

Table of contents

Other titles from Claritax Books	iv
About the author	v
Abbreviations	vi
Preface	ix

1. Introduction to inheritance tax

1.1 Overview	1
1.2 A transfer of value	1
1.3 A chargeable transfer	2
1.4 Chargeability to UK IHT	3
1.5 The rates of IHT	3
1.6 The cumulation concept	5
1.7 Gifts that are not transfers of value (ignored transfers)	7
1.8 Making a will	14
1.9 Pitfalls and planning points	16

2. Exempt transfers in life

2.1 Introduction	17
2.2 Spousal transfers or transfers between civil partners	17
2.3 Annual exemptions	18
2.4 Normal gifts out of income	24
2.5 Small gifts	29
2.6 Gifts in consideration of marriage or civil partnership	30
2.7 Gifts to charity and sporting clubs	32
2.8 Gifts to political parties	38
2.9 Gifts to housing associations	39
2.10 Gifts for the national purpose, public benefit, and maintenance funds	41
2.11 Gifts to employees and employee ownership trusts	44
2.12 Death of emergency service and armed forces personnel	46
2.13 Gifting loans	48
2.14 Pitfalls and planning points	49

3.	Excluded property	
3.1	Introduction	52
3.2	Non-UK <i>situs</i> assets held by non-UK domiciled individuals	52
3.3	Holdings in authorised unit trusts, etc. held by non-UK domiciled individuals	59
3.4	A relevant decoration or award	59
3.5	Securities issued by the Treasury	60
3.6	Beneficiaries domiciled in the Channel Islands or the Isle of Man	62
3.7	Visiting forces	63
3.8	Pitfalls and planning points	65
4.	Relief for business property	
4.1	Introduction	68
4.2	Relevant business property	68
4.3	Requirements of ownership	74
4.4	Valuing a business and excepted assets	84
4.5	Contracts for sale.....	89
4.6	Clearance	90
4.7	Wholly and mainly – case law	91
4.8	Pitfalls and planning points	97
5.	Agricultural property relief	
5.1	Introduction	99
5.2	The agricultural value	99
5.3	Categories of agricultural property	102
5.4	Agricultural purposes.....	115
5.5	Ownership conditions.....	116
5.6	Successive transfers.....	119
5.7	Agricultural property held inside a company	122
5.8	Contracts for sale.....	122
5.9	Pitfalls and planning points	123
6.	Fall-in-value relief	
6.1	Introduction	127
6.2	The relief.....	128
6.3	Interaction with loss-to-donor principle.....	131
6.4	Impact of the relief on business and agricultural property	134

6.5	Impact of the relief on foreign currency and assets....	136
6.6	Part disposals and part assets still held at death.....	137
6.7	Changes between the gift and the relevant date to shares and interests in land.....	140
6.8	Changes to other assets between gift and relevant date	150
7.	The nil-rate band	
7.1	Introduction.....	152
7.2	The nil-rate band	152
7.3	The transferable nil-rate band.....	153
7.4	Pitfalls and planning points	158
8.	The interaction between CGT and IHT	
8.1	Introduction.....	160
8.2	Exempt assets	160
8.3	Gift relief or holdover relief	161
8.4	Relief for IHT	171
8.5	Pitfalls and planning points	174
9.	Making a lifetime transfer	
9.1	Introduction.....	176
9.2	Stage one, step one – set up the <i>pro forma</i>	177
9.3	Stage one, step two – value the transfer for IHT	178
9.4	Stage one, step three – exemptions or reliefs.....	193
9.5	Stage one, step four – PET or CLT?.....	193
9.6	Chargeable lifetime transfers.....	196
9.7	Stage two – charge IHT in life on a CLT.....	197
9.8	Stage two, steps one to four	198
9.9	Grossing up the gift.....	199
9.10	Potentially exempt transfers	204
9.11	The other stages.....	214
9.12	Pitfalls and planning points	215
10.	The residence nil-rate band	
10.1	Introduction.....	218
10.2	The residential enhancement amount.....	218
10.3	Qualifying residential interest	219
10.4	Inherited and closely inherited	220
10.5	Specific gifts and the residue.....	222

10.6	The basic calculation.....	222
10.7	Brought-forward RNRB.....	225
10.8	Estates valued at over £2m.....	225
10.9	The downsizing addition.....	228
10.10	Conditionally exempt properties.....	237
10.11	Pitfalls and planning points	237
11.	Lifetime transfers at death	
11.1	Introduction	240
11.2	Calculations required on death of donor.....	240
11.3	Death of donor – one failed PET with a loss-to-donor calculation	247
11.4	Death of donor – more than one failed PET – loss-to-donor and related-party calculation	250
11.5	Death of donor – one CLT with BPR.....	253
11.6	Death of donor – more than one CLT with APR – donor pays the tax.....	255
11.7	Death of donor following fall in value of asset.....	262
12.	BPR and APR upon death	
12.1	Introduction	268
12.2	Death – availability of APR and BPR on lifetime transfers.....	268
12.3	BPR and APR restriction where donor dies within seven years of PET or CLT	269
12.4	Exceptions.....	279
12.5	Allocating the annual exemptions.....	282
12.6	Pitfalls and planning points	286
13.	Valuation of assets in the death estate	
13.1	Introduction	288
13.2	Related parties and assets held jointly.....	288
13.3	Valuing liabilities.....	292
13.4	Restrictions on the disposal of property.....	306
13.5	Transferor’s expenses including capital gains tax.....	308
13.6	Shares and securities.....	309
13.7	Other specific considerations.....	315
14.	Post mortem reliefs	
14.1	Introduction	318

