

Year-End Tax Planning

2022/23

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INTRODUCTION

After a fiscally turbulent year – including September’s mini-Budget which Rishi Sunak’s new government rapidly unpicked – tax rises, both overt and stealthy, are the order of the day.

The 1.25% social care levy that was set to be introduced from April 2023 will not be implemented, nor will dividend tax rates benefit from this 1.25% reduction. Instead, from 6 April 2023, the additional rate threshold will be reduced to £125,140, the dividend allowance is down to £1,000 and the capital gains tax (CGT) annual exempt amount will fall to £6,000.

The personal allowance will now remain at £12,570 until 2027/28 and the higher rate threshold will stay at £50,270 – the levels that first took effect in 2021/22. With inflation at 10.7%, these measures will result in increased taxation for many. Rising interest rates and higher energy costs will also add to the financial pressure on individuals and businesses.

So, it is more important than ever to make the most of reliefs and allowances while they are still available. This guide offers some advice on the principal opportunities you could consider and forms the basis of a good

financial plan to complete the tax year. With ideas affecting income and investment, for couples, company directors and employees, and self-employed people, there will be something for everyone.

If you would like further advice on any of the topics, or to discuss how they affect your individual circumstances, please get in touch with any member of our tax team or email tax@geraldedelman.com.

This report is for general information only and is not intended to be advice to any specific person. You are recommended to seek competent professional advice before taking or refraining from taking any action on the basis of the contents of this publication. Tax rates may differ in Scotland. The report represents our understanding of law and HM Revenue & Customs practice.

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Income Tax Saving for Couples

Switching income from one spouse or partner to the other can help save tax.

Always aim to use both individuals' personal allowances (£12,570 in 2022/23, and frozen at this level until 2027/28).

If either spouse or a civil partner will not be able to use their personal allowance for 2022/23, then claiming the marriage allowance will save the other spouse or civil partner up to £252 in tax. However, a claim can only be made if the recipient does not pay tax above the basic rate. Claims can be backdated for four tax years, so the advantage of making a claim by 5 April 2023 is the inclusion of 2018/19. Also try to minimise any higher and additional (top) rate tax.

- ▶ Income over £150,000 is currently taxed at 45%, or 46% for non-savings, non-dividend income in Scotland. This threshold is reduced to £125,140 for 2023/24.
- ▶ The personal allowance is withdrawn where income (less certain deductions) is more than £100,000.
- ▶ You might be able to reorganise both your financial affairs to avoid exceeding one of these limits. However, capital gains tax (CGT) may be payable on switching ownership of an investment if you are not married or in a civil partnership.

You can each receive £2,000 of dividends tax free in 2022/23 regardless of your tax status. Reorganising your shareholdings between you may make better use of this limit, which will be reduced to £1,000 next year. You can also receive £1,000 of savings income tax free if you are a basic rate taxpayer, and £500 if paying tax at the higher rate.

If you or your partner have little or no earnings or pension income, you might also benefit from a 0% tax rate on up to a further £5,000 of savings income. Again, shifting assets between you can help minimise tax on your savings income. A £1,000 tax-free allowance is available for income from property, such as where a parking space is let out, so joint ownership could result in a modest tax saving.

Child benefit

Where either partner has income of £50,000 or more then child benefit is in effect withdrawn. The withdrawal is total if income is over £60,000, and partial for income between £50,000 and £60,000. You may be able to keep some or all of your child benefit by switching income between you and your partner, or by taking other steps to bring your income below one of these limits.

Planning point

You may be able to reorganise your finances now to make use of some of these opportunities for 2022/23, but you should plan ahead for 2023/24 to gain the maximum income tax saving.



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Planning for Directors and Employees

Bringing forward income could be a sensible approach if you are not currently an additional rate taxpayer but expect to be affected by the reduction in the additional rate threshold.

- ▶ If your income is less than £150,000 this year but is expected to exceed £125,140 next year (£150,000 for Scottish taxpayers), you could bring forward income into 2022/23 to avoid the additional or top rate next year.
- ▶ Conversely, if your income will fall below £125,140 (£150,000 for Scottish taxpayers) in 2023/24, you might be able to avoid the additional or top rate of income tax this year by delaying a bonus until after 6 April 2023.

