



InvestAcc
PENSION
ADMINISTRATION LTD

GUIDE TO SSAS PROPERTY PURCHASE



Guide to purchasing property and land through your SSAS

This guide covers some of the main practical issues that arise in the process of acquiring property or land via your SSAS. It does not cover the merits or pitfalls of making these investments.

Once you have found a property you will need to complete our Property and Land Questionnaire, this allows us to consider your proposal and to assess various issues including how the transaction is to be funded, taking into account all fees and taxes.

Please note that for SSAS with more than one member (including beneficiary members), commercial property and land investments will only be considered on a pooled basis; we do not allow earmarking of these assets. See our Guide to SSAS for more information.

Also, until appropriate due diligence has been conducted, we cannot guarantee to be party to a transaction to acquire a specific property. For ease of reference, throughout this guide we will use the word 'property' to denote either property or land.

Due diligence

When purchasing property using a SSAS, the Managing Trustees and InvestAcc Pension Trustees Limited are usually joint trustees of the pension scheme and consequently joint owners of the property. Therefore, we require sufficient due diligence to allow us to assess whether the property is suitable to be acquired by the SSAS trustees. The completion of a Property and Land Questionnaire allows us to consider various aspects of the proposal. We will also require a surveyor's valuation report and will appoint a solicitor to act on behalf of the SSAS trustees (see later).

The following are examples of aspects that we will consider:

- Is the property commercial and in the UK?
- Is it freehold property, or leasehold with at least 50 years remaining to avoid the property being deemed a depreciating asset?
- Can the proposal be met by sufficient funds already in the SSAS? If not, how is the shortfall being met?
- Can the property be insured for normal risks?
- Are the terms of any existing or proposed leases acceptable?
- Is there a deadline for the transaction to complete, and is this reasonable?
- What is to be the VAT status of the property, and who will advise on that?
- Does the ownership structure cause any additional issues, such as multiple third-party owners that also own a share of VAT elected property?
- If there are to be any transactions with connected parties, are they being done on commercial terms?
- Are there any environmental issues?
- Are any conditions attached to the property, for instance a leasehold property with a high level of ground rent?
- Can the pension scheme's interests be protected via a limitation of liability clause?
- Are there plans to develop the property? If so, do the proposals meet our requirements?

There are various other aspects that we will consider as part of our enquiries and we may need to raise issues with you along the way.

Financial considerations - acquiring the property and on-going cashflow

As with any decision to invest, you will need to work out whether the value of your SSAS is sufficient to meet the purchase price plus any applicable fees and taxes. This can include some or all of the following:

- Value Added Tax (VAT).
- Stamp Duty Land Tax (for properties in England and Northern Ireland).
- Land and Buildings Transaction Tax (for properties in Scotland).
- Land Transaction Tax (for properties in Wales).
- InvestAcc SSAS fees.
- Adviser fees.
- Solicitor fees and disbursements (including fees for searches and HM Land Registry).
- Bank fees.
- Surveyor's valuation report fees.
- Insurance costs (normally recharged to the tenant).
- Business rates (where there is no tenant).
- If your SSAS needs to borrow, additional funds to meet the first 3 months loan repayments.

[You can see a worked example on Page 12.](#)

While a regular stream of rent can help increase or maintain the fund value this is not guaranteed as tenants may vacate, fail or you may have to accept a lower rate of rent if the market has fallen, and your pension scheme may ultimately have to bear the loss of income.

If there is a shortfall in the value of your SSAS then you will need to consider how to fund any shortfall, and if appropriate you may need to arrange any required borrowing (see later in this guide).

Value Added Tax (VAT) may apply on the acquisition price of certain properties

You will need to know the VAT status of the property at the outset, and whether you would like your SSAS to register for VAT. Properties subject to VAT are sometimes referred to as 'VAT elected', 'subject to an option to tax' or simply 'opted to tax'. A specialist VAT adviser / accountant would have to advise you on the best course of action.

Properties not subject to VAT

Many of our pension schemes hold property which is not VAT elected; these SSAS arrangements are not VAT registered and therefore do not require quarterly VAT returns. In some circumstances, you may choose to elect the property to VAT, such as when you are spending a significant amount developing the property; your VAT adviser / accountant will help you with that.

