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**Changes to legislation:** There are currently no known outstanding effects for the Finance Act 2019, Cross Heading: Disposals to which Schedule applies. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2 U.K.

#### RETURNS FOR DISPOSALS OF UK LAND ETC

#### PART 1 U.K.

##### RETURNS AND PAYMENTS ON ACCOUNT: DISPOSALS OF UK LAND ETC

###### *Disposals to which Schedule applies*

- 1 (1) This Schedule applies for the purposes of capital gains tax to—
- (a) any direct or indirect disposal of UK land which meets the non-residence condition (whether or not a gain accrues) and which is made on or after 6 April 2019, and
  - (b) any other direct disposal of UK land on which a residential property gain accrues and which is made on or after 6 April 2020,
- but this Schedule does not apply to excluded disposals.
- (2) A disposal is an excluded disposal if—
- (a) it is a disposal on which, as a result of any of the no gain/no loss provisions, neither a gain nor a loss accrues,
  - (b) it is the grant of a lease for no premium to a person not connected with the grantor under a bargain made at arm's length,
  - (c) it is a disposal made by a charity, or
  - (d) it is a disposal of any pension scheme investments.
- (3) The Treasury may by regulations amend sub-paragraph (2).
- (4) See also paragraph 9 for a case where a disposal which would have been within sub-paragraph (1)(b) if a gain had accrued is treated, for certain purposes, as if it were a disposal to which this Schedule applies.
- 2 (1) A disposal is a “direct or indirect disposal of UK land which meets the non-residence condition” if it is—
- (a) a disposal on which a gain accrues that falls to be dealt with by section 1A(3) of TCGA 1992 because the asset disposed of is within paragraph (b) or (c) of that subsection,
  - (b) a disposal on which a gain accrues that falls to be dealt with by section 1A(1) of that Act in accordance with section 1G(2) because the asset disposed of is within section 1A(3)(b) or (c), or
  - (c) a disposal of an asset on which a gain does not accrue but which, had a gain accrued, would fall to be dealt with as mentioned in either of the preceding paragraphs of this sub-paragraph.

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- (2) A disposal is “any other direct disposal of UK land on which a residential property gain accrues” if the disposal is a disposal on which a residential property gain accrues where—
- (a) the land in question is in the United Kingdom, and
  - (b) the gain falls to be dealt with by section 1A(1) or (3)(a) of TCGA 1992, and the disposal does not fall within sub-paragraph (1).
- (3) This paragraph applies for the purposes of this Part of this Schedule.

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