

## Understanding and Paying Less Property Tax

DUMMIES



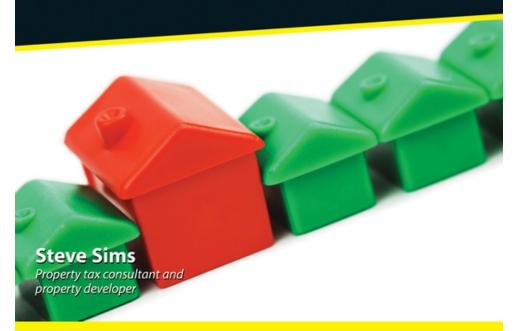
A Reference for the Rest of Us®





### **Understanding and** Paying Less Property Tax

DUMMIES



A Reference for the Rest of Us<sup>®</sup> UK Edition



## Understanding and Paying Less Property Tax For Dummies

#### by Steve Sims



A John Wiley and Sons, Ltd, Publication

#### Understanding & Paying Less Property Tax For Dummies®

Published by **John Wiley & Sons, Ltd** 

The Atrium
Southern Gate
Chichester
West Sussex
PO19 8SQ
England

E-mail (for orders and customer service enquires): cs-books@wiley.co.uk

Visit our Home Page on <a href="https://www.wiley.com">www.wiley.com</a>

Copyright © 2008 John Wiley & Sons, Ltd, Chichester, West Sussex, England

Published by John Wiley & Sons, Ltd, Chichester, West Sussex

All Rights Reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, scanning or otherwise, except under the terms of the Copyright, Designs and Patents Act 1988 or under the terms of a licence issued by the Copyright Licensing Agency Ltd, 90 Tottenham Court

Road, London, W1T 4LP, UK, without the permission in writing of the Publisher. Requests to the Publisher for permission should be addressed to the Permissions Department, John Wiley & Sons, Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, England, or emailed to permreq@wiley.co.uk, or faxed to (44) 1243 770620.

Trademarks: Wiley, the Wiley Publishing logo, For Dummies, the Dummies Man logo, A Reference for the Rest of Us!, The Dummies Way, Dummies Daily, The Fun and Easy Way, Dummies.com and related trade dress are trademarks or registered trademarks of John Wiley & Sons, Inc. and/or its affiliates in the United States and other countries, and may not be used without written permission. All other trademarks are the property of their respective owners. Wiley Publishing, Inc., is not associated with any product or vendor mentioned in this book.

LIMIT OF LIABILITY/DISCLAIMER OF WARRANTY: The publisher, the author, AND ANYONE ELSE INVOLVED IN PREPARING THIS WORK make no representations or warranties with respect to the accuracy or completeness of the contents of this work and specifically disclaim all warranties, including without limitation warranties of fitness for a particular purpose. No warranty may be created or extended by sales or promotional materials. The advice and strategies contained herein may not be suitable for every situation. This work is sold with the understanding that the

publisher is not engaged in rendering legal, accounting, or other professional services. If professional assistance is required, the services of a competent professional person should be sought. Neither the publisher nor the author shall be liable for damages arising herefrom. The fact that an organization or Website is referred to in this work as a citation and/or a potential source of further information does not mean that the author or the publisher endorses the information the organization or Website may provide or recommendations it may make. Further, readers should be aware that Internet Websites listed in this work may have changed or disappeared between when this work was written and when it is read.

For general information on our other products and services, please contact our Customer Care Department within the U.S. at 800-762-2974, outside the U.S. at 317-572-3993, or fax 317-572-4002.

For technical support, please visit <a href="https://www.wiley.com/techsupport">www.wiley.com/techsupport</a>.

Wiley also publishes its books in a variety of electronic formats. Some content that appears in print may not be available in electronic books.

British Library Cataloguing in Publication Data: A catalogue record for this book is available from the British Library

ISBN: 978-0-470-75872-4

Printed and bound in Great Britain by TJ International, Padstow, Cornwall

 $10\; 9\; 8\; 7\; 6\; 5\; 4\; 3\; 2\; 1$ 



#### **About the Author**

**Steve Sims** is a landlord, property developer, tax consultant, and writer. He has 20 years experience in the property industry, and with his wife, Amanda, runs a property tax advisory company, Property Tax Plus (<a href="https://www.propertytaxplus.co.uk">www.propertytaxplus.co.uk</a>).

Before plunging into the property world, Steve was a journalist working for many years on regional evening newspapers, and as a press officer. Besides writing this book, he writes blogs and articles for several property and tax websites.

Steve lives with Amanda in Harlech, North Wales, and has four grown up sons, Alan, Carl, Peter and Tim. His interests include West Ham United, beer, and music (though not necessarily in that order!).