Properties subject to VAT

If the property has already been VAT elected, the SSAS must be VAT registered and the property opted to tax on behalf of the SSAS prior to completion, so although VAT will be payable on the purchase price it can be reclaimed from HMRC. The SSAS would subsequently charge VAT on any rental income and any future sale of the property.

For VAT elected properties, it may be possible to treat the purchase as a Transfer of a Going Concern (TOGC) providing that it fits specific criteria. In this case VAT would not be payable on the purchase price but it would still apply to future rents and on a future sale. You will always need a VAT specialist / accountant to confirm the VAT status; the consequences of getting this wrong can be severe.

For VAT elected properties you can nominate an accountant or VAT specialist to arrange to register the scheme for VAT, Option to Tax and submit quarterly VAT returns. Alternatively, InvestAcc Pension Administration Limited can offer this service as part of our property administration services (see our SSAS Guide to Fees and Services for more details).

Stamp Duty Land Tax (England and Northern Ireland), or Land and Buildings Transaction Tax (Scotland) or Land Transaction Tax (Wales)

Stamp Duty Land Tax (SDLT) applies to property in England and Northern Ireland as follows:

PROPERTY OR LEASE PREMIUM OR TRANSFER VALUE	SDLT RATE
Up to £150,000	Zero
The next £100,000 (the portion between £150,000 and £250,000)	2%
The remaining amount (the portion above £250,000)	5%

Based on SDLT (rates applicable from 17th March 2016)

Purchase price £240,000. SDLT rate = (0% x £150,000) plus (2% x £90,000) = £1,800

Land and Buildings Transaction Tax (LBTT) applies to properties in Scotland as follows:

PURCHASE PRICE	LBTT RATE
Up to £150,000	0%
The next £100,000 (the portion between £150,000 and £250,000)	1%
The remaining amount (the portion above £250,000)	5%

Based on LBTT (rates applicable from 25th January 2019)

Purchase price £240,000. LBTT rate = (0% x £150,000) plus (1% x £90,000) = £900

Land Transaction Tax (LTT) applies to properties in Wales as follows:

PURCHASE PRICE	LBTT RATE
Up to £150,000	0%
The next £100,000 (the portion between £150,000 and £250,000)	1%
The next £750,000 (the portion between £250,000 and £1 Million)	5%
The remaining amount (the portion above £1 Million)	6%

Based on LTT (rates applicable from 1st April 2018)

Purchase price £240,000. LTT rate = (0% x £150,000) plus (1% x £90,000) = £900

In some cases, creating a lease can also create a liability for SDLT (England and Northern Ireland), LBTT (Scotland) or LTT (Wales), however this is payable by the tenant, and not the landlord. Also, linked transactions can affect the amount of tax applicable. Your solicitor will provide advice on this.

Please note that for those properties subject to VAT (and not a Transfer of a Going Concern), SDLT/LBTT/LTT (as appropriate) is calculated on the purchase price plus the VAT.

Example calculation (2021/22):

Purchase price:	£240,000
+ VAT @ 20%	£48,000
Total	£288,000

If the property is in England or Northern Ireland, then the rate of SDLT is (0% x £150,000) plus (2% x £100,000) plus (5% x £38,000) = £3,900.

If the property is in Scotland, then the rate of LBTT is (0% x £150,000) plus (1% x £100,000) plus (5% x £38,000) = £2,900.

If the property is in Wales, then the rate of LTT is (0% x £150,000) plus (1% x £100,000) plus (5% x £38,000) = £2,900.

Minimum Energy Efficiency Standards (MEES)

Since 2008, property can only be sold or let with an Energy Performance Certificate (EPC) which assesses the energy efficiency of a property on the scale A to G, where A is the most efficient, and G is the least efficient. An EPC remains valid for 10 years, unless the property has been materially altered during that time.

