



Land and Buildings Transaction Tax (Scotland) Act 2013

2013 asp 11

LAND AND BUILDINGS TRANSACTION TAX (SCOTLAND) ACT 2013

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- 2 The chargeable consideration for a transaction includes any value added...

Postponed consideration

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- 13 Where a land transaction is entered into by reason of...

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- 14 Where the buyer agrees to indemnify the seller in respect...

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Buyer bearing inheritance tax liability

- 15 Where— (a) there is a land transaction that is—

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- 3 (1) This schedule applies to a chargeable transaction if the...
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*Repayment of additional amount: spouses, civil
partners and cohabitants replacing main residence*

- 8A (1) Sub-paragraph (2) applies in relation to a chargeable transaction...

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8B (1) Sub-paragraph (2) applies in relation to a chargeable transaction...

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Dwellings owned by trustees or personal representatives

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The relief

- 1 The leaseback element of a sale and leaseback arrangement is...

Sale and leaseback arrangements

- 2 A sale and leaseback arrangement is an arrangement under which—...

Qualifying conditions

- 3 The qualifying conditions are— (a) that the sale transaction is...

Interpretation

- 4 In this schedule, “debt” has the same meaning as in...

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- 1 (1) This schedule provides for relief in the case of...
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ACQUIRING NEW DWELLING

Full relief

- 2 Where a dwelling (“the old dwelling”) is acquired by a...

Partial relief

- 3 Where qualifying conditions (a) to (d) but not (e) are...

Qualifying conditions

- 4 In this Part of this schedule, the qualifying conditions are—...
PART 3 — ACQUISITION BY PROPERTY TRADER FROM INDIVIDUAL
ACQUIRING NEW DWELLING

Full relief

- 5 Where a dwelling (“the old dwelling”) is acquired by a...

Partial relief

- 6 Where qualifying conditions (a) to (e) but not (f) are...

Qualifying conditions

- 7 In this Part of this schedule, the qualifying conditions are—...
- 8 Paragraph 7(e)(ii) does not apply to the grant of a...
PART 4 — ACQUISITION BY PROPERTY TRADER FROM INDIVIDUAL WHERE
CHAIN OF TRANSACTIONS BREAKS DOWN

Full relief

- 9 Where a dwelling (“the old dwelling”) is acquired by a...

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Partial relief

- 10 Where qualifying conditions (a) to (g) but not (h) are...

Qualifying conditions

- 11 In this Part of this schedule, the qualifying conditions are—...
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- 14 Relief under Part 3 of this schedule (acquisition by property...
15 Paragraph 14(b) does not apply to the grant of a...

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17 Paragraph 16(b) does not apply to the grant of a...
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- 18 “Dwelling” includes land occupied and enjoyed with the dwelling as...
19 A building or part of a building is a “new...”

Meaning of “permitted area”

- 20 “The permitted area”, in relation to a dwelling, means land...
21 Where paragraph 20(b) applies, the permitted area is taken to...

Meaning of “acquisition” and “market value” in relation to dwelling and permitted area

- 22 References in this schedule to— (a) the acquisition of a...

Meaning of “house-building company”

- 23 A “house-building company” means a company that carries on the...
24 References in this schedule to such a company include any...

Meaning of “property trader” and “principal”

- 25 (1) A “property trader” means an entity listed in sub-paragraph...
26 For the purposes of this schedule— (a) anything done by...

Additional amount: transactions relating to second homes etc.

- 26A Schedule 2A makes provision about an additional amount of tax...

Meaning of “refurbishment” and “the permitted amount”

- 27 “Refurbishment” of a dwelling means the carrying out of works...
28 The “permitted amount”, in relation to the refurbishment of a...

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- 3 Relief from the tax
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- 5 Deemed ownership: beneficiaries under certain trusts
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- 1 (1) This schedule provides for relief in the case of...
PART 2 — TRANSACTIONS TO WHICH THIS SCHEDULE APPLIES

The rule

- 2 This schedule applies to relevant transactions.
- 3 A relevant transaction is a transaction (other than a transaction...

Single transaction relating to multiple dwellings

- 4 A transaction is within this paragraph if its main subject-matter...

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- 5 A transaction is within this paragraph if—

Excluded transactions

- 6 A transaction is excluded by this paragraph if—
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Consideration attributable to dwellings and remaining property

- 7 In relation to a relevant transaction— (a) the consideration attributable...

Dwellings

- 8 “The dwellings” are, in relation to a relevant transaction, the...

Interest in a dwelling

- 9 A reference in this schedule to an interest in a...
PART 4 — THE RELIEF

Calculation of relief

- 10 The amount of tax chargeable in relation to a relevant...
- 10A The amount of tax chargeable in relation to a relevant...
- 11 But where DT x ND or, as the case may...
- 12 The minimum prescribed amount is such proportion as may be...

Tax due in relation to a dwelling

- 13 The tax due in relation to a dwelling is determined...

