



Land and Buildings Transaction Tax (Scotland) Act 2013

2013 asp 11

PART 4

RETURNS AND PAYMENT

CHAPTER 2

PAYMENT OF TAX

40 **Payment of tax**

- (1) Tax payable in respect of a land transaction must be paid to the Tax Authority.
- (2) Where a return is to be made under any of the following provisions, the tax or additional tax payable must be paid at the same time as the return is made—
 - (a) section 29 (land transaction return),
 - (b) section 31 (return where contingency ceases or consideration ascertained),
 - (c) section 33 (further return where relief withdrawn),
 - (d) section 34 (return or further return in consequence of later linked transaction),
or
 - (e) in schedule 19 (leases)—
 - (i) paragraph 10 (return on 3-yearly review),
 - (ii) paragraph 11 (return on assignation or termination of lease),
 - (iii) paragraph 20 (return where lease for fixed term continues after end of term),
 - (iv) paragraph 22 (return in relation to lease for indefinite term),
 - (v) paragraph 30 (transactions which become notifiable on variation of rent or term).
- (3) Tax payable as a result of the amendment of a return must be paid at the same time as the amendment is made.

Status: This is the original version (as it was originally enacted).

- (4) For the purposes of subsections (2) and (3), tax is treated as paid if arrangements satisfactory to the Tax Authority are made for payment of the tax.
- (5) This section is subject to section 41 (application to defer payment of tax in case of contingent or uncertain consideration).

41 Application to defer payment in case of contingent or uncertain consideration

- (1) The buyer may apply to the Tax Authority to defer payment of tax in a case where—
 - (a) the amount of tax payable depends on the amount or value of chargeable consideration that, at the effective date of the transaction, is contingent or uncertain, and
 - (b) the chargeable consideration falls to be paid or provided on one or more future dates of which at least one falls, or may fall, more than 6 months after the effective date of the transaction.
- (2) An application under this section must—
 - (a) be in the form specified by the Tax Authority, and
 - (b) contain the information specified by the Tax Authority.
- (3) An application under this section does not affect the buyer's obligations as regards payment of tax in respect of chargeable consideration that—
 - (a) has already been paid or provided at the time the application is made, or
 - (b) is not contingent and whose amount is ascertained or ascertainable at the time the application is made.
- (4) Subsection (3) applies as regards both the time of payment and the calculation of the amount payable.
- (5) Unless the Scottish Ministers provide otherwise by order, this section does not apply to consideration so far as it consists of rent.

42 Regulations about applications under section 41

- (1) The Scottish Ministers may, by regulations, make further provision about applications under section 41.
- (2) The regulations may in particular—
 - (a) specify when an application is to be made,
 - (b) require the buyer to provide such information as the Tax Authority may reasonably require for the purposes of determining whether to accept an application,
 - (c) specify the grounds on which an application may be refused,
 - (d) specify the procedure for reaching a decision on the application,
 - (e) make provision for postponing payment of tax when an application has been made,
 - (f) provide for the effect of accepting an application,
 - (g) require the buyer to make a return or further return, and to make such payments or further payments of tax as may be specified, in such circumstances as may be specified.

- (3) Regulations under this section may also provide that where the circumstances in subsection (4) arise—
- (a) sections 31 and 32 (adjustment where contingency ceases or consideration is ascertained) do not apply in relation to the payment, and
 - (b) instead, any necessary adjustment is to be made in accordance with the regulations.
- (4) The circumstances are—
- (a) a payment is made as mentioned in section 41(3), and
 - (b) an application under this section is accepted in respect of other chargeable consideration taken into account in calculating the amount of that payment.