#### **Dedication**

This book is dedicated to Amanda. She was the angel whispering persistent encouragement in one ear, while the devil sat on my other shoulder shouting temptations at me to idle my days away. Without her support and help with research, I am sure this book would not have been written.

## Author's Acknowledgments

Whenever I read a book, I feel that this section is like one of those drawn out Oscar acceptance speeches thanking everyone I've known, spoken to or passed in the street at some time or another.

So, I'll keep this short and sweet and just mention the two people who merit most praise in bringing this book in to print other than my wife, Amanda.

The staff at Wiley have been a dream team, especially Sam Spickernell, my Executive Editor, and Simon Bell, my Development Editor. Both have offered invaluable advice and assistance while showing great patience – neither probably realise how much I have appreciated their comments and guidance.

I know they are at the sharp end of a support pyramid and I hope they pass on my personal thanks to all the other 'nameless' ones whose shoulders they stand on.

#### **Publisher's Acknowledgments**

We're proud of this book; please send us your comments through our Dummies online registration form located at <a href="https://www.dummies.com/register/">www.dummies.com/register/</a>.

Some of the people who helped bring this book to market include the following:

Acquisitions, Editorial, and Media Development

**Executive Editor:** Sam Spickernell.

**Development Editor:** Simon Bell

Copy Editor: Anne O'Rorke

Technical Editor: Chris Norris, Policy Officer, National

Landlords Association (www.landlords.org.uk)

**Proofreader:** Kim Vernon

Publisher: Jason Dunne

**Executive Project Editor:** Daniel Mersey

**Cover Photos:** © Steve Sant/Alamy

Cartoons: Ed McLachlan

**Composition Services** 

**Project Coordinator:** Lynsey Stanford

Layout and Graphics: Carl Byers

Proofreaders: Melissa Bronnenberg, David Faust, Caitie

Kelly, Dwight Ramsey, Amanda Steiner

**Indexer:** Cheryl Duksta

#### **Contents**

#### **Title**

# Introduction About This Book Conventions Used in This Book What You're Not to Read Foolish Assumptions How This Book Is Organised Icons Used in This Book Where to Go from Here

#### Part I: Property Tax Facts

```
Chapter 1: You and Property Tax

Making Tax Law Is One Thing . . .
. . . . . . . . . Making Law Work Is Another

Paying Your Property Tax

Tax Avoidance and Tax Evasion

Chapter 2: Grasping Property Tax Basics

Understanding What You Want From Your Property

Appreciating that Investment Isn't Trading

Getting Ahead of the Taxman

Discovering and Applying the Rules: Intentions and Indicators

Juggling Multiple Businesses

Chapter 3: Triggering Tax and Dealing with the Taxman
```

**Starting a Property Business** 

Recognising Tax Triggers

**Beating Income-Shifting Rules** 

Taking Note of Tax Efficient Property Ownership

How Tax Self-Assessment Works

Filing Your Tax Return

Failing to File a Tax Return

**Dealing with Tax Inquiries** 

Chapter 4: Playing as Part of a Tax Team

<u>Understanding What a Tax Adviser Does</u>

Do You Need a Tax Adviser?

Tax Advisers and Their Roles

Asking Your Tax Office to Help

Online Advice

Finding an Adviser

Foreign Advisers

#### Part II: Balancing the Books

Chapter 5: Keeping the Books Straight

Why You Need to Keep Records

What You Need to Keep

**Basic Accounting Rules** 

**Separating Your Finances** 

**Proving Your Expenses and Inventory** 

<u>Chapter 6: Tracking Your Property Income</u>

Knowing What Is(and Isn't) Property Income

<u>Calculating Buy-to-Let Income</u>

Adding Up Development Income

**How Development Accounts Work** 

Not Losing Out On Your Losses

<u>Letting and Letting Live . . . For Free</u>

**Landlords Living Overseas** 

<u>Chapter 7: Counting the Costs of Your Property Business</u>

**How Expenses Cut Your Tax** 

**Expenses For All: Claims for Investors and Developers** 

<u>Investors Only: Expenses Tips for Property Investors</u>

#### Part III: Property Taxes and How to Slash Them

**Chapter 8: Licking Stamp Duty** 

**Grasping Stamp Duty Basics** 

Sidestepping Stamp Duty

**Changing Your Circumstances** 

**Avoiding Chain Reactions** 

**Tackling Transfer Fees** 

**Ensuring Timely Payment** 

<u>Chapter 9: Saving Capital Gains Tax</u>

Knowing Who Pays CGT

Paying CGT On Time

Understanding CGT: What You Do and Don't Pay

**Calculating CGT** 

Hitching Up For a Tax Break

Phew, What a Relief . . .

