
Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, Cross Heading: Buyer bearing capital gains tax liability. (See end of Document for details)

SCHEDULE 2 CHARGEABLE CONSIDERATION

Buyer bearing capital gains tax liability

- 16 (1) Where—
- (a) there is a land transaction under which the chargeable interest in question—
 - (i) is acquired otherwise than by a bargain made at arm's length, or
 - (ii) is treated by section 18 of the Taxation of Chargeable Gains Act [F11992] (c.12) (connected persons) as so acquired, and
 - (b) the buyer is or becomes liable to pay, or does in fact pay, any capital gains tax due in respect of the corresponding disposal of the chargeable interest, the buyer's liability or payment does not count as chargeable consideration for the transaction.
- (2) Sub-paragraph (1) does not apply if there is chargeable consideration for the transaction (disregarding the liability or payment referred to in sub-paragraph (1)(b)).

Textual Amendments

- F1** Word in Sch. 2 para. 16(1)(a)(ii) substituted (7.11.2014) by [Revenue Scotland and Tax Powers Act 2014](#) (asp 16), s. 260(2), [Sch. 4 para. 9\(18\)](#) (with ss. 257-259); S.S.I. 2014/278, art. 2, Sch.

Commencement Information

- II** Sch. 2 para. 16 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

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