



# Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017

2017 anaw 1

## PART 8

### INTERPRETATION AND FINAL PROVISIONS

#### *Final provisions*

#### **78 Power to make consequential etc. provision**

- (1) The Welsh Ministers may by regulations make such incidental, consequential, supplemental, transitional, transitory or saving provision as they think appropriate for the purposes of, or in connection with, or for giving full effect to, any provision made by or under this Act.
- (2) Regulations under this section may amend, revoke or repeal any enactment (including any provision made by or under this Act).
- (3) If a statutory instrument contains regulations under this section which the Welsh Ministers consider makes provision which may have the effect mentioned in subsection (4), the instrument may not be made unless a draft has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (4) The effect is that, in respect of a land transaction—
  - (a) the amount of tax chargeable is more than the amount which would be chargeable if the regulations are not made, or
  - (b) tax is chargeable where none would be chargeable if the regulations are not made.

#### **79 Regulations**

- (1) Any power to make regulations under this Act—
  - (a) must be exercised by statutory instrument, and

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- (b) includes power to make different provision for different purposes.
- (2) A statutory instrument containing regulations made under any of the following provisions may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales—
- (a) section 5(4) (exempt interests);
  - (b) section 18(2) (chargeable consideration);
  - (c) section 24(11) (higher rates residential property transactions);
  - (d) section 30(6) (reliefs);
  - (e) section 33(7) (companies);
  - (f) section 34(6) (unit trusts);
  - (g) section 35(1) (open-ended investment companies);
  - (h) section 36(8) (co-ownership authorised contractual schemes);
  - (i) section 41(2) (partnerships);
  - (j) section 42(2) (trusts);
  - (k) section 46(10) (thresholds for notifiable transactions);
  - (l) section 47(5) (late payment interest start date);
  - (m) section 49(5) (late payment interest start date);
  - (n) section 52(1) (period within which returns must be made);
  - (o) section 64(1) (regulations about deferral of tax);
  - (p) section 72(10) (residential property);
  - (q) paragraph 7 of Schedule 3 (exempt transactions);
  - (r) paragraph 27(2) of Schedule 6 (charging tax on rent element of residential leases);
  - (s) paragraph 32 of that Schedule (temporal discount rate for leases);
  - (t) paragraph 36(1)(b) of that Schedule (specified amount of relevant rent);
  - (u) paragraph 37 of that Schedule (power to amend or repeal paragraphs 34 to 36);
  - (v) paragraph 6(7) of Schedule 13 (multiple dwellings relief: minimum percentage of tax attributable to dwellings);
  - (w) paragraph 3 of Schedule 17 (acquisition relief: proportion of tax relieved).
- (3) Any other statutory instrument containing regulations made under this Act (except an instrument mentioned in subsection (4)) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Subsection (3) does not apply to a statutory instrument containing any of the following —
- (a) regulations made under section 24(1) or paragraph 27(4) or 28(1) of Schedule 6 (regulations about tax rates and bands);
  - (b) regulations made under section 78 to which subsection (3) of that section applies.

## **80 Crown application**

- (1) This Act binds the Crown.
- (2) But see paragraph 2 of Schedule 3 (which exempts land transactions from charge where the buyer is a specified Crown body).

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- (3) And nothing in Chapter 2 of Part 6 (liability for and payment of tax) affects the operation of sections 8 and 9 of the Crown Private Estates Act 1862 (c. 37).
- (4) Subsection (1) does not make the Crown liable to prosecution for an offence.

## **81 Coming into force**

- (1) This Part (except section 76 and Schedule 23) comes into force on the day after the day on which this Act receives Royal Assent.
- (2) The remaining provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may appoint different days for different purposes.

## **82 Short title**

The short title of this Act is the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.

**Changes to legislation:**

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