



Scotland Act 2012

2012 CHAPTER 11

PART 3

FINANCE

Scottish tax on land transactions

28 Scottish tax on transactions involving interests in land

- (1) In Part 4A of the 1998 Act (as inserted by section 23), after Chapter 2 (inserted by section 25) insert—

“CHAPTER 3

TAX ON TRANSACTIONS INVOLVING INTERESTS IN LAND

80I Tax on transactions involving interests in land

- (1) A tax charged on any of the following transactions is a devolved tax—
- (a) the acquisition of an estate, interest, right or power in or over land in Scotland;
 - (b) the acquisition of the benefit of an obligation, restriction or condition affecting the value of any such estate, interest, right or power.
- (2) The tax may be chargeable—
- (a) whether or not there is any instrument effecting the transaction,
 - (b) if there is such an instrument, regardless of where it is executed, and
 - (c) regardless of where any party to the transaction is or is resident.

*Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 2012, Section 28. (See end of Document for details)*

80J Certain transactions not taxable

- (1) Tax may not be imposed under section 80I on so much of a transaction as relates to land below mean low water mark.
- (2) The following persons are not to be liable to pay a tax imposed under section 80I—

Government

A Minister of the Crown
The Scottish Ministers
A Northern Ireland department
The Welsh Ministers, the First Minister for Wales and the Counsel General to the Welsh Assembly Government

Parliament etc

The Corporate Officer of the House of Lords
The Corporate Officer of the House of Commons
The Scottish Parliamentary Corporate Body
The Northern Ireland Assembly Commission
The National Assembly for Wales Commission
The National Assembly for Wales.”

- (2) Tax may not be charged in accordance with the provisions inserted by this section on a land transaction within the meaning of Part 4 of the Finance Act 2003 unless section 29 (disapplication of UK stamp duty land tax) has effect in relation to that transaction.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 2012, Section 28.