

Spring Budget – 8 March 2017

BUDGET HIGHLIGHTS

- A reduction in the dividend allowance from the current £5,000 to £2,000 from 2018/19.
- A one year deferral in the start date for Making Tax Digital (MTD) for unincorporated businesses and landlords whose turnover is below the VAT threshold (£85,000 from 1 April 2017).
- An increase in the personal allowance for 2017/18 to £11,500 and a corresponding rise in the higher rate threshold to £45,000, although in Scotland the latter figure will only apply to savings and dividend income.
- A new 25% tax charge on transfers to qualifying recognised overseas pension schemes (QROPS), other than for those who have ‘a genuine need’ to transfer.
- Three measures to help small businesses cope with the changes to business rates, due to take effect in April 2017, starting with a new £50 a month cap (in 2017/18 only) for businesses that lose Small Business Rate Relief.
- The publication later in the year of a green paper examining the funding of social care, although the Chancellor ruled out the rumoured ‘death tax’. In the interim an additional £1bn is to be made available for social care funding in 2017/18.

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INTRODUCTION

The Chancellor's Budget on 8 March was the first of two due in 2017. The final spring Budget came little more than three months after an Autumn Statement that suggested government finances had taken a post-referendum turn for the worse. However, the latest short-term economic numbers turned out much better than the Office for Budgetary Responsibility's (OBR's) November projections.

This good news gave the Chancellor a little 'wriggle room', but instead he chose to offset some modest increases in spending – mostly focused on social care – with tax rises mainly aimed at the self-employed. For once, the volume of Budget documents issued by the Treasury shrank significantly, but there were still some surprises to be found in the detail.

One example was the move to levy a 25% tax charge from 9 March 2017 on most transfers to qualifying recognised overseas pension schemes (QROPS), even though the Autumn Statement had announced a tightening of the QROPS rules. The cut in the dividend allowance from 2018/19 was also unexpected and catches not just the target one-person companies. Personal investors with equity-based portfolios worth more than about £60,000 (based on current UK dividend yields) will pay more tax. Ironically one effect will be to increase the appeal of ISAs, which benefit from a large contribution limit rise next month.

The Chancellor resisted making any announcements about future increases to the personal allowance or higher rate threshold, presumably saving some good news for his autumn set piece.

"A strong economy needs a fair, stable and competitive tax system, creating the growth that will underpin our future prosperity." **Philip Hammond, Chancellor**

UPDATE (POST BUDGET)

In the Budget of 8 March 2017, the Chancellor announced that Class 4 NIC rate for the self-employed would rise by 1% to 10% in 2018/19 and by a further 1% in 2019/20. The proposed increases provoked a widespread outcry, not least because the Conservatives 2015 election manifesto stated "we can commit to no increases in VAT, Income Tax or National Insurance."

A week later, perhaps appropriately on the Ides of March, the Chancellor issued a letter to MPs saying that there would be no increase to Class 4 NICs "in this Parliament". However, the abolition of Class 2 NICs will still go ahead from April 2018, meaning that the self-employed will generally see their NICs bill *fall* from 2018/19.

At Prime Minister's Questions, Mrs May has said that the government would review areas of difference in the treatment of the employed and self-employed following a forthcoming report of modern working practices being prepared by Martin Taylor. Mrs May's comments reiterated a point made by the Chancellor, who also wrote in his letter that "The cost of the changes ... will be funded by measures to be announced in the Autumn Budget."

PERSONAL TAXATION

Income tax allowances and reliefs	2017/18	2016/17
Personal (basic)	£11,500	£11,000
Personal reduced by £1 for every £2 of net income over	£100,000	£100,000
Transferable tax allowance for married couples/civil partners	£1,150	£1,100
Married couples/civil partners (minimum) at 10% ¹	£3,260	£3,220
Married couples/civil partners (maximum) at 10% ^{1,2}	£8,445	£8,355
Blind person's allowance	£2,320	£2,290
Rent-a-room tax-free income	£7,500	£7,500
Venture capital trust (VCT) at 30%	£200,000	£200,000
Enterprise investment scheme (EIS) at 30%	£1,000,000	£1,000,000
– EIS eligible for capital gains tax (CGT) deferral relief	No limit	No limit
Seed EIS (SEIS) at 50%	£100,000	£100,000
– SEIS CGT reinvestment relief	50%	50%
Registered pension scheme		
• annual allowance ³	£40,000	£40,000
• money purchase annual allowance	£4,000	£10,000
• lifetime allowance	£1,000,000	£1,000,000

¹ Where at least one spouse/civil partner was born before 6/4/35.

