

Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, Paragraph 7. (See end of Document for details)

[^{F1}SCHEDULE 16D (INTRODUCED BY SECTION 27) GREEN FREEPORTS RELIEF

Textual Amendments

- F1** Sch. 16D inserted (1.10.2023) by The Land and Buildings Transaction Tax (Green Freeports Relief) (Scotland) Order 2023 (S.S.I. 2023/280), art. 1(1), **sch.**

PART 3

KEY TERMS

Use of land in a qualifying manner

7. (1) For the purposes of this schedule, transaction land is used in a qualifying manner if it is used in one or more of the following ways—
- (a) it is used by the buyer or a connected person in the course of a commercial trade or profession,
 - (b) it is developed or redeveloped by the buyer or a connected person for use (by any person) in the course of a commercial trade or profession,
 - (c) it is exploited by the buyer or a connected person, in the course of a commercial trade or profession, as a source of rents or other receipts (other than excluded rents).
- (2) But land is not used in a qualifying manner to the extent that it is—
- (a) used as a dwelling or as the garden or grounds of a dwelling (including any building or other structure on such land),
 - (b) developed or redeveloped to become residential property,
 - (c) exploited as a source of rents or other receipts payable by a person using the land as a dwelling or as the garden or grounds of a dwelling, or
 - (d) held (as stock of the business) for resale without development or redevelopment.
- (3) For the purposes of this paragraph, use of land in the course of a commercial trade or profession includes use of land for a purpose that is ancillary to the use of other land which—
- (a) is situated in a green freeport tax site, and
 - (b) is being used, or developed or redeveloped, in the course of a commercial trade or profession.
- (4) The references in this paragraph to doing something in the course of a commercial trade or profession include doing something in the course of a property rental business.
- (5) In this paragraph—
- “commercial”, in relation to a trade or profession, means carried on—
 - (a) on a commercial basis, and
 - (b) with a view to profit,
 - “excluded rents” means rents within any of classes 2 to 6 in the table in section 605(2) of the Corporation Tax Act 2010,

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“property rental business” means a property business as defined in Chapter 2 of Part 3 of the Income Tax (Trading and Other Income) Act 2005.]

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