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Tax due in relation to remaining property

- 14 The tax due in relation to remaining property is determined...

General

- 15 “Attributable” means attributable on a just and reasonable basis.
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Full withdrawal of relief

- 16 Relief under this schedule is withdrawn in relation to a...
17 Where relief is withdrawn, the amount of tax chargeable is...

Partial withdrawal of relief

- 18 Relief under this schedule is partially withdrawn in relation to...
19 Where relief is partially withdrawn, tax is chargeable on the...
20 In that case, the tax so chargeable must be calculated...

Relevant period

- 21 “The relevant period” means the shorter of—
22 In relation to a transaction effected on completion of a...

Interpretation

- 23 In this Part of this schedule, “event” includes any change...
PART 6 — WHAT COUNTS AS A DWELLING
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25 A building or part of a building counts as a...
26 Land that is, or is to be, occupied or enjoyed...
27 Land that subsists, or is to subsist, for the benefit...
28 The main subject-matter of a transaction is also taken to...
29 In paragraph 28, “relevant deeming provision” means section 10 or...
30 Subsections (3) to (6) of section 59 apply for the...

SCHEDULE 6 — Relief for certain acquisitions by registered social landlords

The relief

- 1 A land transaction under which the buyer is a registered...

The qualifying conditions

- 2 The qualifying conditions are— (a) that the registered social landlord...

Landlord controlled by tenants

- 3 The reference in paragraph 2(a) to a registered social landlord...
4 For the purposes of paragraph 3, “board member” is to...

SCHEDULE 7 — Alternative property finance relief
PART 1 — INTRODUCTORY

Overview

- 1 (1) This schedule makes provision for relief in the case...

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PART 2 — ALTERNATIVE PROPERTY FINANCE: ARRANGEMENTS RELIEVED

Land sold to financial institution and leased to person

- 2 Paragraphs 3 to 6 apply where arrangements are entered into...
- 3 The first transaction is exempt from charge if the seller...
- 4 The second transaction is exempt from charge if the provisions...
- 5 A transfer to the person that results from the exercise...
- 6 The agreement mentioned in paragraph 2(c) is not to be...

Land sold to financial institution and person in common

- 7 Paragraphs 8 to 12 apply where arrangements are entered into...
- 8 The first transaction is exempt from charge if the seller...
- 9 The second transaction is exempt from charge if the provisions...
- 10 Any transfer to the person that results from the exercise...
- 11 The agreement mentioned in paragraph 7(c) is not to be...
- 12 A further transaction that is exempt from charge by virtue...

Land sold to financial institution and re-sold to person

- 13 Paragraphs 14 and 15 apply where arrangements are entered into...
- 14 The first transaction is exempt from charge if the seller...
- 15 The second transaction is exempt from charge if the financial...

PART 3 — ALTERNATIVE PROPERTY FINANCE: ARRANGEMENTS NOT RELIEVED

No relief where first transaction already relieved

- 16 Paragraphs 2 to 12 do not apply to arrangements in...

No relief where arrangements to transfer control of financial institution

- 17 Paragraphs 2 to 12 do not apply to alternative finance...
- 18 That includes arrangements for a person to acquire control of...
- 19 In paragraphs 17 and 18— “alternative finance arrangements” means the...
- 20 Section 1124 of the Corporation Tax Act 2010 (c.4) applies...

PART 4 — EXEMPT INTEREST

Interest held by financial institution an exempt interest

- 21 An interest held by a financial institution as a result...
- 22 That interest ceases to be an exempt interest if—
- 23 Paragraph 21 does not apply if the first transaction is...
- 24 Paragraph 21 does not make an interest exempt in respect...

PART 5 — INTERPRETATION

Interpretation

- 25 (1) In this schedule “financial institution” has the meaning given...
- 26 In this schedule— “arrangements” includes any agreement, understanding, scheme, transaction...

SCHEDULE 8 — Relief for alternative finance investment bonds

PART 1 — OVERVIEW AND INTERPRETATION

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Overview of relief

- 1 (1) This schedule makes provision for relief in the case...

Meaning of “alternative finance investment bond”

- 2 In this schedule, “alternative finance investment bond” means arrangements to...

Interpretation

- 3 In this schedule— “bond assets”, “bond-holder”, “bond-issuer” and “capital” have...

PART 2 — ISSUE, TRANSFER AND REDEMPTION OF RIGHTS UNDER BOND
NOT TO BE TREATED AS CHARGEABLE TRANSACTION

The relief

- 4 For the purposes of this Act— (a) the bond-holder under...

Relief not available where bond-holder acquires control of underlying asset

- 5 (1) Paragraph 4 does not apply if control of the...
6 (1) But paragraph 5(1) does not apply (and accordingly, section...
PART 3 — GENERAL CONDITIONS FOR OPERATION OF RELIEFS ETC.

Introduction

- 7 This Part of this schedule defines conditions A to G...

