



Capital Transfer Tax Act 1984

1984 CHAPTER 51

PART II

EXEMPT TRANSFERS

CHAPTER I

GENERAL

18 Transfers between spouses

- (1) A transfer of value is an exempt transfer to the extent that the value transferred is attributable to property which becomes comprised in the estate of the transferor's spouse or, so far as the value transferred is not so attributable, to the extent that that estate is increased.
- (2) If, immediately before the transfer, the transferor but not the transferor's spouse is domiciled in the United Kingdom the value in respect of which the transfer is exempt (calculated as a value on which no tax is chargeable) shall not exceed £55,000 less any amount previously taken into account for the purposes of the exemption conferred by this section.
- (3) Subsection (1) above shall not apply in relation to property if the testamentary or other disposition by which it is given—
 - (a) takes effect on the termination after the transfer of value of any interest or period, or
 - (b) depends on a condition which is not satisfied within twelve months after the transfer;but paragraph (a) above shall not have effect by reason only that the property is given to a spouse only if he survives the other spouse for a specified period.
- (4) For the purposes of this section, property is given to a person if it becomes his property or is held on trust for him.

19 Annual exemption

- (1) Transfers of value made by a transferor in any one year are exempt to the extent that the values transferred by them (calculated as values on which no tax is chargeable) do not exceed £3,000.
- (2) Where those values fall short of £3,000, the amount by which they fall short shall, in relation to the next following year, be added to the £3,000 mentioned in subsection (1) above.
- (3) Where those values exceed £3,000, the excess—
 - (a) shall, as between transfers made on different days, be attributed so far as possible to a later rather than an earlier transfer, and
 - (b) shall, as between transfers made on the same day, be attributed to them in proportion to the values transferred by them.
- (4) In this section " year " means period of twelve months ending with 5th April.
- (5) Section 3(4) above shall not apply for the purposes of this section (but without prejudice to sections 57 and 94(5) below).

20 Small gifts

- (1) Transfers of value made by a transferor in, any one year by outright gifts to any one person are exempt if the values transferred by them (calculated as Values on which no tax is chargeable) do not exceed £250.
- (2) In this section " year " means period of twelve months ending with 5th April.
- (3) Section 3(4) above shall not apply for the purposes of this section.

21 Normal expenditure out of income

- (1) A transfer of value is an exempt transfer if, or to the extent that, it is shown—
 - (a) that it was made as part of the normal expenditure of the transferor, and
 - (b) that (taking one year with another) it was made out of his income, and
 - (c) that, after allowing for all transfers of value forming part of his normal expenditure, the transferor was left with sufficient income to maintain his usual standard of living.
- (2) A payment of a premium on a policy of insurance on the transferor's life, or a gift of money or money's worth applied, directly or indirectly, in payment of such a premium, shall not for the purposes of this section be regarded as part of his normal expenditure if, when the insurance was made or at any earlier or later time, an annuity was purchased on his life, unless it is shown that—
 - (a) the purchase of the annuity, and
 - (b) the making or any variation of the insurance or of any prior insurance for which the first-mentioned insurance was directly or indirectly substituted,were not associated operations.
- (3) So much of a purchased life annuity (within the meaning of section 230 of the Taxes Act) as is, for the purposes of the provisions of the Tax Acts relating to income tax on annuities and other annual payments, treated as the capital element contained in

the annuity, shall not be regarded as part of the transferor's income for the purposes of this section.

- (4) Subsection (3) above shall not apply to annuities purchased before 13th November 1974.
- (5) Section 3(4) above shall not apply for the purposes of this section.

