



**SSAS Practitioner.com**  
The SSAS Specialist

## BROCHURE

# SSAS Practitioner.com Small Self-Administered Scheme



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## Introduction

The purpose of this brochure is to explain features of the SSAS Practitioner.com SSAS. We do not offer investment advice. We recommend that any decision to establish a SSAS with SSASPractitioner.com should be based on recommendations from an individual authorised to provide investment advice. No part of this brochure should be taken as investment advice.

## Outline of a SSAS

A SSAS is an occupational pension scheme consisting of up to 11 members. A SSAS is established by an employer, known as the Principal Employer, via a Trust Deed and Rules. Under our Trust Deed and Rules, the Principal Employer appoints Trustees to the Scheme and invites Members to join the Scheme; the Members are also always Trustees.

The Trustees are responsible for the scheme's investment decisions and must sign for all investments and transactions on the scheme's bank account.

The Trustees may out-source some or all of their responsibilities to third parties, i.e. to a traditional pension Administrator or to a Practitioner such as SSAS Practitioner.com. Legally a SSAS requires a registered administrator whose responsibilities include dealing with tax-related matters and filing scheme-related returns to Her Majesty's Revenue and Customs (HMRC). Fines can be imposed by HMRC for failure to adhere to these requirements. SSASPractitioner.com will fulfil all of the scheme's administration duties and liaise with HMRC on behalf of the Trustees where possible.

SSAS Practitioner.com will be registered with HMRC as the SSAS's Practitioner. We run the scheme and deal with all duties imposed on behalf of the Trustees.

The Trustees are expected to abide by the rules of the scheme, as detailed in our Trust Deed and Rules, and must inform SSAS Practitioner.com immediately should they no longer be legally entitled to act as a Trustee.

A SSAS can have more than one employer participating in it, but there must be a single employer who has the title 'Principal Employer'. Employers are usually Limited Companies or Partnerships, but they don't have to be; they could even be a PLC.

## SSAS Practitioner.com SSAS

Our SSAS allows a group of individuals, such as Directors of a Limited Company or Partners in a Partnership, to:

- Save for retirement in a tax-efficient manner.
- Take a pension and a tax-free lump sum on retirement (fully incorporating the changes to pension benefit rules from April 2015).
- Pool member contributions to obtain potentially greater investment opportunities.
- Control the scheme's investments (decisions are made by the Trustees and/or their financial adviser).
- Transfer pension policies into the scheme (as long as these originate from contracted-in arrangements. We recommend members take Financial Advice before transferring policies into their scheme).
- Complete Expression of Wish forms to determine where funds are passed to in the event of death.

It also allows members to make use of other tax-efficient procedures such as purchasing commercial property, lending money and borrowing money (see below).

## Membership of the scheme

A 'Scheme Member' is defined as any active member, pensioner member receiving benefits, deferred member or pension credit member of the scheme. Most people will initially be active members, i.e. they will be in the scheme to accrue benefits under the scheme. Any individual may become a pensioner member if the person is entitled to a payment of benefits under the scheme. A deferred member is someone who has rights under the scheme but is neither an active member or a pensioner member. Members of the scheme are usually employees of the Principal or associated employers, but there is no requirement for them to be.

## Contributions to the SSAS

Contributions can be made from the SSAS's Principal or associated employer, a member or a third party. Contributions do not necessarily take the form of money, but can also be made in the form of assets such as shares, commercial property or land. Certain investments are subject to prohibitive taxes and include residential property or personal chattels. Tax relief accrues on legitimate contributions, the amount of the tax relief depending on a variety of factors. Annual limits are in place regarding contributions (the 'Annual Allowance') and there is a lifetime limit on the total pension fund accrued in a tax-efficient manner (the 'Lifetime Allowance').

Details of the 'Annual Allowance' and 'Lifetime Allowance' can be found on our website here.