Condition A

- 8 Condition A is that one person (P) and another (Q)...

Condition B

- 9 Condition B is that— (a) Q, as bond-issuer, enters into...

Condition C

- 10 (1) Condition C is that, for the purpose of generating...

Condition D

- 11 (1) Condition D is that, before the end of the...

Condition E

- 12 Condition E is that the total of the payments of...

Condition F

- 13 Condition F is that Q holds the interest in land...

Condition G

- 14 (1) Condition G is that— (a) before the end of...
PART 4 — RELIEF FOR CERTAIN TRANSACTIONS

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The relief: first transaction

- 15 (1) The first transaction is exempt from charge if—

Withdrawal of relief

- 16 (1) Relief under paragraph 15 is withdrawn if—

Amount of tax chargeable where relief withdrawn

- 17 Where relief is withdrawn, the amount of tax chargeable is...
18 The amount chargeable is the tax that would have been...

Relief from land and buildings transaction tax: second transaction

- 19 (1) The second transaction is exempt from charge if—

Discharge of security when conditions for relief met

- 20 If, after the effective date of the second transaction, Q...
PART 5 — SUPPLEMENTARY

Substitution of asset

- 21 (1) This paragraphs applies if— (a) conditions A to C...
22 (1) Paragraph 21 also applies where the replacement land is...

Tax Authority to register discharge of security

- 23 (1) Where a security is discharged in accordance with paragraph...

Relief not available where bond-holder acquires control of underlying asset

- 24 (1) The reliefs provided by paragraphs 15 and 19 (and...
25 (1) But paragraph 24 does not prevent the reliefs being...

Relief not available if purpose of arrangements is improper

- 26 The reliefs provided by paragraph 15 and 19 (and paragraph...

SCHEDULE 9 — Crofting community right to buy relief

The relief

- 1 ***The relief***

Interpretation

- 4 In this schedule “crofting community right to buy” means the...

SCHEDULE 10 — Group relief
PART 1 — INTRODUCTORY

Overview

- 1 (1) This schedule provides for relief for certain transactions involving...
PART 2 — THE RELIEF

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The relief

- 2 A land transaction is exempt from charge if the seller...

Restrictions on availability of relief

- 3 Relief under this schedule is not available if at the...
4 Paragraph 3 does not apply to arrangements to which paragraph...
5 Relief under this schedule is not available if the transaction...
6 Arrangements are within paragraph 5(a) if under them the seller...
7 Paragraph 5(b) does not apply to arrangements to which paragraph...
8 Relief under this schedule is not available if the transaction—...

Arrangements that do not restrict availability of relief

- 9 This paragraph applies to arrangements entered into with a view...
10 This paragraph applies to arrangements in so far as they...
10A (1) This paragraph applies to arrangements if and for so...

Interpretation

- 11 In this Part of this schedule— “control” has the meaning...
PART 3 — WITHDRAWAL OF RELIEF

Overview

- 12 This Part of this schedule is arranged as follows— paragraphs...

Withdrawal of relief

- 13 Relief under this schedule is withdrawn or partially withdrawn where
—...
14 This paragraph applies where the buyer in the transaction which...
15 This paragraph applies where, at the time the buyer ceases...
15A This paragraph applies where— (a) the relief under this schedule...

Amount of tax chargeable where relief withdrawn

- 16 Where relief is withdrawn, the amount of tax chargeable is...
17 The amount chargeable is the tax that would have been...

Amount of tax chargeable where relief partially withdrawn

- 18 Where relief is partially withdrawn, the amount of tax chargeable...
19 An “appropriate proportion” means an appropriate proportion having regard to—...

Case where relief not withdrawn: winding up

- 20 Relief under this schedule is not withdrawn where the buyer...

Cases where relief not withdrawn: stamp duty reliefs

- 21 Relief under this schedule is not withdrawn where—
22 Relief under this schedule is not withdrawn where—
23 But where, in a case to which paragraph 21 or...
24 The circumstances referred to in paragraph 23(a) are that the...
25 This paragraph applies to a chargeable interest—

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Case where relief not withdrawn: seller leaves group

- 26 Relief under this schedule is not withdrawn where the buyer...
- 27 The seller is regarded as leaving the group if the...
- 28 But if there is a change in the control of...
- 29 Paragraph 28 does not apply where— (a) there is a...
- 30 There is a change in the control of the buyer...
- 31 For the purposes of paragraph 30 a person does not...

Withdrawal of relief in certain cases involving successive transactions

- 32 Where the following conditions are met, paragraphs 13 to 31...
- 33 The first condition is that there is a change in...
- 34 The second condition is that the change occurs—
- 35 The third condition is that, apart from paragraph 32, relief...
- 36 The fourth condition is that any previous transaction falls within...
- 37 A previous transaction falls within this paragraph if—
- 38 Paragraph 33 does not apply where— (a) there is a...
- 39 If two or more transactions effected at the same time...
- 40 There is a change in the control of a company...

