



Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017

2017 anaw 1

PART 3

CALCULATION OF TAX AND RELIEFS

Reliefs

31 Reliefs: anti-avoidance

- (1) Relief is not available under any of the provisions mentioned in subsection (2) or (3) of section 30 in respect of a land transaction—
 - (a) which is a tax avoidance arrangement, or
 - (b) which forms part of arrangements which are tax avoidance arrangements.
- (2) An arrangement is a “tax avoidance arrangement” if—
 - (a) the obtaining of a tax advantage for any person is the main purpose, or one of the main purposes, of the buyer in the land transaction entering into the arrangement, and
 - (b) the arrangement lacks genuine economic or commercial substance other than the obtaining of a tax advantage.
- (3) In this section—
 - “arrangement” (“*trefniant*”) includes any transaction, scheme, agreement, grant, understanding, promise, undertaking or series of any of those things (whether or not legally enforceable);
 - “tax” (“*treth*”) means land transaction tax, income tax, corporation tax, capital gains tax, stamp duty land tax, stamp duty reserve tax or stamp duty;
 - “tax advantage” (“*mantais drethiannol*”) means—
 - (a) relief or increased relief from tax,
 - (b) repayment or increased repayment of tax,

Status: This is the original version (as it was originally enacted).

- (c) avoidance or reduction of a charge to tax, or
- (d) deferral of a payment of tax or advancement of a repayment of tax.