



# Finance Act 2003

## 2003 CHAPTER 14

### PART 4

#### STAMP DUTY LAND TAX

##### *Supplementary provisions*

#### **108 Linked transactions**

- (1) Transactions are “linked” for the purposes of this Part if they form part of a single scheme, arrangement or series of transactions between the same vendor and purchaser or, in either case, persons connected with them.

Section 839 of the Taxes Act 1988 (connected persons) has effect for the purposes of this subsection

- (2) Where there are two or more linked transactions with the same effective date, the purchaser, or all of the purchasers if there is more than one, may make a single land transaction return as if all of those transactions that are notifiable were a single notifiable transaction.
- (3) Where two or more purchasers make a single return in respect of linked transactions, section 103 (joint purchasers) applies as if—
  - (a) the transactions in question were a single transaction, and
  - (b) those purchasers were purchasers acting jointly.

#### **109 General power to vary this Part by regulations**

- (1) The Treasury may if they consider it expedient in the public interest make provision by regulations for the variation of this Part in its application to land transactions of any description.
- (2) The power conferred by this section includes, in particular, power to alter—
  - (a) the descriptions of land transaction that are chargeable or notifiable;

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- (b) the descriptions of land transaction in respect of which tax is chargeable at any existing rate or amount.
- (3) The power conferred by this section does not, except as mentioned in subsection (2) (b), include power to vary any threshold, rate or amount specified in—
  - (a) section 55 (amount of tax chargeable: general), or
  - (b) Schedule 5 (amount of tax chargeable: rent).
- (4) This section has effect subject to section 110 (approval of regulations by House of Commons).
- (5) Regulations under this section do not apply in relation to any transaction of which the effective date is after the end of—
  - (a) the period of 18 months beginning with the day on which the regulations were made, or
  - (b) such shorter period as may be specified in the regulations.

This does not affect the power to make further provision by regulations under this section to the same or similar effect.

- (6) Regulations under this section may include such supplementary, transitional and incidental provision as appears to the Treasury to be necessary or expedient.
- (7) The power conferred by this section may be exercised at any time after the passing of this Act.

#### **110 Approval of regulations under general power**

- (1) An instrument containing regulations under section 109 (general power to vary this Part by regulations) must be laid before the House of Commons after being made.
- (2) If the regulations are not approved by the House of Commons before the end of the period of 28 days beginning with the day on which they are made, they shall cease to have effect at the end of that period (if they have not already ceased to have effect under subsection (3)).
- (3) If on any day during that period of 28 days the House of Commons, in proceedings on a motion that (or to the effect that) the regulations be approved, comes to a decision rejecting the regulations, they shall cease to have effect at the end of that day.
- (4) In reckoning any such period of 28 days take no account of any time during which—
  - (a) Parliament is prorogued or dissolved, or
  - (b) the House of Commons is adjourned for more than four days.
- (5) Where regulations cease to have effect under this section, their ceasing to have effect is without prejudice to anything done in reliance on them.

As to claims for repayment, see section 111.

#### **111 Claim for repayment if regulations under general power not approved**

- (1) Where regulations cease to have effect under section 110, any amount paid by way of tax, or interest or penalty, that would not have been payable but for the regulations shall, on a claim, be repaid by the Inland Revenue.

- (2) Section 89 (interest on repayment of tax overpaid etc) applies to a repayment under this section.
- (3) A claim for repayment must be made within two years after the effective date of the transaction in question.
- (4) The Inland Revenue may make provision by regulations—
  - (a) for varying the time limit for making a claim;
  - (b) as to any other conditions that must be met before repayment is made.

## **112 Power to amend certain provisions before implementation**

- (1) The Treasury may by regulations amend the following provisions of this Part—
  - (a) Schedule 5 (amount of tax chargeable: rent);
  - (b) subsection (2) of section 55 (amount of tax chargeable: general) so far as relating to the thresholds at which different rates of tax become payable.
- (2) The regulations may make such consequential amendments of Schedule 6 (disadvantaged areas relief) as appear to the Treasury to be appropriate.
- (3) A statutory instrument containing regulations under this section shall not be made unless a draft of the instrument has been laid before and approved by resolution of the House of Commons.
- (4) The power conferred by this section is not exercisable after the implementation date.

## **113 Functions conferred on “the Inland Revenue”**

- (1) References in this Part to “the Inland Revenue” are to any officer of the Board, except as otherwise provided.
- (2) Any power of the Inland Revenue to make regulations is exercisable only by the Board.
- (3) In Schedule 10 (returns, assessments and other administrative matters)—
  - (a) functions of the Inland Revenue under these provisions are exercisable by the Board or an officer of the Board—
    - (i) paragraph 28 (discovery assessment),
    - (ii) paragraph 29 (assessment to recover excessive repayment);
  - (b) functions of the Inland Revenue under these provisions are functions of the Board—
    - (i) paragraph 33 (relief in case of double assessment),
    - (ii) paragraph 34 (relief in case of mistake in return).
- (4) Nothing in this section affects any provision of this Part that expressly confers functions on the Board, an officer of the Board, a collector or a specific officer of the Board.

## **114 Orders and regulations made by the Treasury or the Inland Revenue**

- (1) Except as otherwise provided, any power of the Treasury or the Inland Revenue to make an order or regulations under this Part, or under any other enactments relating to stamp duty land tax (including enactments passed after this Act), is exercisable by statutory instrument.

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- (2) Subsection (1) does not apply in relation to the power conferred by—  
paragraph 8 of Schedule 5 to this Act (tax chargeable in respect of rent: power to prescribe temporal discount rate),  
section 178(5) of the Finance Act 1989 (c. 26) (power to prescribe rates of interest).
- (3) Except as otherwise provided, a statutory instrument containing any order or regulations made by the Treasury or the Inland Revenue under this Part, or under any other enactments relating to stamp duty land tax (including enactments passed after this Act), shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (4) Subsection (3) does not apply to a statutory instrument made under the power conferred by—  
section 61(3) (compliance with planning obligations: power to add to list of public authorities);  
paragraph 1(3) of Schedule 9 (right to buy transactions: power to add to list of relevant public sector bodies);  
paragraph 2(2) of Schedule 19 (commencement and transitional provisions: power to appoint implementation date).

## **115 General and Special Commissioners, appeals and other proceedings**

Schedule 17 makes provision about the General and Special Commissioners, appeals and other proceedings before the Commissioners and related matters.