Interpretation

- 41 For the purposes of paragraphs 20 and 27 a company...
- 42 In this Part of this schedule— “control” is to be...
 - PART 3A — RECOVERY OF RELIEF
 - 42A Recovery of relief
 - 42B The following persons may, by notice under paragraph 42E, be...
 - 42C For the purposes of paragraph 42B(b)— (a) a “relevant...
 - 42D In paragraph 42B(c)— “director”, in relation to a...
 - 42E Recovery of relief: supplementary
 - 42F Any such notice must be given before the end of...
 - 42G The notice must state the amount required to be paid...
 - 42H The notice has effect— (a) for the purposes of the...
 - 42I A person who has paid an amount in pursuance of...
 - 42J A payment in pursuance of a notice under paragraph 42E...
 - 42K In paragraph 42H, “ Revenue Scotland assessment ” has the...
- PART 4 — INTERPRETATION

When are companies members of the same group?

- 43 Companies are members of the same group if one is...

When is a company a subsidiary of another company?

- 44 A company (A) is the 75% subsidiary of another company...
- 45 For the purposes of paragraph 44(a)— (a) the ownership referred...
- 46 “Ordinary share capital”, in relation to a company, means all...
- 47 Chapter 6 of Part 5 of the Corporation Tax Act...
- 48 But sections 171(1)(b) and (3), 173, 174 and 176 to...

Other definitions

- 49 In this schedule— “arrangements” includes any scheme, agreement or understanding,...

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SCHEDULE 10A — Sub-sale development relief
PART 1 — INTRODUCTORY

Overview of relief

- 1 (1) This schedule provides for relief in the case of...
PART 2 — THE RELIEF

General

- 2 (1) Relief under this schedule may be claimed by the...

Qualifying sub-sale

- 3 A sub-sale is a qualifying sub-sale if—

Qualifying conditions

- 4 (1) The qualifying conditions are that— (a) the substantial performance...

Subject-matter

- 5 References in this schedule to the “subject-matter” of a qualifying...
6 References in this schedule to “part of the subject-matter” of...

Significant development

- 7 In this schedule— “development”— means the building, on the subject-matter...
8 In paragraph 7— “agricultural” is to be construed as meaning...

Full relief

- 9 (1) Where the subject-matter of the qualifying sub-sale is the...

Partial relief

- 10 (1) Where the subject-matter of the qualifying sub-sale is part...

Claiming the relief

- 11 Where the first buyer claims relief under this schedule, the...
12 Relief under this schedule may not be claimed if relief...
PART 3 — WITHDRAWAL OF RELIEF

Full withdrawal of relief

- 13 Relief under this schedule is withdrawn if no development of...
14 Where relief is withdrawn, the amount of tax chargeable in...

Partial withdrawal of relief

- 15 (1) Relief under this schedule is partially withdrawn if—
PART 4 — SUPPLEMENTARY

Disapplication of section 14

- 16 Where relief under this schedule is given, section 14(1)(c) is...

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Qualifying sub-sale: consideration

17 Where relief under this schedule is given the chargeable consideration...

SCHEDULE 11 — Reconstruction relief and acquisition relief

PART 1 — INTRODUCTORY

Overview

1 (1) This schedule provides for relief for certain transactions in...

PART 2 — RECONSTRUCTION RELIEF

The relief

2 A land transaction is exempt from charge if—

Qualifying conditions

3 The qualifying conditions are— (a) that a company (“the acquiring...

4 Where the consideration for the acquisition consists partly of the...

5 If, immediately before the acquisition, the target company or the...

PART 3 — ACQUISITION RELIEF

The relief

6 (1) This paragraph applies where— (a) a land transaction is...

Qualifying conditions

7 The qualifying conditions are— (a) that a company (“the acquiring...

8 Where the consideration for the acquisition consists partly of the...

Interpretation

9 For the purposes of qualifying condition (c)—

10 In this Part of this schedule, “trade” includes any venture...

PART 4 — WITHDRAWAL OF RELIEF

Overview

11 This Part of this schedule is arranged as follows— paragraphs...

Withdrawal of relief

12 Relief under Part 2 or Part 3 of this schedule...

13 This paragraph applies where control of the acquiring company changes

—...

14 This paragraph applies where, at the time the control of...

Case where relief not withdrawn: change of control of acquiring company as result of transaction connected to divorce etc.

15 Relief under Part 2 or Part 3 of this schedule...

16 Relief under Part 2 or Part 3 of this schedule...

Case where relief not withdrawn: exempt intra-group transfer

17 Relief under Part 2 or Part 3 of this schedule...

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18 But see paragraphs 22 to 24 for the effect of...