22 Gifts in consideration of marriage

- (1) Transfers of value made by gifts in consideration of marriage are exempt to the extent that the values transferred by such transfers made by any one transferor in respect of any one marriage (calculated as values on which no tax is chargeable) do not exceed—
- (a) in the case of gifts within subsection (2) below by a parent of a party to the marriage, £5,000,
 - (b) in the case of other gifts within subsection (2) below, £2,500, and
 - (c) in any other case £1,000 ;
- any excess being attributed to the transfers in proportion to the values transferred.
- (2) A gift is within this subsection if—
- (a) it is an outright gift to a child or remoter descendant of the transferor or
 - (b) the transferor is a parent or remoter ancestor of either comprised in the gift is settled by the gift, or
 - (c) the transferor is a party to the marriage, and either the gift is an outright gift to the other party to the marriage or the property comprised in the gift is settled by the gift;
- and in this section " child " includes an illegitimate child, an adopted child and a step-child and " parent", " descendant" and " ancestor " shall be construed accordingly.
- (3) A disposition which is an outright gift shall not be treated for the purposes of this section as a gift made in consideration of marriage if, or in so far as, it is a gift to a person other than a party to the marriage.
- (4) A disposition which is not an outright gift shall not be treated for the purposes of this section as a gift made in consideration of marriage if the persons who are or may become entitled to any benefit under the disposition include any person other than—
- (a) the parties to the marriage, issue of the marriage, or a wife or husband of any such issue ;
 - (b) persons becoming entitled on the failure of trusts for any such issue under which trust property would (subject only to any power of appointment to a person falling within paragraph (d) or (c) of this subsection) vest indefeasibly on the attainment of a specified age or either on the attainment of such an age or on some earlier event, or persons becoming entitled (subject as aforesaid) on the failure of any limitation in tail;
 - (c) a subsequent wife or husband of a party to the marriage, or any issue, or the wife or husband of any issue, of a subsequent marriage of either party;
 - (d) persons becoming entitled under such trusts, subsisting under the law of England and Wales or of Northern Ireland, as are specified in section 33(1) of the Trustee Act 1925 or section 34(1) of the Trustee Act (Northern Ireland) 1958 (protective trusts), the principal beneficiary being a person falling within paragraph (a) or (c) of this subsection, or under such trusts, modified by the enlargement, as respects any period during which there is no such issue

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as aforesaid in existence, of the class of potential beneficiaries specified in paragraph (ii) of the said section 33(1) or paragraph (b) of the said section 34(1);

- (e) persons becoming entitled under trusts subsisting under the law of Scotland and corresponding with such trusts as are mentioned in paragraph (d) above;
 - (f) as respects a reasonable amount of remuneration, the trustees of the settlement.
- (5) References in subsection (4) above to issue shall apply as if any person legitimated by a marriage, or adopted by the husband and wife jointly, were included among the issue of that marriage.
- (6) Section 3(4) above shall not apply for the purposes of this section (but without prejudice to section 57 below).

23 Gifts to charities

- (1) Transfers of value are exempt to the extent that the values transferred by them are attributable to property which is given to charities.
- (2) Subsection (1) above shall not apply in relation to property if the testamentary or other disposition by which it is given—
- (a) takes effect on the termination after the transfer of value of any interest or period, or
 - (b) depends on a condition which is not satisfied within twelve months after the transfer, or
 - (c) is defeasible;

and for this purpose any disposition which has not been defeated at a time twelve months after the transfer of value and is not defeasible after that time shall be treated as not being defeasible (whether or not it was capable of being defeated before that time).

- (3) Subsection (1) above shall not apply in relation to property which is an interest in other property if—
- (a) that interest is less than the donor's, or
 - (b) the property is given for a limited period;

and for this purpose any question whether an interest is less than the donor's shall be decided as at a time twelve months after the transfer of value.

- (4) Subsection (1) above shall not apply in relation to any property if—
- (a) the property is land or a building and is given subject to an interest reserved or created by the donor which entitles him, his spouse or a person connected with him to possession of, or to occupy, the whole or any part of the land or building rent-free or at a rent less than might be expected to be obtained in a transaction at arm's length between persons not connected with each other, or
 - (b) the property is not land or a building and is given subject to an interest reserved or created by the donor other than—
 - (i) an interest created by him for full consideration in money or money's worth, or
 - (ii) an interest which does not substantially affect the enjoyment of the property by the person or body to whom it is given ;

and for this purpose any question whether property is given subject to an interest shall be decided as at a time twelve months after the transfer of value.

- (5) Subsection (1) above shall not apply in relation to property if it or any part of it may become applicable for purposes other than charitable purposes or those of a body mentioned in section 24, 25 or 26 below.
- (6) For the purposes of this section property is given to charities if it becomes the property of charities or is held on trust for charitable purposes only, and " donor " shall be construed accordingly.

