

HM

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KEY GUIDE

Investing tax efficiently

Introduction

THE COMPLEX WORLD OF TAX ON INVESTMENT

The way that investments are taxed has changed over recent years as successive governments have chosen to handle various sources of investment income in different ways.

The whole tax system has grown increasingly elaborate, thanks to revenue-raising tweaks such as the taxation of child benefit and multiple reforms of dividend taxation. As more changes are introduced, the complexities increase. The latest revision to dividend taxation was recently announced as part of the restructuring of social care funding in England.

This guide offers a brief outline of how your investments are currently taxed and changes already announced for the next tax year. In the wake of the Covid-19 pandemic, government expenditure increased dramatically and tax revenue declined. Since the March 2021 Budget, the Chancellor has taken some steps to increase taxes, with many personal tax allowances and bands frozen until 2026 and a 6% jump in the main rate of corporation tax from April 2023. A further round of tax rises was revealed in September alongside the NHS/social care announcement. There were no further significant tax increases in the autumn 2021 Budget, but, as the Chancellor said in his speech, “Taxes are rising to their highest level ... since the 1950s”.

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How your investment income is taxed

Income from investments is generally taxed less than earnings, because there is no liability to national insurance contributions (NICs). While there have been several proposals from outside the current government for income tax and NICs to be combined and for the newly merged tax to be applied to all income, the announcement of the new 1.25% Health and Social Care Levy makes any such reform look highly unlikely in the near term.

For now, investment income, other than from property, is always treated as the top slice of your income, with dividends usually first, followed by interest. The order is important in determining what rate of tax applies to specific incomes.

The personal savings allowance was introduced in 2016/17 at the rate of £1,000 for basic rate taxpayers and £500 for higher rate taxpayers (based on UK tax bands, including Scottish residents). Both basic and higher rate taxpayers can save up to £200 tax on savings income (primarily interest), but there is no allowance for additional rate taxpayers.

The dividend allowance was also introduced in 2016/17, at the rate of £5,000 for all taxpayers, but was reduced to £2,000 in 2018/19 and remains at that level in 2021/22. Above the dividend allowance, the effective rate of tax on dividends is now 7.5% higher than the 2015/16 level. From 2022/23 that figure will rise to 8.75%.

Both the dividend allowance and savings allowance behave like nil rate tax bands. As a result, each allowance applies to the lowest tier of relevant income and that income is considered in the assessment of your total income, for example in determining whether you are liable to pay higher rate tax. The result is a further complication in the rules for tax calculations.

Many investments can be purchased in ISA tax wrappers, which can shield your money from certain taxes. ISAs will probably make up a key element of your investment plan. Investors do not pay any personal tax on income or gains, but ISAs do pay unrecoverable tax on income from stocks and shares received by the ISA managers.

Interest income

Interest from UK deposits is no longer paid net of basic rate (20%) tax because of the introduction of the personal savings allowance.

Deposits with offshore banks, such as those in the Channel Islands, also normally pay interest with no tax deducted. But the income is taxable in the UK if you are domiciled here and will need to be reported to HM Revenue & Customs (HMRC). Even if you do not report overseas interest to HMRC, there is a good chance that the bank or deposit-taker will report it under the global Common Reporting Standard which came into full effect from September 2018.

The ending of deduction of basic rate tax at source was designed to make life simple for most taxpayers, who would otherwise have had to reclaim small amounts of tax because their interest would fall within the personal savings allowance. However, if your interest income exceeds your personal savings allowance, matters become more complicated:

- You can allow HMRC to collect the estimated tax due by adjusting your Pay As You Earn (PAYE) code, if you have one. However, this will use historic data. For example, in calculating your 2021/22 PAYE code HMRC will have taken account of interest you earned in 2019/20.

- Alternatively, on your self-assessment tax return you can request that estimated tax is not collected, in which case your liability will fall within the usual self-assessment payment procedure. This means payment will be made later than under the PAYE coding route, but you might face a large one-off demand.

Interest from directly owned, fixed-interest securities, such as government bonds (gilts), is usually paid without deduction of tax and you must report it to HMRC. When the nominal value of all your direct holdings exceeds £5,000, you will have to adjust after sale and purchase for any interest you have accrued.

Income payments from fixed-interest securities through a UK-based unit trust or open-ended investment company (OEIC), are now made without deduction of tax.

Planning point

When the nominal value of all your direct holdings exceeds £5,000, you will have to adjust after sale and purchase for any interest you have accrued.

