



Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017

2017 anaw 1

LAND TRANSACTION TAX AND ANTI-AVOIDANCE OF DEVOLVED TAXES (WALES) ACT 2017

PART 1

OVERVIEW

- 1 Overview of Act

PART 2

THE TAX AND KEY CONCEPTS

CHAPTER 1

LAND TRANSACTION TAX

- 2 Land transaction tax

CHAPTER 2

LAND TRANSACTIONS

- 3 Land transaction
- 4 Chargeable interest
- 5 Exempt interest
- 6 Acquisition and disposal of chargeable interest
- 7 Buyer and seller
- 8 Linked transactions
- 9 Land partly in Wales and partly in England

CHAPTER 3

PARTICULAR TRANSACTIONS

Contracts and transfers: general provision

- 10 Contract and transfer

Contracts and transfers: particular cases

- 11 Contract providing for transfer to third party
12 Contract providing for transfer to third party: effect of transfer of rights
13 Pre-completion transactions

Substantial performance

- 14 Meaning of substantial performance

Options etc.

- 15 Options and rights of pre-emption

Exchanges

- 16 Exchanges

CHAPTER 4

CHARGEABLE TRANSACTIONS AND CHARGEABLE CONSIDERATION

Chargeable transactions

- 17 Chargeable transaction

Chargeable consideration

- 18 Chargeable consideration
19 Contingent consideration
20 Uncertain or unascertained consideration
21 Annuities
22 Deemed market value
23 Exceptions

PART 3

CALCULATION OF TAX AND RELIEFS

Calculation of tax

- 24 Regulations specifying tax bands and tax rates
25 Procedure for regulations specifying tax bands and tax rates
26 Tax bands and tax rates applicable when regulations cease to have effect
27 Amount of tax chargeable: transactions which are not linked
28 Amount of tax chargeable: linked transactions
29 Calculation provisions subject to certain provisions about reliefs

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Reliefs

- 30 Reliefs
- 31 Reliefs: anti-avoidance

PART 4

LEASES

- 32 Leases

PART 5

APPLICATION OF ACT AND TCMA TO CERTAIN PERSONS AND BODIES

- 33 Companies
- 34 Unit trust schemes
- 35 Open-ended investment companies
- 36 Co-ownership authorised contractual schemes
- 37 Joint buyers: general rules
- 38 Joint buyers: returns and declarations
- 39 Joint buyers: enquiries and assessments
- 40 Joint buyers: appeals and reviews
- 41 Partnerships
- 42 Trusts
- 43 Persons acting in a representative capacity

PART 6

RETURNS AND PAYMENTS

CHAPTER 1

RETURNS

Duty to make return

- 44 Duty to make a return

Notifiable transactions

- 45 Notifiable transactions
- 46 Exceptions for certain acquisitions of major interests in land

Adjustments

- 47 Contingency ceases or consideration is ascertained: duty to make return
- 48 Contingency ceases or consideration ascertained: repayment of tax
- 49 Further return where relief is withdrawn
- 50 Single return in respect of linked transactions with same effective date
- 51 Return as a result of later linked transaction
- 52 Power to amend period in which returns must be made

Declarations

- 53 Declaration
- 54 Buyer with a disability: declaration by the Official Solicitor
- 55 Declaration by person authorised to act on behalf of individual

CHAPTER 2

LIABILITY FOR AND PAYMENT OF TAX

Liability for tax

- 56 Liability for tax

Payment of tax

- 57 Payment of tax

CHAPTER 3

DEFERRAL OF TAX

- 58 Deferral requests in cases of contingent or uncertain consideration
59 Calculation of deferrable amount
60 Deferral requests: notices of WRA decisions
61 Deferral requests: effect of WRA's decision
62 Variation of deferral requests
63 Failure to comply with WRA's agreement to defer
64 Regulations about deferral of tax

CHAPTER 4

REGISTRATION OF LAND TRANSACTIONS

- 65 Registration of land transactions

PART 7

GENERAL ANTI-AVOIDANCE RULE

- 66 General anti-avoidance rule

PART 8

INTERPRETATION AND FINAL PROVISIONS

Interpretation

- 67 Meaning of tax
68 Meaning of major interest in land
69 Meaning of subject-matter and main subject-matter
70 Meaning of market value
71 Meaning of effective date of transaction
72 Meaning of residential property
73 Meaning of dwelling
74 References to connected persons
75 Other definitions

Amendments to the Tax Collection and Management (Wales) Act 2016

- 76 Amendments to TCMA

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Independent review

77 Independent review of land transaction tax

Final provisions

78 Power to make consequential etc. provision
79 Regulations
80 Crown application
81 Coming into force
82 Short title

SCHEDULE 1 — OVERVIEW OF SCHEDULES

The Schedules to this Act are arranged as follows—

SCHEDULE 2 — PRE-COMPLETION TRANSACTIONS

PART 1 — INTRODUCTION AND KEY CONCEPTS

Overview

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

Application of this Schedule

2 (1) This Schedule applies where— (a) a person (“the original...

Meaning of “pre-completion transaction”

3 (1) A transaction is a pre-completion transaction if—

Other key terms

4 (1) In this Schedule, references to part of the subject-matter...

Tax not charged on transferee by reason of the pre-completion transaction

5 The transferee is not regarded as entering into a land...

PART 2 — PRE-COMPLETION TRANSACTIONS WHICH ARE ASSIGNMENTS OF RIGHTS

Pre-completion transactions which are assignments of rights

6 A pre-completion transaction is an “assignment of rights” if the...

Assignments of rights: application of rules about completion and consideration

7 (1) This paragraph applies if the pre-completion transaction is an...