You could consider a similar strategy to keep your income below the level at which you would lose your personal allowance. Alternatively, you could sacrifice salary to bring your income below any of the thresholds in exchange for a tax-free employer's pension contribution or a low-emission company car.

If you have had to work from home this year, you can claim a tax-free amount of £312 for 2022/23 to cover the additional costs involved (provided your employer does not reimburse them). It doesn't matter how many weeks you actually work from home. You can use HMRC's online portal before 6 April 2023 so that you receive the benefit via your PAYE code for 2022/23. However, this relief is only available if you have to work from home, not if you simply choose to do so.

Key considerations

This is also a good time to review your company car situation, especially if you have been working from home and expect this to continue long term. If you are hardly using your company car, you can return it to your employer to remove the tax charge.

Alternatively, switching to a fully electric car or an ultra-low emission hybrid with a high electric motoring range will drastically lower your tax cost. Such a switch will also save tax and NICs for your company.

If you are going to work abroad for more than a year, it may help to leave the UK before 6 April 2023. There are complex rules around residency, so you should seek specific advice.



Dividends

The current dividend tax-free allowance of £2,000 will fall to £1,000 in 2023/24. If you are the owner of a limited company, it would be wise to ensure you make use of the dividend tax-free allowance for 2022/23. Similarly, if you are a higher rate taxpayer and may become an additional rate taxpayer in 2023/24 (or Scottish top rate taxpayer), you could bring forward a dividend to avoid the additional rate (or Scottish top rate) next year.

This could also help if the income falls into the basic rate band this year (or Scottish starter, basic or intermediate rate bands). But you should avoid bringing forward a dividend if it is likely to fall into a higher band this year than next year.

You could even give shares to your spouse or civil partner shortly before paying a dividend if they pay tax at a lower rate than you, provided you genuinely transfer ownership. It is advisable to leave as much time as possible between the gift and the subsequent dividend payment.

You should also consider paying a dividend before 6 April 2022 if you have not already made full use of the £2,000 tax-free allowance.



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Self-Employment

The director/employee tax planning approach around income levels applies equally to people who are self-employed.

If you are self-employed, you might be able to affect the timing of your taxable profits to avoid paying tax at 45% (or 46% in Scotland), but this will depend on your accounting date.

Complicating matters in 2023/24 is the transition to taxation of business profits actually arising in the tax year. This will impact those not currently on a 5 April/31 March year end. For 2023/24, taxable profits will be based on the 12 months from the end of the 2022/23 basis period, plus a transition component running from the end of this 12 month period to 5 April 2024. Any overlap profits you might have will be relieved in full in 2023/24.

Additional profits arising from the transition will be spread over a five-year period, but businesses will be able to opt out of spreading. Any decision on spreading profits should take into account the reduction in the additional rate threshold and the fact that the personal allowance and higher rate thresholds are frozen.

Partner's salary

You could pay an otherwise non-earning partner a salary, on which you will get tax relief. You normally must keep PAYE records even if the salary is below the NICs limit, which is £533 a month in 2022/23. If, however, the salary is between £533 and £1,048 a month (£823 up to 5 July 2022), your partner will avoid paying any employee NICs, but will still qualify for state benefits. A small amount of employer NICs will be payable if the salary exceeds £758 a month.

You can also pay an employer's contribution to your partner's personal pension plan. There are no taxes or NICs on the payment itself, and it should be an allowable business expense. However, the total value of your partner's salary, benefits and pension contributions must be justifiable in relation to the work performed.

Alternatively, you could plan ahead to share the profits of your business by operating as a partnership in 2023/24. You both need to be genuinely involved as business partners, though not necessarily equally.

Planning point

If you are thinking about incorporating your business, you need to take into account the rise in corporation tax from 1 April 2023 from 19% to 25% for company profits over £50,000, with a marginal rate of 26.5% on profits falling between £50,000 and £250,000.

Useful link: www.gov.uk/business – helpful advice for businesses.



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Get Ahead on Capital Gains Tax Planning

Some careful forethought can help minimise your capital gains tax (CGT) bill this year.

Everyone has an annual CGT exempt amount, which in 2022/23 makes the first £12,300 of gains free of tax. For 2023/24, this amount will be reduced to £6,000, with a further cut to £3,000 to follow.

- ▶ Most gains above the exempt amount are taxed at 10%, where taxable gains and income are less than the non-Scottish basic rate limit of £37,700 in 2022/23.
- ▶ The rate is 20% on gains that exceed this limit. Residential property gains are taxed at 18% and 28%.

