

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

VALID FROM 18/10/2017

VALID FROM 01/04/2018

SCHEDULE 1 (as introduced by section 1(2))

OVERVIEW OF SCHEDULES

PROSPECTIVE

The Schedules to this Act are arranged as follows—

- (a) Schedules 2 to 4 comprise a group of Schedules which make provision related to the key concepts of land transaction tax—
 - (i) Schedule 2 sets out how this Act applies to pre-completion transactions;
 - (ii) Schedule 3 specifies certain transactions which are exempt from a charge to the tax;
 - (iii) Schedule 4 makes detailed provision about what counts as chargeable consideration for a land transaction;
- (b) Schedule 5 makes provision about higher rates residential property transactions;
- (c) Schedule 6 makes provision about the application of this Act to leases;
- (d) Schedules 7 and 8 comprise a group of Schedules making provision about the application of this Act to certain entities, specifically partnerships (Schedule 7) and trusts (Schedule 8);
- (e) Schedules 9 to 22 comprise a group of Schedules which make provision about reliefs available from the tax;
- (f) Schedule 23 makes amendments to TCMA.

VALID FROM 01/04/2018

SCHEDULE 2 (as introduced by section 13)

PRE-COMPLETION TRANSACTIONS

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VALID FROM 01/04/2018

SCHEDULE 3 (as introduced by section 17)

TRANSACTIONS EXEMPT FROM CHARGE

VALID FROM 01/04/2018

SCHEDULE 4 (as introduced by section 18(1))

CHARGEABLE CONSIDERATION

Money or money's worth

1 The chargeable consideration for a transaction is, except as otherwise provided, any consideration in money or money's worth given for the subject-matter of the transaction, directly or indirectly, by the buyer or a person connected with the buyer.

Value added tax

2 The chargeable consideration for a transaction includes any value added tax chargeable in respect of the transaction, other than value added tax chargeable by virtue of an option to tax any land under Part 1 of Schedule 10 to the Value Added Tax Act 1994 (c. 23) made after the effective date of the transaction.

Postponed consideration

3 The amount or value of the chargeable consideration for a transaction is to be determined without any discount for postponement of the right to receive it or any part of it.

Just and reasonable apportionment

- 4 (1) For the purposes of this Act, consideration attributable—
- (a) to two or more land transactions,
 - (b) in part to a land transaction and in part to another matter, or
 - (c) in part to matters making it chargeable consideration and in part to other matters,
- is to be apportioned on a just and reasonable basis.
- (2) If the consideration is not so apportioned, this Act has effect as if it had been so apportioned.

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- (3) For the purposes of this paragraph, any consideration given for what is in substance one bargain is to be treated as attributable to all the elements of the bargain, even though—
- (a) separate consideration is, or purports to be, given for different elements of the bargain, or
 - (b) there are, or purport to be, separate transactions in respect of different elements of the bargain.

Exchanges

- (1) This paragraph applies to determine the chargeable consideration where one or more land transactions are entered into by a person (alone or jointly) as buyer wholly or partly in consideration of one or more other land transactions being entered into by that person (alone or jointly) as seller.
- (2) In this paragraph—
- (a) ““relevant transaction”” means any of those transactions, and
 - (b) ““relevant acquisition”” means a relevant transaction entered into as buyer and ““relevant disposal”” means a relevant transaction entered into as seller.
- (3) The following rules apply if the subject-matter of any of the relevant transactions is a major interest in land—
- (a) where a single relevant acquisition is made, the chargeable consideration for the acquisition is—
 - (i) the market value of the subject-matter of the acquisition as at the effective date of the transaction,
 - (ii) if the acquisition is the grant of a lease at a rent, that rent, and
 - (iii) any value added tax chargeable in respect of that acquisition as at the effective date of the transaction;
 - (b) where two or more relevant acquisitions are made, the chargeable consideration for each relevant acquisition is—
 - (i) the market value of the subject-matter of the acquisition as at the effective date of the transaction,
 - (ii) if the acquisition is the grant of a lease at a rent, that rent, and
 - (iii) any value added tax chargeable in respect of that acquisition as at the effective date of the transaction.
- (4) In determining market value for the purpose of sub-paragraph (3)(a)(i) and (b)(i), no account is to be taken of a reduction in what would otherwise be the market value of the subject-matter where the reduction is the result of anything done, the main purpose or one of the main purposes of which, is to avoid tax (whether by the buyer or any other person).
- (5) The following rules apply if the subject-matter of none of the relevant transactions is a major interest in land—
- (a) where a single relevant acquisition is made in consideration of one or more relevant disposals, the chargeable consideration for the acquisition is the amount or value of any chargeable consideration other than the disposal or disposals that is given for the acquisition;

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- (b) where two or more relevant acquisitions are made in consideration of one or more relevant disposals, the chargeable consideration for each relevant acquisition is the appropriate proportion of the amount or value of any chargeable consideration other than the disposal or disposals that is given for the acquisitions.

- (6) For the purposes of sub-paragraph (5)(b) the appropriate proportion is—

$$\frac{MV}{TMV}$$

Figure 3 where—

MV is the market value of the subject-matter of the acquisition for which the chargeable consideration is being determined, and

TMV is the total market value of the subject-matter of all the relevant acquisitions.

- (7) This paragraph has effect subject to paragraph 6 (partition etc.: disregard of existing interest).
- (8) This paragraph does not apply in a case to which paragraph 18 (arrangements involving public or educational bodies) applies.

Partition etc.: disregard of existing interest

6 In the case of a land transaction giving effect to a partition or division of a chargeable interest to which persons are jointly entitled, the share of the interest held by the buyer immediately before the partition or division does not count as chargeable consideration.

Valuation of non-monetary consideration

7 Except as otherwise provided, the value of any chargeable consideration for a land transaction, other than—

- (a) money (whether in sterling or another currency), or
 (b) debt as defined for the purposes of paragraph 8 (debt as consideration),

is to be taken to be its market value at the effective date of the transaction.

Debt as consideration

8 (1) Where the chargeable consideration for a land transaction consists in whole or in part of—

- (a) the satisfaction or release of debt due to the buyer or owed by the seller, or
 (b) the assumption of existing debt by the buyer,

the amount of debt satisfied, released or assumed is to be taken to be the whole or, as the case may be, part of the chargeable consideration for the transaction.