14.2	Sale of qualifying investments at a loss from deceased's estate.....	318
14.3	The sale-of-land relief.....	336
14.4	Valuation with other assets.....	352
14.5	Interaction of loss relief and related-party rules.....	358
14.6	Pitfalls and planning points	360
15. Quick succession relief		
15.1	Introduction.....	362
15.2	The relief.....	362
15.3	Calculation of the relief.....	363
15.4	When the relief does not apply.....	377
15.5	Apportionment.....	378
15.6	Reversionary interests.....	380
15.7	The claim.....	381
15.8	Pitfalls and planning points	381
16. Other exemptions and reliefs for transfers upon death		
16.1	Introduction.....	383
16.2	Armed forces and emergency personnel – overview	383
16.3	Emergency service personnel – overview	384
16.4	Armed forces and civilians subject to service discipline.....	389
16.5	Constables and service personnel targeted as a result of their jobs	393
16.6	Overseas finances.....	395
16.7	Specific exempt properties.....	396
16.8	Payments to second world war victims.....	396
16.9	Overseas pensions	399
16.10	Diplomatic and consular immunity	400
17. Gifting to charity		
17.1	Introduction.....	402
17.2	The percentage and the baseline estate.....	402
17.3	The components of the estate	404
17.4	Election to combine the components.....	412
17.5	Other considerations	418
17.6	Pitfalls and planning points	418

18. Calculating the death estate	
18.1 Introduction	421
18.2 The death of an individual.....	423
19. Gifts with reservation of benefit	
19.1 Introduction	441
19.2 When the transfer is not a GROB.....	447
19.3 Double charges for the GROB.....	453
19.4 Exceptions.....	459
19.5 Disposals of land.....	466
19.6 Grandfathering.....	468
19.7 Interaction with other provisions	468
19.8 Beneficiaries' interests in settlements	471
19.9 Tracing and substitutions.....	474
19.10 Insurance policies.....	480
19.11 Pitfalls and planning points	480
20. Pre-owned asset tax	
20.1 Introduction	485
20.2 The POAT charge – notional income	485
20.3 The income tax charge for land	486
20.4 Chattels and POAT	498
20.5 Intangible assets.....	507
20.6 Scope of the legislation	510
20.7 Exemptions.....	510
20.8 Excluded transactions.....	516
20.9 Tracing.....	518
20.10 Double charges.....	519
20.11 Potential to elect not to be charged the POAT charge.....	520
20.12 Pitfalls and planning points	521
21. Domicile and deemed domicile status	
21.1 Introduction	524
21.2 Deemed domicile.....	533
21.3 Shedding the status	535
21.4 Particular considerations	540
21.5 Pitfalls and planning points	541

22. Instruments of variation and disclaimers	
22.1	Introduction..... 545
22.2	Definition of “estate” 545
22.3	Conditions 546
22.4	The statement required 549
22.5	Charitable gifts 552
22.6	Unenforceable conditions and letters of wishes 552
22.7	Special circumstances..... 553
22.8	Rejecting a legacy 554
22.9	Pitfalls and planning points 556
23. Close companies	
23.1	Introduction..... 559
23.2	Key definitions..... 561
23.3	Lifetime transfers 562
23.4	Exceptions 567
23.5	Alterations of share capital 571
23.6	Transfers by foreign close companies 574
23.7	Transfers to another close company 575
23.8	Transfers at death 575
23.9	Pitfalls and planning points 576
24. Spreading provisions	
24.1	Introduction..... 577
24.2	The legislation 577
24.3	Computations..... 578
24.4	Pitfalls and planning points 582
25. Woodlands	
25.1	Introduction..... 585
25.2	Types of qualifying woodland 585
25.3	The relief..... 586
25.4	Conditions for relief 587
25.5	Subsequent disposal 588
25.6	Special circumstances..... 593
25.7	Pitfalls and planning points 594
26. Grossing and double grossing	
26.1	Introduction..... 595
26.2	Pecuniary and specific legacies 596

26.3	The chargeable residue.....	599
26.4	When the residue is exempt	602
26.5	Single grossing	603
26.6	Double grossing	607
26.7	Other areas impacting grossing up.....	612
26.8	Pitfalls and planning points	625
27.	Heritage property	
27.1	Introduction	626
27.2	Definition of heritage property	627
27.3	Conditions to be met by transferor.....	629
27.4	Conditions to be fulfilled by recipient of the property	632
27.5	Consequences of not fulfilling undertakings when assets not associated with each other	635
27.6	Consequences of not fulfilling undertakings when assets are associated with each other.....	639
27.7	Payment of recapture charge	641
27.8	Variations	647
27.9	Pitfalls and planning points	648
28.	Tax avoidance	
28.1	Introduction	651
28.2	Disclosure of tax avoidance schemes (DOTAS)	652
28.3	Follower notices	655
28.4	Accelerated payment notices	656
28.5	General anti-abuse rule (GAAR).....	657
28.6	Penalties.....	659
29.	IHT administration	
29.1	Introduction	661
29.2	The IHT returns	662
29.3	Excepted transfers	669
29.4	Excepted estates.....	670
29.5	Power to obtain information and HMRC inspection powers	677
29.6	Clearance certificates (certificates of discharge).....	679
30.	Payment of IHT	
30.1	Introduction	683

30.2	The IHT returns (IHT100/400).....	683
30.3	Lifetime transfers.....	684
30.4	Death transfers.....	684
30.5	Interest.....	685
30.6	Instalment option.....	685
30.7	Pitfalls and planning points.....	695
Appendix 1 – Gifts for national purposes.....		697
Appendix 2 – Visiting forces – designated countries.....		700
Table of primary legislation.....		703
Table of statutory instruments.....		715
Index of cases.....		717
General index.....		719