

# A family investment company



A family investment company (FIC) is a tax-efficient vehicle used for estate planning. Developed following changes to the taxation of trusts in 2006, FICs offer an alternative to trusts as they enable significant wealth to be passed on to future generations – while both protecting and retaining control over the assets.

## At a glance

FICs (Family Investment Companies) enable wealth to be passed on to future generations in a tax efficient way. They offer an alternative to trusts. A FIC is a tax efficient vehicle for accumulating wealth. They are controlled by a board of directors.

## Key features

- Dividend income received by a FIC is not subject to tax.
- Other income and gains are taxed at 19 per cent.
- On incorporation, shares can be gifted free of any immediate tax.
- The board of directors controls the FIC - including investment decisions and distribution of profits – so it is not necessary to have any shares to maintain control.
- A FIC is an onshore structure that is not subject to Financial Conduct Authority regulations – so no third parties need be involved.
- Shareholders can receive different levels of income at different times.

## What are the inheritance tax advantages?

A FIC can help a family manage their exposure to inheritance tax in two key ways:

- When the FIC is formed, shares can be given to family members without incurring any immediate tax charges and – after seven years – the full value will pass out of the estate of the founders, avoiding any inheritance tax.

- Where shareholders have a minority interest in a FIC, the value of their shareholding will be discounted on death for inheritance tax calculations, taking into account the size of their holding and their inability to sell the shares or demand income from the company. In our experience, these discounts can be substantial and significantly reduce the inheritance tax owed.

## Accumulating wealth

A FIC is a very tax-efficient vehicle for accumulating wealth – and particularly dividend income, which is tax free (as dividends are paid by a company out of its taxed profits, it is not subject to further tax when received by another company). Other income and capital gains are subject to corporation tax at 19 per cent – which compared to a trust represents a saving of 26 per cent for income. The low income tax rate means the FIC is able to reinvest more of its income, generating greater growth.

Profits are extracted via dividend payments. Although a dividend exemption of £2,000 is available over and above this, dividends paid to basic rate tax payers will attract additional tax at 7.5 per cent, those paid to 40 per cent taxpayers will attract further tax at 32.5 per cent and those paid to 45 per cent taxpayers will attract further tax at 38.1 per cent.

Overall, the effect of the two layers of tax are now – 25 per cent for basic rate taxpayers; 45 per cent for 40 per cent taxpayers and 50 per cent for 45 per cent taxpayers and trusts. The payment of the additional tax that results in these overall rates only arises when profits are distributed – which is at the discretion of the board. Therefore, given the advantages of rolling up income at the lower tax rate (of 19 per cent), income is only distributed as and when it is needed.

## Controlling a FIC

As with any company, day-to-day control of a FIC rests with the board of directors. The board determines what investments the company makes and what dividends it pays to shareholders.

However, a FIC also goes much further than a trading company to ensure that the board has an overall say in the structure and management of the company. For example, shareholders have to seek board approval before appointing or dismissing a director, or transferring shares.

## Protecting wealth

FICs may provide useful protection in the event of a family divorce, not least as shares cannot be held by non-family members (including ex-spouses) and the assets of the FIC are generally beyond the reach of the family court. The value of shares held by a divorcing shareholder will be taken into account as an asset, but their value is always negotiable.

## Potential for change

HMRC have a special unit looking into the use of FICs and the inheritance tax savings they offer. It is possible that we may see changes to the tax treatment of FICs as a result. Whilst this may limit the tax savings, FICs will remain an effective vehicle to

manage, control and protect family wealth for future generations.

## Meet our experts

Our experienced team operates nationwide. For further advice, please get in touch with your local contact below.

---

	<b>John Grundy</b> Partner   Birmingham T +44(0)121 456 8212 john.grundy@mills-reeve.com
	<b>Deborah Clark</b> Partner   Manchester T +44(0)161 234 5432 deobrah.clark@mills-reeve.com
	<b>Chris Belcher</b> Partner   Cambridge T +44(0)1223 222618 chris.belcher@mills-reeve.com
	<b>Gregory Laming</b> Partner   Norwich T +44(0)1603 6933445 gregory.laming@mills-reeve.com
	<b>Sarah Cormack</b> Partner   London T +44(0)20 7648 9232 sarah.cormack@mills-reeve.com
	<b>Ellie Milner</b> Principal Associate   Leeds T +44(0)113 388 8444 ellie.milner@mills-reeve.com

---

---

Mills & Reeve LLP is a limited liability partnership authorised and regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC326165. Its registered office is at 7th & 8th floors, 24 King William Street, London EC4R 9AT, which is the London office of Mills & Reeve LLP. A list of members may be inspected at any of the LLP's offices. The term "partner" is used to refer to a member of Mills & Reeve LLP.

The contents of this document are copyright © Mills & Reeve LLP. All rights reserved. This document contains general advice and comments only and therefore specific legal advice should be taken before reliance is placed upon it in any particular circumstances. Where hyperlinks are provided to third party websites, Mills & Reeve LLP is not responsible for the content of such sites.

Mills & Reeve LLP will process your personal data fairly and lawfully in accordance with professional standards and the Data Protection Act 2018, General Data Protection Regulation (EU) 2016/679 (as applicable) and any other applicable laws relating to the protection of personal data and the privacy of individuals. You can set your marketing preferences or unsubscribe at any time from Mills & Reeve LLP marketing communications at [www.preferences.mills-reeve.com](http://www.preferences.mills-reeve.com) or by emailing [preferences@mills-reeve.com](mailto:preferences@mills-reeve.com) T +44(0)344 880 2666

---