If you are considering the acquisition of a property then you should consider how the new regulations are likely to affect you, and whether this may impact your ability to let the property in future, and the costs involved in improving the property and/or complying with the legislation. This may have an impact on the marketability and value of properties, particularly for those in bands F or G. We encourage you to discuss this with an Energy Assessor (or a 'section 63 adviser' in Scotland) and to take legal advice.

MEES for property in England and Wales

Since 1st April 2018, it has been illegal for a landlord to let a property which falls within either of the two lowest bands, F or G.

The trigger for the new regulations will be the granting of a new lease or renewing an existing one, on or after 1st April 2018 (the first 'lease event' after this date). Where no lease event occurs after that date, the property must comply by 1st April 2023 at the latest.

Some properties will be exempt from the new requirements; properties that rely on exemptions will need to be added to the exemptions register from 1 April 2018.

You can find further information about the regulations and exemptions on the following page: www.gov.uk/government/publications/the-non-domestic-private-rented-property-minimum-standard-landlord-guidance

MEES for property in Scotland

Since 1st September 2016, larger properties in Scotland with total floor area of more than 1,000 square metres, cannot be sold or let until the owner has a valid EPC and undertakes further assessment to produce an 'Action Plan' identifying targets for improvement of the carbon and energy performance of the building and how these targets would be met through physical improvements to the property.

The owner can then either implement that Action Plan within 42 months, or to defer by reporting operational energy ratings (displaying actual measured energy use via a 'Display Energy Certificate' (DEC)) on an annual basis.

All Action Plans and DECs must be lodged here: www.scottishepcregister.org.uk

Some properties will be exempt from the need to obtain an EPC and / or the need to comply.

You can find further information about the regulations and exemptions on the following page: www.gov.scot/Topics/Built-Environment/Building/Building-standards/S63

Leases

Property that is let should be subject to a 'fully repairing and insuring' occupational lease on commercial terms, incorporating our requirements and standard limitation of liability clause. We are happy to consider the continuation of an existing unexpired occupational lease; in some cases, an existing lease may need to be altered which would require the agreement of all parties.

Any new leases with a connected tenant must be on commercial terms, the level of rent matching that recommended by a RICS qualified surveyor. The lease must commence no later than the date from which the property is occupied. Rent payments are to be in advance, the frequency of payment may be monthly, quarterly, six monthly or annually. Rent reviews must be upwards only, the period between rent reviews must not exceed five years.

The lease should provide for the landlord to insure the property and for the tenant to reimburse the premiums and any Insurance Premium Tax. The policy should include cover for 36 months loss of rent, to cover scenarios such as the time it takes for a property to be rebuilt following a disaster.

If the lease is of an entire building, the tenant should be responsible for all repairs. If the property is let under two or more leases, the lease should enable the landlord to recover from the tenants the entire cost of the repairs through a service charge.

For SSAS arrangements, InvestAcc is happy to issue invoices to the tenants as part of our property administration service, or you can arrange it yourself, or arrange for a third party to do it.

The trustees have an obligation to HMRC to monitor that all rent is received when due and the terms of the lease must be enforced, particularly if the tenant is connected.

Unless an independent professional property management company has been appointed as agent to collect rent on the trustees' behalf, all rent must be paid directly into the pension scheme bank account.

Where the landlord and tenant are connected and rent is not being paid in accordance with the terms of the lease, this may result in an unauthorised payment, as defined in the Finance Act 2004. If such an

unauthorised payment is made by your pension scheme, HMRC will impose a tax charge on the tenant (i.e. you or your business) of between 40% and 55% of the unauthorised payment. In addition, a scheme sanction charge of between 15% and 40% will be imposed on your SIPP. The scheme administrator is required to report to HMRC any unauthorised payments made.

Where a tenant is a connected party and there are rental arrears under the tenancy agreement, we will only start the sale process if the arrears are settled, or the buyer has agreed to purchase the arrears. Where a transfer of the property to another pension provider is requested, we will notify that pension scheme of arrears relating to the property.

Choosing a solicitor

A solicitor will be appointed to prepare a report on title, obtain environmental and other appropriate searches, make relevant enquiries, prepare transfer documentation and register the change of ownership with the Land Registry. They may also examine existing leases, or draft new ones. The solicitor's costs and disbursements will normally be paid from your SSAS funds although you may make arrangements to pay them directly if you wish.