Assignment of rights: transferor treated as making separate acquisition

8 (1) Where paragraph 7(4) to (8) applies (assignment of rights:...

Notional land transactions: effect of rescission etc. following substantial performance

9 (1) This paragraph applies where paragraph 8(1) (transferor treated as...

Assignment of rights relating to part only of original contract

- 10 Where the transferee under the assignment of rights referred to...

Assignment of rights: references to “the seller”

- 11 (1) This paragraph applies where— (a) the pre-completion transaction is...

PART 3 — PRE-COMPLETION TRANSACTIONS WHICH ARE FREE-STANDING TRANSFERS

Pre-completion transactions which are free-standing transfers

- 12 A pre-completion transaction which is not an assignment of rights...

Free-standing transfers: consideration and substantial performance

- 13 (1) This paragraph applies where the pre-completion transaction is a...

References to “the seller” in cases involving free-standing transfers

- 14 (1) This paragraph applies where— (a) the pre-completion transaction is...

PART 4 — THE MINIMUM CONSIDERATION RULE

The minimum consideration rule

- 15 (1) This paragraph applies where paragraph 7(3) or 13(2) (pre-completion...

The first minimum amount

- 16 (1) The “first minimum amount” is to be determined in...

The second minimum amount

- 17 (1) The “second minimum amount” is the total of the...
PART 5 — RELIEFS

Relief for transferor: assignment of rights

- 18 (1) This paragraph applies where— (a) a person would, in...

Relief for original buyer: qualifying subsales

- 19 (1) This paragraph applies if— (a) the pre-completion transaction is...
PART 6 — INTERPRETATION AND INDEX

Interpretation

- 20 In this Schedule— “contract” (“contract”) includes any agreement; “transfer” (“trosglwyddiad”)...

Index of expressions defined in this Schedule

- 21 The following Table lists expressions defined or otherwise explained in...

SCHEDULE 3 — TRANSACTIONS EXEMPT FROM CHARGE

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

No chargeable consideration

- 1 A land transaction is exempt from charge if there is...

Acquisitions by the Crown

- 2 A land transaction under which the buyer is any of...

Transactions in connection with divorce etc.

- 3 A transaction between one party to a marriage and the...

Transactions in connection with dissolution of civil partnership etc.

- 4 A transaction between one party to a civil partnership and...

Assents and appropriations by personal representatives

- 5 (1) The acquisition of property by a person in or...

Variation of testamentary dispositions etc.

- 6 (1) A transaction following a person's death that varies a...

Power to add, remove or vary exemptions

- 7 The Welsh Ministers may by regulations amend this Schedule so...

SCHEDULE 4 — CHARGEABLE CONSIDERATION

Money or money's worth

- 1 The chargeable consideration for a transaction is, except as otherwise...

Value added tax

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

Postponed consideration

- 3 The amount or value of the chargeable consideration for a...

Just and reasonable apportionment

- 4 (1) For the purposes of this Act, consideration attributable—

Exchanges

- 5 (1) This paragraph applies to determine the chargeable consideration where...

Partition etc.: disregard of existing interest

- 6 In the case of a land transaction giving effect to...

Valuation of non-monetary consideration

- 7 Except as otherwise provided, the value of any chargeable consideration...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Debt as consideration

- 8 (1) Where the chargeable consideration for a land transaction consists...

Cases where conditions for exemption not fully met

- 9 (1) Where a land transaction would be exempt from charge...

Conversion of amounts in foreign currency

- 10 (1) References in this Act to the amount or value...

Carrying out of works

- 11 (1) Where the whole or part of the consideration for...

Provision of services

- 12 (1) Where the whole or part of the consideration for...

Land transaction entered into by reason of employment

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

Indemnity given by buyer

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

Buyer bearing inheritance tax liability

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

Buyer bearing capital gains tax liability

- 16 (1) Where— (a) there is a land transaction under which...

Costs of enfranchisement

- 17 Costs borne by the buyer under section 9(4) of the...

Arrangements involving public or educational bodies

- 18 (1) This paragraph applies in any case where arrangements are...

SCHEDULE 5 — HIGHER RATES RESIDENTIAL PROPERTY
TRANSACTIONS
PART 1 — INTRODUCTORY

Overview

- 1 (1) This Schedule makes provision about higher rates residential property...

PART 2 — BUYER IS AN INDIVIDUAL: SINGLE DWELLING
TRANSACTIONS

Introductory

- 2 This Part sets out when a chargeable transaction is a...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Higher rates residential property transactions

- 3 (1) A chargeable transaction is a higher rates residential property...
4 Where paragraph 9 applies, an intermediate transaction (within the meaning...

Buyer has a major interest in other dwelling

- 5 (1) This paragraph applies in relation to a transaction if,...

Two or more buyers

- 6 Where there are two or more buyers who are individuals...

Interest in same main residence exception

- 7 A transaction is not a higher rates residential property transaction...

Replacement of main residence exception

- 8 (1) A transaction is not a higher rates residential property...

Replacement of main residence: transactions during interim period

- 9 (1) This paragraph applies where— (a) the buyer in an...
PART 3 — BUYER IS AN INDIVIDUAL: MULTIPLE DWELLING
TRANSACTIONS

Introductory

- 10 This Part sets out when a chargeable transaction is a...