| <u>Chapter 10: Beating the Taxman on Capital Gains Tax</u> |
|--|
| The Taxman's Battle Plan                                   |
| Earning Cash with Let-To-Buy                               |
| Proving Your Points  |
| Counting on Capital Costs                                  |
| <u>Chattel Rustling</u>                                    |
| Home Thoughts from Abroad                                  |
| Chapter 11: Inheritance Tax: Where There's a Will          |
| <u>Grasping the Basics of IHT</u>                          |
| Stacking Nil-Rate Bands                                    |
| <u>Using Your Will Power</u>                               |
| Estate Planning  |
| Taking Care of Your PETS                                   |
| <u>Putting Your Faith in a Trust</u>                       |
| Chapter 12: Managing Extra Property Tax Rules              |
| Surviving VAT  |
| Making Allowances for AIA                                  |
| Paying Attention to PAYE                                   |
| Getting the Knack of NIC                                   |
| Stating the Benefits                                       |
| Owning (And Owing) Overseas                                |
| Chapter 13: Taking Tax-Free Cash from Your Property        |
| Taking a Look at Tax-Free Property Cashback                |
| Reaping Rent-a-Room Rewards                                |
|  |

#### <u>Part IV : Professional Property Investing</u>

| Chapter 14: Developing Your Property Skills                |
|--|
| <u>Delving into Development Basics</u>                     |
| Taking Stock of Buy-to-Sell                                |
| Accounting for Development Income                          |
| <u>Buy-to-Sell Business Expenses</u>                       |
| Owning Trading Property                                    |
| Saving Tax with Buy-to-Sell                                |
| Sussing Out Serial Development                             |
| Chapter 15: Avoiding Development Tax Traps                 |
| Structuring Projects                                       |
| Financing the Work   |
| <u>Keeping to Your Plan</u>                                |
| Claiming Refurbishment Costs                               |
| Considering Council Tax                                    |
| Slipping on the Property Ladder                            |
| Falling Flat with Flat Conversion                          |
| Being Wary of Cheap Finance Deals                          |
| <u>Chapter 16: Happy Holidays and Second Home Delights</u> |
| Running a Rule Over Holiday Lets                           |
| <u>Taking a Break From Tax</u>                             |
| <u>Holiday Home Tax Traps</u>                              |
| Electing to Save Tax                                       |
| Chapter 17: Approaching Investment Alternatives            |
| Perusing Property Funds                                    |
| Property Investment Companies                              |
| Property Pensions  |

#### Wood You Believe It? Investing in Woodlands

#### Part V: Keeping the Right Company

| Chapter 18: A Firm Commitment: Beco | ming a Company |
|-------------------------------------|----------------|
|-------------------------------------|----------------|

**Grasping What Property Companies Are** 

**Doing Your Homework** 

**Property Investment Companies** 

<u>Financing Your Investments</u>

When Investing Doesn't Pay Well

**Property Trading Companies** 

Management Companies

Taking the Profits

Chapter 19: Starting and Running a Property Company

<u>Understanding What a Company Is</u>

**Looking at Limited Partnerships** 

**Dealing with Companies House** 

Logging the details

Corporate Mortgages

<u>Chapter 20: Taxing Company Profits</u>

<u>Getting to Know the Taxes Companies Pay</u>

<u>Counting the Cost</u>

**Accounting Periods** 

**Computing Profits** 

Rental Income

**Chargeable Gains** 

**Corporate Losses** 

**Property Depreciation** 

Filing Company Tax Returns

Chapter 21: Extracting the Cash from a Company

Duties of a Director

Moving the Money

Telling the Taxman

#### Part VI: The Part of Tens

Chapter 22: Ten Tax Tips to Save You Thousands

**Let-to-Buy Strategy** 

Tax-Free Cashbacks for Landlords

Tax-Free Loans for Directors

Income Shifting with Joint Ownership

Furnished Holiday Lets

**Doubling Up Strategies** 

**Buying in Disadvantaged Areas** 

Scour Your Spending for Expenses

Keep to the Taxman's Timetable

<u>Don't Hide and Hope for the Best</u>

<u>Chapter 23: Ten Tax Disasters to Avoid</u>

<u>Mixing Your Property Businesses</u>

<u>Ignoring the Taxman's Deadlines</u>

Serial Developing

Paying Cash to Cowboy Builders

<u>Failing to Keep Financial Records</u>

Getting Stuck in a Rut

Leaving Loose Ends Behind You

Trusting in Tax Seminars

Grabbing at Gifted Deposits

Playing Fast and Loose with Your Tax Responsibilities

Chapter 24: Ten Online Property Resources

**HMRC** 

**Business Link** 

**DirectGov** 

**LandlordZone** 

**Landlord Law** 

**TaxationWeb** 

Singing Pig

News Now

Tax Central

**Property Tax Plus** 

#### : Further Reading

#### Introduction

In the property business, as in life in general, only two things are certain: Death and taxes. Like anyone else, landlords and property developers can't do much about avoiding the Grim Reaper, but tax is a different matter.