² Reduced by £1 for every £2 of income over £28,000 (£27,700 2016/17), until the minimum is reached.

³ 50% taper down to £10,000 if threshold income is over £110,000 and adjusted income is over £150,000.

Rates		2017/18	2016/17
Basic rate of 20% on income up to:	UK (excl. Scotland)	£33,500	£32,000
	Scotland ⁴	£31,500	£32,000
Higher rate of 40% on income over:	UK (excl. Scotland)	£33,500	£32,000
	Scotland ⁴	£31,500	£32,000
Additional rate of 45% on income over:	UK	£150,000	£150,000
Starting rate at 0% – on savings income up to ⁵		£5,000	£5,000
Savings allowance at 0% tax:	basic rate taxpayers	£1,000	£1,000
	higher rate taxpayers	£500	£500
	additional rate taxpayers	£0	£0
Dividend allowance at 0% tax – all individuals		£5,000	£5,000
Tax rate on dividend income:	basic rate taxpayers	7.5%	7.5%
	higher rate taxpayers	32.5%	32.5%
	additional rate taxpayers	38.1%	38.1%

⁴ For non-dividend, non-savings income only in 2017/18: otherwise UK (excl. Scotland) band applies.

⁵ Not available if taxable non-savings income exceeds the starting rate band.

Trusts		
• standard rate band generally	£1,000	£1,000
• dividends (rate applicable to trusts)	38.1%	38.1%
• other income (rate applicable to trusts)	45%	45%
Child benefit charge: 1% of benefit per £100 of income between £50,000 and £60,000.		

PERSONAL TAXATION

Income tax

The personal allowance will increase to £11,500 and the higher rate threshold will rise by £2,000 to £45,000 for 2017/18. In Scotland, the 2017/18 higher rate tax threshold will remain unchanged at £43,000 for non-savings, non-dividend income only.

National insurance contributions

The national insurance contribution (NIC) upper earnings limit and upper profits limit will increase to £45,000 for 2017/18, in line with the higher rate income tax threshold.

Dividend allowance

The tax-free dividend allowance, which was introduced at a level of £5,000 in 2016/17, will be reduced to £2,000 from 2018/19.

Different forms of remuneration

- **Benefits in kind** The government will publish a call for evidence on exemptions and valuation methodology for the income tax and employer NICs treatment of benefits in kind (BiKs). Legislation in Finance Bill 2017 will set the date of 6 July for an employee to make good on BiKs which are not accounted for in real time through PAYE (BiKs that are not payrollled). This legislation will take effect for tax liabilities arising from 2017/18.
- **Accommodation benefits** The government will publish a consultation with proposals to update the tax treatment of employer-provided accommodation and board and lodging. This will include proposals for when accommodation should be exempt from tax.
- **Employee expenses** The government will publish a call for evidence on the use of the income tax relief for employees' expenses, including those that are not reimbursed by their employer.

Tax-advantaged venture capital schemes

The requirements of the Enterprise Investment Scheme (EIS), the Seed Enterprise Investment Scheme (SEIS) and Venture Capital Trusts (VCTs) will be amended, as previously announced, to:

- Clarify the EIS and SEIS rules for share conversion rights;
- Provide additional flexibility for follow-on investments made by VCTs in companies with certain group structures, for investments made on or after 6 April 2017; and
- Introduce a power to make VCT regulations in relation to certain share for share exchanges to provide greater certainty to VCTs, which will be effective from the date of Royal Assent.

Disguised remuneration

Legislation in Finance Bill 2017 will tackle the existing use of disguised remuneration avoidance schemes and prevent their future use, as previously announced.

Off-payroll working in the public sector

Legislation will reform the off-payroll rules and improve tax and NIC compliance in the public sector. Responsibility for operating the off-payroll working rules and deducting any tax and NIC due will move to the public sector body, agency or other third party paying an individual's personal service company. The change will come into effect from 6 April 2017. It will be optional for the public body to take account of the worker's expenses when calculating the tax due.