Higher rates residential property transaction

- 11 (1) A chargeable transaction is a higher rates residential property...

Two or more buyers

- 12 Where there are two or more buyers who are individuals...

Two or more qualifying dwellings

- 13 (1) This paragraph applies if at least two of the...

Subsidiary dwelling exception

- 14 (1) A purchased dwelling is not a qualifying dwelling if...

Buyer has a major interest in other dwelling

- 15 (1) This paragraph applies if— (a) only one of the...

Interest in same main residence exception

- 16 Paragraph 15 does not apply if the main subject-matter of...

Replacement of main residence exception

- 17 (1) Paragraph 15 does not apply if the qualifying dwelling...

Replacement of main residence: transactions during interim period

- 18 (1) This paragraph applies where— (a) the buyer in an...
PART 4 — BUYER IS NOT AN INDIVIDUAL

Introductory

- 19 This Part sets out when a chargeable transaction where the...

Transaction involving a dwelling

- 20 (1) A chargeable transaction is a higher rates residential property...

Transaction involving multiple dwellings

- 21 (1) A chargeable transaction is a higher rates residential property...

Two or more buyers

- 22 Where there are two or more buyers in a transaction,...
PART 5 — SUPPLEMENTARY PROVISIONS

Further provision in connection with replacement of main residence exception

- 23 (1) This paragraph applies where by reason of paragraph 8(4)...

Further provision in connection with transactions being treated as higher rates residential property transactions

- 24 (1) This paragraph applies where by reason of the application...

Spouses and civil partners purchasing alone

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

Property adjustment on divorce, dissolution of civil partnership etc.

- 26 (1) For the purpose of determining whether paragraph 5 or...

Settlements and bare trusts

- 27 (1) Sub-paragraph (3) applies in relation to a land transaction...
28 (1) Sub-paragraph (3) applies where— (a) a person is a...
29 (1) Where— (a) the main subject-matter of a land transaction...
30 (1) This paragraph applies where, by reason of paragraph 27...
31 (1) This paragraph applies in relation to a land transaction...

Partnerships

- 32 (1) Sub-paragraph (2) applies in relation to a chargeable transaction,...

Alternative finance arrangements

- 33 (1) This paragraph applies in relation to a chargeable transaction...

Major interests in dwellings inherited jointly

- 34 (1) This paragraph applies where by virtue of an inheritance—...
PART 6 — INTERPRETATION

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Dwellings outside Wales

35 (1) In the provisions of this Schedule specified in sub-paragraph...

What counts as a dwelling

36 (1) This paragraph sets out rules for determining what counts...

Major interest not to include certain leases

37 For the purposes of this Schedule, any term of years...

SCHEDULE 6 — LEASES
PART 1 — INTRODUCTORY

Overview

1 (1) This Schedule makes provision about the application of this...
PART 2 — DURATION OF LEASE AND TREATMENT OF
OVERLAPPING LEASES

Lease for a fixed term

2 In applying any provision of this Act to a lease...

Leases that continue after a fixed term

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

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

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

Leases for an indefinite term

5 (1) For the purposes of this Act (except section 46...

Successive linked leases

6 (1) For the purposes of this Act a series of...

Rent for overlap period in case of grant of further lease

7 (1) This paragraph applies where— (a) the tenant under a...

Tenant holding over: new lease backdated to previous year

8 (1) This paragraph applies where— (a) the tenant under a...
PART 3 — RENT AND OTHER CONSIDERATION

Rent

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

Variable or uncertain rent

10 (1) This paragraph applies where the amount of rent payable...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

First rent review in final quarter of fifth year

11 Where— (a) a lease contains provision under which the rent...

Adjustment of tax where rent determined on reconsideration date

12 (1) Where, in the case of a land transaction relating...

Underpayment of tax where rent determined on reconsideration date

13 (1) If, as a result of determining on the reconsideration...

Overpayment of tax where rent determined on reconsideration date

14 (1) If, as a result of determining on the reconsideration...

Reverse premiums

15 (1) In the case of the grant, assignment or surrender...

Tenants' obligations etc. that do not count as chargeable consideration

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

Surrender of existing lease in return for new lease

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

Assignment of lease: assumption of obligations by assignee

18 In the case of an assignment of a lease the...

Loan or deposit in connection with grant or assignment of lease

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

PART 4 — AGREEMENTS FOR LEASE, ASSIGNMENTS AND VARIATIONS

Agreement for lease

20 (1) Where— (a) an agreement for a lease is entered...

Assignment of agreement for lease

21 (1) This paragraph applies where a person (““P””) assigns P's...

Cases where assignment of lease treated as grant of lease

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

Assignment of lease

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

Reduction of rent or term or other variation of lease

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

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Increase of rent treated as grant of new lease: variation of lease in first 5 years

25 (1) Where a lease is varied so as to increase...

PART 5 — CALCULATION OF TAX CHARGEABLE

Residential leases, non-residential leases and mixed leases

26 For the purposes of this Part of this Schedule, a...

No tax chargeable in respect of rent: residential leases

27 (1) In the case of an acquisition of a residential...

Tax rates and bands: rent element of non-residential and mixed leases

28 (1) The Welsh Ministers must by regulations specify the tax...

