

SCOTLAND ACT 2012

EXPLANATORY NOTES

SCHEDULES

Schedule 3: Scottish tax on land transactions: consequential amendments

229. This Schedule contains, in *Part 1*, amendments relating to the disapplication of SDLT in Scotland and provides, in *Part 2*, for the continuing supply of information about land transactions in Scotland to HMRC after SDLT is disapplied.
230. *Paragraph 1* amends section 28 Finance Act 1931 to prevent a requirement to produce an instrument transferring land to the Commissioners for Revenue & Customs from applying to Scottish transactions, once SDLT is disapplied in Scotland.
231. *Paragraphs 2-30* make consequential amendments to SDLT provisions in Part 4 of the Finance Act 2003, Finance Act 2004, Finance (No.2) Act 2005 and Finance Act 2006.
232. *Paragraph 31* amends the SDLT and Capital Gains Tax provisions of Schedule 61 to the Finance Act 2009 in relation to alternative finance investment bonds (“sukuk”). The effect of these changes is that SDLT relief will no longer apply to sukuk in relation to land in Scotland but the provisions for capital gains and capital allowances will continue to apply.
233. *Paragraph 32* omits words in the Public Finance and Accountability (Scotland) Act 2000 which relate to functions of the Keeper of the Registers of Scotland in respect of land transaction returns and payments of tax submitted through the Automated Registration of Title to Land (ARTL) system operated by Registers of Scotland.
234. In *Part 2* of the Schedule, *paragraphs 33 and 34* provide for the supply by an office-holder of the Scottish Government or Administration of information about Scottish land transactions to HMRC. The information to be provided corresponds with the particulars formerly required by section 28 of the Finance Act 1931 but is limited to information in the possession of, or under the control of, the office-holder. It is to be supplied as required by, and in such a form as, HMRC may reasonably specify.
235. *Paragraph 35* provides that information acquired by HMRC under it is to be treated as acquired in connection with a function of HMRC, for the purposes of the Commissioners of Revenue & Customs Act 2005.