Reform of tax treatment of termination payments

Legislation will tighten and clarify the tax and NIC treatment of termination payments. The changes will take effect from 6 April 2018.

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Don't lose your personal allowance. Your personal allowance of £11,500 in 2017/18 is reduced by 50p for every pound your income exceeds £100,000. Make a pension contribution or a charitable gift to bring your income below £100,000.

don't forget

EIS investments offer CGT deferral. With the drop in most CGT rates, relating back the relief for an EIS investment could cut your tax bill on gains you made before 2016/17.

PENSIONS, SAVINGS AND INVESTMENTS

Money purchase annual allowance

The money purchase pension annual allowance will be reduced to £4,000 from £10,000 for 2017/18, following a consultation issued with the Autumn Statement.

Qualifying recognised overseas pension schemes

There will be a 25% tax charge on pension transfers on or after 9 March 2017 to qualifying recognised overseas pension schemes (QROPS). Exceptions will be made to the charge, allowing transfers to be made tax free where people have 'a genuine need to transfer their pension' and:

- Both the individual and the pension scheme are in countries within the European Economic Area (EEA); or
- If they are outside the EEA, both the individual and the pension scheme are in the same country; or
- The QROPS is an occupational pension scheme provided by the individual's employer.

UK tax rules will apply to payments from funds that have had UK tax relief and have been transferred to a QROPS on or after 6 April 2017. The rules will apply to any payments made in the first five full tax years following the transfer, regardless of whether the individual is or has been UK resident in that period.

Changes to tax treatment of foreign pensions

From 6 April 2017, the treatment of foreign pensions will be more closely aligned with the UK's domestic pension regime, as previously announced. Legislation will clarify that all lump sums paid out of funds built up before 6 April 2017 will be subject to the existing tax treatment.

Master trust tax registration

The tax registration process for master trust pension schemes will be amended to align it with The Pensions Regulator's new authorisation and supervision regime.

Life insurance policies

As previously announced, the tax rules for part surrenders and part assignments of life insurance policies will be amended to allow policyholders who have generated 'a wholly disproportionate gain' to apply to HMRC to have the gain recalculated on 'a just and reasonable basis'. The changes will have effect from Royal Assent.

NS&I Investment Bond

The rate on the new NS&I Investment Bond announced at Autumn Statement 2016 will be 2.2%. The bond will have a three year term and will be available for 12 months from April 2017. It will be open to anyone aged 16 and over, subject to a minimum investment of £100 and a maximum of £3,000.

think ahead

The money purchase annual allowance will be cut to £4,000 for 2017/18. If you plan to draw from your pensions and continue to work, take advice on how to structure your future income now.

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Check that you and your partner have optimised your ownership of investment and savings. The personal savings allowance and dividend allowance mean you could each receive an income of £22,500 in 2017/18 free of personal tax.

SOCIAL CARE

Funding social care

In his speech the Chancellor ruled out the introduction of a 'death tax' to fund social care. There had been pre-Budget rumours that such a tax would take the form of an addition of 10% to the standard inheritance tax (IHT) rate of 40%.

Green paper

The government will set out its thinking on the options for the future financing of social care in a green paper later this year. A £72,000 cap on care costs was introduced under the Care Act 2014, but its original start date of April 2016 was postponed for four years. It is unclear whether the cap will now be abandoned.

CAPITAL TAXES

Capital gains tax

The annual exempt amount (AEA) for individuals and personal representatives will rise to £11,300 for 2017/18, while the AEA for most trustees will increase to £5,650 (minimum £1,130).

Inheritance tax

The nil rate band remains at £325,000. New deemed domiciled rules apply from 6 April 2017 for inheritance tax (as well as income tax and capital gains tax).

BUSINESS TAXES

Corporation tax rates

As previously announced, the rate of corporation tax will fall to 19% from April 2017 and to 17% in 2020.

Tax treatment of appropriations to trading stock

Businesses with loss-making capital assets will not be able to obtain a tax advantage by converting them into more flexible trading losses. The changes take effect from 8 March 2017.

Tax simplification for cash basis

The entry threshold for the cash basis of assessment will be increased to £150,000 and the exit threshold will rise to £300,000. The rules on capital and revenue expenditure within the cash basis will be simplified to make it easier for businesses to work out whether their expenditure is deductible for tax.

