

*These notes relate to the Land and Buildings Transaction Tax (Scotland) Act 2013 (asp 11) which received Royal Assent on 31 July 2013*

# LAND AND BUILDINGS TRANSACTION TAX (SCOTLAND) ACT 2013

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## EXPLANATORY NOTES

### THE ACT

#### Part 1 – Land and Buildings Transaction Tax

10. Part 1 establishes LBTT.

#### Section 1 – The tax

11. Section 1 introduces LBTT as the replacement for SDLT in Scotland. LBTT is a tax which is charged on land transactions. It clarifies that LBTT will apply irrespective of how a transaction is documented (if at all) and whether the transaction is concluded in Scotland or elsewhere.

12. The reference to the Tax Authority’s responsibility for “collection and management” of LBTT has, by virtue of section 51(3) of the [Commissioners for Revenue and Customs Act 2005 \(c.11\)](#), the same meaning as references to responsibility for “care and management” in historical UK tax statutes. This means that a jurisprudence concerning the proper bounds of the tax authority’s role is imported into the devolved tax system. This jurisprudence includes not only case law from the UK jurisdictions but other English-speaking jurisdictions.

13. Defined terms used in this section:

“land transaction”	section 3
“Tax Authority”	section 54

#### Section 2 – Overview

14. Section 2 provides an overview of the Act.