(2) But where the chargeable consideration for a land transaction consists in whole or in part of both—

- (a) the satisfaction or release of debt owed by the seller, and

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(b) the assumption of that debt by the buyer,
the amount of debt assumed is to be taken to be the whole or, as the case may be,
part of the chargeable consideration for the transaction.

(3) Where—

- (a) debt is secured on the subject-matter of a land transaction immediately before and immediately after the transaction, and
- (b) the rights or liabilities in relation to that debt of any party to the transaction are changed as a result of or in connection with the transaction,

then for the purposes of this paragraph there is an assumption of that debt by the buyer, and that assumption of debt constitutes chargeable consideration for the transaction.

(4) Where in a case in which sub-paragraph (1)(b) or (2) applies—

- (a) the debt assumed is or includes debt secured on the property forming the subject-matter of the transaction, and
- (b) immediately before the transaction there were two or more persons each holding an undivided share of that property, or there are two or more such persons immediately afterwards,

the amount of secured debt assumed is to be determined as if the amount of that debt owed by each of those persons at a given time were the proportion of it corresponding to the person's undivided share of the property at that time.

(5) For the purposes of sub-paragraph (4), each joint tenant of property is treated as holding an equal undivided share of it.

(6) If the effect of this paragraph would be that the amount of the chargeable consideration for the transaction exceeded the market value of the subject-matter of the transaction, the amount of the chargeable consideration is treated as limited to that value.

(7) In this paragraph—

- (a) “debt” means an obligation, whether certain or contingent, to pay a sum of money either immediately or at a future date,
- (b) “existing debt”, in relation to a transaction, means debt created or arising before the effective date of, and otherwise than in connection with, the transaction, and
- (c) references to the amount of a debt are to the principal amount payable or, as the case may be, the total of the principal amounts payable, together with the amount of any interest that has accrued due on or before the effective date of the transaction.

Cases where conditions for exemption not fully met

9

(1) Where a land transaction would be exempt from charge under paragraph 5 of Schedule 3 (assents and appropriations by personal representatives) but for sub-paragraph (2) of that paragraph (cases where person acquiring property gives consideration for it), the chargeable consideration for the transaction does not include the amount of any secured debt assumed.

(2) In sub-paragraph (1) “secured debt” has the same meaning as in paragraph 5 of Schedule 3.

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- (3) Where a land transaction would be exempt from charge under paragraph 6 of Schedule 3 (variation of testamentary dispositions etc.) but for a failure to meet the condition in sub-paragraph (2)(b) of that paragraph (no consideration other than variation of another disposition), the chargeable consideration for the transaction does not include the making of any variation as is mentioned in that sub-paragraph.

Conversion of amounts in foreign currency

- 10 (1) References in this Act to the amount or value of the consideration for a transaction are to its amount or value in sterling.
- (2) For the purposes of this Act, the sterling equivalent of an amount expressed in another currency is to be ascertained by reference to the London closing exchange rate on the effective date of the transaction (unless the parties have used a different rate for the purposes of the transaction).

Carrying out of works

- 11 (1) Where the whole or part of the consideration for a land transaction consists of the carrying out of works of construction, improvement or repair of a building or other works to enhance the value of land, then—
- (a) to the extent that the conditions specified in sub-paragraph (2) are met, the value of the works does not count as chargeable consideration, and
 - (b) to the extent that those conditions are not met, the value of the works is to be taken into account as chargeable consideration.
- (2) The conditions referred to in sub-paragraph (1) are—
- (a) that the works are carried out after the effective date of the transaction,
 - (b) that the works are carried out on land acquired or to be acquired under the transaction or on other land held by the buyer or a person connected with the buyer, and
 - (c) that it is not a condition of the transaction that the works are carried out by the seller or a person connected with the seller.
- (3) Where by virtue of—
- (a) section 10(5) (contract and transfer), or
 - (b) paragraph 20 of Schedule 6 (agreement for lease),
- there are two notifiable transactions (the first being the contract or agreement and the second being the transaction effected on completion or, as the case may be, the grant of the lease), the condition in sub-paragraph (2)(a) is treated as met in relation to the second transaction if it is met in relation to the first.
- (4) In this paragraph—
- (a) references to the acquisition of land are to the acquisition of a major interest in it;
 - (b) the value of the works is to be taken to be the amount that would have to be paid in the open market as at the effective date of the transaction for the carrying out of the works in question (including any value added tax that would be chargeable in respect of the carrying out of the works).

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- (5) This paragraph is subject to paragraph 18 (arrangements involving public or educational bodies).

Provision of services

- 12 (1) Where the whole or part of the consideration for a land transaction consists of the provision of services (other than the carrying out of works to which paragraph 11 applies), the value of that consideration is to be taken to be the amount that would have to be paid in the open market as at the effective date of the transaction to obtain those services.
- (2) That amount includes any value added tax that would be chargeable in respect of the provision of the services.
- (3) This paragraph is subject to paragraph 18 (arrangements involving public or educational bodies).

Land transaction entered into by reason of employment

- 13 Where a land transaction is entered into by reason of the buyer's employment, or that of a person connected with the buyer, then—
- (a) if the transaction gives rise to a charge to tax under Chapter 5 of Part 3 of the Income Tax (Earnings and Pensions) Act 2003 (c. 1) (taxable benefits: living accommodation) and—
- (i) no rent is payable by the buyer, or
- (ii) the rent payable by the buyer is less than the cash equivalent of the benefit calculated under section 105 or 106 of that Act, there is to be taken to be payable by the buyer as rent an amount equal to the cash equivalent chargeable under those sections;
- (b) if the transaction would give rise to a charge under that Chapter but for section 99 of that Act (accommodation provided for performance of duties), the consideration for the transaction is the actual consideration (if any);
- (c) if neither paragraph (a) nor paragraph (b) applies, the consideration for the transaction is to be taken to be not less than the market value of the subject-matter of the transaction as at the effective date of the transaction.

Indemnity given by buyer

- 14 Where the buyer agrees to indemnify the seller in respect of liability to a third party arising from breach of an obligation owed by the seller in relation to the land that is the subject of the transaction, neither the agreement nor any payment made in pursuance of it counts as chargeable consideration.

