



Land and Buildings Transaction Tax (Scotland) Act 2013

2013 asp 11

PART 2

KEY CONCEPTS

CHAPTER 1

LAND TRANSACTIONS AND CHARGEABLE INTERESTS

Acquisition and disposal of chargeable interest

6 Acquisition and disposal of chargeable interest

- (1) Each of the following is an acquisition and a disposal of a chargeable interest—
 - (a) the creation of the interest,
 - (b) the renunciation or release of the interest,
 - (c) the variation of the interest (but not the variation of a lease).
- (2) The variation of a lease is treated as an acquisition and a disposal of a chargeable interest only where paragraph 29 of schedule 19 (reduction of rent or term or other variation of lease) applies.
- (3) A person acquires a chargeable interest where—
 - (a) the person becomes entitled to the interest on its creation,
 - (b) the person's interest or right is benefitted or enlarged by the renunciation or release of the interest, or
 - (c) the person benefits from the variation of the interest.
- (4) A person disposes of a chargeable interest where—
 - (a) the person's interest or right becomes subject to the interest on its creation,
 - (b) the person ceases to be entitled to the interest on its being renounced or released, or

Status: This is the original version (as it was originally enacted).

- (c) the person's interest or right is subject to or limited by the variation of the interest.
- (5) Except as otherwise provided, this Act applies however the acquisition is effected, whether by act of the parties, by order of a court or other authority, by or under any enactment or by operation of law.

7 Buyer and seller

- (1) The buyer, in relation to a land transaction, is the person who acquires the subject-matter of the transaction.
- (2) But a person is treated as the buyer only where that person has given consideration for, or is a party to, the transaction.
- (3) The seller, in relation to a land transaction, is the person who disposes of the subject-matter of the transaction.