

*Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, PART 6. (See end of Document for details)*

## SCHEDULE 18 TRUSTS

### PART 6

#### INTERPRETATION

##### *Meaning of “bare trust”*

- 19 In this schedule, a “bare trust”—
- (a) is a trust under which the property is held by a person as trustee—
    - (i) for a person who is absolutely entitled as against the trustee, or who would be so entitled but for being under a legal disability by reason of non-age or under another disability, or
    - (ii) for two or more persons who are or would be jointly so entitled, and
  - (b) includes a case in which a person holds property as a nominee for another.

##### **Commencement Information**

- I1** Sch. 18 para. 19 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

##### *Meaning of “absolutely entitled”*

- 20 The references in paragraph 19 to a person being absolutely entitled to property as against the trustee are references to a case where the person has the exclusive right, subject only to satisfying any outstanding charge, lien or other right of the trustee—
- (a) to resort to the property for payment of duty, taxes, costs or other outgoings, or
  - (b) to direct how the property is to be dealt with.

##### **Commencement Information**

- I2** Sch. 18 para. 20 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

##### *Meaning of “settlement”*

- 21 In this schedule, “settlement” means a trust that is not a bare trust.

##### **Commencement Information**

- I3** Sch. 18 para. 21 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

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