Buyer bearing inheritance tax liability

- 15 Where—
- (a) there is a land transaction that is—
- (i) a transfer of value within section 3 of the Inheritance Tax Act 1984 (c. 51) (transfers of value), or

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(ii) a disposition, effected by will or under the law of intestacy, of a chargeable interest comprised in the estate of a person immediately before the person's death,

and

(b) the buyer is or becomes liable to pay, agrees to pay or does in fact pay any inheritance tax due in respect of the transfer or disposition, the buyer's liability, agreement or payment does not count as chargeable consideration for the transaction.

Buyer bearing capital gains tax liability

16 (1) Where—

(a) there is a land transaction under which the chargeable interest in question—

(i) is acquired otherwise than by a bargain made at arm's length, or

(ii) is treated by section 18 of the Taxation of Chargeable Gains Act 1992 (c. 12) (transactions between connected persons) as so acquired,

and

(b) the buyer is or becomes liable to pay, or does in fact pay, any capital gains tax due in respect of the corresponding disposal of the chargeable interest, the buyer's liability or payment does not count as chargeable consideration for the transaction.

(2) Sub-paragraph (1) does not apply if there is chargeable consideration for the transaction (disregarding the liability or payment referred to in sub-paragraph (1) (b)).

Costs of enfranchisement

17 Costs borne by the buyer under section 9(4) of the Leasehold Reform Act 1967 (c. 88) or section 33 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (costs of enfranchisement) do not count as chargeable consideration.

Arrangements involving public or educational bodies

18 (1) This paragraph applies in any case where arrangements are entered into under which—

(a) there is a transfer, or the grant or assignment of a lease, of land by a qualifying body (“A”) to a person who is not a qualifying body (“B”) (“the main transfer”),

(b) in consideration (whether in whole or in part) of the main transfer there is a grant by B to A of a lease or sub-lease of the whole, or substantially the whole, of that land (“the leaseback”),

(c) B undertakes to carry out works or provide services to A, and

(d) some or all of the consideration given by A to B for the carrying out of those works or the provision of those services is consideration in money, whether or not there is also a transfer, or the grant or assignment of a lease, of any other land by A to B (a “transfer of surplus land”).

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- (2) The following are qualifying bodies—
 - (a) public bodies within paragraph 1 of Schedule 20 or specified in regulations under that paragraph (relief for certain transactions involving public bodies);
 - (b) institutions within the further education sector or the higher education sector within the meaning of section 91 of the Further and Higher Education Act 1992 (c. 13);
 - (c) further education corporations within the meaning of section 17 of that Act;
 - (d) higher education corporations within the meaning section 90 of that Act.
- (3) The following do not count as chargeable consideration for the main transfer or any transfer of surplus land—
 - (a) the leaseback,
 - (b) the carrying out of building works by B for A, or
 - (c) the provision of services by B to A.
- (4) The chargeable consideration for the leaseback does not include—
 - (a) the main transfer,
 - (b) any transfer of surplus land, or
 - (c) the consideration in money paid by A to B for the building works or other services referred to in sub-paragraph (3).
- (5) Sub-paragraphs (3) and (4) are to be disregarded for the purposes of determining whether the land transaction in question is notifiable.

VALID FROM 01/04/2018

SCHEDULE 5 (as introduced by section 24(10))

HIGHER RATES RESIDENTIAL PROPERTY TRANSACTIONS

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SCHEDULE 6 (as introduced by section 32(2))

LEASES

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VALID FROM 01/04/2018

SCHEDULE 7 (as introduced by section 41(1))

PARTNERSHIPS

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VALID FROM 01/04/2018

SCHEDULE 8 (as introduced by section 42(1))

TRUSTS

Overview

- 1 (1) This Schedule makes provision about the application of this Act and TCMA in relation to trusts.
- (2) This Schedule is arranged as follows—
 - (a) paragraph 2 defines key terms;
 - (b) paragraph 3 makes provision about transactions involving bare trusts;
 - (c) paragraphs 4 to 10 make provision about transactions involving settlements and the responsibilities of trustees of a settlement;
 - (d) paragraph 11 makes provision about the treatment of the interests of beneficiaries under certain trusts.

Key terms

- 2 (1) In this Schedule, a “bare trust” means a trust under which property is held by a person as trustee—
 - (a) for a person who is absolutely entitled as against the trustee, or who would be so entitled but for being aged under 18 or lacking capacity (within the meaning of the Mental Capacity Act 2005 (c. 9)) to administer and manage the person's property and affairs, or
 - (b) for two or more persons who are or would be jointly so entitled, and includes a case in which a person holds property as nominee for another.

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- (2) The reference in sub-paragraph (1) to a person being absolutely entitled as against the trustee is a reference to a case where the person has the exclusive right, subject only to satisfying any outstanding charge, lien or other right of the trustee—
- (a) to resort to the property for payment of duty, taxes, costs or other outgoings, or
 - (b) to direct how the property is to be dealt with.
- (3) In this Schedule, a “settlement” means a trust that is not a bare trust.

Bare trusts

- (1) Where a person (“T”) acquires a chargeable interest or an interest in a partnership as bare trustee, this Act applies as if the interest were vested in, and the acts of T in relation to it were the acts of, the person or persons for whom T is trustee.
- (2) But sub-paragraph (1) does not apply in relation to the grant of a lease.
- (3) Where a lease is granted to a person as bare trustee, that person is to be treated for the purposes of this Act, as it applies in relation to the grant of the lease, as buyer of the whole of the interest acquired.
- (4) Where a lease is granted by a person as bare trustee, that person is to be treated for the purposes of this Act, as it applies in relation to the grant of the lease, as seller of the whole of the interest disposed of.

Acquisition by trustees of settlement

Where persons acquire a chargeable interest or an interest in a partnership as trustees of a settlement, they are to be treated for the purposes of this Act, as it applies in relation to that acquisition, as buyers of the whole of the interest acquired (including the beneficial interest).

Consideration for exercise of power of appointment or discretion

- (1) Sub-paragraph (2) applies where a chargeable interest is acquired by virtue of—
- (a) the exercise of a power of appointment, or
 - (b) the exercise of a discretion vested in trustees of a settlement.
- (2) Any consideration given for the person in whose favour the appointment was made or the discretion was exercised becoming an object of the power or discretion is to be treated as consideration for the acquisition of the interest.

