
Changes to legislation: Finance Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 May 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 3

Section 49

STAMP DUTY LAND TAX: TRANSACTIONS EXEMPT FROM CHARGE

No chargeable consideration

- 1 A land transaction is exempt from charge if there is no chargeable consideration for the transaction.

Grant of certain leases by registered social landlords

- 2 (1) The grant of a lease of a dwelling is exempt from charge if the lease—
- (a) is granted by a [^{F1}relevant housing provider] to one or more individuals in accordance with arrangements to which this paragraph applies, and
 - (b) is for an indefinite term or is terminable by notice of a month or less.
- (2) This paragraph applies to arrangements between a [^{F2}relevant housing provider] and a housing authority under which the [^{F2}relevant housing provider] provides, for individuals nominated by the authority in pursuance of its statutory housing functions, temporary rented accommodation which the [^{F2}relevant housing provider] itself has obtained on a short-term basis.

The reference above to accommodation obtained by the [^{F2}relevant housing provider] “on a short-term basis” is to accommodation leased to the [^{F2}relevant housing provider] for a term of five years or less.

- [^{F3}(2A) A “relevant housing provider” means—
- (a) a non-profit registered provider of social housing, or
 - (b) a registered social landlord.]
- (3) A “housing authority” means—
- (a) in relation to England and Wales—
 - (i) a principal council within the meaning of the Local Government Act 1972 (c. 70), or
 - (ii) the Common Council of the City of London;
 - (b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);
 - (c) in relation to Northern Ireland—
 - (i) the Department for Social Development in Northern Ireland, or
 - (ii) the Northern Ireland Housing Executive.

Changes to legislation: Finance Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 May 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

Textual Amendments

- F1** Words in Sch. 3 para. 2(1) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 31\(2\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F2** Words in Sch. 3 para. 2(2) substituted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 31\(2\)](#); S.I. 2010/862, art. 2 (with Sch.)
- F3** Sch. 3 para. 2(2A) inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 9 para. 31\(3\)](#); S.I. 2010/862, art. 2 (with Sch.)

Transactions in connection with divorce etc

- 3 A transaction between one party to a marriage and the other is exempt from charge if it is effected—
- (a) in pursuance of an order of a court made on granting in respect of the parties [^{F4}an order or decree for their divorce, the annulment of the marriage or their judicial separation;]
 - (b) in pursuance of an order of a court made in connection with the dissolution or annulment of the marriage, or the parties' judicial separation, at any time after the granting of such [^{F5}an order or decree for divorce, annulment or judicial separation as is mentioned in paragraph (a);]
 - (c) in pursuance of—
 - (i) an order of a court made at any time under section 22A, 23A or 24A of the Matrimonial Causes Act 1973 (c. 18), or
 - (ii) an incidental order of a court made under section 8(2) of the Family Law (Scotland) Act 1985 (c. 37) by virtue of section 14(1) of that Act;
 - (d) at any time in pursuance of an agreement of the parties made in contemplation or otherwise in connection with the dissolution or annulment of the marriage, their judicial separation or the making of a separation order in respect of them.

Textual Amendments

- F4** Words in Sch. 3 para. 3(a) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 55\(a\)](#); S.I. 2022/283, reg. 2
- F5** Words in Sch. 3 para. 3(b) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 55\(b\)](#); S.I. 2022/283, reg. 2

[^{F6}Assents and appropriations by personal representatives

Textual Amendments

- F6** Sch. 3 para. 3A and cross-heading inserted (with effect in accordance with s. 300(2) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), s. [300\(1\)](#)

- 3A (1) The acquisition of property by a person in or towards satisfaction of his entitlement under or in relation to the will of a deceased person, or on the intestacy of a deceased person, is exempt from charge.

Changes to legislation: Finance Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 May 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

- (2) Sub-paragraph (1) does not apply if the person acquiring the property gives any consideration for it, other than the assumption of secured debt.
- (3) Where sub-paragraph (1) does not apply because of sub-paragraph (2), the chargeable consideration for the transaction is determined in accordance with paragraph 8A(1) of Schedule 4.
- (4) In this paragraph—
 - “debt” means an obligation, whether certain or contingent, to pay a sum of money either immediately or at a future date, and
 - “secured debt” means debt that, immediately after the death of the deceased person, is secured on the property.]

[^{F7}Transactions in connection with dissolution of civil partnership etc

Textual Amendments

F7 Sch. 3 para. 3A inserted (5.12.2005) by [The Tax and Civil Partnership Regulations 2005 \(S.I. 2005/3229\)](#), regs. 1(1), **174**

- 3A. A transaction between one party to a civil partnership and the other is exempt from charge if it is effected —
- (a) in pursuance of an order of a court made on granting in respect of the parties an order or decree for the dissolution or annulment of the civil partnership or their judicial separation;
 - (b) in pursuance of an order of a court made in connection with the dissolution or annulment of the civil partnership, or the parties' judicial separation, at any time after the granting of such an order or decree for dissolution, annulment or judicial separation as mentioned in paragraph (a);
 - (c) in pursuance of —
 - (i) an order of a court made at any time under any provision of Schedule 5 to the Civil Partnership Act 2004 that corresponds to section 22A, 23A or 24A of the Matrimonial Causes Act 1973, or
 - (ii) an incidental order of a court made under any provision of the Civil Partnership Act 2004 that corresponds to section 8(2) of the Family Law (Scotland) Act 1985 by virtue of section 14(1) of that Act of 1985;
 - (d) at any time in pursuance of an agreement of the parties made in contemplation of or otherwise in connection with the dissolution or annulment of the civil partnership, their judicial separation or the making of a separation order in respect of them.]

Variation of testamentary dispositions etc

- 4 (1) A transaction following a person's death that varies a disposition (whether effected by will, under the law relating to intestacy or otherwise) of property of which the deceased was competent to dispose is exempt from charge if the following conditions are met.
- (2) The conditions are—

Changes to legislation: Finance Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 May 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

- (a) that the transaction is carried out within the period of two years after a person's death, and
- (b) that no consideration in money or money's worth other than the making of a variation of another such disposition is given for it.

[^{F8}(2A) Where the condition in sub-paragraph (2)(b) is not met, the chargeable consideration for the transaction is determined in accordance with paragraph 8A(2) of Schedule 4.]

- (3) This paragraph applies whether or not the administration of the estate is complete or the property has been distributed in accordance with the original dispositions.

Textual Amendments

- F8** Sch. 3 para. 4(2A) inserted (with effect in accordance with s. 301(7) of the amending Act) by [Finance Act 2004 \(c. 12\), s. 301\(1\)](#)

Power to add further exemptions

- 5 (1) The Treasury may by regulations provide that any description of land transaction specified in the regulations is exempt from charge.
- (2) The regulations may contain such supplementary, incidental and transitional provision as appears to the Treasury to be appropriate.

Changes to legislation:

Finance Act 2003, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 May 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.

[View outstanding changes](#)

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.)