

# 2008 Budget Report

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Chartered Accountants



## BUDGET HIGHLIGHTS

Green light on non-doms  
Entrepreneurs' Relief confirmed  
Increase in tax on alcohol but fuel duty deferred  
Income shifting legislation delayed

## ECONOMIC FORECAST

Inflation 2.5%  
Growth 1.75% to 2.25%  
Government Spending £566 billion

Govt. Receipts £575 billion  
Net Borrowing £43 billion  
Public Sector Year End Net Debt £581 billion

## Darling uses maiden Budget to emphasise 'green' issues

Billed as a 'responsible' and 'green' Budget, the environment found its way to the top of the agenda in Chancellor Alistair Darling's debut Budget speech.

Darling used his first Budget statement to introduce a series of measures aimed at reducing the UK's carbon emissions, including a new zero rate of car tax to be levied in the first year for new, low polluting vehicles – a measure that was part of a wider reform of vehicle excise duty.

Despite attempts to prove his 'green' credentials, the Chancellor declared that a 2p increase on fuel duty will be postponed from April to October this year to help the country through the current 'credit crunch'.

The Chancellor told MPs that the credit crunch posed a 'major risk to the world's economy'. As a consequence, Darling has revised the economic growth predictions that were made in his Pre-Budget Report last October.

Growth forecasts have been cut for 2008 to 1.75%-2.25%, a substantial reduction on the original 2.5%-3%. Darling has also advised that public borrowing will increase to £43 billion next year, rather than fall to the £36 billion he had anticipated.

Darling's brief reign as Chancellor has already been dogged by controversy. He confirmed the much-criticised changes to capital gains tax and the taxation of non-domiciliaries. CBI Director-General Richard Lambert, said: 'The Government has much to do if it is to win back its enterprise credentials, but the measures announced today are a credible first step on the road.'



## Penalty regime on taxable activities to be extended

**HMRC review of penalties for incorrect returns and failure to notify a taxable activity is now applicable across all taxes and duties.**

For return periods ending on or after 1 April 2009, where the filing date is after 1 April 2010, the new penalty regime for incorrect returns introduced in 2007 for income tax, CGT, VAT, PAYE and NICs will be extended across all other taxes and duties.

From 1 April 2009, the penalty regime for failure to notify HMRC of a new charge will be aligned across all taxes and duties.

There will be no penalty where a taxpayer makes a mistake but there will be a penalty of up to:

- 30% for failure to take reasonable care
- 70% for a deliberate understatement
- 100% for a deliberate understatement with concealment.

Each penalty will be substantially reduced where the taxpayer makes a disclosure (takes active steps to put right the problem), more so if this is unprompted.

**For advice regarding tax returns and penalty issues contact Churchill & Co on 01823 321177.**

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# Tax and travel: car and fuel benefits

The taxable petrol and diesel car benefit is based on the car's CO<sub>2</sub> emissions and is calculated using the car's UK list price and applying the 'appropriate percentage' as shown in the table below. The first line of figures in the table relate to the new category of qualifying low emissions cars

(QUALECs). Car fuel benefit is calculated by applying the same percentages to the fuel multiplier, which for 2008/9 is increased from £14,400 to £16,900. The percentages are reduced for cars (except QUALECs) that can be driven on alternative fuels by:

- 2% for cars manufactured to be capable of being run on E85 fuel
- 2% for bi-fuel cars or those which run on LPG only
- 3% for hybrid electric and petrol cars
- 6% for electric only cars (in practice the taxable benefit will be 9% of the price).

## VAT on fuel for private car use

Where businesses wish to reclaim the input VAT on fuel which has some degree of private use, they must account for output VAT on a scale charge. The table below shows the VAT chargeable for quarters commencing on or after 1 May 2008.