## Making Contributions and receiving Tax Relief

Personal contributions from members receive tax relief provided they do not exceed the lower of the annual allowance or total PAYE-related earnings within the same tax year. Tax relief on personal contributions is only granted on contributions up to 100% of earnings in any tax year, up to the Annual Allowance.

Employer contributions receive tax relief in the year they are made, provided they are deemed by HMRC to be 'wholly and exclusively' for the purposes of the employer's trade. In order for the scheme to gain tax relief, employer contributions are limited to the Annual Allowance. If the total of the employer's contribution for a particular member plus the member's personal contribution exceeds the Annual Allowance, the member will be liable to 40% income tax on the excess. This additional tax does not apply in the year in which a member retires, i.e. takes their full benefit entitlement from the scheme. The member benefiting from the contribution accrues tax relief.

## The Tax Efficiency of a SSAS

A SSAS is highly tax efficient:

- Investment (other than dividend income) grows free from UK capital gains tax and income tax.
- In the event of death before age 75, a tax-free cash lump sum or pension may be paid out; usually this will be whole of the deceased member's accrued fund.
- In the event of death after age 75, a lump sum or pension may be paid out; this will be taxable at the recipient's marginal rate.
- Our SSAS fully incorporates the flexibility offered from April 2015, there is no compulsion to purchase an annuity.





## **Transferring other pension schemes to the SSAS**

UK Pension benefits and policies can be transferred in, or assigned to the SSAS Practitioner.com SSAS. It is important that you take advice from a financial adviser before requesting the transfer of any benefits into your SSAS; we do not provide investment advice.

## **Investments allowable in a SSAS**

Any investments are allowable in a SSAS, but some investments are taxable. Investments can be made in any area the Trustees (or their financial advisers) feel appropriate for the benefit of Scheme Members.

A non-exhaustive list of the main non-taxable investments includes:

- Commercial Property and Land;
- UK quoted shares, stocks, gilts and debentures;
- Stocks and shares quoted on a recognised overseas stock exchange;
- Shares in the sponsoring or connected employers (subject to limits);
- Futures and options quoted on a recognised stock exchange;
- OEICs, unit and investment trusts;
- Hedge funds;
- Insurance company funds;
- Bank and building society deposits;
- Cash deposits in any major currency;
- Gold bullion;
- Secured Loans to associated or unassociated companies (subject to limits).

Investments in shares not listed on any major stock exchange are acceptable. However, if there is any connection to members of the SSAS the investment is limited to 5% of the SSAS fund value.

The following non-exhaustive list of investments is taxable, and although allowable, these investments are not recommended due to prohibitive tax charges:

- Antiques (including vintage cars);
- Residential Property;
- Works of art;
- Unsecured loans to the business;
- Plant & Machinery;
- Personal loans and loans to “connected” persons (including business associates and family).

## Using a SSAS to purchase Commercial Property

A SSAS can be a particularly tax-efficient vehicle with which to purchase Commercial Property. Funds within the SSAS belonging to several members can be pooled for this purpose, as indeed they can for any SSAS investment. Once the property is purchased, a market rent must be paid by the tenants and this accrues in the SSAS free of income tax. Commercial Property can be purchased from a connected party or on the open market from an unconnected party.

If property is purchased for the scheme from a connected party (e.g. the business or members of the SSAS and their families) an independent free-market valuation is required. This must be carried out by a FRICS-approved surveyor and the property must be bought at the free-market rate as determined by the surveyor. Commercial property held by the scheme must legally receive a commercial rent from its tenant(s). There is no need for a free-market rental valuation to be carried out if the property is leased to a third party, but if it is subsequently leased to a connected party the surveyor's valuation must include the rental rate to be paid.

Property sold to the SSAS by, for example, a connected company can particularly benefit a cash poor company. Also commercial property can be transferred into the SSAS as an 'in-specie' contribution to the scheme. As commercial property is an allowable investment, tax relief would be available on the contribution which is offset against corporation tax.