Reallocation of trust property as between beneficiaries

Where—

- (a) the trustees of a settlement reallocate trust property in such a way that a beneficiary acquires an interest in certain trust property and ceases to have an interest in other trust property, and
- (b) the beneficiary consents to ceasing to have an interest in that other property,

the fact that the beneficiary gives consent does not mean that there is chargeable consideration for the acquisition.

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Responsibility of trustees of settlement

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- (1) Where the trustees of a settlement are liable to pay—
 - (a) tax or late payment interest on that tax,
 - (b) an amount under section 55 of TCMA (recovery of excessive repayment) or late payment interest on that amount, or
 - (c) a penalty under Part 5 of TCMA or late payment interest on that penalty,
 the payment, penalty or interest may be recovered (but only once) from any one or more of the responsible trustees.
 - (2) No amount may be recovered by virtue of sub-paragraph (1)(c) from a person who did not become a responsible trustee until after the relevant time.
 - (3) The responsible trustees, in relation to a land transaction, are the persons who are trustees at the effective date of the transaction and any person who subsequently becomes a trustee.
 - (4) The relevant time is—
 - (a) in relation to so much of a penalty as is payable in respect of any day, or to late payment interest on so much of a penalty as is so payable, the beginning of that day;
 - (b) in relation to any other penalty, or to late payment interest on the penalty, the time when the act or omission occurred that caused the penalty to become payable.
 - (5) In this paragraph, “late payment interest” means late payment interest under Part 6 of TCMA.

Relevant trustees for purposes of return etc.

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- (1) A return in relation to a land transaction may be made or given by any one or more of the trustees who are the responsible trustees in relation to the transaction.
 - (2) The trustees by whom such a return is made are referred to in this Schedule as “the relevant trustees”.
 - (3) The declaration required by section 53 (declaration that return is complete and correct) must be made by all the relevant trustees.

Relevant trustees: enquiries and assessments

- 9
- (1) If WRA issues a notice of enquiry under section 43 of TCMA into the return—
 - (a) the notice must be issued to each of the relevant trustees whose identity is known to WRA;
 - (b) the powers of WRA under Part 4 of TCMA to require information and documents for the purposes of the enquiry are exercisable separately (and differently) in relation to each of the relevant trustees;
 - (c) any of the relevant trustees may apply under section 51 of TCMA for a direction that a closure notice be issued (and all of them are entitled to be parties to the application);
 - (d) any closure notice under section 50 of TCMA must be issued to each of the relevant trustees whose identity is known to WRA.

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(2) A WRA determination under section 52 of TCMA relating to the transaction must be made against all of the relevant trustees and is not effective against any of them unless notice of it is given to each of them whose identity is known to WRA.

(3) A WRA assessment under section 54 or 55 of TCMA relating to the transaction must be made in respect of all of the relevant trustees and is not effective in respect of any of them unless notice of it is issued under section 61 of TCMA to each of them whose identity is known to WRA.

Relevant trustees: appeals and reviews

10 (1) The agreement of all the relevant trustees is required if a settlement agreement relating to the transaction is to be entered into under section 184 of TCMA.

(2) A notice of request under section 173 of TCMA may be given by any of the relevant trustees.

(3) Where WRA undertakes a review of an appealable decision relating to the transaction following such a request made by some (but not all) of the relevant trustees—

(a) notice of the review must be issued by WRA to each of the other relevant trustees whose identity is known to WRA;

(b) any of the other relevant trustees may be a party to the review if they notify WRA in writing;

(c) notice of WRA's conclusions under section 176(5), (6) or (7) of TCMA must be issued to each of the relevant trustees whose identity is known to WRA;

(d) section 177 of TCMA (effect of conclusions of review) applies in relation to all of the relevant trustees.

(4) In the case of an appeal under Part 8 of TCMA relating to the transaction—

(a) the appeal may be brought by any of the relevant trustees;

(b) notice of the appeal must be issued by WRA to each of the relevant trustees who are not bringing the appeal and whose identity is known to WRA;

(c) any of the relevant trustees are entitled to be parties to the appeal;

(d) the tribunal's determination under section 181 of TCMA binds all the relevant trustees.

Interests of beneficiaries under certain trusts

11 (1) Sub-paragraphs (2) and (3) apply where property is held in trust under the law of Scotland, or of a country or territory outside the United Kingdom, on terms such that, if the trust had effect under the law of England and Wales, a beneficiary would be regarded as having an equitable interest in the trust property.

(2) The beneficiary is to be treated for the purpose of this Act as having an equitable interest in the trust property despite the fact that no such interest is recognised by the law of Scotland or, as the case may be, the country or territory outside the United Kingdom.

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- (3) An acquisition of the interest of a beneficiary under the trust is to be treated as involving the acquisition of an interest in the trust property.

VALID FROM 01/04/2018

SCHEDULE 9 (as introduced by section 30(1))

SALE AND LEASEBACK RELIEF

The relief

- 1 The leaseback element of a sale and leaseback arrangement is relieved from tax if the qualifying conditions are met.

Sale and leaseback arrangements

- 2 A sale and leaseback arrangement is an arrangement under which—
- (a) a person (“A”) transfers or grants to another person (“B”) a major interest in land (the “sale”), and
 - (b) out of that interest B grants a lease to A (the “leaseback”).

Qualifying conditions

- 3 (1) The qualifying conditions are—
- (a) that the sale transaction is entered into wholly or partly in consideration of the leaseback transaction being entered into,
 - (b) that the only other consideration (if any) for the sale is the payment of money (whether in sterling or another currency) or the assumption, satisfaction or release of a debt (or both),
 - (c) that the sale is not a transfer of rights within the meaning of section 12 (contract providing for transfer to third party: effect of transfer of rights) or a pre-completion transaction within the meaning of Schedule 2 (pre-completion transactions), and
 - (d) where A and B are both bodies corporate at the effective date of the leaseback transaction, that they are not members of the same group for the purposes of group relief (see Schedule 16) at that date.
- (2) In sub-paragraph (1)(b), “debt” means an obligation, whether certain or contingent, to pay a sum of money either immediately or at a future date.

