

These notes relate to the Land and Buildings Transaction Tax (Amendment) (Scotland) Act 2016 (asp 11) which received Royal Assent on 24 March 2016

LAND AND BUILDINGS TRANSACTION TAX (AMENDMENT) (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – Land and buildings transaction tax: second homes etc.

Part 6 of schedule 2A – Ownership of dwellings

Paragraph 18 of schedule 2A – Dwellings outside Scotland; what counts as “ownership”

74. Since schedule 2A takes a global view of a person’s property holdings, paragraph 18 maps the Scottish ownership interests to equivalent concepts in other jurisdictions. As mentioned, this has particular relevance to long residential leases which are uncommon in Scots law but are very common in England and Wales.
75. Interpretative provisions of the 2013 Act relevant to paragraph 18—

“dwelling”	Part 6 of schedule 5
what counts as a dwelling owned	Part 6 of schedule 2A.