Calculation of tax chargeable in respect of rent: non-residential and mixed leases

29 In the case of the acquisition of a non-residential lease...

Calculation of tax chargeable in respect of rent: linked transactions

30 Where the acquisition of a non-residential lease or mixed lease...

Net present value

31 The NPV of the rent payable over the term of...

Temporal discount rate

32 For the purposes of paragraph 31 the “temporal discount rate”...

Tax chargeable in respect of consideration other than rent: general

33 (1) Where in the case of an acquisition of a...

Tax chargeable in respect of consideration other than rent: no zero rate band for non-residential leases

34 (1) This paragraph applies in the case of an acquisition...

Tax chargeable in respect of consideration other than rent: mixed leases

35 (1) This paragraph applies in the case of an acquisition...

Relevant rent

36 (1) In paragraphs 34 and 35— (a) “the relevant rent”...

Power to amend or repeal paragraphs 34 to 36

37 The Welsh Ministers may by regulations amend or repeal paragraphs...

SCHEDULE 7 — PARTNERSHIPS
PART 1 — INTRODUCTORY

Overview

1 This Schedule makes provision about the application of this Act...

2 This Schedule is arranged as follows— (a) Part 2 makes...

PART 2 — GENERAL PROVISIONS

Partnerships

3 In this Act, a “partnership” means— (a) a partnership within...

Chargeable interests treated as held by partners etc.

4 (1) For the purposes of this Act—

Acquisition of interest in partnership not chargeable except as specially provided

5 The acquisition of an interest in a partnership is not...

Continuity of partnerships

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

Partnership not to be regarded as a unit trust scheme etc.

7 For the purposes of this Act, a partnership is not...

PART 3 — ORDINARY PARTNERSHIP TRANSACTIONS

Introduction

8 This Part of this Schedule applies to land transactions entered...

Responsibility of partners

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

Representative partners

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

Joint and several liability of responsible partners

11 (1) Where the responsible partners are liable to pay—

PART 4 — TRANSACTIONS INVOLVING TRANSFERS TO A PARTNERSHIP

Introduction

12 In this Part of this Schedule— (a) paragraphs 13 to...

Transfer of chargeable interest to a partnership: general

13 (1) This paragraph applies where— (a) a partner transfers a...

Transfer of chargeable interest to a partnership: sum of the lower proportions

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

Relevant owner

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

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Corresponding partner

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

Proportion of chargeable interest attributable to corresponding partner

17 For the purposes of paragraph 14 (Step 4), the proportion...

Transfer of partnership interest pursuant to tax avoidance arrangements

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

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

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

PART 5 — TRANSACTIONS INVOLVING TRANSFERS FROM A PARTNERSHIP

Introduction

20 This Part of this Schedule makes provision about the treatment...

Transfer of chargeable interest from a partnership: general

21 (1) This paragraph applies where a chargeable interest is transferred—...

Transfer of chargeable interest from a partnership: sum of the lower proportions

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

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),...

Proportion of chargeable interest attributable to corresponding partner

25 For the purposes of paragraph 22 (see Step 4), the...

Partnership share attributable to corresponding partner: effective date of transfer before 20 October 2003

26 (1) This paragraph applies for the purposes of paragraph 22...

Partnership share attributable to corresponding partner: effective date of transfer on or after 20 October 2003

27 (1) This paragraph applies for the purposes of paragraph 22...

PART 6 — OTHER PARTNERSHIP TRANSACTIONS

Introduction

28 This Part of this Schedule makes provision about—

Transfer of chargeable interest from a partnership to a partnership

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

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

- 30 (1) This paragraph applies where— (a) there is a transaction...
 PART 7 — APPLICATION OF PARTS 5 AND 6 IN RELATION TO
 LEASES

*Transfer of chargeable interest to or from a
 partnership: chargeable consideration including rent*

- 31 (1) This paragraph applies in relation to a transaction to...
 PART 8 — TRANSFERS INVOLVING PROPERTY-INVESTMENT
 PARTNERSHIPS

Introduction

- 32 This Part of this Schedule makes provision—

Meaning of property investment partnerships

- 33 (1) In this Schedule, a ““property-investment partnership”” is a
 partnership...

Transfer of interest in property-investment partnership

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

Exclusion of market rent leases

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

Election by property-investment partnership to disapply paragraph 13

- 36 (1) Paragraph 13 does not apply to a transfer of...

Partnership interests: application of provisions about exchange

- 37 (1) Where section 16 (exchanges) applies to the acquisition of...
 PART 9 — APPLICATION OF EXEMPTIONS, RELIEFS, PROVISIONS
 OF TCMA AND NOTIFICATION PROVISIONS

Introduction

- 38 In this Part of this Schedule— (a) paragraph 39 makes...

Application of exemptions and reliefs

- 39 (1) Paragraph 1 of Schedule 3 (exemption of transactions for...

Application of group relief

- 40 (1) Schedule 16 (group relief) applies to—

Sum of the lower portions: connected company

- 41 (1) This paragraph applies where in calculating the sum of...

Application of charities relief

- 42 (1) Schedule 18 (charities relief) applies to the transfer of...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Modifications of TCMA in relation to partnerships

43 (1) TCMA applies in relation to land transaction tax in...

Notification of transfer of partnership interest

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

PART 10 — INTERPRETATION

Partnership property and partnership share

45 (1) Any reference in this Schedule to partnership property is...

Transfer of a chargeable interest

46 References in this Schedule to a transfer of a chargeable...

Transfer of chargeable interest to 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...