Case where relief not withdrawn: share acquisition relief

19 Relief under Part 2 or Part 3 of this schedule...

20 But see paragraphs 25 to 28 for the effect of...

Case where relief not withdrawn: controlling loan creditor

21 Relief under Part 2 or Part 3 of this schedule...

Withdrawal of relief on subsequent non-exempt transfer

22 Relief under Part 2 or Part 3 of this schedule...

23 This paragraph applies where a company holding shares in the...

24 This paragraph applies where the acquiring company or a relevant...

Withdrawal of relief where share acquisition relief applied but control of company subsequently changes

25 Relief under Part 2 or Part 3 of this schedule...

26 This paragraph applies where control of the other company mentioned...

27 This paragraph applies where, at the time control of that...

28 This paragraph applies where the acquiring company or a relevant...

Amount of tax chargeable where relief withdrawn

29 Where relief is withdrawn, the amount of tax chargeable is...

30 The amount chargeable is the tax that would have been...

Amount of tax chargeable where relief partially withdrawn

31 Where relief is partially withdrawn, the tax chargeable is an...

32 An “appropriate proportion” means an appropriate proportion having regard to—...

Interpretation

33 In paragraphs 19 and 25— (a) “share acquisition relief” means...

34 In this Part of this schedule, references to control of...

35 In this Part of this schedule— “control” is to be...

PART 4A — RECOVERY OF RELIEF

35A Recovery of relief

35B The following persons may, by notice under paragraph 35E, be...

35C For the purposes of paragraph 35B— (a) “relevant time...

35D In paragraph 35B(b)— “director”, in relation to a...

35E Recovery of relief: supplementary

35F Any such notice must be given before the end of...

35G The notice must state the amount required to be paid...

35H The notice has effect— (a) for the purposes of the...

35I A person who has paid an amount in pursuance of...

35J A payment in pursuance of a notice under paragraph 35E...

35K In paragraph 35H, “Revenue Scotland assessment” has the...

PART 5 — INTERPRETATION

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When are companies members of the same group?

- 36 Companies are members of the same group if one is...

When is a company a subsidiary of another company?

- 37 A company (A) is the 75% subsidiary of another company...
38 For the purposes of paragraph 37— (a) the ownership referred...
39 “Ordinary share capital”, in relation to a company, means all...
40 Chapter 6 of Part 5 of the Corporation Tax Act...
41 But sections 171(1)(b) and (3), 173, 174 and 176 to...

Other definitions

- 42 In this schedule— “arrangements” include any scheme, agreement or understanding,...

SCHEDULE 12 — Relief for incorporation of limited liability partnership

The relief

- 1 A land transaction by which a chargeable interest is transferred...

The qualifying conditions

- 2 The qualifying conditions are— (a) that the effective date of...

Interpretation

- 3 In this schedule— “limited liability partnership” means a limited liability...

SCHEDULE 13 — Charities relief

The relief

- 1 A land transaction is exempt from charge if the buyer...

Qualifying conditions

- 2 The qualifying conditions are— (a) that the buyer intends to...

Qualifying charitable purposes

- 3 A buyer holds the subject-matter of a transaction for qualifying...

Withdrawal of relief

- 4 Relief under this schedule is withdrawn, or partially withdrawn, if—...
5 A “disqualifying event” means— (a) the buyer ceasing to be...
6 Where the relevant transaction is exempt from charge by virtue...
7 A lease— (a) is granted “at a premium” if there...
8 Where relief is withdrawn, the amount of tax chargeable is...
9 Where relief is partially withdrawn, the amount of tax chargeable...
10 An “appropriate proportion” means an appropriate proportion having regard to—...
11 In relation to a transfer or grant that is, by...

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Charitable trusts

- 12 This schedule applies in relation to a charitable trust as...
- 13 “Charitable trust” means— (a) a trust of which all the...
- 14 In this schedule as it applies in relation to a...

Interpretation

- 15 (1) In this schedule, “charity” means— (a) a body registered...
- 16 In this schedule, “charitable purposes” has the meaning given by...
- 17 In this schedule, “annual rent” means the average annual rent...

SCHEDULE 13A — (*introduced by section 27*)

FRIENDLY SOCIETIES RELIEF

- 1 ***The relief***
- 2 ***Interpretation***

SCHEDULE 13B — (*introduced by section 27*)

BUILDING SOCIETIES RELIEF

- 1 ***The relief***
- 2 ***Interpretation***

SCHEDULE 14 — Relief for certain compulsory purchases

The relief

- 1 An acquisition of a chargeable interest by a local authority...

Qualifying condition

- 2 The qualifying condition is that the local authority has made...

Interpretation

- 3 For the purposes of this schedule it does not matter...

SCHEDULE 15 — Relief for compliance with planning obligations

The relief

- 1 A land transaction that is entered into in order to...

The qualifying conditions

- 2 The qualifying conditions are— (a) that the planning obligation or...

“Planning obligation” and “modification”

- 3 “Planning obligation” means an agreement made under section 75 of...
- 4 “Modification” of a planning obligation means modification as mentioned in...

