

*Status: Point in time view as at 01/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Wales Act 2014, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 16

#### WELSH TAX ON LAND TRANSACTIONS: CONSEQUENTIAL AMENDMENTS

##### *Finance Act 1931*

- 1 (1) Section 28 of the Finance Act 1931 (production to Commissioners of instruments transferring land) is amended as follows.
- (2) In subsection (3), at the end of paragraph (c) add “ or a Welsh transaction ”.
- (3) After subsection (3A) insert—
- “(3B) In subsection (3) “Welsh transaction” means the acquisition of—
- (a) an estate, interest, right or power in or over land in Wales, or
  - (b) the benefit of an obligation, restriction or condition affecting the value of any such estate, interest, right or power.”

##### **Commencement Information**

- 11** Sch. 2 para. 1 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), art. 2(a)

##### *Finance Act 2003*

- 2 The Finance Act 2003 is amended as follows.
- 3 (1) Section 48 (power to prescribe other chargeable interests) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) See section 48A regarding land which is partly in England and partly in Wales.”
- (3) In subsection (5), omit “and Wales”.

##### **Commencement Information**

- 12** Sch. 2 para. 3 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), art. 2(a)

- 4 After section 48 insert—

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### “48A Interests, transactions and consideration where land in England and Wales

- (1) This section sets out how this Part applies to a transaction which is the acquisition of—
  - (a) an estate, interest, right or power in or over land, or
  - (b) the benefit of an obligation, restriction or condition affecting the value of any such estate, interest, right or power,
 where the land is partly in England and partly in Wales.
- (2) The transaction is to be treated as if it were two transactions, one relating to the land in England (“the English transaction”) and the other relating to the land in Wales.
- (3) The consideration for the transaction is to be apportioned between those two transactions on a just and reasonable basis.
- (4) Accordingly, the English transaction is to be treated as a land transaction within the meaning of this Part (being the acquisition of a chargeable interest relating to the land in England).
- (5) But subsection (4) does not apply in the case of an exempt interest.”

#### Commencement Information

- I3** Sch. 2 para. 4 has effect as specified by [The Wales Act 2014, Sections 16 and 19 \(Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax\) \(Appointed Date\) Order 2018 \(S.I. 2018/214\)](#), **art. 2(a)**

- 5 In section 60 (compulsory purchase facilitating development), in subsections (2)(a) and (5)(a), omit “and Wales”.

#### Commencement Information

- I4** Sch. 2 para. 5 has effect as specified by [The Wales Act 2014, Sections 16 and 19 \(Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax\) \(Appointed Date\) Order 2018 \(S.I. 2018/214\)](#), **art. 2(a)**

- 6 In section 73(5) (definition of mortgage for land acquired under alternative property finance arrangements), in subsection (b)(i), omit “or Wales”.

#### Commencement Information

- I5** Sch. 2 para. 6 has effect as specified by [The Wales Act 2014, Sections 16 and 19 \(Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax\) \(Appointed Date\) Order 2018 \(S.I. 2018/214\)](#), **art. 2(a)**

- 7 In section 108(1A) (linked transactions), for “the land to which it relates is in Scotland” substitute “—
- (a) the transaction relates to land in Scotland, or
  - (b) the transaction relates to land in Wales (whether by virtue of section 48A(2) or otherwise).”

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#### Commencement Information

**I6** Sch. 2 para. 7 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

8 In section 117(2) (meaning of “major interest” in England or Wales), omit “or Wales”.

#### Commencement Information

**I7** Sch. 2 para. 8 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

9 In section 121 (minor definitions), in the definition of “jointly entitled”, omit “and Wales”.

#### Commencement Information

**I8** Sch. 2 para. 9 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

[<sup>F1</sup>9A (1) Paragraph 6 of Schedule 6ZA (relief for first-time buyers: definition of “first-time buyer”) is amended as follows.

(2) In sub-paragraph (1)(b)—

(a) after “acquired” insert

(i),  
and

(b) at the end insert

(ii) an interest of a kind mentioned in section 117(2) in a dwelling situated in Wales.”.

(3) In sub-paragraph (2) after “lease” insert “or, in the case of a dwelling situated in Wales, a term of years absolute”.]

#### Textual Amendments

**F1** Sch. 2 para. 9A inserted (15.3.2018) by Finance Act 2018 (c. 3), **s. 41(7)**

10 In Schedule 7 (group relief), in paragraph 2B(4) (certain mortgage arrangements not eligible for relief), omit “and Wales”.

#### Commencement Information

**I9** Sch. 2 para. 10 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

11 In Schedule 9 (right to buy, shared ownership leases, etc), in paragraph 7(2)(b) (shared ownership trusts), omit “or Wales”.

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**Commencement Information**

**I10** Sch. 2 para. 11 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

- 12 In Schedule 10 (returns, enquiries, assessments and appeals), in paragraph 45(2)(a) (definition of “the relevant tribunal”), omit “and Wales”.

**Commencement Information**

**I11** Sch. 2 para. 12 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

*Finance Act 2009*

- 13 Schedule 61 to the Finance Act 2009 (alternative finance investment bonds) is amended in accordance with paragraphs 14 and 15.

- 14 (1) Paragraph 1 is amended as follows.
- (2) In the definition of “effective date” in sub-paragraph (1), after “Scotland” (in both places) insert “ or Wales ”.
- (3) For sub-paragraph (1A) substitute—
- “(1A) In this Schedule “qualifying interest” means—
- (a) in relation to land in England and Wales—
- (i) an estate in fee simple absolute, or
- (ii) a term of years absolute,
- whether subsisting at law or in equity;
- (b) in relation to land in Scotland—
- (i) the interest of an owner of land, or
- (ii) the tenant's right over or interest in a property subject to a lease;
- (c) in relation to land in Northern Ireland—
- (i) any freehold estate, or
- (ii) any leasehold estate,
- whether subsisting at law or in equity;
- except that it does not include a lease for a term of years, or (in Scotland) for a period, of 21 years or less.”

**Commencement Information**

**I12** Sch. 2 para. 14 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

- 15 In the following provisions omit “and Wales”—
- (a) paragraph 5(6) (in both places);
- (b) paragraph 6(1)(a);
- (c) paragraph 11(2);

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- (d) paragraph 12(1)(b);
- (e) paragraph 18(5) and (6);
- (f) paragraph 19(1)(a).

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**Commencement Information**

**I13** Sch. 2 para. 15 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

*Scotland Act 2012*

- 16 In Schedule 3 to the Scotland Act 2012, omit paragraph 31(4) (which inserts paragraph 1(1A) of Schedule 61 to the Finance Act 2009).

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**Commencement Information**

**I14** Sch. 2 para. 16 has effect as specified by The Wales Act 2014, Sections 16 and 19 (Disapplication of UK Stamp Duty Land Tax and UK Landfill Tax) (Appointed Date) Order 2018 (S.I. 2018/214), **art. 2(a)**

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