

Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, PART 5. (See end of Document for details)

SCHEDULE 5 MULTIPLE DWELLINGS RELIEF

PART 5

WITHDRAWAL OF RELIEF

Full withdrawal of relief

- 16 Relief under this schedule is withdrawn in relation to a relevant transaction if—
- (a) an event occurs in the relevant period, and
 - (b) had the event occurred immediately before the effective date of the transaction, the transaction would not have been a relevant transaction.

Commencement Information

- I1** Sch. 5 para. 16 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

- 17 Where relief is withdrawn, the amount of tax chargeable is the amount that would have been chargeable in respect of the transaction but for the relief.

Commencement Information

- I2** Sch. 5 para. 17 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

Partial withdrawal of relief

- 18 Relief under this schedule is partially withdrawn in relation to a relevant transaction if—
- (a) an event occurs in the relevant period, and
 - (b) had the event occurred immediately before the [^{F1}effective] date of the transaction—
 - (i) the transaction would have been a relevant transaction, but
 - (ii) more tax would have been payable in respect of the transaction.

Textual Amendments

- F1** Word in Sch. 5 para. 18(b) substituted (7.11.2014) by [Revenue Scotland and Tax Powers Act 2014 \(asp 16\)](#), s. 260(2), [Sch. 4 para. 9\(19\)](#) (with ss. 257-259); [S.S.I. 2014/278](#), [art. 2](#), Sch.

Commencement Information

- I3** Sch. 5 para. 18 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

- 19 Where relief is partially withdrawn, tax is chargeable on the transaction as if the event had occurred immediately before the effective date of the transaction.

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Commencement Information

I4 Sch. 5 para. 19 in force at 1.4.2015 by [S.S.I. 2015/108](#) , **art. 2**

20 In that case, the tax so chargeable must be calculated by reference to the tax rates and tax bands in force at the effective date of the transaction.

Commencement Information

I5 Sch. 5 para. 20 in force at 1.4.2015 by [S.S.I. 2015/108](#) , **art. 2**

Relevant period

21 “The relevant period” means the shorter of—

- (a) the period of 3 years beginning with the effective date of the transaction, and
- (b) the period beginning with the effective date of the transaction and ending with the date on which the buyer disposes of the dwelling, or the dwellings, to a person who is not connected with the buyer.

Commencement Information

I6 Sch. 5 para. 21 in force at 1.4.2015 by [S.S.I. 2015/108](#) , **art. 2**

22 In relation to a transaction effected on completion of a contract that was substantially performed before completion, paragraph 21 applies as if references to the effective date of the transaction were to the date on which the contract was substantially performed.

Commencement Information

I7 Sch. 5 para. 22 in force at 1.4.2015 by [S.S.I. 2015/108](#) , **art. 2**

Interpretation

23 In this Part of this schedule, “event” includes any change of circumstance or change of plan.

Commencement Information

I8 Sch. 5 para. 23 in force at 1.4.2015 by [S.S.I. 2015/108](#) , **art. 2**

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