24 Gifts to political parties

- (1) Transfers of value are exempt to the extent that the values transferred by them—
 - (a) are attributable to property which becomes the property of a political party qualifying for exemption under this section, and
 - (b) so far as made on or within one year of the death of the transferor, do not exceed £100,000.
- (2) A political party qualifies for exemption under this section if, at the last general election preceding the transfer of value,—
 - (a) two members of that party were elected to the House of Commons, or
 - (b) one member of that party was elected to the House of Commons and not less than 150,000 votes were given to candidates who were members of that party.
- (3) Subsections (2) to (5) of section 23 above shall apply in relation to subsection (1) above as they apply in relation to section 23(1).
- (4) For the purposes of section 23(2) to (5) as they apply by virtue of subsection (3) above property is given to any person or body if it becomes the property of or is held on trust for that person or body, and " donor " shall be construed accordingly.

25 Gifts for national purposes, etc.

- (1) A transfer of value is an exempt transfer to the extent that the value transferred by it is attributable to property which becomes the property of a body within Schedule 3 to this Act.
- (2) Subsections (2) to (5) of section 23 and subsection (4) of section 24 above shall apply in relation to subsection (1) above as they apply in relation to section 24(1), except that section 23(3) shall not prevent subsection (1) above from applying in relation to property consisting of the benefit of an agreement restricting the use of land.

26 Gifts for public benefit

- (1) A transfer of value is an exempt transfer to the extent that—
 - (a) the value transferred by it is attributable to property within subsection (2) below which becomes the property of a body not established or conducted for profit, and
 - (b) the Treasury so direct (whether before or after the time of the transfer).
- (2) Property is within this subsection if it is—
 - (a) land which in the opinion of the Treasury is of outstanding scenic or historic or scientific interest;

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- (b) a building for the preservation of which special steps should in the opinion of the Treasury be taken by reason of its outstanding historic or architectural or aesthetic interest and the cost of preserving it;
 - (c) land used as the grounds of a building within paragraph (b) above;
 - (d) an object which at the time of the transfer is ordinarily kept in, and which is given with, a building within paragraph (b) above;
 - (e) property given as a source of income for the upkeep of property within any of the paragraphs of this subsection ;
 - (f) a picture, print, book, manuscript, work of art or scientific collection which in the opinion of the Treasury is of national, scientific, historic or artistic interest.
- (3) The Treasury shall not give a direction under this section—
- (a) in relation to land within subsection (2)(a) above, unless in their opinion the body whose property it becomes is an appropriate one to be responsible for the preservation of its character;
 - (b) in relation to property within subsection (2)(b) or (f) above, unless in their opinion the body whose property it becomes is an appropriate one to be responsible for its preservation;
 - (c) in relation to property within subsection (2)(e) above, if or to the extent that, in the opinion of the Treasury, the property will produce more income than is needed (with a reasonable margin) for the upkeep of the other property in question.
- (4) Before giving a direction under this section in relation to any property (other than property within subsection (2)(e) above) the Treasury may require such undertakings to be entered into, including undertakings restricting the use or disposal of the property, as they think appropriate for securing the preservation of the property or its character and reasonable access to it for the public.
- (5) Any undertaking entered into by virtue of subsection (4) above may be varied from time to time by agreement between the Treasury and the person bound by the undertaking, and the Treasury may require further undertakings to be entered into as a condition for agreeing to any such variation or consenting to anything for which their consent is required by any undertaking.
- (6) The obligations imposed by any undertaking entered into by virtue of this section shall be enforceable for the public benefit by injunction (or, in Scotland, by interdict or by petition under section 91 of the Court of Session Act 1868), and any purported disposition of property in contravention of an undertaking shall be void, as if the obligation had been imposed by Act of Parliament.
- (7) Subsections (2) to (5) of section 23 and subsection (4) of section 24 above shall apply in relation to subsection (1) above as they apply in relation to section 24(1).
- (8) Property is given with other property for the purposes of this section if the value transferred by a transfer of value is attributable to both and both become the property of the same body.
- (9) In this section "national interest" includes interest within any part of the United Kingdom.