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Public authorities

5 The following are public bodies for the purposes of paragraph...

SCHEDULE 16 — Public bodies relief

The relief

- 1 A land transaction entered into on, in consequence of or...
- 2 The Scottish Ministers may, by order, provide that a land...

Meaning of “reorganisation”

- 3 A “reorganisation” means changes involving— (a) the establishment, reform or...

Public bodies

- 4 The following are public bodies for the purposes of this...
- 5 In this schedule, references to a public body include—
- 6 In paragraphs 4 and 5, “company” means a company as...

SCHEDULE 16A — VISITING FORCES AND INTERNATIONAL MILITARY HEADQUARTERS RELIEFS

The relief

- 1 A land transaction entered into with a view to any...
- 2 Paragraph 1 has effect in relation to any designated international...
- 3 In this schedule— “designated” means designated by or under any...

SCHEDULE 16B — RELIEF FOR PROPERTY ACCEPTED IN SATISFACTION OF TAX

The relief

- 1 A land transaction entered into under section 9(4) of the...

SCHEDULE 16C — LIGHTHOUSES RELIEF

The relief

- 1 A land transaction entered into by or under the direction...
- 2 A land transaction entered into by or under the direction...

Schedule 16D — Green Freeports Relief (introduced by section 27)

PART 1 — INTRODUCTORY

- 1 Overview
- 2 Full relief
- 3 Partial relief
- 4 Attributing chargeable consideration to land

PART 3 — KEY TERMS

- 5 Transaction land

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- 6 Qualifying green freeport land
- 7 Use of land in a qualifying manner
 - PART 4 — WITHDRAWAL OF RELIEF
- 8 Withdrawal of relief
- 9 The control period
- 10 Disposal of interest in part of qualifying green freeport land during control period
 - PART 5 — ALTERNATIVE FINANCE ARRANGEMENTS
- 11 Cases involving alternative finance arrangements

SCHEDULE 17 — Partnerships
PART 1 — OVERVIEW

Overview

- 1 (1) This schedule makes provision about the application of this...
PART 2 — GENERAL PROVISIONS

Meaning of “partnership”

- 2 In this Act, “partnership” means—

Chargeable interests treated as being held by partners etc.

- 3 (1) For the purposes of this Act—

Acquisition of interest in partnership not chargeable except as specially provided

- 4 The acquisition of an interest in a partnership is not...

Continuity of partnership

- 5 For the purposes of this Act, a partnership is treated...

Partnership not to be regarded as unit trust scheme etc.

- 6 A partnership is not to be regarded for the purposes...
PART 3 — ORDINARY PARTNERSHIP TRANSACTIONS

Introduction

- 7 This Part of this schedule applies to land transactions entered...

Responsibility of partners

- 8 (1) Anything required or authorised to be done under this...

Representative partners

- 9 (1) Anything required or authorised to be done by or...

Joint and several liability of responsible partners

- 10 (1) Where the responsible partners are liable to make a...
PART 4 — TRANSACTIONS INVOLVING TRANSFER TO A PARTNERSHIP

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Overview of Part

11 This Part of this schedule is arranged as follows— paragraphs...

Circumstances in which this Part applies

12 (1) This Part of this schedule applies where—

Calculation of chargeable consideration etc.

13 (1) The chargeable consideration for the land transfer is taken...

Sum of the lower proportions

14 The sum of the lower proportions in relation to the...

Relevant owner

15 (1) For the purposes of paragraph 14 (see Step 1),...

Corresponding partner

16 (1) For the purposes of paragraph 14 (see Step 2),...

Transfer of partnership interest pursuant to earlier arrangements

17 (1) This paragraph applies where— (a) subsequent to the land...

Withdrawal of money etc. from partnership after transfer of chargeable interest

18 (1) This paragraph applies where, during the period of 3...

PART 5 — TRANSACTIONS INVOLVING TRANSFER FROM A PARTNERSHIP

Overview of Part

19 This Part of this schedule is arranged as follows— paragraphs...

Circumstances in which Part applies

20 (1) This Part of this schedule applies where a chargeable...

Calculation of chargeable consideration

21 (1) The chargeable consideration for the land transfer is (subject...

Sum of the lower proportions

22 The sum of the lower proportions in relation to the...

Relevant owner

23 (1) For the purposes of paragraph 22 (see Step 1),...

Corresponding partner

24 (1) For the purposes of paragraph 22 (see Step 2),...

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Partnership share attributable to partner

- 25 (1) This paragraph provides for determining the partnership share attributable...
- 26 (1) Where this paragraph applies, the partnership share attributable to...

Transfer of chargeable interest from a partnership to a partnership

- 27 (1) This paragraph applies where— (a) there is a transfer...

Transfer of chargeable interest from a partnership consisting wholly of bodies corporate

- 28 (1) This paragraph applies where— (a) immediately before the land...
- PART 6 — APPLICATION OF PARTS 3 TO 5 TO LEASES

Application of Parts 3 to 5 to leases

- 29 (1) This paragraph applies in relation to a transaction to...
- PART 7 — PROPERTY INVESTMENT PARTNERSHIPS

Overview of Part

- 30 This Part of this schedule is arranged as follows— paragraphs...