Make no mistake about it, tax is compulsory, and rightly so. The economy, and society in general, wouldn't work without it. Unlike only a few generations ago, nowadays practically everyone has to have dealings with the taxman, otherwise known as Her Majesty's Revenue & Customs (HMRC). The fact that everyone has to pay tax, however, doesn't mean that anyone should pay more than they legally have to, and that includes landlords and property developers.

The business of buying and making money from property has become high profile in modern popular culture. No end of television programmes focus on the dramas, triumphs, and pitfalls of buying and 'doing up' houses for profit, while the number of landlords looking to secure long-term investment income from rented property has risen steadily in the last decade or so. That doesn't mean it's an easy option, however, and the tax regime doesn't make it any easier: Good job this book is here to help.

#### **About This Book**

Understanding & Paying Less Property Tax For Dummies does what it says on the tin. First, it will help you to understand the fearsomely complicated rules and regulations by which HMRC seek to recover their due. Then, it helps you to realise that perfectly legitimate means exist to pay no more tax than you legally have to.

In summary, this book covers the following:

- ✓ Deciding what sort of property business, or businesses, you're going to run.
- ✓ Understanding the various taxes you can expect to encounter.
- Coming to terms with your tax obligations.
- ✓ Reducing your property tax burden to the legally required minimum.

You don't need to read this book cover-to-cover. Dip in as you need to, picking out the nuggets of info you require for any particular tax circumstance in which you find yourself.

## Conventions Used in This Book

To help you navigate through this book, I set up a few conventions:

- ✓ *Italics* are used for emphasis and to highlight new words or defined terms.
- **✓ Bold faced** text indicates the key concept in a list.
- ✓ Monofont is used for website and e-mail addresses.

#### What You're Not to Read

This book is largely concerned with the nitty-gritty of property tax issues, but every now and then we use sidebars – grey-tinted boxes of text – to give some historical background or a bit of supplementary info. Feel free to skip over these bits if you want to.

#### **Foolish Assumptions**

While writing this book I made some assumptions about you:

- You either are, or want to be, a landlord letting property for rent, or a developer buying property to sell on at a profit.
- You aren't a tax adviser or accountancy professional. If you are, you've got enough books on tax, and more profitable things to spend your time on than reading a basic guide to the property tax system.

- You can fill in your annual self-assessment tax return on your own. I don't go through the return form step-by-step because most of it doesn't relate to property, and the guidance that comes with it is comprehensive and straightforward. Instead, I offer what you need to fill in the property sections of the form easily and accurately.
- You don't get your kicks reading about property tax. You want to know exactly what you need to make sure that you pay the tax you actually owe, and claim what you are entitled to: No more, no less.
- You want to know both the pitfalls and the high spots when it comes to sorting out your property portfolio to minimise property tax.

## How This Book Is Organised

This book has six major parts. Each part is divided into chapters relating to the theme, and each chapter is subdivided into individual sections relating to the chapter topic. Additionally, take a look at the table of contents at the start of this book and the detailed index at the end to help you pinpoint what you particularly need to know about.

Here's an outline of what you can expect to find out about in each part.

#### **Part I: Property Tax Facts**

This part takes you through the ground rules of your relationship with the tax system – what you pay, when you pay it, and what events triggers tax payments. I also give you a rundown on a few people who can help.

#### **Part II: Balancing the Books**

In this part, I look at the fundamentals of accurate, tidy record keeping, the secret of success in running a property business. I also introduce you to the importance of keeping tabs on all your property income, and – just as importantly – your expenses.

## Part III: Property Taxes and How to Slash Them

This part goes into the important detail on which taxes you need to pay, and exactly how much you need to hand over for each. The chapters in this part give you the meat and veg of your tax-saving strategy.

## Part IV: Professional Property Investing

This part covers the serious business of, well, business. Here's where to come if you want the skinny on developing property for sale, running holiday lets, and avoiding all the tax traps that go with them.

## Part V: Keeping the Right Company

This is where you need to come if you're thinking about running your property business through a company. I take you through who should be looking to incorporate, and who shouldn't. I also go into the detail of incorporation, the evils of Corporation Tax, and the best ways to deal with both in a stress-free manner.