Research and development tax review

There will be administrative changes to the research and development (R&D) expenditure credit to increase the certainty and simplicity around claims and improve awareness of R&D tax credits among SMEs. The competitiveness of the UK environment for R&D will be kept under review.

Withholding tax on interest

The government will renew and extend the administrative simplifications of the Double Taxation Treaty Passport scheme to assist foreign lenders and UK borrowers, and to make it easier for businesses to raise finance. The scheme simplifies access to reduced withholding tax rates on interest available under the UK's tax treaties with other countries.

After consultation in spring 2017, there will be a new exemption from withholding tax for interest on debt traded on a multilateral trading facility, removing a barrier to the development of UK debt markets.

Patient capital review

The review aims to ensure that high growth businesses can access the long-term capital that they need to fund productivity-enhancing investment. As well as identifying barriers to institutional investment in long-term finance, the review will consider existing tax reliefs aimed at encouraging investment and entrepreneurship.

Reform of the Substantial Shareholding Exemption

The Substantial Shareholding rules will be simplified, as announced at Autumn Statement 2016. The investing company requirement within the Substantial Shareholding Exemption will be removed and there will be a more comprehensive exemption for companies owned by qualifying institutional investors. The changes will take effect from 1 April 2017.

Loss relief reform

The rules governing carried forward losses will be reformed with effect from 1 April 2017, as announced at Budget 2016. The change will give all companies more flexibility by relaxing the way in which they can use losses arising on or after 1 April 2017 when they are carried forward. These losses will be useable against profits from different types of income and the profits of other group companies. The measure will also restrict the use of losses carried forward by companies, so that they cannot reduce their profits arising on or after 1 April 2017 by more than 50%. This restriction will apply to a company's or group's profits above £5 million and carried forward losses arising at any time will be subject to the restriction.

Northern Ireland corporation tax

Northern Ireland corporation tax will be amended, as announced at Autumn Statement 2016, to give all SMEs trading in Northern Ireland the potential to benefit from any changes. Other amendments will minimise the risk of abuse.

Corporation tax – hybrids and other mismatches

Two minor changes will be made to the hybrid mismatch regime as announced at Autumn Statement 2016.

Corporation tax relief for museums and galleries

From 1 April 2017, there will be a new tax relief for museums and galleries that develop new exhibitions, including those that are toured. As announced at Autumn Statement 2016, the rates for the relief will be 25% (worth up to £100,000) for touring exhibitions and 20% (maximum £80,000) for non-touring exhibitions.

Corporation tax deduction for contributions to grassroots sport

With effect from 1 April 2017, the circumstances in which companies can get deductions for contributions to grassroots sport will be expanded, as announced at Autumn Statement 2015. The treatment of a sport governing body is extended to its 100% subsidiaries.

Patent Box – cost sharing arrangements

Specific provisions will be added to the revised Patent Box rules introduced in Finance Act 2016. These will cover cases where R&D is undertaken collaboratively by two or more companies under a cost sharing arrangement. The changes, previously announced in Autumn Statement 2016, will take effect from 1 April 2017.

Tax deductibility of corporate interest expense

With effect from 1 April 2017, there will be a limit on the tax deductions that companies can claim for their interest expenses, as announced at Budget 2016. The new rules will restrict each group's net deductions for interest to 30% of earnings before interest, tax, depreciation and amortisation (EBITDA) that is taxable in the UK. An optional group ratio rule, based on the net-interest to EBITDA ratio for the worldwide group, may permit a greater deduction in some cases. The existing debt cap

will be replaced by a modified debt cap, which will ensure that the net UK interest deduction does not exceed the total net interest expense of the worldwide group.

All groups will be able to deduct up to £2 million of net interest expense per year, so groups below this threshold will not need to apply these rules. The draft legislation previously published is being amended so that the rules do not give rise to certain unintended consequences or impose unnecessary compliance burdens.

Partnership taxation

As announced at Autumn Statement 2016, the government will publish a response document and draft legislation to clarify and improve aspects of partnership taxation.

Large business risk review

HMRC will consult with businesses and interested parties for 12 weeks over the summer on its process for risk profiling large businesses and for promoting stronger compliance.