To help streamline this process we have created a panel of carefully selected solicitors, you may ask us to appoint a panel solicitor, or you may choose your own provided they are regulated by the Solicitors Regulatory Authority (for properties in England & Wales), the Law Society of Scotland (for properties in Scotland) or the Law Society of Northern Ireland (for properties in Northern Ireland).

Appointing a good solicitor with experience of dealing with pension scheme trustees, and their requirements can make the process of acquiring property go much more smoothly. Please refer to our 'Guide to Panel Solicitors' for details of the panel and the specially negotiated terms.

Choosing a surveyor

A RICS qualified surveyor will be required to provide a valuation report. If a bank is lending to your SSAS they will require a valuation report from their own panel; we are happy to use a copy surveyor's report which has been produced for the lender.

The report should include:

- A basic assessment of the condition of the property/land
- A recommendation as to whether a full structural survey/environmental risk/contamination or asbestos survey is required.
- Colour photographs and OS plan showing the property in addition to street and location maps.
- The open market value.
- A reinstatement figure for insurance purposes.
- A recommended current market rent.
 - For these purposes the surveyor will need to know how long you want the lease to run (it must normally be at least as long as the repayment period of any loan taken to assist in the purchase) and whether there will be any break clauses (allowing the lease to be terminated before the end of the term but not before the end of the loan period).
 - Note that in cases where the tenant is you or someone connected to you, any new lease must reflect the level of market rent set by the surveyor. Existing leases can normally remain in place on their current terms, until expiry.

The surveyor's valuation report and invoice must be addressed in the name of your SSAS scheme and sent to our Carlisle Office. You may arrange for payment yourself, and you can request reimbursement from your SSAS funds later, if you wish (funds permitting).

Choosing a lender

If your SSAS does not have sufficient funds to meet the purchase price and costs, you may wish to bridge the shortfall using the borrowing facility. The limit on borrowing is 50% of the net asset value of your SSAS so if you have £100,000 of SSAS funds then your SSAS can borrow up to £50,000 which would enable your SSAS to purchase property valued up to £150,000 (ignoring fees and taxes).

The SSAS can borrow from any lender, which could be a bank or even you or your business so long as any loan from a connected party is on commercial terms.

We do not operate a panel of lenders so you will be responsible for arranging finance yourself. Although facilities are often negotiated locally, most banks will have a centralised lending unit and a specialist team that deals with loans to pension schemes.

You should be aware that the lender will typically require a first legal charge over the property. They will also want the lease term set so that loan repayments are affordable, we would expect that rent exceeds loan repayments by at least 30% where the interest rate is variable, or 10% where it is fixed, and that tenant(s) are committed to a lease which cannot be broken earlier than the expiry of any loan. Bear in mind the lender will be interested in assessing the commerciality of the proposal and will want to assess the likelihood that tenant(s) will be able to pay rent in accordance with the terms of their lease.

Note that involving a commercial lender is likely to extend the overall timescale required to purchase the property.

Further specialist enquiries

Occasionally we may need to ask for specialist reports, structural surveys or risk management reports for contamination and environmental issues depending on the comments in the valuation report and all other documents submitted to us. These will not be undertaken without your agreement, but your fund will be responsible for the cost and for any other fees that may be incurred if the proposed purchase is progressed whilst waiting for the report even if the result means we are unable to proceed with the purchase.

Where we feel that these additional reports are required, or indeed are advised by professionals such as solicitors or surveyors we will not be able to proceed with a purchase without them.

Property administration

We offer an optional property administration service for tenanted properties. You can read details of this service and the relevant costs in our 'SSAS Guide to Services and Fees'.

Note that the service InvestAcc offers is that of 'property administrator' rather than 'property manager'.

As property administrator we can provide rental invoicing and collection on behalf of the pension scheme trustees, we will administrate lease events, insurance renewals and payment of invoices. We do not offer services for debt collection, finding tenants, negotiation of leases or rental terms.