Transfer of a chargeable interest from a partnership

49 For the purposes of this Schedule, there is a transfer...

Market value of leases

50 (1) This paragraph applies in relation to a lease for...

Connected persons

51 (1) Section 1122 of the Corporation Tax Act 2010 (c....

Arrangements

52 In this Schedule, “arrangements” has the meaning given by section...

SCHEDULE 8 — TRUSTS

Overview

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

Key terms

2 (1) In this Schedule, a “bare trust” means a trust...

Bare trusts

3 (1) Where a person (“T”) acquires a chargeable interest or...

Acquisition by trustees of settlement

4 Where persons acquire a chargeable interest or an interest in...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Consideration for exercise of power of appointment or discretion

- 5 (1) Sub-paragraph (2) applies where a chargeable interest is acquired...

Reallocation of trust property as between beneficiaries

- 6 Where— (a) the trustees of a settlement reallocate trust property...

Responsibility of trustees of settlement

- 7 (1) Where the trustees of a settlement are liable to...

Relevant trustees for purposes of return etc.

- 8 (1) A return in relation to a land transaction may...

Relevant trustees: enquiries and assessments

- 9 (1) If WRA issues a notice of enquiry under section...

Relevant trustees: appeals and reviews

- 10 (1) The agreement of all the relevant trustees is required...

Interests of beneficiaries under certain trusts

- 11 (1) Sub-paragraphs (2) and (3) apply where property is held...

SCHEDULE 9 — SALE AND LEASEBACK RELIEF

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 (1) The qualifying conditions are— (a) that the sale transaction...

SCHEDULE 10 — ALTERNATIVE PROPERTY FINANCE RELIEFS
PART 1 — INTRODUCTORY

Overview

- 1 (1) This Schedule makes provision for relief in the case...
PART 2 — THE RELIEFS

Land sold to financial institution and leased to a person

- 2 (1) This paragraph applies where arrangements are entered into between...

Land sold to financial institution and re-sold to a person

- 3 (1) This paragraph applies where arrangements are entered into between...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

References to P where P is an individual who has died

- 4 References in paragraphs 2 and 3 to P are to...
PART 3 — CIRCUMSTANCES WHERE ARRANGEMENTS NOT RELIEVED

No relief where group relief, acquisition relief or reconstruction relief available on first transaction

- 5 Paragraphs 2 and 3 do not apply to arrangements in...

Land sold to financial institution and leased to a person: arrangements to transfer control of institution

- 6 (1) Paragraph 2 does not apply to alternative finance arrangements...
PART 4 — EXEMPT INTEREST

Interest held by financial institution an exempt interest

- 7 (1) An interest held by a financial institution as a...
PART 5 — INTERPRETATION

Meaning of ““financial institution””

- 8 In this Schedule, ““financial institution”” means— (a) a financial institution...

Meaning of ““arrangements””

- 9 In this Schedule, ““arrangements”” includes any agreement, understanding, scheme, transaction...

SCHEDULE 11 — RELIEF FOR ALTERNATIVE FINANCE INVESTMENT BONDS

PART 1 — INTRODUCTORY

Overview

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

Interpretation

- 2 In this Schedule— ““alternative finance investment bond”” (““bond buddsoddi cyllid...”
PART 2 — ISSUE, TRANSFER AND REDEMPTION OF RIGHTS UNDER BOND NOT TO BE TREATED AS CHARGEABLE TRANSACTION

Bond-holder not to be treated as having an interest in the bond assets

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

Bond-holder treated as having an interest if control of underlying asset acquired

- 4 (1) Paragraph 3 does not apply if control of the...
PART 3 — CONDITIONS FOR OPERATION OF RELIEFS ETC.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Introduction

5 This Part of this Schedule defines conditions 1 to 7...

Condition 1

6 Condition 1 is that one person (“A”) and another (“B”)...

Condition 2

7 Condition 2 is that— (a) B, as bond-issuer, enters into...

Condition 3

8 (1) Condition 3 is that, for the purpose of generating...

Condition 4

9 (1) Condition 4 is that, before the end of the...

Condition 5

10 Condition 5 is that the total of the payments of...

Condition 6

11 Condition 6 is that B holds the interest in the...

Condition 7

12 Condition 7 is that— (a) before the end of the...

PART 4 — RELIEF FOR CERTAIN TRANSACTIONS

Relief for the first transaction

13 (1) The first transaction is relieved from tax if each...

Withdrawal of relief for the first transaction

14 (1) Relief under paragraph 13 is withdrawn if—

Relief for the second transaction

15 (1) The second transaction is relieved from tax if—

Discharge of charge when conditions for relief met

16 If, after the effective date of the second transaction, B...

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

17 (1) Relief provided under paragraph 13 or 15 (including where...

PART 5 — SUPPLEMENTARY

Replacement of asset

18 (1) Paragraphs 13 to 16 apply with the modifications set...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

WRA to notify Registrar of discharge of charge

19 (1) Where a charge is discharged in accordance with paragraph...

SCHEDULE 12 — RELIEF FOR INCORPORATION OF LIMITED LIABILITY PARTNERSHIP

The relief

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

Condition A

2 Condition A is that the effective date of the transaction...

Condition B

3 Condition B is that at the relevant time the transferor—...

Condition C

4 Condition C is that— (a) the proportions of the chargeable...

Interpretation

5 (1) In this Schedule— ““limited liability partnership”” (““partneriaeth atebolrwydd cyfyngedig””)...

