Finance Act 2003 (c. 14)
SCHEDULE 6C – Stamp duty land tax: relief for freeport tax sites
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S C H E D U L E S

[F1SCHEDULE 6C

STAMP DUTY LAND TAX: RELIEF FOR FREEPORT TAX SITES

Textual Amendments

F1   Sch. 6C inserted (10.6.2021) by Finance Act 2021 (c. 26), **Sch. 23 para. 8**

PART 1

QUALIFYING FREEPORT LAND

Transaction land

1   In this Schedule, "transaction land", in relation to a land transaction, means land a chargeable interest in which is the subject matter of the transaction.

Qualifying freeport land

2   For the purposes of this Schedule, transaction land is "qualifying freeport land" if, on the effective date of the transaction—

     (a)   it is situated in a freeport tax site, and

     (b)   the purchaser intends it to be used exclusively in a qualifying manner.

Use of land in a qualifying manner

3   (1) For the purposes of this Schedule, transaction land is used in a qualifying manner if—

     (a)   it is used by the purchaser or a connected person in the course of a commercial trade or profession,

     (b)   it is developed or redeveloped by the purchaser or a connected person for use (by any person) in the course of a commercial trade or profession,

     (c)   it is exploited by the purchaser or a connected person, in the course of a commercial trade or profession, as a source of rents or other receipts (other than excluded rents), or

     (d)   it is used in two or more of the ways described in paragraphs (a) to (c).

(2) But land is not used in a qualifying manner to the extent that it is—

     (a)   used as a dwelling or as the garden or grounds of a dwelling,

     (b)   developed or redeveloped to become residential property,

     (c)   exploited as a source of rents or other receipts payable by a person using the land as a dwelling or as the garden or grounds of a dwelling, or

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(d)   held (as stock of the business) for resale without development or redevelopment.

(3) For the purposes of this paragraph, use of land in the course of a commercial trade or profession includes use of land for a purpose that is ancillary to the use of other land which—

(a)   is situated in a freeport tax site, and

(b)   is being used, or developed or redeveloped, in the course of a commercial trade or profession.

(4) The references in sub-paragraph (2) to land used as the garden or grounds of a dwelling include a building or structure on the land.

(5) The references in this paragraph to doing something in the course of a commercial trade or profession include doing something in the course of a property rental business.

(6) In this paragraph—

"commercial", in relation to a trade or profession, means carried on—

(a) on a commercial basis, and

(b) with a view to profit;

"excluded rents" has the same meaning as in section 133 of the Finance Act 2013;

"property rental business" means a property business as defined in Chapter 2 of Part 3 of the Income Tax (Trading and Other Income) Act 2005.

Connected persons

4   (1) In this Schedule, "connected person" means a person who is connected with the purchaser.

(2) Section 1122 of the Corporation Tax Act 2010 (connected persons) has effect for the purposes of this paragraph.**]**

Status:
Point in time view as at 10/06/2021.

Changes to legislation:
Finance Act 2003, PART 1 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.