

[<sup>F1</sup>SCHEDULE 2A  
ADDITIONAL AMOUNT: TRANSACTIONS RELATING TO SECOND HOMES ETC.

**Textual Amendments**

- F1** Sch. 2A inserted (1.4.2016) by [Land and Buildings Transaction Tax \(Amendment\) \(Scotland\) Act 2016](#) (asp 11), [ss. 1\(3\), 5\(2\)](#) (with s. 3)

**PART 6**

OWNERSHIP OF DWELLINGS

*What counts as a dwelling owned by a person?*

- 11 (1) This paragraph applies to determine what counts as a dwelling owned by a person for the purposes of this schedule.
- (2) Dwellings situated outside Scotland (as well as such property in Scotland) are to be counted.
- (3) A dwelling owned by a person is not to be counted for the purposes of paragraph 2(1)(c) if the acquisition of ownership of the dwelling by the person—
- (a) is or was a chargeable transaction to which this schedule applies by virtue of paragraph 3, or
  - (b) would have been such a chargeable transaction but for the fact that the dwelling is situated outside Scotland.
- (4) Ownership of a dwelling (other than one that is or forms part of the subject-matter of the chargeable transaction) is not to be counted if the market value of the ownership interest is less than £40,000.
- (5) In determining the market value of the ownership interest in a dwelling for the purposes of sub-paragraph (4), the market value of any interest or right pertaining to ownership of the dwelling is to be included.
- (6) Where the ownership interest in a dwelling is one of deemed ownership by virtue of paragraph 13 or 16 then, for the purposes of sub-paragraph (4), the market value of the interest is taken to be the market value of the dwelling.
- (7) In determining the market value of a dwelling for the purposes of sub-paragraph (6)
- (a) the market value of any interest or right pertaining to ownership of the dwelling is to be included, and
  - (b) no account is to be taken of the effect of the existence of the interest referred to in sub-paragraph (6).]

**Changes to legislation:**

There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, Paragraph 11.