SCHEDULE 13 — RELIEF FOR ACQUISITIONS INVOLVING MULTIPLE DWELLINGS

Overview

1 This Schedule makes provision about relief available for acquisitions involving...
2 This Schedule is arranged as follows— (a) paragraph 3 identifies...

Transactions to which this Schedule applies

3 (1) This Schedule applies to a relevant transaction.

Key terms

4 (1) ““The consideration attributable to dwellings”” is—

The amount of tax chargeable

5 (1) If relief under this Schedule is claimed for a...

Determining the tax related to the consideration attributable to dwellings

6 (1) For the purposes of paragraph 5(1)(a), ““the tax related...”

Determining the tax related to the remaining consideration

7 (1) For the purposes of paragraph 5(1)(b), ““the tax related...”

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Certain buildings not yet constructed or adapted to count as a dwelling

- 8 (1) For the purposes of this Schedule, the main subject-matter...

SCHEDULE 14 — RELIEF FOR CERTAIN ACQUISITIONS OF DWELLINGS
PART 1 — INTRODUCTORY

Overview

- 1 (1) This Schedule makes provision about reliefs available for certain...
PART 2 — RELIEF FOR CERTAIN ACQUISITIONS OF DWELLINGS

Acquisition by housebuilder from individual acquiring new dwelling

- 2 (1) Where a housebuilder acquires a dwelling (“the old dwelling”)...

Acquisition by property trader from individual acquiring new dwelling

- 3 (1) Where a property trader acquires a dwelling (“the old...)

Acquisition by property trader from individual where chain of transactions breaks down

- 4 (1) Where a property trader acquires a dwelling (“the old...)

Relief for acquisition by property trader from personal representatives

- 5 (1) Where a property trader acquires a dwelling from the...

Acquisition by property trader in case of relocation of employment

- 6 (1) Where a property trader acquires a dwelling from an...

Acquisition by employer in case of relocation of employment

- 7 (1) Where an individual's employer acquires a dwelling from the...

Withdrawal of reliefs available to property traders

- 8 (1) Relief under paragraphs 3 (acquisition by property trader from...

Interpretation

- 9 (1) For the purposes of this Part of this Schedule—...
PART 3 — RELIEF FOR PERSONS EXERCISING COLLECTIVE RIGHTS

Relief for transactions entered into by persons exercising collective rights

- 10 (1) This paragraph applies where a chargeable transaction is entered...

SCHEDULE 15 — RELIEF FOR CERTAIN TRANSACTIONS RELATING TO SOCIAL HOUSING
PART 1 — INTRODUCTORY

Overview

- 1 (1) This Schedule makes provision about reliefs available for certain...
PART 2 — PUBLIC SECTOR DISCOUNT RELIEF

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Relief for public sector discount transactions

- 2 (1) In the case of a transaction subject to a...
PART 3 — SHARED OWNERSHIP LEASES

Shared ownership lease: election for market value treatment

- 3 (1) This paragraph applies where— (a) a lease is granted—...

Shared ownership lease: transfer of reversion where election made for market value treatment

- 4 The transfer of the reversion to the tenant under the...

Shared ownership lease: election for market value treatment of premium where staircasing allowed

- 5 (1) This paragraph applies where— (a) a lease is granted—...

Shared ownership lease: staircasing transactions

- 6 (1) This paragraph applies where under a shared ownership lease—...

Shared ownership lease: grant not linked with staircasing transactions etc.

- 7 For the purpose of determining the amount of tax chargeable...

Rent to shared ownership lease: charge to tax

- 8 (1) The chargeable consideration for transactions forming part of a...

Shared ownership leases: interpretation

- 9 (1) For the purposes of paragraphs 6, 7 and 8,...
PART 4 — SHARED OWNERSHIP TRUSTS

Shared ownership trusts: meaning of shared ownership trust and other key terms

- 10 (1) This paragraph applies to paragraphs 11 to 17.

Shared ownership trust: the buyer

- 11 For the purposes of this Act, the person or persons...

Shared ownership trust: election for market value treatment

- 12 (1) This paragraph applies where— (a) a shared ownership trust...

Shared ownership trust transfer upon termination

- 13 The transfer to the buyer of an interest in the...

Shared ownership trust: staircasing transactions

- 14 (1) An equity-acquisition payment under a shared ownership trust, and...

Shared ownership trust: treatment of additional payments where no election made

- 15 Where no election has been made under paragraph 12 in...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Shared ownership trust: declaration not linked with staircasing etc.

- 16 For the purposes of determining the amount of tax chargeable...

Rent to shared ownership trust: charge to tax

- 17 (1) The chargeable consideration for transactions forming part of a...
PART 5 — RENT TO MORTGAGE

Rent to mortgage: chargeable consideration

- 18 (1) The chargeable consideration for a rent to mortgage transaction...
PART 6 — RELIEF FOR CERTAIN ACQUISITIONS BY REGISTERED SOCIAL LANDLORDS

Relief for certain acquisitions by registered social landlords

- 19 (1) A land transaction under which the buyer is a...

SCHEDULE 16 — GROUP RELIEF
PART 1 — INTRODUCTORY

Overview

- 1 (1) This Schedule makes provision about the relief available for...
PART 2 — THE RELIEF

Group relief

- 2 (1) A land transaction is relieved from tax if the...

Group relief: interpretation

- 3 (1) The following provisions apply for the purposes of group...
PART 3 — RESTRICTIONS ON AVAILABILITY OF RELIEF

Restrictions on availability of group relief

- 4 (1) Group relief is not available if, at the effective...

