

4 Tax for the self-employed

4.1 The self-employed pay tax on the **profits** they make — not on their drawings.

For example, if you make £30,000 profit, you pay income tax on the full £30,000 — even if you have drawn only £10,000 as salary and have retained the other £20,000 in the business.

- Profit is revenue less allowable expenses, excluding your salary. The expenses which are allowable are covered in **6** to **10**.
- The same tax bands apply as for employees.

4.2 You usually pay tax on the profit of a 12-month **accounting period**.

You pay tax on the profit for the accounting period which ends in that tax year.

- Tax is due in two equal instalments, on 31 January (during the tax year) and on 31 July after the end of that tax year.
- The interim amounts payable are based on the previous year's tax liability. If profits are falling, it is possible to reduce the payments.
- A balancing payment is then due on the following 31 January to adjust for the difference between the amounts paid and the tax due as a result of the actual profits.

4.3 A **new business** can initially be taxed twice on some of the first year's profits, depending on its choice of accounting period.

- 'Overlap relief' may be available to correct the position, but the calculations are complex and there will always be a cashflow cost to the business. Consult your accountant or tax adviser.

4.4 Skilful tax planning can ensure that the self-employed pay their income tax much **later** than company employees.

- Take the example of a self-employed person with an accounting period which ends on 30 June 2009. This person will pay tax on those profits in part on 31 January 2010 and 31 July 2010 (based on prior year tax liability), and then make a final payment on 31 January 2011, based on actual profits.

5 Corporation tax

Corporation tax is payable on the profit — sales less allowable expenses, plus investment income and chargeable gains (see **14**) — of a limited company.

Expenses are covered in **6** to **8**.

5.1 There are **three corporation tax bands** for the financial year 2009 (ending 31 March 2010):

profit (£)	tax rate
1–300,000	21%
300,000–1,500,000	29.75%
Over 1,500,000	28%

If your profits fall between £300,000 and £1.5 million, you are eligible for marginal relief. This is designed to ease the transition from one rate to the next. The limits are reduced for companies belonging to groups.

The small companies' rate will be increased to 22 per cent for the year ending 31 March 2011.

5.2 Companies have to **calculate** their own corporation tax liability.

- Companies with profits over £1.5 million pay corporation tax by quarterly instalments.
- Interest is charged on underpayments.
- The tax return can be filed later — normally up to 12 months after the accounting year end. It must be accompanied by accounts. Late returns incur automatic penalties.

“One of the key decisions that every new business has to face is the choice of business medium — to incorporate or not? You get very different tax results as well as all the practical implications. And a decision to stay unincorporated needs to be reviewed at intervals.”

Penny Hamilton,
Chartered
Institute of
Taxation

5.3 Small to medium-sized companies (with profits of up to £1.5 million) continue to pay corporation tax **nine months** after the company's accounting year end.

6 Expenses

You need to be clear about what expenses are allowable when working out your profit figure.

Business costs are allowable, but personal ones are not. Allowable expenses include:

6.1 Goods and materials, including anything your business buys in and then resells.

- The allowable expense will be affected by the value you place on stocks at the year end. A common mistake is to value stock at its selling price, rather than cost. This inflates your profit figure and increases your tax bill.

6.2 Directors' and employees' **wages**, pensions, and employers' National Insurance contributions (see **13**).

6.3 Premises costs, such as rent and rates.

- If you work from home, you can usually count a fair proportion of your gas, electricity, water, telephone and council tax charges as business expenses.

6.4 Selling costs, including marketing and advertising expenses.

6.5 Finance costs, such as bank charges and interest (including leasing and hire purchase interest).

6.6 General **running expenses**, including telephone bills, insurance, transport, travel and subsistence (eg hotel costs on a business trip), repairs, postage, accounting and most other services.

6.7 Spending on **research** and **development**.

- You can claim R&D tax credits on qualifying spending at 150 per cent. This means you can set £150 off against your profits for every £100 you spend.
- Only limited companies can claim R&D tax credits.
- R&D tax credits apply to the costs of staff and consumable stores used in your R&D efforts, plus expenditure on software, power, fuel and water.
- Companies not yet in profit (or not yet trading) can claim cash payments instead.

- To take advantage of these credits you must spend £10,000 or more on research and development in an accounting period.

6.8 Bad debts, where specific invoices are unlikely to be paid.

6.9 If you are not registered for **VAT**, you treat the VAT element as part of the expense.

- If you are registered, VAT is reclaimed separately.

In addition to allowable expenses, you can claim allowances to reflect the investments you have made in plant and machinery (see **8**).

7 Handle with care

Some expenses just do not count. They cannot be deducted when calculating your profit figure, even though they may seem like perfectly necessary and legitimate business costs.