Gearing is allowed, and the SSAS can borrow up to 50% of the net value of the scheme to finance property purchase. In reality the limits imposed by the majority of the banks are far in excess of this, making borrowing fairly straightforward for a SSAS. As the SSAS is a separate legal entity from the company, it is important to remember that any borrowings taken on are not reflected as debts in company accounts. As with any allowable assets in the scheme, property grows free from CGT and the income, rent, is free from income tax.



## Lending money from the SSAS (Loanbacks)

Under current legislation it is possible to lend up to 50% of the net value of the fund to a connected party. 'Loanbacks', as they are known, must be secured against assets by way of a first legal charge. This is to ensure the Trustees do not lose any of their retirement fund and can reclaim monies against any defaulted loans. The maximum loanback term is five years. The rate of interest payable is set by HMRC; their latest rate is available on our website or by calling SSASPractitioner.com and is charged at 1% above the average base-lending rate of the six main high street banks.

It is not possible to make loans from the SSAS to a Scheme Member or anyone connected to them, but unconnected third-party loans are acceptable. Loans to third parties can utilise 100% of the fund value and do not need to be secured.

## Using the SSAS to purchase shares in the Principal Employer

Using the SSAS to invest in the shares of the Principal Employer or other associated employers is limited to 5% or less of the fund value of any one such employer, and is limited to 20% or less of the fund value of all employers. It is worth noting that this limit applies whether the Principal Employer is a Limited Company, Partnership or Plc. Caution needs to be applied when investing in the Principal Employer. Purchase of shares may result in the SSAS owning unauthorised investments in the eyes of HMRC, e.g. office equipment or vehicles owned by the company which are taxable within a SSAS.

## Borrowing

The maximum the SSAS can borrow is 50% of its net fund value at the date of the borrowing. There is no restriction on the term of the borrowing, or where the monies are borrowed from. Borrowing can be particularly useful when utilised in conjunction with purchase of commercial property.



## Withdrawing benefits from the Scheme

SSAS members do not need to retire from employment to take benefits from the scheme. Usually a minimum of 25% of the accrued fund is taken as tax-free cash and the balance is drawn down (and subject to tax). Members may start to take their benefits at any time from age 55. There is no upper age limit on benefit commencement. When the commencement of benefits takes place, the total value of a member's SSAS share, combined with other pension funds he/she may have, will be checked against the Lifetime Allowance. If the value of a member's total pension arrangements is greater than the Lifetime Allowance, there may be a tax charge unless the fund has been protected against the Lifetime Allowance. Please check our website for details of Capped Income Drawdown limits (only relevant if drawdown commenced prior to April 2015) and the prevailing Lifetime Allowance. We strongly recommend members to take financial advice prior to deciding upon the most suitable method of benefit withdrawal to suit their needs.



## Pension benefits

Pension benefits are taxed as earned income. There are several options with regard to taking a pension:

