

SCHEDULES

SCHEDULE 30

Section 92.

STAMP DUTY: LAND IN DISADVANTAGED AREAS

Stamp duty reduced for land partly in a disadvantaged area

- 1 (1) Where any land is situated partly in a disadvantaged area and partly outside such an area, liability to stamp duty under Part 1 or 2, or paragraph 16 of Part 3, of Schedule 13 to the Finance Act 1999 (c. 16) on—
 - (a) a conveyance or transfer of an estate or interest in the land, or
 - (b) a lease of the land,shall be determined in accordance with sub-paragraph (2).
- (2) Where liability to stamp duty falls to be determined in accordance with this sub-paragraph—
 - (a) the consideration in respect of which duty would be chargeable, but for the provisions of this paragraph, shall be apportioned, on such basis as is just and reasonable, as between the part of the land which is situated in a disadvantaged area and the part which is not so situated, and
 - (b) the instrument shall be chargeable only in respect of the consideration attributed to such part of the land as is not situated in a disadvantaged area.
- (3) Where stamp duty, or a greater amount of stamp duty, would be chargeable on an instrument but for sub-paragraphs (1) and (2), those sub-paragraphs shall have effect in relation to the instrument only if the instrument is certified to the Commissioners as being an instrument in relation to which those sub-paragraphs have effect.
- (4) No instrument which is certified as mentioned in sub-paragraph (3) shall be taken to be duly stamped unless—
 - (a) it is stamped in accordance with section 12 of the Stamp Act 1891 (c. 39) with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped, or
 - (b) it is stamped with the duty to which it would have been liable but for this paragraph.

Apportionment of consideration for stamp duty purposes

- 2 (1) Where any part or parcel of the property referred to in section 58(1) of the Stamp Act 1891 (consideration to be apportioned between separate parts or parcels as parties think fit) consists of an estate or interest in land situated wholly or partly in a disadvantaged area, that provision shall have effect—
 - (a) as if “the parties think fit” read “is just and reasonable”, and
 - (b) as if “such conveyance is” read “such conveyance is (subject to section 92 of, and Schedule 30 to, the Finance Act 2001)”.
- (2) Where—

Status: This is the original version (as it was originally enacted).

- (a) any part or parcel of the property referred to in section 58(2) of the Stamp Act 1891 (property contracted to be purchased by two or more persons etc.) consists of an estate or interest in land situated wholly or partly in a disadvantaged area, and
- (b) both or (as the case may be) all the relevant persons are connected with one another,

that provision shall have effect in accordance with sub-paragraph (3).

- (3) In a case falling within sub-paragraph (2), section 58(2) of that Act shall have effect as if the words from “for distinct parts of the consideration” to the end of the subsection read “, the consideration is to be apportioned in such manner as is just and reasonable, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is (subject to section 92 of, and Schedule 30 to, the Finance Act 2001) to be charged with *ad valorem* duty in respect of such distinct consideration.”.
- (4) In a case where sub-paragraph (1) or (3) applies and the consideration is apportioned in a manner that is not just and reasonable, the enactments relating to stamp duty shall have effect as if—
 - (a) the consideration had been apportioned in a manner that is just and reasonable, and
 - (b) the amount of any distinct consideration set forth in any conveyance relating to a separate part or parcel of property were such amount as is found by a just and reasonable apportionment (and not the amount actually set forth).
- (5) For the purposes of sub-paragraph (2)—
 - (a) a person is a relevant person if he is a person by or for whom the property is contracted to be purchased; and
 - (b) the question whether persons are connected with one another shall be determined in accordance with section 839 of the Taxes Act 1988.
- (6) In sub-paragraph (4) “the enactments relating to stamp duty” means the Stamp Act 1891 and any enactment amending, or which is to be construed as one with, that Act.

Certification of instruments for stamp duty purposes

- 3 (1) If or to the extent that a transaction relates to an estate or interest in land which is situated in a disadvantaged area, it shall be disregarded for the purposes of paragraph 6 of Schedule 13 to the Finance Act 1999 (c. 16) (certification of instrument as not forming part of transaction or series of transactions exceeding specified amount).
- (2) Any statement as mentioned in paragraph 6(1) of that Schedule shall be construed as leaving out of account any matter which is to be disregarded in accordance with sub-paragraph (1) above.