You should generally aim to use your annual exempt amount by making disposals before 6 April 2023. If you have already made gains of more than £12,300 in this tax year, you might be able to dispose of loss-making investments to create a tax loss. This could reduce the net gains to the exempt amount.

Timing disposals

If your disposals so far this tax year have resulted in a net loss, the decision on whether to dispose of investments to realise gains before 6 April 2023 will depend on the amounts involved.

Depending on your level of income, timing your disposals either before or after the end of the tax year could result in more of your gains being taxed at 10% rather than 20% (or 18% instead of 28%).

Transferring assets between married couples or civil partners before disposal might save CGT, particularly where one partner has an unused exempt amount, has not fully used their basic rate tax band or has capital losses available. You should generally leave as much time as possible between the transfer and the disposal.

CGT is normally payable on 31 January after the end of the tax year in which you make the disposal. You could therefore delay a major sale until after 5 April 2023 to give yourself an extra 12 months before you have to pay the tax (but be careful of the impact of the reduction in the exempt amount).

However, a payment on account of CGT must be made within 60 days of a residential property disposal (other than of an exempt principal private residence). There is therefore no timing advantage to delaying such a disposal.

Planning point

Timing your disposals is particularly important if disposals in this tax year have already resulted in a net loss. Depending on the level of your income, making a further disposal either side of the tax year end could save or cost you tax.

A shareholding or another chargeable asset might have lost virtually all value. If so, you can claim the loss against your capital gains without actually disposing of the asset, by making a negligible value claim. You can backdate the loss relief to either of the two tax years before the one in which you make the claim, provided that you owned the asset in the earlier year and it was already of negligible value. The deadline for backdating a claim to 2020/21 is 5 April 2023.

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aim to use your annual
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making disposals before
6 April 2023.**





Pension Tax Planning

The tax privileges of investing in pension plans generally make them a key focus in tax planning.

Pension funds are broadly free of UK tax on their capital gains and investment income. When you take the benefits, up to a quarter of the fund is normally tax free, but the pension income will be taxable.

Most people aged 55 (rising to 57 in 2028) and over can draw their pension savings flexibly. Withdrawals above the tax-free amount are liable to income tax at your marginal rate. You should take advice before accessing pension savings as there are several options and they will generally have a long-term effect on your financial position.

The standard lifetime allowance and annual allowance were left untouched in the Autumn Statement of 17 November 2022, but a future reduction in tax relief for pension contributions remains a possibility. You might want to maximise your pension contributions for 2022/23 by making further contributions before 5 April 2023.

Contributions

There is an annual limit of £40,000 on pension contributions that qualify for tax relief, although this limit is tapered down to a minimum of £4,000 if your income exceeds £240,000. You can, however, carry forward unused annual allowances for up to three years to offset against a contribution of more than the annual limit. For people already drawing a flexible income from a pension, the annual allowance is also £4,000.

- ▶ You can pay up to the whole of your earnings into a pension scheme, but the tax relief is capped by the annual allowance plus any unused allowances brought forward.

- ▶ Tax relief on pension contributions is normally at least 20%, and higher or additional rate taxpayers receive relief at 40% or 45%. In Scotland, intermediate, higher and top rate taxpayers receive relief at 21%, 41% or 46% respectively. Limiting your contributions to amounts that qualify for at least 40% tax relief will give you the most benefit.
- ▶ Effective relief can be as high as 60%, or 61.5% in Scotland, where the personal allowance is being withdrawn, and can be even higher if universal credit payments or tax credits are being withdrawn.
- ▶ You could set up a pension for your partner or children since they don't need earnings to build up to £3,600 in a personal pension. Even if they do not pay any tax, they can still benefit from 20% tax relief.

The standard lifetime allowance and annual allowance were left untouched in the Autumn Statement of 17 November 2022.

Lifetime allowance

The maximum you can hold in a tax-favoured pension scheme without triggering an extra tax charge is £1,073,100 in 2022/23. The allowance will be frozen at this level until 2027/28.

Planning point

The real value of the lifetime allowance is falling, so a pension plan may not provide enough for your retirement needs. Therefore, consider other forms of saving.

Useful link: www.gov.uk/plan-retirement-income – information about pensions and pensioner benefits.