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VALID FROM 01/04/2018

SCHEDULE 10 (as introduced by section 30(1))

ALTERNATIVE PROPERTY FINANCE RELIEFS

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SCHEDULE 11 (as introduced by section 30(1))

RELIEF FOR ALTERNATIVE FINANCE INVESTMENT BONDS

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VALID FROM 01/04/2018

SCHEDULE 12 (as introduced by section 30(1))

RELIEF FOR INCORPORATION OF LIMITED LIABILITY PARTNERSHIP

The relief

1 A transaction by which a chargeable interest is transferred by a person ("the transferor") to a limited liability partnership in connection with its incorporation is relieved from tax if conditions A to C are met.

Condition A

2 Condition A is that the effective date of the transaction is not more than one year after the date of incorporation of the limited liability partnership.

Condition B

3 Condition B is that at the relevant time the transferor—
(a) is a partner in a partnership comprised of all the persons who are, or are to be, members of the limited liability partnership (and no-one else), or
(b) holds the chargeable interest as nominee or bare trustee for one or more of the partners in such a partnership.

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Condition C

4 Condition C is that—

- (a) the proportions of the chargeable interest to which the persons mentioned in paragraph 3(a) are entitled immediately after the transfer are the same as those to which they were entitled at the relevant time, or
- (b) none of the differences in those proportions has arisen as part of arrangements of which the main purpose, or one of the main purposes, is the avoidance of liability to tax.

Interpretation

5 (1) In this Schedule—

“limited liability partnership” (“*partneriaeth atebolrwydd cyfyngedig*”) means a limited liability partnership formed under the Limited Liability Partnerships Act 2000 (c. 12);

“the relevant time” (“*yr adeg berthnasol*”) means—

- (a) where the transferor acquired the chargeable interest after the incorporation of the limited liability partnership, immediately after the transferor acquired it, and
- (b) in any other case, immediately before the limited liability partnership's incorporation.

(2) In paragraph 4(b), “arrangements” includes any scheme, agreement or understanding, whether or not legally enforceable.

VALID FROM 01/04/2018

SCHEDULE 13

(as introduced by section 30(1))

RELIEF FOR ACQUISITIONS INVOLVING MULTIPLE DWELLINGS

Overview

1 This Schedule makes provision about relief available for acquisitions involving multiple dwellings.

2 This Schedule is arranged as follows—

- (a) paragraph 3 identifies the transactions to which this Schedule applies,
- (b) paragraph 4 defines key terms,
- (c) paragraph 5 provides for the amount of tax chargeable,
- (d) paragraphs 6 and 7 make further provision about how the tax is calculated, and
- (e) paragraph 8 provides for certain buildings which are yet to be constructed or adapted to be treated as dwellings for the purposes of this Schedule.

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

Transactions to which this Schedule applies

- 3
- (1) This Schedule applies to a relevant transaction.
 - (2) A ““relevant transaction”” is a chargeable transaction that is—
 - (a) within sub-paragraph (3) or (4), and
 - (b) not excluded by sub-paragraph (5).
 - (3) A transaction is within this sub-paragraph if its main subject-matter consists of—
 - (a) an interest in at least two dwellings, or
 - (b) an interest in at least two dwellings and other property.
 - (4) A transaction is within this sub-paragraph if—
 - (a) its main subject-matter consists of—
 - (i) an interest in a dwelling, or
 - (ii) an interest in a dwelling and other property,
 - (b) it is one of a number of linked transactions, and
 - (c) the main subject-matter of at least one of the other linked transactions consists of—
 - (i) an interest in some other dwelling or dwellings, or
 - (ii) an interest in some other dwelling or dwellings and other property.
 - (5) A transaction is excluded by this sub-paragraph if—
 - (a) paragraph 10 (relief for transactions entered into by persons exercising collective rights) of Schedule 14 applies to it, or
 - (b) relief under Schedule 16 (group relief), Schedule 17 (reconstruction and acquisition relief) or Schedule 18 (charities relief) is available for it (even if such a relief is withdrawn).
 - (6) A reference in this Schedule to an interest in a dwelling is to any chargeable interest in or over a dwelling.
 - (7) But, in the case of a dwelling subject to a lease granted for an initial term of more than 21 years, any interest that is a superior interest in relation to the lease is not to be treated as an interest in a dwelling for the purposes of paragraphs 4 and 5.
 - (8) Sub-paragraph (7) does not apply where—
 - (a) the seller is a qualifying body within the meaning given by paragraph 9(3) of Schedule 15 (relief for certain acquisitions of residential properties by tenants),
 - (b) the transaction is a sale under a sale and leaseback arrangement within the meaning of paragraph 2 of Schedule 9 (sale and leaseback arrangements),
 - (c) that sale is the grant of a leasehold interest, and
 - (d) the leaseback element of that arrangement is relieved from tax under Schedule 9 (sale and leaseback relief).

Key terms

- 4
- (1) ““The consideration attributable to dwellings”” is—
 - (a) for a single dwelling transaction, so much of the chargeable consideration for the transaction as is attributable to the dwelling;

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

- (b) for a multiple dwelling transaction, so much of the chargeable consideration for the transaction as is attributable to the dwellings in total.
- (2) ““The remaining consideration”” is the chargeable consideration for the transaction less the consideration attributable to dwellings.
- (3) A relevant transaction is a ““single dwelling transaction”” if its main subject-matter consists of—
- (a) an interest in a dwelling, or
 - (b) an interest in a dwelling and other property.
- (4) A relevant transaction is a ““multiple dwelling transaction”” if its main subject-matter consists of—
- (a) an interest in at least two dwellings, or
 - (b) an interest in at least two dwellings and other property.
- (5) ““Attributable”” means attributable on a just and reasonable apportionment.

The amount of tax chargeable

- 5 (1) If relief under this Schedule is claimed for a relevant transaction, the amount of tax chargeable in respect of the transaction is the sum of—
- (a) the tax related to the consideration attributable to dwellings, and
 - (b) the tax related to the remaining consideration (if any).
- (2) If the whole or part of the chargeable consideration for a relevant transaction is rent, sub-paragraph (1) has effect subject to Part 5 of Schedule 6 (leases: calculation of tax chargeable).

