Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 anaw 1
SCHEDULE 23 – AMENDMENTS TO THE TAX COLLECTION AND MANAGEMENT (WALES) ACT
2016
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1

SCHEDULE 23

AMENDMENTS TO THE TAX COLLECTION
AND MANAGEMENT (WALES) ACT 2016

24   After section 63 insert—

"**63A Claim for relief in respect of land transaction tax: regulations ceasing to have effect**

(1) If—

    (a)   by virtue of section 26(2) of LTTA the tax bands and tax rates specified in rejected regulations apply to a chargeable transaction, and

    (b)   in consequence, the amount of land transaction tax chargeable in respect of the transaction is greater than the amount that would otherwise have been chargeable,

the buyer in the transaction may make a claim to WRA for the discharge or repayment of the amount of land transaction tax that would not have been chargeable had the rejected regulations not been made.

(2) Where WRA decides to give effect to a claim under subsection (1) it must also discharge or repay any penalty or interest related to the amount of tax discharged or repaid.

(3) Any penalty or interest is related to an amount of tax for this purpose to the extent that it—

    (a)   is attributable to the amount, and

    (b)   would not have been incurred but for the application to the transaction in question of the tax bands and tax rates specified in the rejected regulations.

(4) A claim under subsection (1) must be made before the end of the period of 12 months beginning with the later of—

    (a)   the date on which the rejected regulations cease to have effect, or

    (b)   the filing date for a tax return containing an assessment of tax chargeable calculated using the tax bands and tax rates specified in the rejected regulations.

(5) A claim under subsection (1) is to be treated as if it were an amendment made under section 41 to the assessment of tax chargeable contained in a tax return.

(6) In this section—

        "chargeable transaction" ("*trafodiad trethadwy*") has the meaning given by section 17 of LTTA;

        "rejected regulations" ("*rheoliadau a wrthodir*") has the meaning given by section 26(1)(a) of that Act."