
Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, Paragraph 40. (See end of Document for details)

SCHEDULE 17 PARTNERSHIPS

PART 8

APPLICATION OF PROVISIONS ON EXEMPTIONS, RELIEFS AND NOTIFICATION

Application of charities relief

- 40 (1) Schedule 13 (charities relief) applies to the transfer of interest in a partnership that is a chargeable transaction by virtue of paragraph 17 or 32 with these modifications.
- (2) In paragraph 1, for “A land transaction is exempt from charge if the buyer is a charity” substitute “ A transfer of an interest in a partnership that is a chargeable transaction by virtue of paragraph 17 or 32 of schedule 17 is exempt from charge if the transferee is a charity ” .
- (3) For paragraph 2(a), substitute—
- “ (a) that every chargeable interest held as partnership property immediately after the transfer must be held for qualifying charitable purposes, ” .
- (4) In paragraph 2(b), for “the buyer” substitute “ the transferee ” .
- (5) In paragraph 3, for “A buyer holds the subject-matter of a transaction for qualifying charitable purposes if the buyer holds it” substitute “ A chargeable interest is held for qualifying charitable purposes if it is held ” .
- (6) In paragraph 3(a), for “the buyer” substitute “ the transferee ” .
- (7) In paragraph 3(b), for “the buyer” substitute “ the partners ” .
- (8) For paragraph 4(b) substitute—
- “ (b) at the time of the disqualifying event the partnership property includes a chargeable interest—
- (i) that was held as partnership property immediately after the relevant transaction, or
- (ii) that is derived from an interest held as partnership property at that time. ” .
- (9) In paragraph 5(a), for “the buyer” substitute “ the transferee ” .
- (10) For paragraph 5(b) substitute—
- “ (b) any chargeable interest held as partnership property immediately after the relevant transaction, or any interest or right derived from it, being used or held otherwise than for qualifying charitable purposes. ” .
- (11) For paragraph 10 substitute—
- “ 10 An “ appropriate proportion ” means an appropriate proportion having regard to—
- (a) the chargeable interests held as partnership property immediately after the relevant transaction and the chargeable interests held as partnership property at the time of the disqualifying event, and

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- (b) the extent to which any chargeable interest held as partnership property at that time becomes used or held for purposes other than qualifying charitable purposes.”.

(12) After paragraph 17 insert—

“18 There is a transfer of an interest in a partnership for the purposes of this schedule if there is such a transfer for the purposes of Part 3 of schedule 17 (see paragraph 48 of that schedule).

19 Paragraph 43 of schedule 17 (meaning of references to partnership property) applies for the purposes of this schedule as it applies for the purposes of that schedule.”.

Commencement Information

II Sch. 17 para. 40 in force at 1.4.2015 by [S.S.I. 2015/108](#) , [art. 2](#)

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