If you require anything further in the way of management for your property you can employ an independent professional property manager to administrate the running of the property and InvestAcc will administrate the other aspects of your SSAS. The costs of employing an independent and professional property manager can be paid from your SSAS funds.

Timescale

We cannot guarantee any timescale for completion as many aspects are simply out of our hands. In our experience it typically takes 6-16 weeks from instruction of solicitors, possibly longer if a commercial lender is involved. The timescales are not of our making but largely reflect the processes of other parties.

It is essential that the SSAS is set up before the purchase commences and to ensure that everything is in place for the transaction to be successfully completed. You can assist us by providing the information we require and ensuring that funding is available; we cannot be responsible for the consequences of such delay nor if the vendor decides to sell to another buyer.

If there is a particular issue on timing, please raise this with us at the earliest opportunity.

Transfers of property from other pension schemes (e.g. SIPP / SSAS)

If you already have a pension scheme with another company which owns property or land, you can ask us to accept a transfer of that asset in to your SSAS.

Where the underlying beneficiary is the same person the transfer can usually be done on an 'in-specie' basis, meaning the property should not have to be bought and sold; in most instances it is unlikely that the transfer will result in Stamp Duty Land Tax (England), or Land & Buildings Transaction Tax (Scotland) or Land Transfer Tax (Wales).

Although the property is already owned by a pension scheme, we still require due diligence to assess whether the property is likely to be acceptable to us.

We offer a limited due diligence option for transfers of property between pension schemes, in these cases we may agree to a more focused set of relevant enquiries from the vendor, in some cases we may also be able to avoid some searches, depending on which ones have been obtained previously by the current owners.

Note that in-specie transfers will require solicitors to act for each side of the transaction.

You can read more about this in our 'Guide to SSAS In-Specie Property Transfers'.

Buying property from a connected party

We are often asked to acquire property or land that is owned by a Managing Trustee, or a relative, or a connected business. Although these transactions happen in the same way as if they were being conducted with a third party, we would highlight the following points:

- Transactions with connected parties are permissible, on current market terms.
- We will still require the same level of due diligence, including full valuation reports, completed CPSE replies (standard enquiries when acquiring property or land), searches etc. which may seem odd to you if you already know the property well but it is an essential part of our due diligence process and enables us to determine whether the property is a suitable pension scheme investment.
- As 'vendor' you or the connected party will have to treat this in the same way as if you were selling to a third party, including the appointment of a solicitor to represent your personal interests. Although we are happy for you to appoint one firm to act from both sides, this is conditional on the firm having processes in place to deal with conflict of interest; many firms will not allow this or may be constrained by professional body rules. Scottish firms are likely to have more restrictions.
- As vendor, you or the connected party will also have to comply with legislation such as the need to have a valid Energy Performance Certificate (EPC) for applicable transactions.

What next?

TENTATIVE ENQUIRY	NOT YET A CUSTOMER, COMMITTED ENQUIRY	EXISTING SSAS MEMBER
<p>If your enquiry is tentative and you do not have a SSAS established with us yet, please complete the Property and Land Questionnaire and send any additional information you may have, such as a recently produced surveyor's report, or sales particulars. We can give you an in-principle view, prior to full due diligence being requested, to spot any obvious issues.</p>	<p>If you want to set up a SSAS to purchase this property or another one, then you should complete the Property and Land Questionnaire along with a SSAS application form and copies of existing Headleases and Occupational leases (where applicable). Note that we will also require evidence of identity, as per the application form, your adviser or local post office will be able to certify documents).</p>	<p>If you already have your SSAS established, we will require the Property and Land Questionnaire and copies of existing Headleases and Occupational leases (where applicable).</p>

For further information

You should speak to your financial adviser, and if you have any specific questions about the process or the suitability of a particular property you can contact our Property Team on 01228 538 988 or email property@investacc.co.uk

Note that we do not provide advice.



Property Purchase - worked example

All figures are based on £295,000 purchase, property not VAT elected, 2 member SSAS, bank acting as lender.