7.1 Personal expenses — including living expenses, ordinary clothes, and travel to and from your regular place of work.

7.2 Entertaining — including any food or drink bought for clients.

7.3 Certain **professional fees** — including the costs of forming a company and the costs of obtaining a lease.

7.4 Depreciation — instead, you claim capital allowances (see **8**).

7.5 Fines — including parking tickets.

All these can cause problems for start-up businesses that do not take professional advice.

8 Capital allowances

When working out your profits, you cannot count the cost of purchasing premises and equipment as an expense. This is often an important consideration for start-up businesses.

Instead you claim a capital allowance, which is then deducted from your profits, like an allowable expense. This applies to both limited companies and the self-employed.

8.1 Most capital allowances are spread over a number of years, and often **gradually reduce**.

“There is little rhyme or reason to some of the rules about what is an allowable deduction against tax, but they are the rules and you have to live with them.”
Jon Hughes,
Newport & Gwent Enterprise

- Plant and machinery is the main category and the allowance is a fixed percentage of the item's value (written down for tax purposes) at the end of each year, and the value is reduced each year by the previous year's tax allowance.

Note that however many years' allowances are claimed for, you will not recover 100 per cent of the cost of any item.

8.2 Capital allowances **range** from 0 per cent to 100 per cent, depending on who you are and what you are purchasing.

- There are 100 per cent allowances for energy saving and environmentally beneficial equipment. Loss making businesses can surrender losses attributable to expenditure on such equipment in exchange for tax credit from the government.
- There are also 100 per cent capital allowances for businesses purchasing low-emission cars (emitting up to 110g/km of carbon dioxide).
- There is a new Annual Investment Allowance that allows businesses to claim 100 per cent capital allowances on the first £50,000 of investment on plant and machinery (excluding cars). Expenditure over the £50,000 limit will be dealt with under the main or new special rate pools (see below). The Annual Investment Allowance replaced the old first-year allowance and is open to all businesses, not just small and medium-sized businesses.
- There is also a new 'special rate' pool that gives 10 per cent capital allowances on integral features of buildings, thermal insulation and long-life assets.
- The allowance for qualifying industrial buildings and hotels is 3 per cent.

8.3 To make life simple, all equipment subject to the 20 per cent rate (except cars) is generally lumped together in a '**pool**', and capital allowances are calculated at 20 per cent of the total value.

8.4 Assets which have a useful life of four years or less are called '**short life assets**' and may qualify for accelerated capital allowances on disposal, depending on the circumstances.

8.5 You can choose to **defer** capital allowances. For example, if you make a trading loss and have no tax to pay, you can defer the tax benefit you would have had until a later year.

8.6 Repairs to machinery and equipment are fully tax-deductible. Only improvements to equipment count as capital expenditure.

8.7 If you are not registered for **VAT**, you can also claim capital allowances on the VAT that is charged on the equipment you buy.

8.8 Time your purchases so that you buy any equipment you need before your **year end**.

- If you make a purchase the day before your year end, you still receive the full capital allowance for the whole of that accounting period.

9 Cars and tax

9.1 If you are a **self-employed** person using your own car for work, you must keep a record of business miles travelled.

- Whenever your car is serviced, make sure the mileage reading is noted on the bill. This will enable you to work out the car's total mileage for the year — and provide evidence to satisfy the tax inspector.
- You must estimate what percentage of the mileage was for business purposes. For example, if the business mileage is 75 per cent of the total, you can claim 75 per cent of your car costs (petrol, insurance, repairs) as business expenses. You can also claim 75 per cent of the capital allowance if the car is only used for business (see **8.2**).
- Alternatively, you may be able to claim an allowance in line with HM Revenue & Customs Approved Mileage Allowance Payments (see **9.2**).

9.2 Employees who use their own cars usually receive a **mileage allowance**.

- If mileage allowances are paid in line with HM Revenue & Customs Approved Mileage Allowance Payments (AMAP), there is no extra liability. If they are greater than AMAP, the difference is taxable.
- AMAP for cars and vans are 40p a mile for the first 10,000 miles, and 25p a mile thereafter.

9.3 An employee using a **company car** for private use pays income tax on this 'benefit'.

The employer also has to pay National Insurance on it, as if the benefit were paid out as salary.

- Calculation of the benefit is based on the

list price of the car and its carbon dioxide emissions.

- If fuel is provided for private use, this is subject to tax and employer's National Insurance as a benefit, based on a fuel charge.

10 Pre-trading expenses

By the time you actually start trading, you may have spent thousands of pounds on research and setting up the business.

Provided you have formally notified HM Revenue & Customs that you have started up a business, most of these costs are usually allowable as business expenses in the first year.

10.1 From the moment you decide to go into business, start keeping a **record** (with matching receipts, invoices and bank statements) of all your business expenditure.