Dividend income

The tax treatment of dividend income from shares, and funds that invest in shares, has grown more complicated over the years, and the tax rates have become divorced from the rates that apply to other income. In 2016/17 there was an overhaul, mainly aimed at discouraging incorporation by small businesses. A further change was made in 2018/19, with the same target of incorporation, but this time catching an increased number of ordinary investors. The March 2021 Budget's deferred increase in corporation tax will also hit dividends as it will reduce the amount of net profits a company has to distribute.

The latest revision to dividend taxation was announced in September 2021, with all rates rising by 1.25 percentage points to help fund the NHS and social care package announced by the prime minister.

Dividends from UK companies, unit trusts and OEICs are now tax-free up to your dividend allowance of £2,000, regardless of your personal tax rate. Beyond the allowance, rates for 2021/22 and 2022/23 are as shown in the table below.

Dividend taxation above the dividend allowance

Income tax rate	Nil £	Basic £	Higher £	Additional £
Dividend	100.00	100.00	100.00	100.00
2021/22 Tax due (rate)	Nil	7.5%	32.5%	38.1%
2022/23 Tax due (rate)	Nil	8.75%	33.75%	39.35%

An advantage of dividend income that is often overlooked is that each £1 net income represents a smaller amount of gross income than either interest or earnings.

EXAMPLE Dividend taxation

Bill is a higher rate (40%) taxpayer in England who has no remaining dividend allowance when he receives a dividend cheque for £100. As the table above shows, in 2021/22 he will have an extra tax liability of £32.50 leaving him with a net income of £67.50 (£33.75 and £66.25 respectively in 2022/23). Bill's gross dividend income from this payment will be £100.

To achieve the same net income from an interest-paying investment would require gross interest of £112.50 ($£112.50 \times (100\% - 40\%) = £67.50$). For 2022/23 the corresponding interest figure is £110.42. The lower gross income result can be important because of the various fixed tax thresholds that take gross income into account (e.g. pension annual allowance tapering).



Property income

You will generally receive income from direct investment in property, such as buy-to-let, with no deduction of tax. There are extensive rules about what expenses you can offset against rents to determine how much of your income is subject to tax. Before the 2017/18 tax year, this meant that private investors were able to offset the full interest paid on borrowing to purchase residential property. As a result, there was often little or no tax to pay, because the rent less expenses (e.g. agents' fees) was roughly the same amount as mortgage interest.

A phased change to the rules on the treatment of interest started in 2017/18 and ended with the start of 2020/21. There is now no offset allowed, but instead a basic rate tax credit given for interest paid. This effectively halves the amount of tax relief available to higher rate taxpayers compared with the situation in 2016/17.

The move to a tax credit approach has meant an increase in total income for tax purposes, which might trigger more tax payments (e.g. because the personal allowance phasing-out threshold of £100,000 is crossed). The interest tax change has also encouraged some buy-to-let investors to place their properties in companies rather than own them directly.

Certain types of property income are subject to additional rules, such as furnished holiday lets, distributions from real estate investment trusts (REITs) and property authorised investment funds (PAIFs).

Planning point

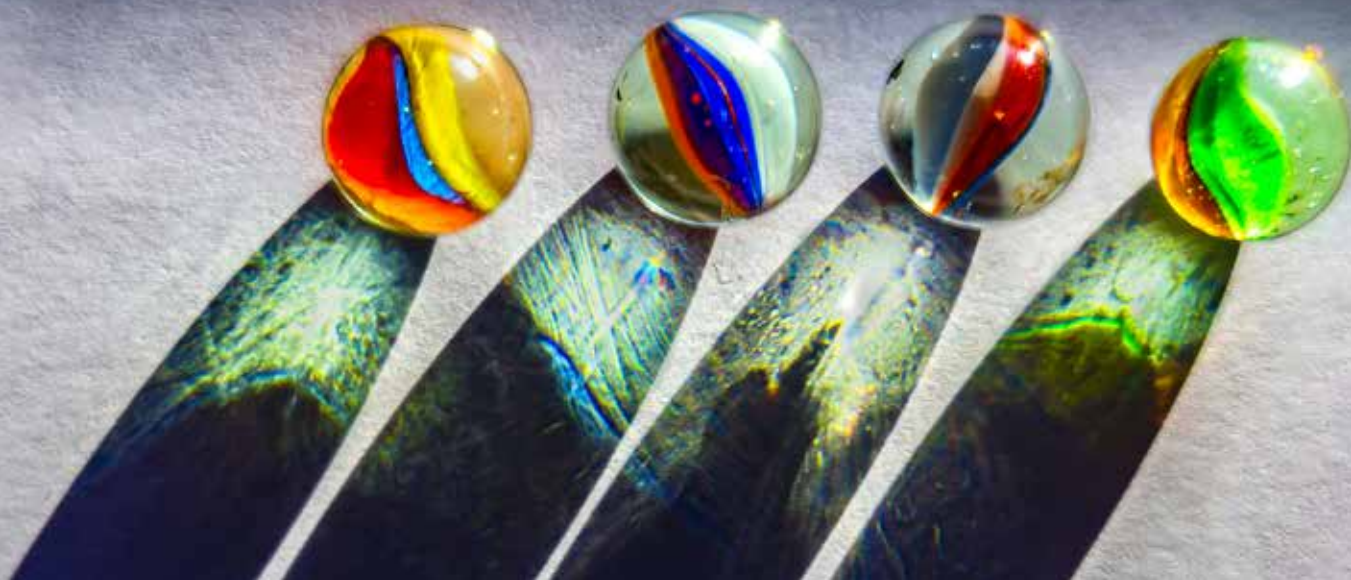
After a four-year phasing period the current structure for tax relief for property investors came into full effect from 6 April 2020.