CO <sub>2</sub> emissions (g/km)	Appropriate %		Quarterly VAT	
	Petrol %	Diesel %	Fuel scale charge £	VAT on charge £
120 and below	10	13	138	20.55
121 to 139	15	18	207	30.83
140 to 144	16	19	221	32.91
145 to 149	17	20	234	34.85
150 to 154	18	21	248	36.94
155 to 159	19	22	262	39.02
160 to 164	20	23	276	41.11
165 to 169	21	24	290	43.19
170 - 174	22	25	303	45.13
175 - 179	23	26	317	47.21
180 - 184	24	27	331	49.3
185 - 189	25	28	345	51.38
190 - 194	26	29	359	53.47
195 - 199	27	30	373	55.55
200 - 204	28	31	386	57.49
205 - 209	29	32	400	59.57
210 - 214	30	33	414	61.66
215 - 219	31	34	428	63.74
220 - 224	32	35	442	65.83
225 - 229	33	35	455	67.77
230 - 234	34	35	469	69.85
235 and above	35	35	483	71.94

## Company vans

Van and fuel charge	Van	Fuel	Total
Tax (20% taxpayer)	£600	£100	£700
Tax (40% taxpayer)	£1,200	£200	£1,400
Employer's class 1A NICs	£384	£64	£448

## Car costs—VED rates

Band	CO <sub>2</sub> emissions (g/km)	Petrol & Diesel	Alternative Fuel Cars
A	100 and below	£0	£0
B	101 - 120	£35	£15
C	121 - 150	£120	£100
D	151 - 165	£145	£125
E	166 - 185	£170	£150
F*	186 and above	£210	£195
G**	226 and above	£400	£385

\* Cars registered before 23 March 2006

\*\* Cars registered from 23 March 2006

## Mileage rates

Changes to the HMRC business mileage rates are announced from time to time. The current rates are as follows:

Vehicle	First 10,000 miles	Thereafter
Car / Van	40p	25p
Motorcycle	24p	24p
Bicycle	20p	20p

Car - fuel only advisory rates			
Engine Capacity	Petrol	Diesel	Gas
Up to 1400cc	11p	11p	7p
1401 - 2000cc	13p	11p	8p
Over 2000cc	19p	14p	11p

The taxable benefit for the unrestricted private use of vans is £3,000. There is a further £500 taxable benefit if the employer provides fuel for private travel.

# Non-doms and the remittance basis

As announced last year, new rules for longer-term resident individuals who are not domiciled in the UK (non-doms) will come into force with effect from 6 April 2008.

Key to the new rules is a choice for non-dom adults with overseas income and gains over £2,000 in a tax year.

Essentially, they can opt to have income and gains of the year taxed on the remittance basis (ie taxed in the UK only as and when they are remitted) and pay £30,000 or they can be taxed for the year on their worldwide income and gains (plus any income or gains from a 'remittance basis' year remitted in the year). The £30,000 will be a payment in respect of tax on unremitted gains or income, allocable by the taxpayer, and available for credit when said gains or income is remitted (and should also be treated as such for relief under double taxation treaties with other taxing regimes).

Opting for the remittance basis will also mean that entitlement to the year's UK personal allowances and the CGT annual exemption is lost.

Also featuring are new definitions of remittances, catching money or gifts made outside the UK and brought in by a relative and also the import of assets bought outside the UK with untaxed Income or gains.

There are some exclusions, covering for example personal effects and assets brought temporarily to the UK, but perhaps most importantly the rules will not apply to assets bought out of untaxed foreign income and owned at 11 March 2008. These exclusions are in addition to the exclusion for works of art brought to the UK for public display, already announced.

These changes will also apply to anyone who has been able to opt for the remittance basis because, though UK resident, they are not ordinarily resident.

New rules will apply from 6 April 2008 to give non-doms, including those opting to be taxed on the remittance basis, access to relief for capital losses when they are liable for tax on capital gains on the arising basis.

Employees who are resident but not

ordinarily resident in the UK and receive shares or options as part of their remuneration will be liable for UK income tax on such employment-related securities (ERS). ERS gains derived from non-UK employment duties will be subject to income tax on the remittance basis. This will also apply to non-doms where the ERS income relates to a foreign employment, the duties of which are performed wholly outside the UK.