Determining the tax related to the consideration attributable to dwellings

- 6 (1) For the purposes of paragraph 5(1)(a), ““the tax related to the consideration attributable to dwellings”” is determined as follows—
- Step 1* Determine the amount of tax that would be chargeable under section 27 on the assumption that—
- (a) the chargeable transaction is a residential property transaction, and
 - (b) the chargeable consideration were the fraction produced by dividing total dwellings consideration by total dwellings.
- Step 2* Multiply the amount determined at Step 1 by total dwellings.
- Step 3* If the relevant transaction is one of a number of linked transactions, go to Step 4. Otherwise, the amount found at Step 2 is the tax related to the consideration attributable to dwellings.
- Step 4* Multiply the amount found at Step 2 by—

$$\frac{CD}{TDC}$$

Figure 12 where—

““CD”” is the consideration attributable to dwellings for the relevant transaction, and

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Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

““TDC”” is total dwellings consideration.

- (2) But if the amount found at Step 2 of sub-paragraph (1) is less than 1% of total dwellings consideration, for the purposes of paragraph 5(1)(a) ““the tax related to the consideration attributable to dwellings”” is an amount equal to 1% of the consideration attributable to dwellings.
- (3) “Total dwellings consideration” means—
 - (a) for a transaction that is not one of a number of linked transactions, the consideration attributable to dwellings for that transaction;
 - (b) for one of a number of linked transactions—
 - (i) the total of the consideration attributable to dwellings for that transaction and all the other linked transactions that are relevant transactions, plus
 - (ii) so much of the chargeable consideration for any of the linked transactions (whether or not relevant transactions) as is not included in the calculation under paragraph (i) but is attributable to the same dwellings by reference to which that calculation is made.
- (4) “Total dwellings”” means the total number of dwellings by reference to which total dwellings consideration is calculated.
- (5) In the application of sub-paragraph (1), no account is to be taken of—
 - (a) section 72(9) (transfer of 6 or more separate dwellings treated as non-residential property), or
 - (b) paragraph 34 (tax chargeable for consideration other than rent: mixed leases) of Schedule 6 (leases).
- (6) In the application of sub-paragraph (1), where a relevant transaction is a higher rates residential property transaction (as provided for in Schedule 5), the amount of tax that would be chargeable under section 27 is to be determined on that basis.
- (7) The Welsh Ministers may by regulations amend sub-paragraph (2) so as to substitute for the percentages for the time being specified there, different percentages.

Determining the tax related to the remaining consideration

- (1) For the purposes of paragraph 5(1)(b), ““the tax related to the remaining consideration”” is the appropriate fraction of the amount of tax which (but for this Schedule) would be due in respect of the relevant transaction.
- (2) In sub-paragraph (1), ““the appropriate fraction”” means—

$$\frac{RC}{TDC + TRC}$$

Figure 13 where—

““RC”” is the remaining consideration for the relevant transaction,

““TDC”” is total dwellings consideration, and

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

““TRC”” is total remaining consideration.

- (3) The ““total remaining consideration”” is—
 - (a) for a transaction that is not one of a number of linked transactions, the remaining consideration for that transaction;
 - (b) for one of a number of linked transactions—
 - (i) the total of the chargeable consideration for all those transactions, less
 - (ii) total dwellings consideration.

Certain buildings not yet constructed or adapted to count as a dwelling

- 8 (1) For the purposes of this Schedule, the main subject-matter of a transaction is to be taken to consist of or include an interest in a dwelling if—
 - (a) substantial performance of a contract constitutes the effective date of that transaction by virtue of a relevant deeming provision,
 - (b) the main subject-matter of the transaction consists of or includes an interest in a building, or a part of a building, that is to be constructed or adapted under the contract for use as a dwelling, and
 - (c) construction or adaptation of the building, or the part of a building, has not begun by the time the contract is substantially performed.

- (2) In sub-paragraph (1)—
 - ““contract”” (““contract””) includes any agreement;
 - ““relevant deeming provision”” (““darpariaeth dybio berthnasol””) means any of—
 - (a) section 10 (contract and transfer),
 - (b) section 11 (contract providing transfer to third party),
 - (c) paragraph 8(1) to (5) of Schedule 2 (assignment of rights: transferor treated as making a separate acquisition), or
 - (d) paragraph 20 of Schedule 6 (agreement for lease);
 - ““substantially performed”” (““cyflawni'n sylweddol””) has the meaning given by section 14.

- (3) Subsections (4) to (7) of section 72 (meaning of residential property) apply for the purposes of this paragraph as they apply for the purposes of subsection (1) (a) of that section.

VALID FROM 01/04/2018

SCHEDULE 14 (as introduced by section 30(1))

RELIEF FOR CERTAIN ACQUISITIONS OF DWELLINGS

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Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

VALID FROM 01/04/2018

SCHEDULE 15 (as introduced by section 30(1))

RELIEF FOR CERTAIN TRANSACTIONS RELATING TO SOCIAL HOUSING
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VALID FROM 01/04/2018

SCHEDULE 16 (as introduced by section 30(1))

GROUP RELIEF
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VALID FROM 01/04/2018

SCHEDULE 17 (as introduced by section 30(1))

RECONSTRUCTION AND ACQUISITION RELIEFS
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VALID FROM 01/04/2018

SCHEDULE 18 (as introduced by section 30(1))

CHARITIES RELIEF
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Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

VALID FROM 01/04/2018

SCHEDULE 19

(as introduced by section 30(1))

OPEN-ENDED INVESTMENT COMPANY RELIEFS

Relief from land transaction tax: conversion of an authorised unit trust to an open-ended investment company

- 1
- (1) A land transaction transferring any property which is subject to the trusts of an authorised unit trust (“the target trust”) to an open-ended investment company (“the acquiring company”) is relieved from tax if the conditions set out in subparagraph (2) are met.
- (2) Those conditions are that—
- (a) the transfer forms part of an arrangement for the conversion of an authorised unit trust to an open-ended investment company, as a result of which the whole of the available property of the target trust becomes the whole of the property of the acquiring company,
 - (b) under the arrangement all the units in the target trust are extinguished,
 - (c) the consideration under the arrangement consists of or includes the issue of shares (“the consideration shares”) in the acquiring company to the persons who held the extinguished units,
 - (d) the consideration shares are issued to those persons in proportion to their holdings of the extinguished units, and
 - (e) the consideration under the arrangement does not include anything else, other than the assumption or discharge by the acquiring company of liabilities of the trustees of the target trust.

