

Draft Order laid before the Scottish Parliament under section 68(2) of the Land and Buildings Transaction Tax (Scotland) Act 2013, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

LAND AND BUILDINGS TRANSACTION TAX

**The Land and Buildings Transaction Tax (Addition
and Modification of Reliefs) (Scotland) Order 2015**

Made - - - - 2015
Coming into force - - 1st April 2015

The Scottish Ministers make the following Order in exercise of the powers conferred by section 27(3) of the Land and Buildings Transaction Tax (Scotland) Act 2013⁽¹⁾.

In accordance with section 68(2) of that Act a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Land and Buildings Transaction Tax (Addition and Modification of Reliefs) (Scotland) Order 2015.

(2) This Order comes into force on 1st April 2015.

Addition and modification of reliefs

2.—(1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is amended as follows.

(2) In section 27(1) (reliefs)—

(a) after “schedule 13 (charities relief)”, insert—

“schedule 13A (friendly societies relief),
schedule 13B (building societies relief);”

(b) after “schedule 16 (public bodies relief),” insert—

“schedule 16A (visiting forces and international military headquarters reliefs),
schedule 16B (relief for property accepted in satisfaction of tax),
schedule 16C (lighthouses relief).”

(1) [2013 asp 11](#). The Revenue Scotland and Tax Powers Act [2014 \(asp 16\)](#) makes amendments to the Land and Buildings Transaction Tax (Scotland) Act 2013 not relevant to this Order.

- (3) In schedule 6 to the Act (relief for certain acquisitions by registered social landlords)—
- (a) in paragraph 1, after “if” insert “one or more of”;
 - (b) in paragraph 2(b)(iii), for “and” substitute “or”.
- (4) In schedule 9 (crofting community right to buy relief), for paragraphs 1 to 3, substitute—

“The relief

1. A land transaction—

- (a) entered into in pursuance of the crofting community right to buy, and
- (b) under which two or more crofts are being bought,

is exempt from charge.”.

- (5) After schedule 13 (charities relief), insert—

“SCHEDULE 13A

(introduced by section 27)

FRIENDLY SOCIETIES RELIEF

The relief

1. A land transaction effected by or in consequence of any of the following is exempt from charge—

- (a) an amalgamation of two or more registered societies under section 82 of the Friendly Societies Act 1974⁽²⁾ (amalgamation and transfer of engagements),
- (b) an amalgamation of two or more friendly societies under section 85 of the Friendly Societies Act 1992⁽³⁾ (amalgamation of friendly societies),
- (c) a transfer of engagements between registered societies under section 82 of the Friendly Societies Act 1974,
- (d) a transfer of engagements between friendly societies under section 86 of the Friendly Societies Act 1992⁽⁴⁾ (transfer of engagements by or to friendly society),
- (e) a transfer of the engagements of a friendly society pursuant to a direction given by the appropriate authority under section 90 of the Friendly Societies Act 1992⁽⁵⁾.

Interpretation

2. In this schedule—

“the appropriate authority” has the meaning given by section 119(1) of the Friendly Societies Act 1992,

“friendly society” has the meaning given by section 116 of that Act,

“registered” in relation to a society, has the meaning given by section 111 of the Friendly Societies Act 1974.

(2) 1974 c.46. Section 82 has been amended by the Friendly Societies Act 1992 (c.40), S.I. 2001/3649, S.I. 2009/1941 and S.I. 2013/496.

(3) 1992 c.40. Section 85 has been amended by S.I. 2001/2617, S.I. 2010/22 and S.I. 2013/496.

(4) Section 86 has been amended by S.I. 2001/3649, S.I. 2011/593 and S.I. 2013/496.

(5) Section 90 has been amended by S.I. 2001/2617 and S.I. 2013/496.

SCHEDULE 13B

(introduced by section 27)

BUILDING SOCIETIES RELIEF

The relief

1. A land transaction effected by or in consequence of any of the following is exempt from charge—
 - (a) an amalgamation of two or more building societies under section 93 of the Building Societies Act 1986 (amalgamations)⁽⁶⁾,
 - (b) a transfer of engagements between building societies under section 94 of that Act⁽⁷⁾ (transfer of engagements).

Interpretation

2. In this schedule, “building society” has the meaning given by section 119(1) of the Building Societies Act 1986.”.
- (6) After schedule 16 (public bodies relief), insert—

“SCHEDULE 16A

(introduced by section 27)

VISITING FORCES AND INTERNATIONAL MILITARY HEADQUARTERS RELIEFS

The relief

1. A land transaction entered into with a view to any of the following is exempt from charge—
 - (a) building or enlarging barracks or camps for a visiting force,
 - (b) facilitating the training in Scotland of a visiting force,
 - (c) promoting the health or efficiency of a visiting force.
2. Paragraph 1 has effect in relation to any designated international military headquarters as if—
 - (a) the headquarters were a visiting force of a designated country, and
 - (b) the members of that visiting force consisted of such of the persons serving at or attached to the headquarters as are members of the armed forces of a designated country.

Interpretation

3. In this schedule—

“designated” means designated by or under any Order in Council made for the purposes of section 74A of the Finance Act 1960⁽⁸⁾ (relief from stamp duty land tax),

⁽⁶⁾ 1986 c.53. Section 93 has been amended by the Building Societies Act 1997 (c.32), S.I. 2001/2617 and S.I. 2013/496.

⁽⁷⁾ Section 94 has been amended by the Building Societies Act 1997 (c.32) and S.I. 2013/496.

⁽⁸⁾ 1960 c.44. Section 74A was inserted by S.I. 2003/2867 and amended by paragraph 1 of Schedule 37 to the Finance Act 2012 (c.14).

“visiting force” means any body, contingent or detachment of a country’s forces which is for the time being or is to be present in Scotland on the invitation of Her Majesty’s Government in the United Kingdom.

SCHEDULE 16B

(introduced by section 27)

RELIEF FOR PROPERTY ACCEPTED IN SATISFACTION OF TAX

The relief

1. A land transaction entered into under section 9(4) of the National Heritage Act 1980⁽⁹⁾ (disposal of property accepted by the Commissioners for Revenue and Customs in satisfaction of tax) by a person mentioned in section 9(2) of that Act is exempt from charge.

SCHEDULE 16C

(introduced by section 27)

LIGHTHOUSES RELIEF

The relief

1. A land transaction entered into by or under the direction of the Secretary of State for the purposes of carrying into effect Part 8 (lighthouses) of the Merchant Shipping Act 1995⁽¹⁰⁾ is exempt from charge.

2. A land transaction entered into by or under the direction of the Commissioners of Northern Lighthouses for the purposes of carrying on the services referred to in section 221(1) of the Merchant Shipping Act 1995 is exempt from charge.”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

⁽⁹⁾ 1980 c.17. Section 9 has been amended by S.I. 1992/1311, the National Heritage Act 1997 (c.14), S.I. 1999/672 and S.I. 1999/1756.

⁽¹⁰⁾ 1995 c.21. There are amendments to Part VIII not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Land and Buildings Transaction Tax (Scotland) Act 2013 in relation to reliefs from land and buildings transaction tax.

Article 2(3) corrects an error in relation to relief for certain acquisitions by registered social landlords in schedule 6.

Article 2(4) modifies the means of calculatingcrofting community right to buy relief in schedule 9.

Article 2(5) and (6) add new reliefs namely friendly societies relief (schedule 13A), building societies relief (schedule 13B), visiting forces and international military headquarters reliefs (schedule 16A), relief for property accepted in satisfaction of tax (schedule 16B) and lighthouses relief (schedule 16C).