

**Changes to legislation:** Finance Act 2003, SCHEDULE 11 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

Section 79

STAMP DUTY LAND TAX: [F1RECORD-KEEPING WHERE TRANSACTION IS NOT NOTIFIABLE]

Textual Amendments

**F1** Words in Sch. 11 heading substituted (with effect in accordance with s. 94(5) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 11](#)

F2PART 1

GENERAL

Textual Amendments

**F2** Sch. 11 Pt. 1 omitted (with effect in accordance with s. 94(5) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 8](#)

Introductory

1 .....

Form and contents of self-certificate

2 .....

Declaration by agent

F22A .....

Declaration by the relevant Official Solicitor

F22B .....

Tax-related penalty for fraud or negligence

3 .....

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## PART 2

### DUTY TO KEEP AND PRESERVE RECORDS

#### *Duty to keep and preserve records*

- 4 <sup>[F3]</sup>(A1) This paragraph applies where a transaction is not notifiable, unless the transaction is a transaction treated as taking place under a provision listed in section 79(2)(a) to (d).]
- (1) <sup>[F4]</sup>The purchaser] must—
- (a) keep such records as may be needed to enable him <sup>[F5]</sup>to demonstrate that the transaction is not notifiable], and
  - (b) preserve those records in accordance with this paragraph.
- (2) The records must be preserved <sup>[F6]</sup>until the end of—
- (a) the sixth anniversary of the effective date of the transaction, or
  - (b) such earlier day as may be specified in writing by the Commissioners for Her Majesty's Revenue and Customs (and different days may be specified for different cases).]
- (3) The records required to be kept and preserved under this paragraph include—
- (a) relevant instruments relating to the transaction, in particular, any contract or conveyance, and any supporting maps, plans or similar documents;
  - (b) records of relevant payments, receipts and financial arrangements.
- <sup>[F7]</sup>(4) The Commissioners for Her Majesty's Revenue and Customs may by regulations—
- (a) provide that the records required to be kept and preserved under this paragraph include, or do not include, records specified in the regulations, and
  - (b) provide that those records include supporting documents so specified.
- (5) Regulations under this paragraph may make provision by reference to things specified in a notice published by the Commissioners for Her Majesty's Revenue and Customs in accordance with the regulations (and not withdrawn by a subsequent notice).
- (6) “Supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.]

#### Textual Amendments

- F3** Sch. 11 para. 4(A1) inserted (with effect in accordance with s. 94(5) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 9\(2\)](#)
- F4** Words in Sch. 11 para. 4(1) substituted (with effect in accordance with s. 94(5) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 9\(3\)\(a\)](#)
- F5** Words in Sch. 11 para. 4(1)(a) substituted (with effect in accordance with s. 94(5) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 9\(3\)\(b\)](#)
- F6** Words in Sch. 11 para. 4(2) substituted (1.4.2010) by [Finance Act 2009 \(c. 10\)](#), s. 98(2), [Sch. 50 para. 9\(2\)](#); [S.I. 2010/815](#), art. 2
- F7** Sch. 11 para. 4(4)-(6) inserted (1.4.2010) by [Finance Act 2009 \(c. 10\)](#), s. 98(2), [Sch. 50 para. 9\(3\)](#); [S.I. 2010/815](#), art. 2

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Preservation of information <sup>F8</sup> etc]

**Textual Amendments**

**F8** Word in Sch. 11 para. 5 cross-heading substituted (1.4.2010) by Finance Act 2009 (c. 10), s. 98(2), **Sch. 50 para. 11**; S.I. 2010/815, art. 2

<sup>F9</sup>5 The duty under paragraph 4 to preserve records may be satisfied—

(a) by preserving them in any form and by any means, or

(b) by preserving the information contained in them in any form and by any means,

subject to any conditions or exceptions specified in writing by the Commissioners for Her Majesty's Revenue and Customs.]

**Textual Amendments**

**F9** Sch. 11 para. 5 substituted (1.4.2010) by Finance Act 2009 (c. 10), s. 98(2), **Sch. 50 para. 10**; S.I. 2010/815, art. 2

Penalty for failure to keep and preserve records

- 6 (1) A person who fails to comply with paragraph 4 in relation to a transaction is liable to a penalty not exceeding £3,000, subject to the following exception.
- (2) No penalty is incurred if the Inland Revenue are satisfied that any facts that they reasonably require to be proved, and that would have been proved by the records, are proved by other documentary evidence provided to them.

<sup>F10</sup>**PART 3**

ENQUIRY INTO SELF-CERTIFICATE

**Textual Amendments**

**F10** Sch. 11 Pt. 3 omitted (with effect in accordance with s. 94(5) of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 30 para. 10**

Notice of enquiry

7 .....

Scope of enquiry

8 .....

Notice to produce documents etc for purposes of enquiry

9 .....

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*Appeal against notice to produce documents etc*

10       .....

*Penalty for failure to produce documents etc*

11       .....

*Referral of questions to Special Commissioners during enquiry*

12       .....

*Withdrawal of notice of referral*

13       .....

*Effect of referral on enquiry*

14       .....

*Effect of determination*

15       .....

*Completion of enquiry*

16       .....

*Direction to complete enquiry*

17       .....

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 57(3) inserted by [2011 c. 11 Sch. 22 para. 4](#)
- s. 87(3)(a)(ia) inserted by [S.I. 2003/2760 Sch. para. 3\(4\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The affecting S.I. is revoked and superseded by [S.I. 2003/2816](#))
- Sch. 12 para. 3(2)(aa) inserted by [2007 asp 3 Sch. 5 para. 32](#) (This effect was superseded by the repeal of Sch. 12 para. 3 by Finance Act 2008 (c. 9), s. 129(4), Sch. 43 para. 16)
- Sch. 12 para. 1A inserted by [2007 c. 15 Sch. 13 para. 147\(2\)](#) (The amending provision was repealed before coming into force.)
- Sch. 12 para. 1A omitted by [2008 c. 9 Sch. 43 para. 9](#) (The amending provision was repealed before coming into force.)