Plant and machinery leasing

The government will consult in summer 2017 on the legislative changes required following the announcement of the International Accounting Board's new leasing standard, IFRS16, which comes into effect on 1 January 2019.

Enterprise Management Incentives

The government will seek state aid approval to extend provision of this tax relief beyond 2018.

Insurance premium tax

The standard rate of insurance premium tax (IPT) will rise to 12% from 1 June 2017 as announced at Autumn Statement 2016. Anti-forestalling provisions will be introduced.

don't forget

The inheritance tax residence nil rate band comes into existence on 6 April. Make sure your estate planning is reviewed to take account of this important change, which could save your beneficiaries up to £140,000 in tax.

think ahead

Your business might be entitled to a valuable R&D tax credit – even if it doesn't make a taxable profit. Check out the position; you might be surprised what can qualify and how much it could be worth to you.

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Check that you are still trading through the most appropriate vehicle for your circumstances.

Incorporation makes sense for some people – but changes to dividend tax rules and NICs are altering the picture.

think ahead

National insurance contributions for the self-employed will change from April 2018. Take advice now for possible ways to counter the effects of this reform.

PROPERTY TAXES

Simplified cash basis for unincorporated property businesses

Most unincorporated property businesses with receipts of up to £150,000 will be able to calculate their taxable profits using a cash basis of accounting from 6 April 2017. Limited liability partnerships, trusts and partnerships with corporate partners will be excluded. Those with both a UK and an overseas property business will be able to choose separately whether to use the cash basis for each. Likewise those with a trade as well as a property business will be able to elect separately for the cash basis for each. People who are not spouses or civil partners and jointly own a rental property will be able to decide individually.

To align the treatment with those who opt to use Generally Accepted Accounting Principles (GAAP), the initial cost of items used in a dwelling house will not be an allowable expense under the cash basis. But the existing 'replacement of domestic items relief' will continue to be available. Interest expense will be treated consistently between those using the cash basis and those using GAAP.

Rent-a-room relief

The government will consult on changes to rent-a-room relief to ensure it is targeted to support longer-term lettings.

Stamp duty land tax

The reduction in the filing and payment window will be delayed until 2018/19.

Business rates

The government will provide £435 million of further support for businesses facing significant increases in business rates in England in addition to the transitional relief announced in November 2016. This will include support for small businesses losing Small Business Rate Relief to limit increases in their bills to the greater of £600 or the real terms transitional relief cap for small businesses each year. However, in the first year the maximum increase will be £600. In addition, English local authorities will receive funding to support £300 million of discretionary relief, to allow them to provide support to individual hard cases in their local area.

For one year from 1 April 2017, there will be a £1,000 business rate discount for pubs with a rateable value of up to £100,000, subject to state aid limits for businesses with multiple properties. The government will consult about its preferred approach for moving to three-yearly revaluations ahead of the next revaluation in 2022.

Offshore property developers

The government will amend legislation to ensure that all profits realised by offshore property developers developing land in the UK, including those on pre-existing contracts, are subject to tax, with effect from 8 March 2017.

think ahead

The dividend allowance will be cut to £2,000 from 2018/19. Take advantage of the increased ISA allowance of £20,000 in the new tax year.

VALUE ADDED TAX

Registration and deregistration thresholds

The VAT registration threshold will be increased from £83,000 to £85,000 from 1 April 2017. The deregistration threshold will go up from £81,000 to £83,000 from the same date. The registration and deregistration threshold for relevant acquisitions from other EU member states will also increase to £85,000.

New penalty in fraud cases

A new penalty will be introduced for participating in VAT fraud, as announced at Autumn Statement 2016. The penalty will take effect once the Finance Bill receives Royal Assent. Following consultation on the draft legislation, the naming of a company officer will be limited to instances where the amount of tax due exceeds £25,000.

'Split payments' model

The government is to call for evidence on the case for a new VAT collection mechanism for online sales. This would harness technology to allow VAT to be extracted directly from transactions at the point of purchase, a model often referred to as 'split payment'. The aim is to tackle the non-payment of VAT by some overseas traders selling goods online to UK consumers.