Meaning of “property investment partnership”

- 31 (1) In this schedule, “property-investment partnership ” means a...

Transfer of interest in partnership treated as land transaction

- 32 (1) This paragraph applies where— (a) there is a transfer...

Exclusion of market rent leases

- 33 (1) A lease held as partnership property immediately after a...

Partnership interests: application of provisions about exchanges etc.

- 34 (1) Where paragraph 5 of schedule 2 (exchanges) applies to...

Election by property-investment partnership to disapply Part 4

- 35 (1) Part 4 of this schedule does not apply to...
- PART 8 — APPLICATION OF PROVISIONS ON EXEMPTIONS, RELIEFS AND NOTIFICATION

Overview of Part

- 36 This Part of this schedule is arranged as follows— paragraph...

Application of exemptions and reliefs: general

- 37 (1) Paragraph 1 of schedule 1 (exemption of transactions for...

Application of group relief

- 38 (1) Schedule 10 (group relief) applies with the following modifications...
- 39 (1) This paragraph applies where in calculating the sum of...

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Application of charities relief

40 (1) Schedule 13 (charities relief) applies to the transfer of...

Notification of transfers of partnership interests

41 (1) A transaction which is a chargeable transaction by virtue...

PART 9 — INTERPRETATION

Introduction

42 This Part of this schedule defines expressions used in this...

Partnership property

43 Any reference to partnership property is to an interest or...

Partnership share

44 Any reference to a person's partnership share at any time...

Transfer of chargeable interest

45 References to the transfer of a chargeable interest include—

Transfer of chargeable interest to a partnership

46 For the purposes of this schedule, there is a transfer...

Transfer of chargeable interest from a partnership

47 For the purposes of this schedule, there is a transfer...

Transfer of interest in a partnership

48 For the purposes of this schedule, where a person acquires...

Connected persons

49 In the application of section 1122 of the Corporation Tax...

Arrangements

50 “ Arrangements ” includes any scheme, agreement or understanding, whether...

SCHEDULE 18 — Trusts

PART 1 — OVERVIEW

Overview

1 (1) This schedule makes provision about the application of this...

PART 2 — TREATMENT OF TRUSTS AND BENEFICIARIES GENERALLY

Interests of beneficiaries under certain trusts

2 Paragraphs 3 and 4 apply where property is held in...

3 The beneficiary is to be treated for the purpose of...

4 An acquisition of the interest of a beneficiary under the...

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PART 3 — TRANSACTIONS INVOLVING BARE TRUSTS

Acquisition of chargeable interest by bare trustee

- 5 Where a person (T) acquires a chargeable interest or an...
6 However, any tax due by the person or persons may,...
7 Paragraphs 5 and 6 do not apply in relation to...

Grant of lease to bare trustee

- 8 Where a lease is granted to a person as bare...

Grant of lease by bare trustee

- 9 Where a person, as bare trustee, grants a lease, the...

PART 4 — TRANSACTIONS INVOLVING SETTLEMENTS

Acquisition by trustees of settlements

- 10 Where persons, as trustees of a settlement, acquire a chargeable...

Consideration for exercise of power of appointment or discretion

- 11 Paragraph 12 applies where a chargeable interest is acquired by...
12 Any consideration given for the person in whose favour the...

Reallocation of trust property as between beneficiaries

- 13 Paragraph 14 applies where— (a) the trustees of a settlement...
14 The fact that the beneficiary gives consent does not mean...

PART 5 — SETTLEMENTS: PAYMENT OF TAX AND RETURNS

Liability to pay the tax

- 15 Where the trustees of a settlement are liable to pay...

Liability to make returns

- 16 A return in relation to a land transaction may be...

Duty to make declaration

- 17 The declaration required by section 36(1) or (2)(a) must be...

Responsible trustees

- 18 The responsible trustees, in relation to a land transaction, are—...

PART 6 — INTERPRETATION

Meaning of “bare trust”

- 19 In this schedule, a “bare trust”— (a) is a trust...

Meaning of “absolutely entitled”

- 20 The references in paragraph 19 to a person being absolutely...

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Meaning of “settlement”

21 In this schedule, “settlement” means a trust that...

SCHEDULE 19 — Leases

PART 1 — INTRODUCTORY

Overview

1 (1) This schedule makes provision about the application of this...

Calculation of tax chargeable where chargeable consideration includes rent

2 Where the chargeable consideration for a chargeable transaction to which...

PART 2 — AMOUNT OF TAX CHARGEABLE: RENT

Tax rates and tax bands

3 (1) The Scottish Ministers must, by order, specify the tax...

