
Changes to legislation: There are currently no known outstanding effects for the
Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017, Cross
Heading: Partial relief: charity not a qualifying charity. (See end of Document for details)

SCHEDULE 18

CHARITIES RELIEF

Partial relief: charity not a qualifying charity

- 8 (1) This paragraph applies where—
- (a) a charity (“C”) is one of two or more buyers acquiring the subject-matter of a land transaction as tenants in common,
 - (b) C is not a qualifying charity,
 - (c) paragraph 6(2) to (4) would apply if C were a qualifying charity, and
 - (d) C intends to hold the greater part of its undivided share of the subject-matter of the transaction for qualifying charitable purposes.
- (2) In such a case—
- (a) paragraphs 6 and 7 have effect as if C were a qualifying charity, but
 - (b) for the purposes of paragraph 7 “disqualifying event” includes the following if they are made otherwise than in furtherance of C’s charitable purposes—
 - (i) any transfer by C of a major interest in the whole or any part of the subject-matter of the relieved transaction;
 - (ii) any grant by C at a premium of a low-rental lease of the whole or any part of that subject-matter.
- (3) In relation to a transfer or a grant that, by virtue of sub-paragraph (2)(b), is a disqualifying event for the purposes of paragraph 7—
- (a) the date of the event for those purposes is the effective date of the relieved transaction, and
 - (b) paragraph 7 has effect with the modifications in sub-paragraph (4).
- (4) The modifications to paragraph 7 are—
- (a) sub-paragraph (4) is to have effect as if for “At the time of” there were substituted “Immediately before”;
 - (b) sub-paragraph (9)(a) is to have effect as if for “at the time of” there were substituted “immediately before and immediately after”;
 - (c) sub-paragraph (9) is to have effect as if paragraph (b) were omitted.
- (5) For the purposes of this paragraph—
- (a) a lease is granted “at a premium” if there is consideration other than rent, and
 - (b) a lease is a “low-rental” lease if the annual rent (if any) is less than £1,000 a year.
- (6) In this paragraph—
- (a) “annual rent” has the meaning given by paragraph 36(2) of Schedule 6, and
 - (b) “rent” has the same meaning as in that Schedule.

Commencement Information

II Sch. 18 para. 8 in force at 1.4.2018 by [S.I. 2018/34](#), [art. 3](#)

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