

---

*Changes to legislation:* There are currently no known outstanding effects for the  
Scotland Act 2012, Cross Heading: Finance Act 2009. (See end of Document for details)

---

## SCHEDULES

### SCHEDULE 3

#### SCOTTISH TAX ON LAND TRANSACTIONS: CONSEQUENTIAL AMENDMENTS

##### PART 1

##### DISAPPLICATION OF STAMP DUTY LAND TAX TO SCOTLAND

##### *Finance Act 2009*

- 31 (1) Schedule 61 to the Finance Act 2009 (alternative finance investment bonds) is amended as follows.
- (2) Paragraph 1 (interpretation) is amended as follows.
- (3) In sub-paragraph (1)—
- (a) before the definition of “HMRC” insert—
- ““effective date”, for a transaction relating to land in Scotland, is the date which would be the effective date (under section 119 of FA 2003) if Part 4 of FA 2003 applied to land in Scotland;”;
- (b) omit the definition of “qualifying interest”.
- <sup>F1</sup>(4) . . . . .
- (5) Paragraph 5 (conditions for operation of relief) is amended as follows.
- (6) In sub-paragraph (6) (Condition D)—
- (a) after “Condition D” insert “ (which applies in the case of land in England and Wales or Northern Ireland) ”;
- (b) omit paragraph (b).
- (7) In sub-paragraph (7) (charge or security for purposes of Condition D)—
- (a) omit “or security”;
- (b) in paragraph (a) omit “, or a security ranking first granted over”.
- (8) In paragraph 6(1)(a) (relief from stamp duty land tax) for “the United Kingdom” substitute “ England and Wales or Northern Ireland ”.
- (9) In paragraph 7 (withdrawal of relief in certain circumstances)—
- (a) in sub-paragraph (1) after “This paragraph applies if” insert “ paragraph 6 applies but ”;
- (b) in sub-paragraph (2) after “This paragraph also applies if” insert “ paragraph 6 applies but ”.
- (10) In paragraph 9 (discharge of charge when conditions for relief met) omit “or security”.

---

*Changes to legislation: There are currently no known outstanding effects for the  
Scotland Act 2012, Cross Heading: Finance Act 2009. (See end of Document for details)*

---

- (11) In paragraph 11(2) (disapplication of CGT relief if charge not given) for “the United Kingdom” substitute “ England and Wales or Northern Ireland ”.
- (12) In paragraph 12(1)(b) (CGT relief on second transaction) for “the United Kingdom” substitute “ England and Wales or Northern Ireland ”.
- (13) In paragraph 18(5) and (6) (discharge of charge if original land replaced)—
  - (a) for “the United Kingdom” substitute “ England and Wales or Northern Ireland ”;
  - (b) omit “or security”.
- (14) In paragraph 19(1) (HMRC to notify Registrar of discharge)—
  - (a) omit “or security”;
  - (b) omit paragraph (b).

---

**Textual Amendments**

- F1** Sch. 3 para. 31(4) omitted (with effect in accordance with s. 16(4)(5) of the amending Act) by virtue of [Wales Act 2014 \(c. 29\)](#), s. 29(2)(b)(3), [Sch. 2 para. 16](#); S.I. 2018/214, art. 2(a)

---

**Commencement Information**

- I1** Sch. 3 para. 31 has effect as specified by [The Scotland Act 2012, Section 29 \(Disapplication of UK Stamp Duty Land Tax\) \(Appointed Day\) Order 2015 \(S.I. 2015/637\)](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 2012, Cross Heading:  
Finance Act 2009.