

*Changes to legislation: There are currently no known outstanding effects  
for the Railways Act 2005, Part 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

#### TAXATION PROVISIONS RELATING TO TRANSFER SCHEMES

##### PART 4

##### OTHER PROVISIONS CONCERNING TRANSFERS

###### *Stamp duty*

- 29 (1) Stamp duty is not to be chargeable—
- (a) on a scheme made under section 1(2); or
  - (b) on an instrument certified by the Secretary of State to the Commissioners of Inland Revenue as made for the purposes of such a scheme, or as made for purposes connected with such a scheme.
- (2) But where, by virtue of sub-paragraph (1), stamp duty is not chargeable on a scheme or instrument, the scheme or instrument is to be treated as duly stamped only if—
- (a) in accordance with section 12 of the Stamp Act 1891 (c. 39) it has been stamped with a stamp denoting either that it is not chargeable to duty or that it has been duly stamped; or
  - (b) it is stamped with the duty to which it would be chargeable apart from sub-paragraph (1).
- (3) In this paragraph, “instrument” has the same meaning as in the Stamp Act 1891.

###### **Commencement Information**

- I1** Sch. 10 para. 29 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), Sch. 1
- I2** Sch. 10 para. 29 in force at 24.7.2005 in so far as not already in force by S.I. 2005/1909, art. 2, Sch.

###### *Stamp duty land tax*

- 30 (1) No transfer in accordance with a scheme made under section 1(2) is to give rise to any liability to stamp duty land tax.
- (2) Relief under this paragraph must be claimed in a land transaction return or in an amendment of a land transaction return.
- (3) In sub-paragraph (2) “land transaction return” has the meaning given by section 76(1) of the Finance Act 2003 (c. 14).

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**Commencement Information**

- I3** Sch. 10 para. 30 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), **Sch. 1**  
**I4** Sch. 10 para. 30 in force at 24.7.2005 in so far as not already in force by S.I. 2005/1909, art. 2, **Sch.**

*Chargeable gains: value shifting*

- 31 No scheme made under section 1(2) or 12 is to be regarded as a scheme or arrangement for the purposes of section 30 of the 1992 Act.

**Commencement Information**

- I5** Sch. 10 para. 31 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), **Sch. 1**  
**I6** Sch. 10 para. 31 in force at 24.7.2005 in so far as not already in force by S.I. 2005/1909, art. 2, **Sch.**

*Group relief*

- 32 Neither the power of the Secretary of State to make a scheme under section 1(2) nor the power of the Secretary of State<sup>[F1]</sup>, the Welsh Ministers] or the Scottish Ministers to make a scheme under section 12 is to be regarded as constituting—
- (a) arrangements falling within [F2]section 154(3) or 155(3) of the Corporation Tax Act 2010] (arrangements for transfer of company to another group or consortium); or
  - (b) option arrangements for the purposes of [F3]section 173 of] that Act.

**Textual Amendments**

- F1** Words in Sch. 10 para. 32 inserted (13.6.2018) by The Welsh Ministers (Transfer of Functions) (Railways) Order 2018 (S.I. 2018/631), art. 1(2)(b)(xvii), **Sch. para. 68(2)**  
**F2** Words in Sch. 10 para. 32 substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 478(3)(a)** (with Sch. 2)  
**F3** Words in Sch. 10 para. 32 substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 478(3)(b)** (with Sch. 2)

**Commencement Information**

- I7** Sch. 10 para. 32 in force at 8.6.2005 for specified purposes by S.I. 2005/1444, art. 2(1), **Sch. 1**  
**I8** Sch. 10 para. 32 in force at 24.7.2005 in so far as not already in force by S.I. 2005/1909, art. 2, **Sch.**

*Consequential amendment*

- <sup>F4</sup>33 .....

**Textual Amendments**

- F4** Sch. 10 para. 33 omitted (with effect in accordance with Sch. 2 para. 71 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 2 para. 70(g)**

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Act 2005, Part 4.