Certain arrangements not within paragraph 4: joint venture companies

- 5 (1) Arrangements entered into by a joint venture company which,...

Certain mortgage arrangements not within paragraph 4

- 6 (1) Arrangements entered into by a company which, apart from...
PART 4 — WITHDRAWAL OF RELIEF

Interpretation: relieved transaction

- 7 In this Part of this Schedule, a transaction that is...

Withdrawal of group relief

- 8 (1) Where sub-paragraph (2) applies, group relief in relation to...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Cases in which group relief not withdrawn

- 9 (1) Group relief is not withdrawn under paragraph 8 in...

Group relief not withdrawn where seller leaves group

- 10 (1) Group relief is not withdrawn under paragraph 8 where...

Group relief not withdrawn as a result of certain transfers of business etc. by mutual societies

- 11 (1) Group relief is not withdrawn under paragraph 8 where—...

Withdrawal of group relief in certain cases involving successive transactions

- 12 (1) Where in the case of a relieved transaction—
PART 5 — RECOVERY OF RELIEF FROM CERTAIN PERSONS

Recovery of group relief from another group company or controlling director

- 13 (1) This paragraph applies where— (a) tax is chargeable under...

Recovery of group relief: supplementary

- 14 (1) WRA may issue a notice to a person within...

SCHEDULE 17 — RECONSTRUCTION AND ACQUISITION RELIEFS
PART 1 — INTRODUCTORY

Overview

- 1 (1) This Schedule makes provision about reconstruction relief and acquisition...
PART 2 — RECONSTRUCTION RELIEF

Reconstruction relief

- 2 (1) Where— (a) a company (“the acquiring company”) acquires the...
PART 3 — ACQUISITION RELIEF

Acquisition relief

- 3 (1) Where— (a) a company (“the acquiring company”) acquires the...
PART 4 — WITHDRAWAL OF RECONSTRUCTION OR ACQUISITION RELIEF

Interpretation

- 4 In this Part and in Part 5 of this Schedule,...

Withdrawal of reconstruction or acquisition relief

- 5 (1) Where sub-paragraph (2) applies, reconstruction or acquisition relief in...

Cases in which reconstruction or acquisition relief not withdrawn

- 6 (1) Reconstruction or acquisition relief is not withdrawn under paragraph...

Withdrawal of reconstruction or acquisition relief on subsequent non-exempt transfer

- 7 (1) Reconstruction or acquisition relief in relation to a relieved...
 PART 5 — RECOVERY OF RECONSTRUCTION OR ACQUISITION RELIEF

Recovery of reconstruction or acquisition relief from another group company or controlling director

- 8 (1) This paragraph applies where— (a) tax is chargeable under...

Recovery of reconstruction or acquisition relief: supplementary

- 9 (1) WRA may issue a notice to a person within...

SCHEDULE 18 — CHARITIES RELIEF

Overview

- 1 This Schedule is arranged as follows— (a) paragraph 2 defines...

Key terms

- 2 (1) In this Schedule, a charity (““C””) which is a...

Meaning of “charity”

- 2A For the purpose of this Schedule, “charity” means a body...

Meaning of “charity”: jurisdiction condition

- 2B (1) A body of persons or trust meets the jurisdiction...

Meaning of “charity”: registration condition

- 2C (1) A body of persons or trust meets the registration...

Meaning of “charity”: management condition

- 2D (1) A body of persons or trust meets the management...

The relief

- 3 (1) A land transaction is relieved from tax where the...

Withdrawal of charities relief

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

Charity not a qualifying charity

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

Joint purchase by qualifying charity and another person: partial relief

- 6 (1) This paragraph applies where— (a) there are two or...

Withdrawal of partial relief

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

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Partial relief: charity not a qualifying charity

- 8 (1) This paragraph applies where— (a) a charity (“C”) is...

Application of this Schedule to certain trusts

- 9 (1) This Schedule applies to the following trusts as it...

SCHEDULE 19 — OPEN-ENDED INVESTMENT COMPANY RELIEFS

Relief from land transaction tax: conversion of an authorised unit trust to an open-ended investment company

- 1 (1) A land transaction transferring any property which is subject...

Relief from land transaction tax: amalgamation of an authorised unit trust with an open-ended investment company

- 2 (1) A land transaction transferring any property which is subject...

Interpretation

- 3 (1) For the purposes of this Schedule, “the whole of...

SCHEDULE 20 — RELIEF FOR ACQUISITIONS BY PUBLIC BODIES AND HEALTH BODIES

Relief for certain acquisitions involving public bodies

- 1 (1) A land transaction entered into on, or in consequence...

Relief for acquisitions by certain health service bodies

- 2 A land transaction is relieved from tax if the buyer...

SCHEDULE 21 — COMPULSORY PURCHASE RELIEF AND PLANNING OBLIGATIONS RELIEF

Relief for compulsory purchase facilitating development

- 1 (1) A compulsory purchase facilitating development is relieved from tax....

Relief for compliance with planning obligations

- 2 (1) A land transaction that is entered into in order...

SCHEDULE 22 — MISCELLANEOUS RELIEFS

Lighthouses reliefs

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

Visiting forces and international military headquarters reliefs

- 3 A land transaction entered into with a view to—
4 (1) Paragraph 3 has effect in relation to a designated...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

5 In paragraphs 3 and 4, ““visiting force”” means any body,...

Relief for property accepted in satisfaction of tax

6 A land transaction— (a) which is entered into under section...

Trunk roads relief

7 (1) A land transaction to which the Welsh Ministers are...