Relief from land transaction tax: amalgamation of an authorised unit trust with an open-ended investment company

- 2
- (1) A land transaction transferring any property which is subject to the trusts of an authorised unit trust (“the target trust”) to an open-ended investment company (“the acquiring company”) is relieved from tax if the conditions set out in subparagraph (2) are met.
- (2) Those conditions are that—
- (a) the transfer forms part of an arrangement for the amalgamation of an authorised unit trust with an open-ended investment company, as a result of which the whole of the available property of the target trust becomes part (but not the whole) of the property of the acquiring company,
 - (b) under the arrangement all the units in the target trust are extinguished,
 - (c) the consideration under the arrangement consists of or includes the issue of shares (“the consideration shares”) in the acquiring company to the persons who held the extinguished units,
 - (d) the consideration shares are issued to those persons in proportion to their holdings of the extinguished units, and

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

- (e) the consideration under the arrangement does not include anything else, other than the assumption or discharge by the acquiring company of liabilities of the trustees of the target trust.

Interpretation

- 3 (1) For the purposes of this Schedule, “the whole of the available property of the target trust” means the whole of the property subject to the trusts of the target trust, other than any property which is retained for the purpose of discharging liabilities of the trustees of the target trust (and “target trust” has the meaning given by paragraph 1 or 2, as the case may be).
- (2) For the purposes of this Schedule, each of the parts of an umbrella scheme (and not the scheme as a whole) is regarded as an authorised unit trust; and “umbrella scheme” has the same meaning as in section 619 of the Corporation Tax Act 2010 (c. 4).
- (3) In this Schedule, “authorised unit trust” means a unit trust scheme in the case of which an order under section 243 of the Financial Services and Markets Act 2000 (c. 8) is in force.

VALID FROM 01/04/2018

SCHEDULE 20 (as introduced by section 30(1))

RELIEF FOR ACQUISITIONS BY PUBLIC BODIES AND HEALTH BODIES
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VALID FROM 01/04/2018

SCHEDULE 21 (as introduced by section 30(1))

COMPULSORY PURCHASE RELIEF AND PLANNING OBLIGATIONS RELIEF

Relief for compulsory purchase facilitating development

- 1 (1) A compulsory purchase facilitating development is relieved from tax.
- (2) In this paragraph—
“compulsory purchase facilitating development” (“*pryniant gorfodol sy'n hwyluso datblygiad*”) means a land transaction under which the buyer acquires a chargeable interest pursuant to a compulsory purchase order made by the buyer for the purpose of facilitating development by another person;
“development” (“*datblygiad*”) has the meaning given by the Town and Country Planning Act 1990 (c. 8) (see section 55 of that Act).

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Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

- (3) For the purposes of sub-paragraph (2), it does not matter how the acquisition is effected (so that the provision applies where the acquisition is effected by agreement).

Relief for compliance with planning obligations

- (1) A land transaction that is entered into in order to comply with a planning obligation or a modification of a planning obligation is relieved from tax if—
- (a) the planning obligation or modification is enforceable against the seller,
 - (b) the buyer is a public body, and
 - (c) the effective date of the transaction falls within the period of 5 years beginning with the date on which the planning obligation was entered into or modified.

- (2) In this paragraph—

“modification” (“*addasiad*”) of a planning obligation means modification as mentioned in section 106A(1) (modification and discharge of planning obligations) of the Town and Country Planning Act 1990 (c. 8);

“planning obligation” (“*rhwymedigaeth gynllunio*”) means a planning obligation within the meaning of section 106 of that Act that is entered into in accordance with subsection (9) of that section (matters relating to the form and execution of the instrument effecting the planning obligation).

- (3) The following are public bodies for the purposes of this paragraph—
- (a) a county or county borough council constituted under section 21 of the Local Government Act 1972 (c. 70);
 - (b) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 (c. 42);
 - (c) a Local Health Board established under section 11 of that Act;
 - (d) a National Health Service Trust established under section 18 of that Act;
 - (e) a person specified for the purposes of this paragraph by the Welsh Ministers by regulations.

VALID FROM 01/04/2018

SCHEDULE 22

(as introduced by section 30(1))

MISCELLANEOUS RELIEFS

Lighthouses reliefs

A land transaction entered into by or under the direction of the Secretary of State for the purposes of carrying into effect Part 8 of the Merchant Shipping Act 1995 (c. 21) (lighthouses) is relieved from tax.

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

2 (1) A land transaction entered into by or under the direction of the Trinity House for the purpose of carrying out the services referred to in section 221(1) of the Merchant Shipping Act 1995 (c. 21) is relieved from tax.

(2) In this paragraph, “the Trinity House” has the meaning given by section 223 of the Merchant Shipping Act 1995 (c. 21).

Visiting forces and international military headquarters reliefs

3 A land transaction entered into with a view to—

- (a) building or enlarging barracks or camps for a visiting force,
- (b) facilitating the training of a visiting force, or
- (c) promoting the health or efficiency of a visiting force,

is relieved from tax.

4 (1) Paragraph 3 has effect in relation to a designated international military headquarters as if—

- (a) the headquarters were a visiting force of a designated country, and
- (b) the members of that force consisted of such of the persons serving at or attached to the headquarters as are members of the armed forces of a designated country.

(2) In this paragraph, “designated” means designated for the purpose in question by or under any Order in Council made to give effect to an international agreement.

5 In paragraphs 3 and 4, “visiting force” means any body, contingent or detachment of a country's forces which is for the time being or is to be present in the United Kingdom on the invitation of Her Majesty's Government in the United Kingdom.

Relief for property accepted in satisfaction of tax

6 A land transaction—

- (a) which is entered into under section 9 of the National Heritage Act 1980 (c. 17) (disposal of property accepted by the Commissioners for Revenue and Customs in satisfaction of inheritance tax) and by which property is transferred to a person mentioned in subsection (2) of that section, or
- (b) which is entered into under subsection (4) of that section,

is relieved from tax.

Trunk roads relief

7 (1) A land transaction to which the Welsh Ministers are a party, or to which the Secretary of State is a party, is relieved from tax if—

- (a) it relates to a highway or proposed highway which is, or is to become, a trunk road, and
- (b) but for this paragraph tax would be payable in respect of the transaction as an expense incurred by the Welsh Ministers or the Secretary of State under the Highways Act 1980 (c. 66).