Mobile phone services

The government will remove the VAT 'use and enjoyment' provision for mobile phone services provided to consumers. The measure will bring those services used outside the EU within the scope of the tax. It will also ensure mobile phone companies cannot use the inconsistency to avoid UK VAT.

Fraud in the provision of labour in the construction sector

The government is to consult on a range of policy options to combat missing trader fraud in supplies of labour in the construction sector. Options include a VAT reverse charge mechanism so that the recipient accounts for VAT, and changes to the qualifying criteria for gross payment status in the Construction Industry Scheme.

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The flat rate VAT scheme is changing for 'limited cost traders' from 1 April. Take advice on what your options are to counter an effective tax increase.

TAX ADMINISTRATION AND COMPLIANCE

Making Tax Digital

The mandatory application of Making Tax Digital for unincorporated businesses and landlords with turnover below the VAT threshold (£85,000 from April 2017) will be deferred for one year, to April 2019.

Promoters of tax avoidance schemes (POTAS)

Legislation will ensure that promoters of tax avoidance schemes cannot circumvent the POTAS regime by reorganising their business by sharing the control of a promoting business, or putting someone between themselves and the promoting business.

Strengthening tax avoidance sanctions and deterrents

A new penalty will be introduced for someone who has enabled another person or business to use a tax avoidance arrangement that is later defeated by HMRC, as previously announced. The defence of having relied on non-independent advice as taking 'reasonable care' when considering penalties, will be removed.

Offshore evasion – requirement to correct

As previously announced, a new legal 'requirement to correct' will be introduced for those who have failed to declare UK tax on offshore interests, with tougher sanctions for those who fail to do so before 1 October 2018. This is expected to come into force from the date of Royal Assent and will apply to all taxpayers with offshore interests who have not complied with their UK tax obligations as at 5 April 2017.

Image rights

HMRC will publish guidelines for employers who make payments for image rights to their employees. The aim is to improve the clarity of the existing rules.

Employment allowance

HMRC is actively monitoring compliance with the national insurance employment allowance following reports of some businesses using schemes to avoid paying the correct amount of NICs. The government will consider taking further action if this avoidance continues.

Tax credit debt

The Department for Work and Pensions (DWP) will recover an amount of HMRC tax credit debt, using its existing powers including Direct Earnings Attachment, as previously announced.

Benefit fraud and error

As previously announced, the DWP will work with an external data provider to identify more effectively fraud and error caused by undeclared partners.

NATIONAL INSURANCE CONTRIBUTIONS

Class 1 (Employees)	2017/18		2016/17	
	Employee	Employer	Employee	Employer
NIC rate	12%	13.8%	12%	13.8%
No NICs on the first:				
Under 21*	£157 pw	£866 pw	£155 pw	£827 pw
21 & over*	£157 pw	£157 pw	£155 pw	£156 pw
NICs rate charged up to	£866 pw	No limit	£827 pw	No limit
2% NICs on earnings over	£866 pw	N/A	£827 pw	N/A
* 25 years for apprentices				

Employment allowance	2017/18	2016/17
Per business	£3,000	£3,000
Not available if a director is the sole employee		

Earnings limits or thresholds	2017/18			2016/17		
	Weekly £	Monthly £	Annual £	Weekly £	Monthly £	Annual £
Lower earnings limit	113	490	5,876	112	486	5,824
Primary earnings limit	157	680	8,164	155	672	8,060
Secondary earnings threshold	157	680	8,164	156	676	8,112
Upper earnings limit and Upper secondary earnings threshold (under 21)*	866	3,750	45,000	827	3,583	43,000
* Under 25 years for apprentices						

Class 1A (Employers)	2017/18	2016/17
Most taxable employee benefits	13.8%	13.8%

Class 2 (Self-Employed)	2017/18	2016/17
Flat rate	£2.85 pw £148.20 pa	£2.80 pw £145.60 pa
Small profits threshold	£6,025 pa	£5,965 pa
Class 4 (Self-Employed)	2017/18	2016/17
On profits	£8,164-£45,000 pa 9%	£8,060-£43,000 pa 9%
	Over £45,000 pa 2%	Over £43,000 pa 2%
Voluntary	2017/18	2016/17
Class 3 flat rate	£14.25 pw £741 pa	£14.10 pw £733.20 pa
Class 3A if state pension age before 6/4/16	N/A	amount depending on age