The rules bringing into UK tax the gains of offshore trusts have also been strengthened, with the effect that resident non-dom settlers will be taxed on gains on UK assets as they arise, while they and resident non-dom beneficiaries will be taxed on other gains as they are brought to the UK. Trustees will be able to elect to rebase the CGT base cost of all assets to the 6 April 2008 value.

It is no longer possible to close a source and remit the income in the following tax year (closed source rule). The rate on income tax chargeable on foreign dividend income remitted by individuals claiming the remittance basis will be corrected to 40% from 6 April 2008.

## Value Added Tax

### Registration limit

The VAT registration threshold rises from £64,000 to £67,000 from 1 April 2008. The turnover limit for deregistration will be increased from £62,000 to £65,000.

### Option to tax land and buildings

Legislation will be introduced for simplification of the option to tax land and/or buildings. It will also introduce minor changes to enable taxpayers to revoke an option to tax after 20 years and make a number of associated changes to improve practical administration of the option to tax.

The rewritten legislation will have effect on and after 1 June 2008. The earliest date an option to tax will be revocable will be 1 August 2009.

### Indirect tax returns: correction of errors

Businesses registered for VAT, insurance premium tax (IPT), air passenger duty (APD), landfill tax (LFT), climate change levy (CCL) and aggregates levy (AGL) will have increases to the limit below which errors on previous returns may be corrected on the return for the period in which the errors are discovered.

This measure will have effect for accounting periods commencing on or after 1 July 08. This measure increases the de minimis £2,000 limit to the greater of £10,000 or 1% of turnover, subject to an upper limit of £50,000 for VAT, IPT, LFT, CCL and AGL.

For VAT, LFT, CCL and AGL errors above £10,000, the limit for correcting errors on the next return will be calculated by reference to net VAT turnover (for the return period.)

For IPT, this limit will be calculated by reference to the net IPT turnover.

APD procedures will be amended to increase the de minimis limit to the greater of £10,000 or 1% of duty due, before adjustments for errors from previous periods, subject to an upper limit of £50,000.

For LFT, CCL and AGL taxpayers who are not required to be registered for VAT a single limit of £10,000 will have effect.

From		1 April 08	1 April 07
Standard rate		17.5%	17.5%
VAT fraction		7/47	7/47
		Turnover	Turnover
Registration	last 12 months or next 30 days over	67	64
Deregistration	next 12 months under	65	62
Cash accounting scheme	up to	£1,350,000	£1,350,000
Annual accounting scheme	up to	£1,350,000	£1,350,000
Optional flat-rate scheme	up to	£150,000	£150,000

# Income tax and personal savings

Income tax rates	2008/09	2007/08
<b>Starting rate band</b>	* see below	£2,230
<b>Tax rate</b>	10%	10%
<b>Basic rate band</b>	£36,000	£32,370
<b>Basic rate</b>	20%	22%
<b>Savings rate</b>	* see below	20%
<b>Dividend ordinary rate</b>	10%	10%
<b>Higher rate - income over</b>	£36,000	£34,600
<b>Tax rate excluding dividends</b>	40%	40%
<b>Dividend upper rate</b>	32.50%	32.50%
* 10% starting rate for savings income up to £2,320. Not applicable if taxable non-savings income exceeds £2,320.		
<b>Personal allowances (ages are as at the end of the tax year)</b>		
<b>Allowances that reduce taxable income</b>	2008/09	2007/08
<b>Personal allowance (PA)</b>		
under 65	£5,435	£5,225
65 to 74*	£9,030	£7,550
75 and over*	£9,180	£7,690
minimum	£5,435	£5,225
<b>Allowances that reduce tax</b>		
<b>Married couple's allowance (MCA)</b>		
<b>Age of elder partner</b>		
74*	£653.50	£628.50
75 and over*	£662.50	£636.50
minimum	£254.00	£244.00
* Higher allowances for those aged 65 or more are scaled back when income exceeds £21,800 (2007/08 £20,900). MCA is only available where at least one partner was born before 06/04/35.		