Amount of tax chargeable in respect of rent

4 The amount of tax chargeable on so much of the...

Amount of tax chargeable in respect of rent: linked transactions

5 Where a chargeable transaction to which this schedule applies is...

Net present value

6 The net present value (NPV) of the rent payable over...

Temporal discount rate

7 (1) For the purposes of this schedule the “temporal discount...

PART 3 — AMOUNT OF TAX CHARGEABLE: CONSIDERATION OTHER THAN RENT

Amount of tax chargeable in respect of consideration other than rent: general

8 (1) Where in the case of a transaction to which...

Amount of tax chargeable in respect of consideration other than rent: nil rate tax band

9 (1) This paragraph applies in the case of a transaction...

PART 4 — REVIEW OF TAX CHARGEABLE

Regular review of tax chargeable

10 (1) This paragraph applies where, in relation to a chargeable...

Review of tax chargeable on certain events

11 (1) This paragraph applies where, in relation to a chargeable...

PART 5 — CHARGEABLE CONSIDERATION: RENT AND CONSIDERATION OTHER THAN RENT

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Rent

12 (1) For the purposes of this Act, a single sum...

Variable or uncertain rent

13 (1) This paragraph applies to determine the amount of rent...

Reverse premium

14 (1) In the case of the grant, assignation or renunciation...

Tenant's obligations etc. that do not count as chargeable consideration

15 (1) In the case of the grant of a lease...

Assignation of lease: assumption of obligations by assignee

16 In the case of an assignation of a lease the...

Loan or deposit in connection with grant or assignation of lease

17 (1) Where, under arrangements made in connection with the grant...

Renunciation of existing lease in return for new lease

18 (1) Where a lease is granted in consideration of the...

PART 6 — OTHER PROVISION ABOUT LEASES

Meaning of lease for a fixed term

19 In the application of this schedule to a lease for...

Leases that continue after a fixed term

20 (1) This paragraph applies to— (a) a lease for a...

Leases that continue after a fixed term: grant of new lease

21 (1) This paragraph applies where— (a) (ignoring this paragraph) paragraph...

Treatment of leases for indefinite term

22 (1) For the purposes of this Act (except section 30...

Treatment of successive linked leases

23 (1) This paragraph applies where— (a) successive leases are granted...

Rent for overlap period in case of grant of further lease

24 (1) This paragraph applies where— (a) A renounces an existing...

Agreement for lease substantially performed etc.

25 (1) Where— (a) there is an agreement (including missives not...

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Missives of let followed by execution of formal lease

- 26 (1) Where a lease is constituted by concluded missives of...

Cases where assignation of lease treated as grant of lease

- 27 (1) This paragraph applies where the grant of a lease...

Assignation of lease: responsibility of assignee for returns etc.

- 28 (1) Where a lease is assigned, anything that but for...

Reduction of rent or term or other variation of lease

- 29 (1) Where a lease is varied so as to reduce...

Increase of rent or term: notification

- 30 (1) This paragraph applies where, in relation to a land...

SCHEDULE 20 — Index of defined expressions

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Changes and effects yet to be applied to :

- s. 27(1) words inserted by [S.S.I. 2024/104 art. 2](#)
- sch. 2A para. 2(2)(a) word inserted by [S.S.I. 2024/104 art. 5\(2\)\(a\)](#)
- sch. 2A para. 2(2)(b) word inserted by [S.S.I. 2024/104 art. 5\(2\)\(b\)](#)
- sch. 2A para. 8(1)(b) word omitted by [S.S.I. 2024/104 art. 7\(3\)\(c\)](#)
- sch. 2A para. 8(1)(a) word substituted by [S.S.I. 2024/104 art. 7\(2\)\(a\)](#)
- sch. 2A para. 8(1)(b) word substituted by [S.S.I. 2024/104 art. 7\(3\)\(b\)](#)
- sch. 2A para. 8(1)(a) words inserted by [S.S.I. 2024/104 art. 7\(2\)\(c\)](#)
- sch. 2A para. 8(1)(b) words inserted by [S.S.I. 2024/104 art. 7\(3\)\(a\)](#)
- sch. 2A para. 17(2) words inserted by [S.S.I. 2024/104 art. 9](#)
- sch. 2A para. 6(2) words substituted by [S.S.I. 2024/104 art. 6\(b\)](#)
- sch. 2A para. 6(4) words substituted by [S.S.I. 2024/104 art. 6\(c\)](#)
- sch. 2A para. 8(1)(a) words substituted by [S.S.I. 2024/104 art. 7\(2\)\(b\)](#)
- sch. 2A para. 8(1)(c) words substituted by [S.S.I. 2024/104 art. 7\(4\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 2A para. 6(1A) inserted by [S.S.I. 2024/104 art. 6\(a\)](#)
- sch. 2A para. 8(1)(d) inserted by [S.S.I. 2024/104 art. 7\(5\)](#)
- sch. 2A para. 9B9C and cross-headings inserted by [S.S.I. 2024/104 art. 8](#)
- sch. 6A inserted by [S.S.I. 2024/104 sch.](#)