(2) In this paragraph—

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

“highway” (“*priffordd*”) has the meaning given by section 328 of the Highways Act 1980 (c. 66);

“proposed highway” (“*priffordd arfaethedig*”) has the meaning given by section 329(1) of that Act;

“trunk road” (“*cefnffordd*”) has the meaning given by section 329(1) of that Act.

Relief for acquisitions by bodies established for national purposes

8 A land transaction is relieved from tax if the buyer is any of the following—

- (a) the Trustees of the British Museum;
- (b) the Trustees of the National Heritage Memorial Fund;
- (c) the Trustees of the Natural History Museum.

Relief for acquisitions in consequence of reorganisation of parliamentary constituencies

9 (1) A land transaction is relieved from tax where an Order in Council is made under the Parliamentary Constituencies Act 1986 (c. 56) (orders specifying new parliamentary constituencies) and where—

- (a) the seller is an existing local constituency association, and
- (b) the buyer is—
 - (i) a new association that is a successor to the existing association, or
 - (ii) a related body to the existing association that as soon as practicable transfers the interest or right to a new association that is a successor to the existing association.

(2) Where sub-paragraph (1)(b)(ii) applies, the land transaction giving effect to the transfer mentioned in that sub-paragraph is also relieved.

(3) In this paragraph—

“existing local constituency association” (“*cymdeithas etholaeth leol sy'n bodoli eisoes*”) means a local constituency association whose area was the same, or substantially the same, as the area of a former parliamentary constituency or two or more such constituencies immediately before the relevant date;

“former parliamentary constituency” (“*etholaeth seneddol flaenorol*”) means an area that, for the purposes of parliamentary elections, was a constituency immediately before the relevant date but is no longer such a constituency after that date;

“local constituency association” (“*cymdeithas etholaeth leol*”) means an unincorporated association (whether described as an association, a branch or otherwise) whose primary purpose is to further the aims of a political party in an area that is or was the same or substantially the same as the area of a parliamentary constituency or two or more parliamentary constituencies;

“new association” (“*cymdeithas newydd*”) means a local constituency association whose area is the same, or substantially the same, as that of a new parliamentary constituency or two or more such constituencies immediately after the relevant date;

“new parliamentary constituency” (“*etholaeth seneddol newydd*”) means an area that, for the purposes of parliamentary elections, is such

Status: Point in time view as at 25/05/2017.

Changes to legislation: There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)

a constituency after the relevant date but was not such a constituency immediately before that date;

“related body” (“*corff perthynol*”), in relation to a local constituency association, means a body (whether corporate or unincorporated) that is an organ of the political party concerned;

“relevant date” (“*dyddiad perthnasol*”) means the date which the Order mentioned in sub-paragraph (1) comes into operation (see section 4(6) of the Parliamentary Constituencies Act 1986 (c. 56)).

- (4) For the purposes of this paragraph, a new association is a successor to an existing association if any part of the existing association's area is comprised in the new association's area.

Building societies relief

- 10 (1) A land transaction is relieved from tax if it is effected by or in consequence of—
- (a) an amalgamation of two or more building societies under section 93 of the Building Societies Act 1986 (c. 53) (amalgamation), or
 - (b) a transfer of engagements between building societies under section 94 of that Act (transfer of engagements).
- (2) In this paragraph, “building society” has the meaning given by section 119(1) of the Building Societies Act 1986 (c. 53).

Friendly societies relief

- 11 (1) A land transaction is relieved from tax if it is effected by or in consequence of—
- (a) an amalgamation of two or more registered societies under section 82 of the Friendly Societies Act 1974 (c. 46) (the “1974 Act”) (amalgamation and transfer of engagements),
 - (b) a transfer of engagements under that section,
 - (c) an amalgamation of two or more friendly societies under section 85 of the Friendly Societies Act 1992 (c. 40) (the “1992 Act”) (amalgamation of friendly societies),
 - (d) a transfer of the engagements of a friendly society under section 86 of the 1992 Act (transfer of engagements by or to friendly society), or
 - (e) a transfer of the engagements of a friendly society pursuant to a direction given by the appropriate authority under section 90 of the 1992 Act (power of appropriate authority to effect transfer of engagement).
- (2) In this paragraph—
- “appropriate authority” (“*awdurdod priodol*”) has the meaning given by section 119 of the 1992 Act;
 - “friendly society” (“*cymdeithas gyfeillgar*”) has the meaning given by section 116 of the 1992 Act;
 - “registered” (“*cofrestredig*”) in relation to a society, has the meaning given by section 111 of the 1974 Act.

Co-operative and community benefit society and credit union relief

- 12 (1) A land transaction is relieved from tax if it is effected by or in consequence of—

Status: *Point in time view as at 25/05/2017.*

Changes to legislation: *There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017. (See end of Document for details)*

- (a) a transfer by a registered society of its engagements to another registered society in accordance with section 110 of the Co-operative and Community Benefit Societies Act 2014 (c. 14) (the “2014 Act”) (transfer of engagements between societies),
 - (b) a conversion of a registered society into a company in accordance with section 112 of the 2014 Act (conversion of society into a company, amalgamation with a company etc.),
 - (c) an amalgamation of a registered society with a company in accordance with that section, or
 - (d) a transfer by a registered society of the whole of its engagements to a company in accordance with that section.
- (2) In sub-paragraph (1), “registered society” means a registered society within the meaning given by section 1(1) of the 2014 Act, but in paragraphs (b) to (d) of that sub-paragraph it does not include a society registered as a credit union under that Act by virtue of section 1 of the Credit Unions Act 1979 (c. 34) (the “1979 Act”).
- (3) In so far as it applies to a credit union, sub-paragraph (1)(a) has effect as if the reference to section 110 of the 2014 Act were a reference to that section as it has effect subject to section 21 of the 1979 Act (additional provisions relating to amalgamations and transfers of engagements).

SCHEDULE 23

(as introduced by section 76)

AMENDMENTS TO THE TAX COLLECTION
AND MANAGEMENT (WALES) ACT 2016

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Status:

Point in time view as at 25/05/2017.

Changes to legislation:

There are currently no known outstanding effects for the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.