## Individual Savings Accounts (ISAs)

From 6 April 2008 the subscription limits to the ISA will be increased, which will mean that an individual can subscribe up to £3,600 per tax year to a cash ISA and up to £7,200 per tax year into a stocks and shares ISA subject to an overall limit of £7,200. The regulations will allow transfers from cash subscribed in previous tax years into stocks and shares without affecting current year investment limits.

Retrospective legislation will allow investors who withdrew cash from their Northern Rock ISAs between 13 and 19 September 2007 inclusive to reinvest in a new ISA between 18 October 2007 and 5 April 2008 without breaching their annual investment limits.

## Gift Aid Transitional Relief

Because the basic rate of tax is being reduced from 22% to 20%, the amount of tax reclaimable by UK charities, and community amateur sports clubs, under

gift aid will be reduced. In order to compensate for this a transitional relief supplement of 2% will be applied to qualifying donations in the years 2008/09, 2009/10 and 2010/11.

## Child Trust Fund (CTF): voucher requirement

For applications from 6 April 2009, regulations will be amended so that the parent will no longer have to hand over the voucher when opening a CTF account. Instead, CTF providers and distributors will be able to open accounts using essential information from the CTF voucher provided by the customer, such as the unique reference number, the child's date of birth and the voucher expiry date. This change will allow, for example, telephone and internet applications for CTF accounts to be made in a single paperless transaction without the need for the customer to post the voucher separately.

## Saving gateway

The Saving Gateway is a cash saving account for those on lower incomes. It provides a financial incentive to save, through the Government making a contribution for each pound that people save into the scheme. The Saving Gateway will be introduced nationally, with the first accounts available to savers in 2010.

## Income shifting

Following the protracted case of husband-and-wife business Arctic Systems, which finally ended in defeat for HMRC last year, the Government has proposed legislation intended to undo the tax advantage gained by income shifting arrangements. The Government has considered the responses received to the recent consultation and believes that a further period of consultation will ensure that legislation in this area provides clarity and certainty for businesses and their advisers. The Government now intends to introduce legislation through Finance Bill 2009 and will not enact legislation effective from 6 April 2008.

## Taxation of personal dividends

When dividends from UK resident companies are charged to tax, share-holders are entitled to a non-payable tax credit of one ninth of the distribution. Because tax is charged on the gross dividend received, including the tax credit, this lowers the effective rates of tax on these dividends at the personal level to 0% (basic rate taxpayers) and 25% (higher rate taxpayers).

The legislation in Finance Bill 2008 will extend the non-payable tax credit of one ninth of the distribution to UK resident individuals and UK and other EEA nationals in receipt of dividends from non-UK resident companies, if they own less than a 10% shareholding in the distributing non-UK resident company. This change will have effect from 6 April 2008. The other previously announced condition, that in total the individual must receive less than £5,000 of dividends a year from non-UK resident companies, will not be introduced.

## Tax payment and repayment

A package of measures will be introduced, with effect from Royal Assent, to make it easier for taxpayers to pay what they owe on time and effectively tackle those who seek to avoid their obligations by paying late. The measures involve accepting payment by credit card, setting off repayments of one tax against the debts in another, and aligning and modernising HMRC's civil debt enforcement powers.

# Capital taxes

## Capital gains tax (CGT)

The Chancellor confirmed the new standard rate of 18%, coupled with the withdrawal of indexation allowance and taper relief for individuals and trustees with effect from 6 April 2008.

Other reliefs, such as those relating to principal private residences, losses brought forward, Enterprise Investment Scheme and Venture Capital Trusts, and business asset rollover relief, will continue to be available. Assets acquired before 31 March 1982 will be deemed to have had a cost equivalent to their market value at that date.

In certain circumstances the CGT base cost of an asset is tied to its value ascertained for inheritance tax (IHT) purposes. A correction made necessary by the IHT changes noted below means this rule will not apply where the value does not have to be ascertained for IHT purposes on the death of an individual. The Annual Exempt Amount (AEA) will be increased for 2008/09 to £9,600 for individuals and £4,800 for some trustees.