LIFE ASSURANCE-LINKED INVESTMENT BONDS

The tax treatment of single premium life assurance investment bonds often causes confusion, not least because profits are described as 'chargeable gains', but also because they are actually taxable as miscellaneous income. The basic tax regime can be summarised as follows:

- **The 5% rule.** For each of the first 20 policy years after payment of a premium, there is a credit of 5%, which you can offset against any amount you withdraw. If you do not use the credit, it is carried forward to following years. If your withdrawals exceed the accumulated credit in a year, the excess is treated as income at the end of the policy year.
- **Full surrender and death.** When a policy ends because of a full surrender or the death of the last life assured, there is a 'sweeping up' calculation. The taxable gain in the tax year of death/surrender is then calculated as the total payments from the bond less all premiums paid in. You also deduct any earlier taxable excesses. This calculation brings any payments that have previously benefited from the 5% rule into tax.
- **Tax rate(s).** Gains are treated as the top part of your income (above dividends). For UK investment bonds, a basic rate tax credit (at 20%) is allowed, reflecting the fact that the insurance company has paid tax on the income and gains. Offshore policies are effectively free of UK tax on the underlying income and gains, and therefore do not benefit from the basic rate credit on encashment when the full income tax rates apply (including the starting rate band at 0% and the personal savings allowance).
- **Top slicing.** If the addition of policy gains pushes you into higher or additional rate income tax, top slicing relief can reduce your liability by treating the gain as spread over a period of years, which in most cases will be the time you have held the investment. The rules for this important relief were changed by the Finance Act 2020, with HMRC by concession giving the revisions retrospective effect to 6 April 2018.

You should always seek advice before withdrawing any money from investment bonds because of the complexities that abound in their taxation treatment. Their structure – for example, one bond could be 1,000 individual policies – can create serious tax traps.



EXAMPLE**Investment bond tax calculation**

Brian arranged a £10,000 UK investment bond in August 2011. He took £500 withdrawals each year in November, starting in 2011. These were within the 5% rule and gave no rise to an immediate tax charge. In July 2021 he surrendered the bond for £9,850. The final chargeable gain on the bond is calculated as:

Surrender proceeds:	£9,850
Total withdrawals: 10 x £500	<u>£5,000</u>
Total policy proceeds	£14,850
Less	
Previous chargeable gains:	nil
Total invested	<u>(£10,000)</u>
	(£10,000)
Chargeable gain on surrender	£4,850

As Brian has total income of around £60,000, he is a higher rate taxpayer and will have to pay 20% tax (40% – 20% basic rate credit) on the gain, giving him a tax bill of £970. Top slicing relief (over nine years) does not affect Brian, because he is a long way from the starting point of the additional rate band.

Planning point

Investment bonds generally require a lump sum investment of at least £5,000 and you should expect to have your money tied up for at least five years.

CAPITAL GAINS IMPLICATIONS

In most circumstances, capital gains are currently taxed more lightly than income, particularly if your net realised gains fall within the annual exempt amount of £12,300 (in 2021/22 and 2022/23) or you are a higher or additional rate taxpayer. Not all investments are subject to capital gains tax (CGT). For example, gilts and most other fixed-interest securities are exempt, but unit trusts and OEICs that invest in them are not.

The basic principles of CGT are now:

- Most disposals of investments – gifts as well as sales – trigger the need for a CGT calculation. Transfers to your spouse or civil partner are effectively ignored, provided you are living together.
- Gains and losses are calculated simply as the net value realised less the total acquisition costs.
- Gains and losses you realise in the same tax year are netted off each other. If any losses are unused, you can carry them forward indefinitely until you need to use them. In general, you must claim the loss within four years of the tax year in which it arose.



