

**Changes to legislation:** There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, Cross Heading: Application of group relief. (See end of Document for details)

## SCHEDULE 17 PARTNERSHIPS

### PART 8

#### APPLICATION OF PROVISIONS ON EXEMPTIONS, RELIEFS AND NOTIFICATION

##### *Application of group relief*

- 38 (1) Schedule 10 (group relief) applies with the following modifications to—
- (a) a transaction to which Part 4 applies, and
  - (b) a transfer of interest in a partnership which is treated as a land transaction by virtue of paragraph 17.
- (2) For paragraphs 14 and 15 substitute—
- “14 This paragraph applies where a partner who was a partner at the effective date of the transaction which is exempt from charge by virtue of this schedule (“the relevant partner” and “the relevant transaction” respectively) ceases to be a member of the same group as the seller—
- (a) before the end of the period of 3 years beginning with the effective date of the transaction, or
  - (b) in pursuance of, or in connection with, arrangements made before the end of that period.
- 15 This paragraph applies where, at the time the relevant partner ceases to be a member of the same group as the seller (“the relevant time”), a chargeable interest is held by or on behalf of the members of the partnership and that chargeable interest—
- (a) was acquired by or on behalf of the partnership under the relevant transaction, or
  - (b) is derived from a chargeable interest so acquired,
- and has not subsequently been acquired at market value under a chargeable transaction for which group relief was available but was not claimed.”
- (3) For paragraph 19(b), substitute—
- “(b) what is held at the relevant time by or on behalf of the partnership and to the proportion in which the relevant partner is entitled at the relevant time to share in the income profits of the partnership.”
- (4) In paragraphs 20 to [F142K], for “the buyer” (wherever appearing) substitute “the relevant partner” .

#### Textual Amendments

- F1** Word in Sch. 17 para. 38(4) substituted (1.4.2015) by [Revenue Scotland and Tax Powers Act 2014 \(asp 16\)](#), s. 260(2), [Sch. 4 para. 9\(22\)\(b\)](#) (with ss. 257-259); S.S.I. 2015/110, art. 2(1)

#### Commencement Information

- II** Sch. 17 para. 38 in force at 1.4.2015 by [S.S.I. 2015/108](#), art. 2

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- 39 (1) This paragraph applies where in calculating the sum of the lower proportions in relation to a transaction (in accordance with paragraph 14)—
- (a) a company (“the connected company”) would have been a corresponding partner of a relevant owner (“the original owner”) but for the fact that paragraph 16 includes connected persons only if they are individuals, and
  - (b) the connected company and the original owner are members of the same group.
- (2) The charge in respect of the transaction is to be reduced to the amount that would have been payable had the connected company been a corresponding partner of the original owner for the purposes of calculating the sum of the lower proportions.
- (3) The provisions of schedule 10 apply to the relief under sub-paragraph (2) as to group relief under paragraph 2 of that schedule, but—
- (a) with the omission of paragraph 5(a),
  - (b) with the substitution for paragraphs 14 and 15 of—
- “14 This paragraph applies where a partner (“the relevant partner”) who was, at the effective date of the transaction which is exempt from charge by virtue of this schedule (“the relevant transaction”), a partner and a member of the same group as the transferor, ceases to be a member of the same group as the seller—
- (a) before the end of the period of 3 years beginning with the effective date of the transaction, or
  - (b) in pursuance of, or in connection with, arrangements made before the end of that period.
- 15 This paragraph applies where, at the time the relevant partner ceases to be a member of the same group as the seller (“the relevant time”), a chargeable interest is held by or on behalf of the members of the partnership and that chargeable interest—
- (a) was acquired by or on behalf of the partnership under the relevant transaction, or
  - (b) is derived from a chargeable interest so acquired, and has not subsequently been acquired at market value under a chargeable transaction for which group relief was available but was not claimed.”,
- (c) with the other modifications specified in paragraph 38(3) and (4).

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**Commencement Information**

**I2** Sch. 17 para. 39 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

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