



Finance Act 2004

2004 CHAPTER 12

PART 6

OTHER TAXES

Stamp duty land tax

297 Leases

- (1) Part 4 of the Finance Act 2003 (c. 14) (stamp duty land tax) is amended as follows.
- (2) In subsection (3) of section 43 (land transactions), in paragraph (d) (inserted by paragraph 2(b) of Schedule 39 to this Act), after “where” insert “(i)” and at the end insert “, or
 - (ii) paragraph 15A of Schedule 17A (reduction of rent or term) applies.”.
- (3) In section 48 (chargeable interests), at the end of subsection (7) (inserted by paragraph 4(2) of that Schedule) insert “and to paragraph 15A of Schedule 17A (reduction of rent or term of lease)”.
- (4) In section 53 (deemed market value where transaction involves connected company), for subsection (1) substitute—
 - “(1) This section applies where the purchaser is a company and—
 - (a) the vendor is connected with the purchaser, or
 - (b) some or all of the consideration for the transaction consists of the issue or transfer of shares in a company with which the vendor is connected.
 - (1A) The chargeable consideration for the transaction shall be taken to be not less than—
 - (a) the market value of the subject-matter of the transaction as at the effective date of the transaction, and
 - (b) if the acquisition is the grant of a lease at a rent, that rent.”.

Status: This is the original version (as it was originally enacted).

- (5) In section 79 (registration of land transactions etc), in subsection (2) (transactions to which section does not apply) (as amended by paragraph 7 of Schedule 39 to this Act) —
- (a) in paragraph (a) for the words from “by virtue of” to the end substitute “by virtue of—
 - (i) section 45 (contract and conveyance: effect of transfer of rights), or
 - (ii) paragraph 12B of Schedule 17A (assignment of agreement for lease),”;
 - (b) at the end insert—
 - “(c) under paragraph 12A(2) or 19(3) of Schedule 17A (agreement for lease), or
 - (d) under paragraph 13 (increase of rent) or 15A (reduction of rent or term) of that Schedule.”.
- (6) After that subsection insert—
- “(2A) Subsection (1), so far as relating to the entry of a notice under section 34 of the Land Registration Act 2002 or section 38 of the Land Registration Act (Northern Ireland) 1970 (notice in respect of interest affecting registered land), does not apply where the land transaction in question is the variation of a lease.”.
- (7) In subsection (3) of that section, after “The certificate” insert “referred to in subsection (1)”.
- (8) In Schedule 4 (chargeable consideration), in paragraph 10 (carrying out of works), in sub-paragraph (2A) (inserted by paragraph 9(2) of Schedule 39 to this Act), for the words from the beginning to “completion,” substitute—
- “Where by virtue of—
- (a) subsection (8) of section 44 (contract and conveyance),
 - (b) paragraph 12A of Schedule 17A (agreement for lease), or
 - (c) paragraph 19(3) to (6) of Schedule 17A (missives of let etc in Scotland),
- there are two notifiable transactions (the first being the contract or agreement and the second being the transaction effected on completion or, as the case may be, the grant or execution of the lease),”.
- (9) Subsections (2) to (4) and (8) apply in relation to any transaction of which the effective date is on or after the day on which this Act is passed.
- (10) Subsections (5) to (7) apply in relation to any transaction or deemed transaction of which the effective date is on or after 17th March 2004.
- (11) In this section “effective date” has the same meaning as in Part 4 of the Finance Act [2003 \(c. 14\)](#).