

SCHEDULES

SCHEDULE 39

REPEAL OF MISCELLANEOUS RELIEFS ETC

PART 1

STAMP DUTY AND STAMP DUTY LAND TAX

Nationalisation schemes

- 1 (1) Section 52 of FA 1946 (exemption from stamp duty of documents connected with nationalisation schemes) is repealed.
- (2) In consequence of the provision made by sub-paragraph (1)—
 - (a) section 67 of that Act (short title, construction, etc) is repealed,
 - (b) in section 41(1) of the Transport Act 1962 (exemptions from stamp duty), omit the words from “, or in section fifty-two” to “schemes),” and
 - (c) in section 160(1) of the Transport Act 1968 (stamp duty), omit the words from “or in section 52” to “schemes)”.

Visiting forces and allied headquarters

- 2 Section 74 of FA 1960 (visiting forces and allied headquarters: stamp duty exemptions) is repealed.

Shared ownership transactions

- 3 (1) The following provisions are repealed—
 - (a) section 97 of FA 1980,
 - (b) section 108 of FA 1981, and
 - (c) section 54 of FA 1987.
- (2) In consequence of the provision made by sub-paragraph (1), omit the following provisions—
 - (a) in Schedule 2 to the Housing (Consequential Provisions) Act 1985, paragraph 43;
 - (b) in FA 1988, section 142(1);
 - (c) in Schedule 14 to FA 1999, paragraph 6.

Instruments subject to duty of fixed amount

- 4 (1) Section 87 of FA 1985 (certificates) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) Omit subsection (2) (power to exempt instruments chargeable to stamp duty of a fixed amount).
- (3) In subsection (5), omit “or Treasury (as the case may be)”.

Acquisitions

- 5 (1) The following provisions are repealed—
 - (a) section 76 of FA 1986 (rate of stamp duty payable on acquisitions), and
 - (b) section 113 of, and Schedule 35 to, FA 2002 (withdrawal of relief for company acquisitions).
- (2) In consequence of the provision made by sub-paragraph (1), omit the following provisions—
 - (a) in section 98(5) of TMA 1970, in the Table—
 - (i) in the first column, the entry relating to paragraph 11 of Schedule 35 to FA 2002, and
 - (ii) in the second column, the entry relating to paragraph 7 of that Schedule;
 - (b) in Schedule 14 to FA 1999, paragraph 15;
 - (c) in section 127 of FA 2000, subsection (4);
 - (d) in FA 2002, section 112;
 - (e) in FA 2003—
 - (i) section 127, and
 - (ii) in Schedule 19, paragraph 6(3);
 - (f) in Schedule 21 to the Legal Services Act 2007, paragraph 136;
 - (g) in Schedule 1 to CTA 2010, paragraphs 196, 372 and 376.

Transfers to registered social landlords

- 6 (1) Section 130 of FA 2000 (transfers to registered social landlords etc) is repealed.
- (2) In consequence of the provision made by sub-paragraph (1), in section 131 of that Act (relief for certain instruments executed before 28 July 2000), omit subsection (1)(b).

Land in disadvantaged areas

- 7 (1) Sections 92 to 92B of, and Schedule 30 to, FA 2001 (exemption for land in disadvantaged areas) are repealed.
- (2) In consequence of the provision made by sub-paragraph (1), omit the following provisions—
 - (a) in FA 2002, section 110;
 - (b) in Schedule 9 to FA 2005, paragraphs 2, 3 and 5;
 - (c) in Schedule 1 to CTA 2010, paragraph 366.
- (3) Despite the repeal of section 92 of FA 2001, any regulations made under subsection (4) of that section continue to have effect for the purposes of section 72DA of the Insolvency Act 1986 (exception from prohibition of appointment of administrative receiver in respect of urban regeneration projects).
- 8 (1) Section 57 of, and Schedule 6 to, FA 2003 (disadvantaged areas relief) are repealed.

