

SCHEDULE 6

LEASES

PART 5

CALCULATION OF TAX CHARGEABLE

Tax chargeable in respect of consideration other than rent: mixed leases

- 35 (1) This paragraph applies in the case of an acquisition of a mixed lease where—
- (a) there is chargeable consideration other than rent, and
 - (b) the relevant rent attributable, on a just and reasonable apportionment, to the land which is not residential property is at least the specified amount.
- (2) For the purpose of determining the amount of tax chargeable in relation to the consideration other than rent, the transaction (or where it is one of a number of linked transactions, that set of transactions) is treated as if it were two separate but linked transactions (or two separate sets of linked transactions which are themselves linked) namely—
- (a) one whose subject-matter consists of all the land that is residential property (and section 28 (amount of tax chargeable: linked transactions) applies accordingly), and
 - (b) one whose subject-matter consists of all the land that is not residential property (and that section as modified by paragraph 34 applies accordingly).
- (3) For that purpose, the chargeable consideration attributable to each of those separate transactions (or sets of linked transactions) is the chargeable consideration so attributable on a just and reasonable basis.