
Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017, Paragraph 43. (See end of Document for details)

SCHEDULE 7

PARTNERSHIPS

PART 9

APPLICATION OF EXEMPTIONS, RELIEFS, PROVISIONS OF TCMA AND NOTIFICATION PROVISIONS

Modifications of TCMA in relation to partnerships

- 43 (1) TCMA applies in relation to land transaction tax in respect of a land transaction entered into as buyers by or on behalf of the members of a partnership with the following modifications.
- (2) Section 58 (conditions for making WRA assessments) has effect as if subsection (2) (c) were omitted.
- (3) Section 59 (time limits for WRA assessments) has effect as if in subsection (7) in the definition of ““related person””, paragraph (b) were omitted.
- (4) Section 79 (the claimant: partnerships) has effect as if there were substituted for it—

The claimant: partnerships in relation to land transactions

- “79 (1) This section is about the application of sections 63 and 63A in a case where—
- (a) (in a case falling within section 63(1)(a)) the person paid the amount in question in the capacity of a partner in a partnership (within the meaning of paragraph 3 of Schedule 7 to LTTA),
- (b) (in a case falling within section 63(1)(b)) the assessment was made on, or the determination related to the liability of, the person in such a capacity, or
- (c) (in a case falling within section 63A(1)) the buyer in the land transaction is a person acting in such a capacity.
- (2) In such a case, only a representative partner within the meaning of paragraph 10 of Schedule 7 to LTTA may make a claim under section 63 or 63A in respect of the amount in question.”
- (5) Section 80 (assessment of claimant in connection with claim) has effect as if in subsection (2), for ““any relevant person (as defined in section 79(3))”” there were substituted “ a responsible partner within the meaning of paragraph 9 of Schedule 7 to LTTA ”.
- (6) Section 91 (requiring information and documents in relation to a partnership) has effect as if—
- (a) for subsection (1) there were substituted—
- “ (1) This section applies in relation to a partnership within the meaning of paragraph 3 of Schedule 7 to LTTA.”;
- (b) in subsection (2)—
- (i) in the opening words, for ““one of the partners”” (in both places) there were substituted “ one of the responsible partners ”;

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- (ii) in paragraphs (a)(iii) and (c), for ““at least one of the partners”” there were substituted “ the representative partner, or where there is no representative partner, to at least one of the responsible partners ”;
- (c) after subsection (2) there were inserted—
- “(3) ““Responsible partner”” and ““representative partner”” have the meanings given by paragraphs 9 and 10 of Schedule 7 to LTTA.”
- (7) Section 100 (taxpayer notices following a tax return) has effect as if for subsection (6) there were substituted—
- “(6) Where any responsible partner in a partnership has made a tax return, this section has effect as if that return had been made by each of the responsible partners.
- (6A) ““Partnership”” and ““responsible partner”” have the meanings given by paragraphs 3 and 9 of Schedule 7 to LTTA.”

Commencement Information

II Sch. 7 para. 43 in force at 1.4.2018 by S.I. 2018/34, art. 3

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