

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.”

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”.
- 4 After section 48 insert—

“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.

Status: This is the original version (as it was originally enacted).

(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.”

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

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

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).”

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

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

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

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

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

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.”

15 In the following provisions omit “and Wales”—

- (a) paragraph 5(6) (in both places);
- (b) paragraph 6(1)(a);
- (c) paragraph 11(2);
- (d) paragraph 12(1)(b);
- (e) paragraph 18(5) and (6);
- (f) paragraph 19(1)(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).