Bank account	£109,200.00
Employer contributions (gross) ¹	£20,000.00
Transfer in from another registered pension scheme	£88,000.00
Total funds for purchase, fees and taxes	£217,200.00
Purchase price	£295,000.00
VAT ²	Nil (in this case)
Total price	£295,000.00
Fees	
SSAS property purchase fee ³	£600.00
Valuation fees (RICS surveyor) ⁴	£600.00
Legal fees ⁵	£3,240.00
Bank arrangement	£150.00
Bank legal fees	£450.00
Stamp Duty Land Tax (SDLT) ⁶	£4,250.00
Renovations	£ -
CHAPS payment fee ⁷	£25.00
Total Costs	£304,315.00
Cash in scheme	£217,200.00
Loan	£100,000.00
Total cash for purchase	£317,200.00
Surplus	£12,885.00

Explanatory Notes

- Contributions are paid gross.
- Some properties are VAT elected and require VAT payable on the purchase price. In these cases, the trustees can register the scheme for VAT before purchase and reclaim VAT from HMRC.
- SSAS property purchase fee is £500 +VAT. Normal SSAS fees apply in addition.
- Surveyor's report cost assumed to be £500 +VAT for illustration purposes.
- Solicitor's fees are based on InvestAcc panel, freehold property, High Street lender, one new lease to a connected tenant, no declaration of trust, estimated search fees and VAT. A specific fee quote would be provided by the solicitor.
- SDLT rates effective from 17th March 2016 in England and Northern Ireland. In Scotland properties are subject to Land & Buildings Transaction Tax and in Wales properties are subject to Land Transactions Tax (different rates apply). Note that SDLT, LBTT and LTT are applied to the purchase price plus VAT (where VAT applies to the transaction).
- Payment to the solicitor's account is generally made by same day CHAPS transfer, in which case a bank will typically deduct a fee of around £25.00.

Financial adviser's fees are assumed to have been paid directly from the customer to the adviser.

The information in this case study has been simplified, you should discuss this with your financial adviser when making plans to purchase a property. All information is based on our understanding of current laws and HMRC practice which may change in future.

Errors & Omissions Excepted.

Guide to SSAS Property Purchase - FAQs

Q1. Can my SSAS make a purchase of leasehold property?

Yes, provided there is at least 50 years remaining on the lease, otherwise HMRC would deem this a 'wasting asset' which would incur tax penalties for your pension scheme.

Q2. Can my SSAS own a share of property?

Yes. This may be with yourself personally, your company, anyone connected to you or third parties.

Q3. Can my SSAS purchase residential property?

No.

Q4. Can the property be developed after the pension scheme buys it?

Yes, with our prior permission, so long as any development is entirely commercial in nature.

Q5. Can I purchase property at auction?

It is very unlikely that this will be possible due to the need for all our due diligence enquiries to be concluded before the auction date. We are occasionally asked to purchase a property after a client has already bid for it personally at auction, in these circumstances it may be possible for the pension scheme to purchase the property provided the auction house is willing to allow the change of purchaser, this is subject to all our usual requirements and may result in you not being able to purchase the property in time, in which case you may lose any deposit. You should be careful in case the auction house refuses to change the purchaser details or refund your deposit.

Q6. What happens if environmental issues arise?

Legislation puts significant responsibility on the owner of land and property in the UK, including liability for costs arising from environmental issues such as contamination. As trustees we have to protect ourselves, and you. Some environmental issues will result in the property not being suitable for our pension scheme; others may mean that you have to decide whether you still want to purchase the property. In these cases, we cannot be held responsible for any problems which may arise.

Q7. Can the SSAS purchase things other than the land and fabric of the building?

No.

Q8. Can the tenant sub-let the property?

We may agree to this, depending on the scenario.

Q9. Can I convert residential property to commercial property, in order that my SSAS can buy it?

Three stages are required to have been completed before your SSAS can purchase it:

1. Permission must have been granted by the local authority for the change of use.
2. The property must then have been used commercially for that use.
3. There must be no residential element remaining.

Q10. Can my SSAS purchase ground rents?

No.

Q11. Can I purchase overseas commercial property or land?

No.

Q12. Do I have to insure land?

Yes, we expect a public liability policy to be put in place for any land purchases, whether agricultural, development etc.



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