

*These notes relate to the Land and Buildings Transaction
Tax (Amendment) (Scotland) Act 2016 (asp 11)*

EXPLANATORY NOTES

LAND AND BUILDINGS TRANSACTION TAX (AMENDMENT) (SCOTLAND) ACT 2016

INTRODUCTION

BACKGROUND

THE 2016 ACT

Overview

Operation of additional tax provisions

Diagram

COMMENTARY ON SECTIONS

Section 1 – Land and buildings transaction tax: second homes etc.

Part 1 of schedule 2A - Overview

Paragraph 1 of schedule 2A – Overview

Part 2 of schedule 2A – Transactions to which this schedule applies

Paragraph 2 of schedule 2A – Transactions relating to second homes etc.

Paragraph 3 of schedule 2A – Transactions where buyer is a non-individual etc.

Part 3 of schedule 2A – The additional amount

Paragraph 4 of schedule 2A – The additional amount

Part 4 of schedule 2A – Certain types of buyer

Paragraph 5 of schedule 2A – Joint buyers

Paragraph 6 of schedule 2A – Spouses, civil partners, cohabitants and children

Paragraph 7 of schedule 2A – Trustees in certain trusts

Part 5 of schedule 2A – Repayment of and relief from the additional amount

Paragraph 8 of schedule 2A – Repayment of additional amount in certain cases

Paragraph 9 of schedule 2A – Relief for purchases of 6 or more dwellings

Paragraph 10 of schedule 2A – Relief: supplemental

Part 6 of schedule 2A – Ownership of dwellings

Paragraph 11 of schedule 2A – What counts as a dwelling owned by a person?

Paragraph 12 of schedule 2A – Deemed ownership: cases where title is not yet registered etc.

Paragraph 13 of schedule 2A – Deemed ownership: beneficiaries under certain trusts

Paragraph 14 of schedule 2A – Deemed ownership: dwellings owned by trustees or personal representatives

Paragraph 15 of schedule 2A – Deemed ownership: long leases

Paragraph 16 of schedule 2A – Deemed ownership: proper liferents

Paragraph 17 of schedule 2A – Deemed ownership: joint owners and owners of shares

Paragraph 18 of schedule 2A – Dwellings outside Scotland; what counts as “ownership”

Part 7 of schedule 2A – General provision

Paragraph 19 of schedule 2A – Power of Scottish Ministers to modify schedule

Paragraph 20 of schedule 2A – Interpretation

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Section 3 – Transitional provision: application of this Act

Section 4 – Ancillary provision

Section 5 – Commencement

PARLIAMENTARY HISTORY