27 Maintenance funds for historic buildings, etc.

- (1) A transfer of value is an exempt transfer to the extent that the value transferred by it is attributable to property which by virtue of the transfer becomes comprised in a settlement and in respect of which—
- (a) a direction under paragraph 1 of Schedule 4 to this Act has effect at the time of the transfer, or
 - (b) such a direction is given after the time of the transfer.
- (2) Subsections (2) and (3) of section 23 and subsection (4) of section 24 above shall apply in relation to subsection (1) above as they apply in relation to section 24(1).

28 Employee trusts

- (1) A transfer of value made by an individual who is beneficially entitled to shares in a company is an exempt transfer to the extent that the value transferred is attributable to shares in or securities of the company which become comprised in a settlement if—
- (a) the trusts of the settlement are of the description specified in section 86(1) below, and
 - (b) the persons for whose benefit the trusts permit the settled property to be applied include all or most of the persons employed by or holding office with the company.
- (2) Subsection (1) above shall not apply unless at the date of the transfer, or at a subsequent date not more than one year thereafter, both the following conditions are satisfied, that is to say—
- (a) the trustees—
 - (i) hold more than one half of the ordinary shares in the company, and
 - (ii) have powers of voting on all questions affecting the company as a whole which if exercised would yield a majority of the votes capable of being exercised on them ; and
 - (b) there are no provisions in any agreement or instrument affecting the company's constitution or management or its shares or securities whereby the condition in paragraph (a) above can cease to be satisfied without the consent of the trustees.
- (3) Where the company has shares or securities of any class giving powers of voting limited to either or both of the following—
- (a) the question of winding up the company, and
 - (b) any question primarily affecting shares or securities of that class,
- the reference in subsection (2)(a)(ii) above to all questions affecting the company as a whole shall be read as a reference to all such questions except any in relation to which those powers are capable of being exercised.
- (4) Subsection (1) above shall not apply if the trusts permit any of the settled property to be applied at any time (whether during any such period as is referred to in section 86(1) below or later) for the benefit of—
- (a) a person who is a participator in the company mentioned in subsection (1) above ; or
 - (b) any other person who is a participator in any close company that has made a disposition whereby property became comprised in the same settlement, being

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- a disposition which but for section 13 above would have been a transfer of value ; or
- (c) any other person who has been a participator in the company mentioned in subsection (1) above or in any such company as is mentioned in paragraph (b) above at any time after, or during the ten years before, the transfer of value mentioned in subsection (1) above; or "
 - (d) any person who is connected with any person within paragraph (a), (b) or (c) above.
- (5) The participators in a company who are referred to in subsection (4) above do not include any participator who—
- (a) is not beneficially entitled to, or to rights entitling him to acquire, 5 per cent. or more of, or of any class of the shares comprised in, its issued share capital, and
 - (b) on a winding-up of the company would not be entitled to 5 per cent. or more of its assets.
- (6) In determining whether the trusts permit property to be applied as mentioned in subsection (4) above, no account shall be taken of any power to make a payment which is the income of any person for any of the purposes of income tax, or would be the income for any of those purposes of a person not resident in the United Kingdom if he were so resident.
- (7) Subsection (5) of section 13 above shall have effect in relation to this section as it has effect in relation to that section.

29 Loans-modifications of exemptions

- (1) If or to the extent that a transfer of value is a disposition whereby the use of money or other property is allowed by one person to another (" the borrower "), the preceding provisions of this Chapter shall apply to it with the following modifications.
- (2) For the purposes of section 18 the borrower's estate shall be treated as increased by an amount equal to the value transferred ; and section 18(3) shall not apply.
- (3) For the purposes of sections 20 and 22 the transfer of value shall be treated as made by outright gift.
- (4) Section 21(1) shall apply as if for the conditions stated in paragraphs (a) and (b) there were substituted the condition that the transfer was a normal one on the part of the transferor.
- (5) For the purposes of sections 23 to 26—
 - (a) the value transferred shall be treated as attributable to the property of which the borrower is allowed the use, and
 - (b) that property shall be treated as given to, or as becoming the property of, the borrower unless the use allowed includes use for purposes other than charitable purposes or those of a body mentioned in section 24, 25 or 26 ;
 and sections 23(2) to (6), 24(1)(W. (3) and (4), 25(2) and 26(7) shall not apply.