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

- (2) In consequence of the provision made by sub-paragraph (1), omit the following provisions—
- (a) in section 360C of CAA 2001, subsection (2)(b) (and the “or” before it);
 - (b) in FA 2003—
 - (i) section 112(2),
 - (ii) in Schedule 15, paragraph 26, and
 - (iii) in paragraph 18A of Schedule 17A, sub-paragraph (5)(b) (and the “or” before it);
 - (c) in FA 2004, section 298(5);
 - (d) in FA 2005—
 - (i) section 96, and
 - (ii) in Schedule 9, paragraphs 1 and 4;
 - (e) in FA 2008—
 - (i) section 95(6),
 - (ii) in Schedule 30, paragraph 6, and
 - (iii) in Schedule 31, paragraphs 4 and 9;
 - (f) in Schedule 22 to FA 2011, paragraph 4.
- (3) In Schedule 15 to FA 2003, in paragraph 25(2), for “paragraphs 26 to 28” substitute “paragraphs 27 and 28”.

Leases granted by registered social landlords

- 9 (1) In Part 5 of FA 2003 (stamp duty), the following provisions are repealed—
- (a) section 128 (exemption of certain leases granted by registered social landlords);
 - (b) section 129 (relief for certain leases granted before section 128 had effect);
 - (c) in section 130 (registered social landlords: treatment of certain leases granted between 1 January 1990 and 27 March 2000), subsections (3) to (6) and (9).
- (2) In consequence of the provision made by sub-paragraph (1), in Schedule 4 to CRCA 2005, omit paragraphs 125 to 127.

Application and transitional provision

- 10 (1) The amendments made by paragraphs 1 to 5, 6(1), 7 and 9(1)(a) of this Schedule have effect in relation to instruments executed on or after 6 April 2013.
- (2) The amendments made by—
- (a) paragraphs 6(2) and 9(1)(b) of this Schedule, and
 - (b) paragraph 9(1)(c) and (2) of this Schedule, so far as relating to the repeal of section 129 of FA 2003,
- have effect in relation to instruments stamped on or after 6 April 2013.
- (3) The amendments made by paragraph 9(1)(c) and (2), so far as not relating to that repeal, come into force on 6 April 2013.
- (4) The amendments made by paragraph 8 of this Schedule have effect in relation to transactions of which the effective date is on or after 6 April 2013.
- (5) This paragraph is subject to paragraphs 11 and 12.

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

- 11 The amendments made by paragraph 7 do not have effect in relation to an instrument giving effect to a contract entered into on or before 16 March 2005, unless—
- (a) the instrument is made in consequence of the exercise after that date of any option, right of pre-emption or similar right, or
 - (b) the instrument transfers the property in question to, or vests it in, a person other than the purchaser under the contract, because of an assignment (or assignation) or further contract made after that date.
- 12 (1) The amendments made by paragraph 8 do not have effect in relation to—
- (a) any transaction that is effected in pursuance of a contract entered into and substantially performed on or before 16 March 2005, or
 - (b) (subject to sub-paragraph (2)) any other transaction that is effected in pursuance of a contract entered into on or before that date.
- (2) The exclusion by sub-paragraph (1)(b) of transactions effected in pursuance of any contract entered into on or before 16 March 2005 does not apply if—
- (a) there is any variation of the contract or assignment of rights under the contract after that date,
 - (b) the transaction is effected in consequence of the exercise after that date of any option, right of pre-emption or similar right, or
 - (c) after that date there is an assignment, subsale or other transaction relating to the whole or part of the subject-matter of the contract as a result of which a person other than the purchaser under the contract becomes entitled to call for a conveyance.
- 13 (1) Any claim for relief under Schedule 6 to FA 2003 (disadvantaged areas relief) which is made in respect of a transaction of which the effective date is on or before 5 April 2013 must be made before 6 May 2014.
- (2) Sub-paragraph (1) applies—
- (a) whether or not the claim is made in a land transaction return or an amendment of such a return, and
 - (b) whether the effective date of the transaction is before or after the day on which this Act comes into force.