### CGT: Entrepreneurs' relief

Following strong opposition from the business community to the proposed

CGT changes, the Chancellor has introduced an Entrepreneurs' Relief which gives an effective 10% rate for the first £1 million of lifetime capital gains on the disposal of trading businesses and on certain disposals of shares in trading companies. The relief actually works by reducing the gain by 4/9, leaving the residual 5/9 gain to be taxed at 18% ( $5/9 \times 18\% = 10\%$ ). The effective rate will be reduced by the application of the AEA.

The £1 million may be made up of any number of disposals after 5 April 2008 and, unlike the former retirement relief (on which the rules are based), there is no minimum age qualification. There is, however, a one year qualifying period and other conditions to be met. Trustees will also be able to claim, jointly with a 'qualifying beneficiary'.

Capital gains made by companies are dealt with separately under the corporation tax regime, and these arrangements have not changed.

### Inheritance tax (IHT)

As previously announced, the IHT standard threshold has been set at £312,000 for 2008/09.

This defines the upper limit of what is commonly known as the IHT nil-rate band.

In the October Pre-Budget Report, the Chancellor announced a new concession for married couples and civil partners. With effect from second deaths on or after 9 October 2007 the unused percentage of the nil-rate band from the first death estate can be carried forward and added to the nil-rate band available to the second. The combined threshold for couples is therefore set at a maximum of £624,000 for 2008/09. This new arrangement applies no matter how long ago the first death occurred.

### Pension savings

The Finance Bill 2008 will propose legislation to ensure that tax-relieved pension savings diverted into inheritance using scheme pensions and lifetime annuities are subject to unauthorised payment tax charges and, where appropriate, IHT. In addition, IHT protection to savings in overseas pension schemes will be restored.

**For advice on tax and related matters contact Churchill & Co tax advisors on 01823 321177.**

## National Insurance Contributions

2008/09 National Insurance Contributions (NICs)		
	Employer	Employee
<b>Class One - not contracted out</b>		
<b>Lower earnings limit</b>		£90
<b>Weekly earnings band</b>		
Up to £105	Nil	Nil
£105.01 to £770	12.8%	11%
Over £770	12.8%	1%
<b>Over state retirement age</b>	12.8%	Nil
<b>Class 1A</b>	On relevant benefits	
<b>Class 2</b>	Self-employed	£2.30 per week
	Limit of net earnings for exception	£4,825 p.a
<b>Class 3</b>	Voluntary	£8.10 per week
<b>Class 4*</b>	Self employed on profits	
	£5435 to £40,404	8%
	Excess over £40,040	1%

\*Exemption applies if state retirement age was reached by 6 April 2008

## Duties

### Reduction of stamp duty administrative burden

Legislation will be introduced in Finance Bill 2008 to provide that instruments transferring stocks and shares that were previously chargeable with £5 stamp duty (generally where the consideration is £1,000 or less) will in future be exempt and will not need to be presented to HMRC for stamping.

The measure will have effect for instruments executed on or after 13 March 2008. Stamp duty land tax anti-avoidance measures will be introduced affecting transactions by groups of companies on or after 13 March 2008.

### Alcohol and tobacco duty

Legislation will be introduced in Finance Bill 2008 to provide for the annual setting of duty rates for alcohol. Duty rates will increase by 6% in real terms for all alcoholic drinks.

# Business tax and investment incentives

## Corporation Tax

The small companies' rate of corporation tax will increase from 21% to 22% in 2009/10.

Financial year to	31 March 2009	31 March 2008
<b>Taxable profits</b>		
First £300,000	21%	20%
Next £1,200,000	29.75%	32.5%
Over £1,500,000	28%	30%

## Capital Allowances

Previous proposals, amended after due consultation, were confirmed for 2008/09 as follows:

### Annual Investment Allowance (AIA)

Tax relief on the first £50,000 of investment in plant and machinery, except for cars, will be at 100%. This will apply to any size of business, but there will be provisions to prevent multiple claiming. Businesses will be able to allocate their AIA in any way they wish; so it will be quite acceptable for them to allocate their allowance against expenditure otherwise qualifying for a low rate of allowance.

