



Scotland Act 2012

2012 CHAPTER 11

PART 3

FINANCE

Scottish tax on land transactions

28 Scottish tax on transactions involving interests in land

- (1) In Part 4A of the 1998 Act (as inserted by section 23), after Chapter 2 (inserted by section 25) insert—

“CHAPTER 3

TAX ON TRANSACTIONS INVOLVING INTERESTS IN LAND

80I Tax on transactions involving interests in land

- (1) A tax charged on any of the following transactions is a devolved tax—
- (a) the acquisition of an estate, interest, right or power in or over land in Scotland;
 - (b) the acquisition of the benefit of an obligation, restriction or condition affecting the value of any such estate, interest, right or power.
- (2) The tax may be chargeable—
- (a) whether or not there is any instrument effecting the transaction,
 - (b) if there is such an instrument, regardless of where it is executed, and
 - (c) regardless of where any party to the transaction is or is resident.

Status: This is the original version (as it was originally enacted).

80J Certain transactions not taxable

- (1) Tax may not be imposed under section 80I on so much of a transaction as relates to land below mean low water mark.
- (2) The following persons are not to be liable to pay a tax imposed under section 80I—

Government

A Minister of the Crown
 The Scottish Ministers
 A Northern Ireland department
 The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government

Parliament etc

The Corporate Officer of the House of Lords
 The Corporate Officer of the House of Commons
 The Scottish Parliamentary Corporate Body
 The Northern Ireland Assembly Commission
 The National Assembly for Wales Commission
 The National Assembly for Wales.”

- (2) Tax may not be charged in accordance with the provisions inserted by this section on a land transaction within the meaning of Part 4 of the Finance Act 2003 unless section 29 (disapplication of UK stamp duty land tax) has effect in relation to that transaction.

29 Disapplication of UK stamp duty land tax

- (1) Part 4 of the Finance Act 2003 (stamp duty land tax) is amended as follows.
- (2) In section 48 (chargeable interests), in subsection (1)(a) for “the United Kingdom” substitute “England and Wales or Northern Ireland”.
- (3) In Schedule 3—
 - (a) Part 1 contains further amendments relating to the disapplication of stamp duty land tax to Scotland, and
 - (b) Part 2 makes provision, in consequence of the disapplication of paragraph 1(1)(b) of Schedule 10 to the Finance Act 2003 (prescribed information in land transaction returns) to transactions relating to land in Scotland, about the supply of information to Her Majesty’s Revenue and Customs.
- (4) This section has effect in relation to land transactions with an effective date on or after such date as is appointed by the Treasury by order under this subsection.
- (5) But this section does not have effect in relation to any transaction—
 - (a) effected in pursuance of a contract entered into and substantially performed on or before the date on which this Act receives Royal Assent, or
 - (b) effected in pursuance of a contract entered into on or before that date and not excluded by subsection (6).
- (6) A transaction effected in pursuance of a contract entered into on or before the date on which this Act receives Royal Assent is excluded 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.