- Set up a separate bank account to make this easier.

10.2 Some costs are **not allowable**.

- For example, training courses are only an allowable expense once you have officially commenced trading.

10.3 If you form a **limited company**, the formation costs incurred are not allowable.

11 Non-taxable income

Below are the main types of allowances and non-taxable income.

11.1 Individuals receive a basic **personal allowance** of £6,475 (ie the first £6,475 of your income is not taxable) for 2009/10.

- If your wife, husband or civil partner has no other income, it makes sense from a tax point of view to employ her or him with a salary of at least £6,475. The employment must be a genuine job and the salary must be physically paid over to the employee.
- If you are in paid work (including the self-employed) you may qualify for Working Tax Credit.
- From 2010/11, the basic personal allowance will only be available to those earning less than £100,000. Where income is more than £100,000, the amount of the allowance will be reduced by £1 for every £2 above the limit.

11.2 The **married couples' allowance** has been abolished for most taxpayers.

- It is still available for older couples on below average income.
- There is a Child Tax Credit available if you are supporting a child below the age of 16. This replaces the Children's Tax Credit. It is paid at a higher rate for a child under the age of one, or a disabled child.

11.3 **Redundancy** payments below £30,000 may be tax free. Check your situation in advance.

11.4 Certain **social security** benefits may be tax free, depending on circumstances.

- These include maternity and child benefits, family credit and the mobility component of disability living allowance.

11.5 Directors and partners (but not sole traders) can claim interest relief on money which they borrow personally and then **lend** to the business.

12 Losses

12.1 A **limited company** can offset its trading losses against all other income in the accounting period.

- Alternatively, the loss can be 'carried forward' against profits from the same trade, to reduce future tax bills, or 'carried back' and offset against profits from the previous year. The company can be reimbursed for tax already paid.

12.2 A **self-employed** person can also offset trading losses against any other income received (earnings from a job, revenue from investments), plus any capital gains arising in that year.

- Alternatively, losses can be carried forward to offset against future profits from the same trade. Losses in the first four years, or in the last year, may also be carried back up to three years.

13 National Insurance

13.1 The self-employed pay **much less** National Insurance than company employees, in return for substantially fewer benefits.

13.2 Employees pay **Class 1** contributions.

This is deducted from pay at source, with the employee's income tax.

- Employees earning less than £110 a week are exempted.
- Contracted-in employees pay 11 per cent on weekly earnings between £110 and £844, plus an additional one per cent on weekly earnings over £844. From 2011/12 this will rise by 0.5 per cent to 11.5 per cent. Contracted-out employees pay 9.4 per cent.

13.3 Employers pay an '**employer's contribution**' on pay and the taxable value of any car and fuel benefit.

This is charged at 12.8 per cent for contracted-in employees on earnings over £110 a week. From 2011/12 this will rise by 0.5 per cent to 13.3 per cent.

- Employers pay nothing for employees earning less than £110 a week.
- The employer's contribution is an allowable expense (see **6.2**).

13.4 A **self-employed** person currently pays:

- Class 2 contributions of £2.40 a week (£124.80 a year). The National Insurance Contributions Office collects this. Direct debit is the simplest and most trouble-free method of payment. Someone earning less than £5,075 a year (excluding any start-up grants) can apply to be exempted from Class 2 contributions. Ask for Form CF10.
- Class 4 contributions of eight per cent on profits between £5,715 and £43,875, plus an additional one per cent on annual profits above £43,875. HM Revenue & Customs collects this, at the same time as income tax.

No tax-free lunch

Andrew Bacon's success in business was based on building relationships. Although he found it boring, he spent a lot of his own time wining and dining customers. It was unquestionably essential for his work.

Too late, Andrew discovered that entertainment — however necessary — is not an allowable business expense. Being a self-employed top-rate taxpayer, he had to pay £4,000 tax on the £10,000 he had assumed could be written off as entertainment expenses.

If, as well as working as a self-employed person, you also have a job working for an employer, you will still be paying Class 1 contributions.

In this situation, you can apply to defer payment of the Class 2 and Class 4 contributions.

14 Capital gains

Capital gains tax (CGT) is a tax on successful investments, such as those in property and shares. If you sell something for more than you paid for it, CGT may be payable.

14.1 Capital gains tax is generally paid at a flat **rate** of 18 per cent on all gains.

- Capital gains are added to any other income, to determine what the top rate should be.
- Gains falling within the middle rate band are charged at 20 per cent, rather than 22 per cent.
- The first £10,100 of capital gain each year is tax free. A husband, wife or civil partner can each claim this allowance.
- CGT is payable on 31 January following the end of the tax year in which the gain is made.

14.2 Limited companies pay corporation tax on any capital gain.

- Capital gains are treated as part of the company's taxable profit.