- The annual exempt amount allows you to realise £12,300 of net gains free of CGT in 2021/22. The allowance normally rises annually in line with consumer price index (CPI) inflation, but in the March 2021 Budget it was frozen at its 2020/21 level until at least April 2026.
- If your net gains in a tax year exceed both your annual exempt amount and any carried forward losses you have available, the excess is added to your income. CGT is charged at 10% where gains fall below the higher rate band and 20% otherwise. An exception applies to gains from residential property, where rates are 8% higher. In all instances, the CGT rate is comfortably below higher or additional rate income tax.
- Any potential CGT liability on unrealised gains is usually extinguished on death.
- CGT is normally payable by 31 January in the tax year after the gain is realised, e.g. 31 January 2022 for gains realised in 2020/21.

In 2020/21 three important changes for CGT on residential property took effect:

- Any CGT on residential property gains became due within 30 days of sale completion, along with a tax return. This period was extended to 60 days in the autumn 2021 Budget.
- The CGT exemption for a main residence was cut to a normal maximum of nine months after moving out, halving the previous eighteen-month period.
- New rules were introduced for lettings relief, limiting eligibility to those instances where the property owner shares occupation with the tenant.

In July 2020 the Chancellor asked the Office of Tax Simplification (OTS) to review CGT and “ensure the system is fit for purpose”. A first OTS report published in November 2020 favoured increasing CGT rates to bring them into closer alignment with income tax rates. A second report, published in May 2021, made some less controversial suggestions for simplifying the administration of the tax. The ideas in these reports were not taken up in the autumn 2021 Budget by Rishi Sunak, but could emerge at a later date.

EXAMPLE**Capital gains and capital losses**

Florence is a higher rate taxpayer and she needs to realise some of her investments in the second half of 2021 to top up the Bank of Mum and Dad. She is thinking of selling an oil company shareholding that has an unrealised gain of £14,000 and disposing of some bank shares, which are showing a loss of £8,000.

- If she sells all her holdings in 2021/22, her net gain will be £6,000 (£14,000 - £8,000) and she will have no capital gains tax to pay because of her £12,300 annual exempt amount. However, the £6,300 of unused exemption cannot be carried forward to 2022/23 and will be lost.
- Alternatively, she could sell all the oil company shareholding and enough of the bank shares (just over a fifth of her holding) to realise a £1,700 loss. Her net gain would then match her full annual exemption (£14,000 - £1,700 = £12,300) and she would still have unrealised losses of £6,300 she could use by selling the remaining bank shares after 2021/22 ends.

EASING THE INVESTMENT TAX BURDEN

There are many ways of reducing the burden of tax on your investments, but you should always take professional advice before acting.

- **Stocks and shares individual savings accounts (ISAs)** offer freedom from CGT, and freedom from UK tax liability on interest from fixed-interest securities and on dividends. Interest on cash is free of UK tax in all ISAs.
- **Cash ISAs** provide deposits with tax-free interest.
- **Lifetime ISAs (LISAs)** offer the same tax advantages as other ISAs, with the added benefit of a 25% government bonus on savings. However, eligibility is limited to those aged 18–39 and there are penalties on withdrawal before the age of 60 unless funds are used to purchase a first home. If you incur a government withdrawal charge, however, you may get back less than the value you paid into a LISA. Investing in a LISA instead of a pension can affect the benefits you could get from an employer contributed pension and affect entitlements to means-tested benefits.
- **Onshore collective funds**, such as unit trusts and OEICs, can be useful in CGT planning because changes to the underlying fund do not give rise to any immediate tax liability for the investor.

- **Non-reporting offshore collective funds** can offer some shelter from income tax, but at the cost of all gains being taxed as income.
- **Pension arrangements** have a wide variety of tax benefits, including full income tax relief on contributions. Within a pension plan there is no UK liability to tax on income or gains, and 25% of the accumulated fund is currently free of any tax after you have reached age 55 (57 from April 2028), whether the whole value is taken as a lump sum or the remaining 75% is used to provide retirement income.
- **Life assurance-based investments**, both on- and offshore based, may save tax if you are a higher or additional rate taxpayer, or if you are a basic rate taxpayer with substantial dividend income.
- **National Savings & Investments** used to offer a wide range of tax-free investment products. However, at the time of writing its tax-free range is limited to a cash ISA, a cash JISA and Premium Bonds which in a world of near zero interest rates, have assumed more of an investment role.

Information is based on our current understanding of taxation legislation and regulations.

**HOW WE CAN HELP**

We can help with your investment tax planning in several ways:

- Selecting the most appropriate tax ‘wrapper’ for your investments.
- Advising you on the most effective tax strategies for drawing income and/or capital from your holdings.
- Assisting you with calculations for your tax return.
- Keeping you up to date with the opportunities and dangers created by new government legislation on the taxation of investments.

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