Relief for acquisitions by bodies established for national purposes

8 A land transaction is relieved from tax if the buyer...

Relief for acquisitions in consequence of reorganisation of parliamentary constituencies

9 (1) A land transaction is relieved from tax where an...

Building societies relief

10 (1) A land transaction is relieved from tax if it...

Friendly societies relief

11 (1) A land transaction is relieved from tax if it...

Co-operative and community benefit society and credit union relief

12 (1) A land transaction is relieved from tax if it...

SCHEDULE 23 — AMENDMENTS TO THE TAX COLLECTION AND MANAGEMENT (WALES) ACT 2016

1 TCMA is amended as follows.

2 In section 1 (overview of Act), after paragraph (b) insert—...

3 In the Welsh text, in section 37 (overview of Part),...

4 In Chapter 2 of Part 3, in the chapter heading...

5 In section 38 (duty to keep and preserve records)—

6 After section 38 insert— Duty to keep and preserve records:...

7 In section 39 (preservation of information etc.), after ““38”” insert...

8 After section 39 insert— Power to make regulations about records...

9 In section 40 (meaning of filing date), for ““this Act””...

10 In section 41 (amendment of tax return by taxpayer), for...

11 In section 42 (correction of tax return by WRA)—

12 In section 43 (notice of enquiry)— (a) in subsection (1),...

13 In section 45 (amendment of tax return during enquiry to...

14 After section 45 insert— Amendment of tax return by taxpayer...

15 In section 50 (completion of enquiry), in subsection (4), for...

16 In section 52 (determination of tax chargeable if no tax...

17 In the Welsh text, in section 54 (assessment where loss...

18 In section 58 (conditions for making WRA assessments)—

19 In section 59 (time limits for WRA assessments), in subsection...

20 In section 61 (assessment procedure), omit subsection (3).

21 In the Welsh text, in the heading to Chapter 7...

22 In the Welsh text, in section 62 (claims for relief...

23 In section 63 (claims for relief for overpaid tax etc.)—...

24 After section 63 insert— Claim for relief in respect of...

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

- 25 (1) In section 64 (disallowing claims for relief due to...
- 26 In the Welsh text, in section 65 (unjustified enrichment: further...
- 27 In section 66 (unjustified enrichment: reimbursement arrangements)—
- 28 In section 67 (cases in which WRA need not give...
- 29 In section 68 (making claims)— (a) in subsection (1), for...
- 30 In section 69 (duty to keep and preserve records), in...
- 31 In section 71 (amendment of claim by claimant), in subsection...
- 32 In the Welsh text, in section 73 (giving effect to...
- 33 In the Welsh text, in section 77 (giving effect to...
- 34 In section 81 (contract settlements)— (a) after subsection (1) insert—...
- 35 In section 90 (requiring information and documents in relation to...
- 36 In section 95 (complying with an information notice), in subsection...
- 37 In the Welsh text, in section 100 (taxpayer notices following...
- 38 In section 116(1) (no review or appeal of tribunal approvals),...
- 39 In section 118 (penalty for failure to make tax return...
- 40 In section 119 (penalty for failure to make tax return...
- 41 In section 120 (penalty for failure to make tax return...
- 42 For section 122 substitute— Penalty for failure to pay tax...
- 43 Omit sections 123 and 124.
- 44 In section 125 (special reduction in penalty), after subsection (2)...
- 45 In section 126 (reasonable excuse for failure to make tax...
- 46 In section 127 (assessment of penalties)— (a) in subsection (5),...
- 47 In section 128 (time limit for assessment of penalties under...
- 48 In section 130 (amount of penalty for inaccuracy in document...
- 49 In section 132 (penalty for deliberate inaccuracy in document given...
- 50 In section 133 (penalty for failure to notify under-assessment or...
- 51 In section 141 (assessment of penalties under Chapter 3), in...
- 52 In the Welsh text, in section 142 (interpretation of Chapter...
- 53 In section 143 (penalty for failure to keep and preserve...
- 54 In section 144 (reasonable excuse for failure to keep and...
- 55 In section 145 (assessment of penalties under section 143), in...
- 56 After section 154 (payment of penalties) insert— Liability of personal...
- 57 Omit the italic cross-heading immediately preceding section 157.
- 58 For sections 157 and 158 substitute— Late payment interest on...
- 59 Omit section 159 (late payment interest start date: amendments to...
- 60 In section 169 (proceedings in magistrates' court), after subsection (5)...
- 61 In section 170(1) (enforcement by taking control of goods), for...
- 62 In section 172(2) (list of appealable decisions), after paragraph (e)...
- 63 After section 181 insert— CHAPTER 3A PAYMENT AND RECOVERY OF...
- 64 In section 182 (payment of penalties in the event of...
- 65 After section 183 insert— Suspension of repayment pending further appeal...
- 66 Before section 188 (power to make consequential provision etc.) insert —...
- 67 In section 189 (regulations), in subsection (2), after ““18(2)”” insert...
- 68 In section 190 (issue of notices by WRA)—
- 69 In section 191 (giving notices and other documents to WRA)—...
- 70 In section 192(2) (interpretation), in the appropriate places, insert— ““buyer””...
- 71 In section 193 (index of defined expressions), in Table 1,...

Changes to legislation:

There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.