- **Capped Income Drawdown.** Capped drawdown is an option to draw an income for life from the SSAS, within an annual limit, without having to purchase an annuity. Capped Drawdown can commence from age 55 but must have commenced prior to April 2015. Capped drawdown allows a pension to be paid up to a maximum amount every year; see the Capped Income Drawdown calculator on our website to determine how much can be drawn. The maximum income limits will be reviewed every 3 years before age 75 and annually after age 75. There is no minimum income limit, and the member can choose not to draw any income at all if desired. Capped Income Drawdown is NOT an available option for people drawing retirement benefits for the first time after April 2015. A Capped Drawdown Fund can be converted to a Flexi-Access Drawdown Fund in order to be able to make unrestricted pension withdrawals from the fund (subject to income tax). Anyone who has partially crystallised their funds before April 2015 and is receiving Capped Drawdown from the crystallised portion of their fund can crystallise the balance of their fund post April 2015 to pay Capped Drawdown if they wish. Drawing via Capped Income Drawdown allows your annual allowance to remain at £40,000.
- **Flexi-Access Drawdown.** You can take as little or as much income as required. You pay marginal rate tax on all withdrawals. No calculations are required; no set valuation dates are required for assets as is the case with Capped Income Drawdown. A tax free lump sum of 25% of the member's accumulated fund can be paid. The balance of the fund becomes a Flexi-Access Drawdown Fund. There are no restrictions on the amount or frequency of withdrawals that can be made from the Flexi-Access Drawdown Fund. Income tax at the member's marginal rate is payable on Flexi-Access withdrawals. Those receiving the current Capped Drawdown (see above) can convert to Flexi-Access Drawdown should they wish (for example, if they want to receive withdrawals in excess of their maximum Capped Drawdown). Those with Flexible Drawdown funds prior to April 2015 will automatically become Flexi-Access Drawdown Funds. This introduces some advantages regarding regarding pension contributions. Please note that if you take Flexi-Access drawdown your annual allowance reduces to £4,000.
- **Uncrystallised Funds Pension Lump Sum.** This is paid from 'uncrystallised' funds, i.e. funds from which no benefits have previously been derived. 25% of the pot is taken tax free, the remaining 75% is taxed as income at the beneficiaries' marginal rate of income tax. You must have remaining Lifetime Allowance to cover the payment. As an alternative to drawdown, a member can simply choose to withdraw a lump sum from their accumulated pension fund using this method. Of each lump sum paid, 25% is tax free and the remaining 75% will be taxable as pension income at the individual's marginal rate of income tax. The 25% tax free element is not available for payments from Pension Credits (in respect of divorce) as a tax-free lump sum may already have been paid in connection with these funds before the pension-sharing order was issued. A payment of an Uncrystallised Funds Pension Lump Sum will be a benefit crystallisation event assessed against the Lifetime Allowance. Please note that if you take Uncrystallised Funds Pension Lump Sum your annual allowance reduces to £4,000.

A member may also use their accrued fund share to purchase an Annuity from an Insurance Company.

## Death prior to age 75

Crystallised or uncrystallised funds can pass on completely tax free to any beneficiary as a lump sum or as a drawdown pension (up to the lifetime allowance). Members who die below age 75 who haven't yet started their pension, or who are taking a drawdown pension, can pass on their remaining SSAS pension pot as a lump sum death benefit or as flexi-access drawdown completely tax-free.

## Death after age 75

Any beneficiary can take pension drawdown at their marginal rate. Assets can remain in your SSAS for years after death, benefitting from tax free growth and income, and potentially providing an income for your beneficiaries and their beneficiaries for years to come.

Pension scheme members nominate Beneficiaries who can receive benefits from an individual's fund on their death. The Beneficiary does not have to be a dependant and can be anyone nominated by the deceased member. The Beneficiaries nominated by the deceased member will 'inherit' their remaining accumulated fund.

Note in order for the recipient of death benefits to receive the payments on a Flexi Drawdown basis, they must be either a dependent of the deceased or have been nominated by them as a beneficiary. In the absence of this, only the lump sum payment option is available.



## Disclaimer:

This brochure contains generic details of the SSAS Practitioner.com Small Self-Administered Scheme (SSAS). Full particulars of the scheme can be found in its own Trust Deed and Rules.

The legal and the tax implications of the SSAS are believed to be correct when this brochure was prepared. No responsibility is accepted for any inaccuracies.

SSAS Practitioner.com act as Practitioner to the SSAS, providing administration and tax compliance services. SSAS Practitioner.com are not responsible for providing any advice to you in respect of the suitability of the SSAS for your needs or the suitability of any proposed investments. You should take independent financial advice. It is your responsibility to carry out your own due diligence on any Independent Adviser appointed.

You are free to choose your own investments subject to legislative limitations. However, if you intend for the SSAS to invest in 'esoteric' non-FCA regulated investments, we strongly recommend obtaining regulated financial advice before proceeding. There is the possibility that certain investments can prove to be worthless.

SSAS Practitioner.com are not a Trustee of the scheme and as such are usually not a signatory to its bank account or investments. If we were a signatory, that in itself would not provide any safeguards against the suitability of investments for you in any event.



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