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Individual Savings Accounts

The tax privileges of investing in pension plans generally make them a key focus in tax planning.

You can invest in one cash ISA, one stocks and shares ISA and one innovative finance ISA in each tax year. ISAs are free of UK tax on investment income and capital gains. If you are aged 18 to 39, you can also invest up to £4,000 in a lifetime ISA. However, the maximum investment limit of £20,000 (for 2022/23) applies across all four types of ISA.

Lifetime ISAs

The government adds a 25% bonus to investments of up to £4,000 a year in a lifetime ISA. You can use these savings to help buy a first home (but be wary of the property price cap of £450,000) or keep the funds for retirement. A lifetime ISA will be a more attractive approach to retirement saving than a traditional pension for some, or you can, of course, opt for both forms of pension saving.

The decisions can be complex so taking advice is essential. You will incur a lifetime ISA government withdrawal charge (currently 25%) if you transfer the funds to a different ISA or withdraw the funds before age 60 and you may therefore get back less than you paid into a lifetime ISA.

Planning point

There is nothing to report about ISAs on your tax return and ISAs are effectively inheritable by a surviving husband/wife or civil partner.

Junior ISAs

Although 16- and 17-year-olds can open a cash ISA, the rules effectively prevent you from opening an ISA for them. Parents and others can contribute to a Junior ISA for children up to 18 who do not have a child trust fund. The contribution limit is £9,000 in 2022/23.

Useful link: <https://uk.reuters.com> – financial and market analysis.

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The government adds a 25% bonus to investments of up to £4,000 a year in a lifetime ISA.



Use Your Inheritance Tax Exemptions

Inheritance tax (IHT) planning is generally not related to the tax year end, although this is as good a time as any to review your will and ensure your stated wishes are up to date.

There are, however, certain IHT exemptions that are related to the tax year.

- ▶ Gifts totalling up to £3,000 in a tax year are exempt from IHT. If you didn't use this exemption in 2021/22, you can make IHT-free gifts of up to £6,000 before 6 April 2023. If you have already used your exemption for 2022/23, you could delay your next gift until after 5 April 2023 to take advantage of the 2023/24 exemption.
- ▶ Gifts of up to £250 to any person in any one tax year are exempt. You can use this exemption for any number of different recipients.
- ▶ Regular gifts out of excess income can also be exempt, with the amount of excess income determined each tax year. You need careful documentation to prove that you make the gifts from income rather than capital.

Useful link: www.gov.uk/inheritance-tax – HMRC guide to IHT.

Gifts of up to £250 to any person in any one tax year are exempt. You can use this exemption for any number of different recipients.



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Charitable Giving

Charities make a difference to millions of lives in the UK and around the world. Whatever cause you care about there will be a charity working on it. Remember you can get tax relief for any charitable gifts if you make a gift aid declaration.

You make the gift out of your taxed income and the charity can claim back basic rate tax on the value of the gift. Higher and additional rate taxpayers can claim an extra 20% or 25% in relief. Intermediate, higher and top rate taxpayers in Scotland can claim an extra 1%, 21% or 26% in relief.

You can obtain both income tax and CGT relief on gifts to charities of shares listed on the stock market and certain other investments.

Gifts to charity are free of IHT, so remembering a charity in your will can reduce the total amount of IHT that will be paid on your estate. If at least 10% of your net estate is left to charity, then the rate of IHT payable on the remainder of your estate will be reduced from 40% to 36%.

Useful link: www.gov.uk/donating-to-charity - information about tax relief when donating to a charity.

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You make the gift out of your taxed income and the charity can claim back basic rate tax on the value of the gift.



Tax Planning Checklist

Could you transfer income to your partner to minimise higher and top rate taxation next year, to maximise the tax-free savings and dividend income limits, or to avoid losing child benefit?

Have you considered the timing of dividends and bonuses to minimise tax rates?

Have you used your annual CGT exempt amount by making any available disposals before 6 April 2023?

Have you used this year's ISA allowance before 6 April 2023?

Are you investing enough in your pension (or possibly a lifetime ISA) if you wish to, or have to, retire earlier than state pension age, which is likely to keep going up?

If you are aged over 55, have you taken advice about the options for drawing your pension savings?

Have you made gifts to use your annual IHT allowances?

Are you considering any charitable gifts now or in your will?



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