

*These notes refer to the Income Tax Act 2007 (c.3)  
which received Royal Assent on 20 March 2007*

# INCOME TAX ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 8: Other reliefs**

##### **Overview**

#### *Chapter 3: Gifts of shares, securities and real property to charities etc*

##### **Overview**

#### *Section 442: Qualifying interests in land held jointly*

1254. This section deals with land held by joint tenants or by tenants in common. It is based on section 587C(1) to (3) of ICTA.
1255. Relief is given only if each joint tenant, or tenant in common, disposes of the whole of that person's beneficial interest in the land. This applies whether the relief is claimed by an individual under this Chapter, or by a company under sections 587B and 587C of ICTA.
1256. It is provided that there must be an agreement between all the tenants eligible for relief (whether individuals or not, and whether joint or in common) as to the share of the relief attributable to each tenant. To the extent that there is no such agreement between the owners entitled to relief, there is no relief under this Chapter, or under sections 587B and 587C of ICTA.
1257. The relief is available to individuals under this Chapter and to companies under sections 587B and 587C of ICTA, but not to other persons. So it is necessary in the case of joint disposals to set out a method to determine whether all beneficial interests have been disposed of. To that end, and to ensure that the total relief given under this Chapter and the corresponding provisions of ICTA is not excessive, it is provided that, for this purpose only, the rules defining "qualifying interest in land" in section 433(2) to (4) are to apply to all owners as if they were individuals. See also *Change 80* in Annex 1 and the commentary on section 443.