Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 anaw 1
SCHEDULE 18 – CHARITIES RELIEF
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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.