14.3 The **self-employed**, like other individuals, pay CGT at their top rate of income tax.**14.4** CGT **exemptions** include your gains in ISAs and increases in the value of your principal private residence and private cars.

- If you work from home — and have not claimed any part of your mortgage payments as a business expense — there is usually no CGT on any profits made from the sale of your house.
- Under certain conditions, some investment vehicles, life assurance policies and charitable gifts can also be exempt.

14.5 Capital **losses** can be set against capital gains from the same tax year and can then be carried forward against future capital gains.

14.6 Individuals can claim **entrepreneurs' relief** on the first £1 million of gains made on the sale of a business or its assets.

- The relief gives an effective rate of ten per cent on gains up to £1 million.
- Claims can be made on more than one occasion up to the £1 million lifetime limit.
- Gains over £1 million are charged at a flat rate of 18 per cent.

14.7 Payment of some CGT can be deferred.

- You can get 'rollover relief' if you sell a building from which you trade (or certain other types of asset), and use the money to buy another such building (or asset).
- You can get 'reinvestment relief' if you reinvest the gain in qualifying shares in certain types of companies under the Enterprise Investment Scheme.

15 Paying less tax

Here are three commonly-used ways of paying less tax.

15.1 New businesses expecting to make a first-year loss can delay incorporation.

- This may be advantageous, because a self-employed person can offset the tax loss against previous years' employment income and receive a tax rebate (see **12**). The business can still be incorporated later.
- Being self-employed has other important implications, though, including unlimited liability.

15.2 If you are making profits, and your cashflow is sound, it may be worth trying to

First time shock

When Philip Prince started his carpet cleaning business he made a lot of money very quickly. He spent it all, too — on a new van, on more equipment and on a holiday.

He was self-employed and chose the maximum 18-month accounting period to start with. It was nearly two years before the first tax bill came. When it did, it was enormous.

The trouble was that Philip was taxed on the money he had reinvested in capital equipment to build up the business — and buying that equipment had left him with no money to pay the tax.

reduce your profit at the end of the year in order to reduce your tax bill.

- Bring forward the purchase of items of equipment that you will have to buy later.
- Make full provision for specific bad debts.

15.3 Payments into a **pension scheme** are an efficient way of saving tax.

But putting money into a pension scheme to save tax is unwise if the cash is really needed to run the business.

16 Other tax opportunities

16.1 An ordinary employee given a **low interest loan** by the company receives a benefit, which is normally taxable as income.

- However, for loans up to £5,000, there is no tax payable.

16.2 No tax is payable on **long-service awards** up to a specified value.

- The value can be up to £50 for each year of service.
- To qualify the employee must have served for 20 years.

16.3 Annual staff **parties** (or similar celebrations) paid for by the employer are tax free up to a specified limit.

- The cost must not be more than £150 per head a year.

16.4 Employees who receive shares under a **tax-favoured share scheme** are not taxed until they sell the shares.

- Where employers offer Share Incentive Plans (SIPs), employees can use up to £1,500 of salary each year, free of tax and NI, to buy shares.

17 The 2008/09 tax year

The information in this briefing applies to the current tax year. The main changes from the previous year are highlighted below.

17.1 The two **income tax** bands (see **3** and **4**) and rates for the tax year to 5 April 2009 were:

taxable income (£)	tax rate
1–34,800	20%
over 34,800	40%

17.2 Corporation tax (see 5) bands for the tax year ending 31 March 2009 were:

profit (£)	tax rate
0–300,000	21%
Over 1,500,000	28%

17.3 The **personal allowance** was £6,035.

17.4 National Insurance (see 13).

- Employees earning less than £105 a week were exempted. Other employees paid 11 per cent (9.4 per cent if contracted out) on any extra, up to £770 a week.
- The employer's contribution rate was 12.8 per cent on earnings above £105 a week (less if contracted out).
- The self-employed paid Class 2 contributions of £2.30 a week.
- Class 4 contributions were charged at eight per cent on profits between £6,035 and £40,040.
- The earnings limit for exemption from Class 2 contributions was £4,825.

17.5 Capital gains tax (see 14).

- The annual exemption for individuals was £9,600.

18 Next steps

Having read this far, you will have a basic grasp of how tax works. You should now:

18.1 Discuss your specific situation and business with a **tax specialist**.

- Check that the specialist is properly qualified — either a member of the Chartered Institute of Taxation or the Association of Taxation Technicians (020 7235 2544; www.att.org.uk).

18.2 Make sure your **accounting system** shows how much tax is payable each month.

18.3 Make realistic **provisions** for future tax bills.

- Plan cashflow so that when a tax demand arrives, you have the cash to pay it.

Expert contributors

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Further help

There are other Start-up Briefing titles that can help you. These briefings are referred to in the text by name, such as VAT.

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