### Buildings

WDAs on industrial and agricultural buildings are gradually being phased out, with final withdrawal by the end of 2010/11. The WDAs (on building cost) for 2008/09 are reduced from 4% to 3% (subject to transitional arrangements). A maximum 100% initial allowance is available for the conversion of parts of business premises into flats. There are also 100% business premises renovation allowances and Enterprise Zone allowances (EZA). EZAs are to be withdrawn from the end of 2010/11.

### Writing Down Allowance (WDA)

Any additional expenditure over the AIA level will enter either the 10% pool or the 20% pool, attracting WDA at the appropriate rate. The 10% pool will contain longlife assets, thermal insulation

added to existing commercial buildings, and 'integral features' of buildings (including replacement expenditure). The 20% pool will apply to most other plant and equipment, including cars costing £12,000 or less. Cars costing more than £12,000 will continue to qualify for a 25% WDA subject to a maximum of £3,000. A WDA of up to £1,000 can be claimed where the unrelieved expenditure in either the 10% or 20% pool is £1,000 or less.

### Enhanced Capital Allowances (ECA)

In addition to AIA, 100% first year allowances are available on energy saving or environmentally beneficial equipment. Where companies (only) have unrelieved losses attributable to ECAs, they may choose to surrender such losses for a cash payment. The company will receive a tax credit of 19%, subject to a maximum of the greater of £250,000 or the company's PAYE and NI liabilities for the period for which the loss is surrendered. This credit will be clawed back where the asset is sold within four years after the end of the period for which the credit was paid.

Electric and low CO2 emission (up to 110 g/km) cars and natural gas/ hydrogen/ biogas refuelling equipment also qualify for 100% first year allowances, but will not qualify for the payable tax credit.

### Enterprise Management Incentives (EMI)

Currently, employees cannot hold qualifying EMI options (taking into account Company Share Option Plan options also granted to them) with a total market value at the date of grant of more than £100,000. For EMI options granted on or after 6 April 2008, this limit will be increased to £120,000. Options granted after the date of Royal Assent will not be qualifying EMI options if the company has 250 or more employees and/or it is involved in shipbuilding or coal and steel production.

### R&D tax credits

The enhanced deduction available to small and medium enterprises (SMEs) in respect of qualifying R&D expenditure is to increase from 150% to 175%. For large companies the enhanced deduction is to increase from 125% to 130%. These changes will take effect from a date to be appointed once EC state aid approval has been received. As from the same date, the SME tax relief will no longer be available to those companies whose most recent accounts were not produced on a going concern basis.

## Other measures announced

### Reporting and tax liability—dormant accounts

Rule changes will mean that banks and building societies will only have to pay over the 20% 'tax at source' and report the interest to HMRC when the customer reclaims their dormant account balance. Similarly, the customer will only be liable for any further tax due on the interest on such accounts when they reclaim their balance.

### Tribunal reform

HMRC inherited two systems of tribunals when the former Inland Revenue and HM Customs & Excise merged. These are to be simplified under powers to be introduced in the 2008 Finance Act.

### Funds of Alternative Investment Funds (FAIFs)

Taxation on certain offshore income gains of FAIFs can, under proposed new rules, be shifted from the fund to the investors. Authorised investment funds will be able to elect for a new tax treatment, making it exempt from tax on offshore income gains, which will in turn be taxable on the investor on the disposal of units in the fund.

### Day counting

It had been announced that in counting the number of days present in the UK for the residence tests it would be necessary from 6 April 2008 to include the days of arrival and departure. The Chancellor announced

that the rule will be to count midnights spent in the UK as a day of presence in the UK, except where the midnight falls at a time when one is present in the UK in transit between two places outside the UK – 'days' spent in transit will not be counted unless the individual engages in activities that are to a substantial effect unrelated to their passage.

### National Minimum Wage

The National Minimum Wage rates will increase in October 2008. The main rate for adult workers will rise from £5.52/hr to £5.73/hr. The development rate for 18-21 year olds will rise by 17p, from £4.60 to £4.77.