

Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, PART 3. (See end of Document for details)

SCHEDULE 19 **S** LEASES

PART 3 **S**

AMOUNT OF TAX CHARGEABLE: CONSIDERATION OTHER THAN RENT

Amount of tax chargeable in respect of consideration other than rent: general

- 8 (1) Where in the case of a transaction to which this schedule applies there is chargeable consideration other than rent, the provisions of this Act apply in relation to that consideration as in relation to other chargeable consideration (but see paragraph 9).
- (2) Where a transaction to which this schedule applies falls to be taken into account as a linked transaction for the purposes of section 26, no account is to be taken of rent in determining the relevant consideration.

Commencement Information

- II** Sch. 19 para. 8 in force at 1.4.2015 by [S.S.I. 2015/108](#), [art. 2](#)

Amount of tax chargeable in respect of consideration other than rent: nil rate tax band

- 9 (1) This paragraph applies in the case of a transaction to which this schedule applies where—
- (a) there is chargeable consideration other than rent, and
 - (b) section 25 or 26 applies to the transaction.
- (2) If the relevant rent is at least £1,000, the nil rate tax band does not apply in relation to the consideration other than rent and any such consideration that would have fallen within that band is treated as falling within the next tax band.
- (3) Sub-paragraphs (4) and (5) apply if—
- (a) the transaction to which this schedule applies is one of a number of linked transactions,
 - (b) the relevant land is partly residential property and partly non-residential property, and
 - (c) the relevant rent attributable, on a just and reasonable apportionment, to the land that is non-residential property is at least £1,000.
- (4) For the purposes of determining the amount of tax chargeable under section 26 in relation to the consideration other than rent, the transactions are treated as if they were two sets of transactions, namely—
- (a) one whose subject-matter consists of all of the interests in land that is residential property, and
 - (b) one whose subject-matter consists of all of the interests in land that is non-residential property.
- (5) For that purpose, the chargeable consideration attributable to each of those separate sets of linked transactions is the chargeable consideration so attributable on a just and reasonable apportionment.

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- (6) In this paragraph “ the relevant rent ” means—
- (a) the annual rent in relation to the transaction in question, or
 - (b) if that transaction is one of a number of linked transactions for which the chargeable consideration consists of or includes rent, the total of the annual rents in relation to all of those transactions.
- (7) In sub-paragraph (6) the “ annual rent ” means—
- (a) the average annual rent over the term of the lease, or
 - (b) if—
 - (i) different amounts of rent are payable for different parts of the term, and
 - (ii) those amounts (or any of them) are ascertainable at the effective date of the transaction,the average annual rent over the term for which the highest ascertainable rent is payable.
- (8) In this paragraph “ relevant land ” means—
- (a) the land an interest in which is the main subject-matter of the transaction,
 - (b) if the transaction in question is one of a number of linked transactions, any land an interest in which is the main subject-matter of any of those transactions.

Commencement Information

I2 Sch. 19 para. 9 in force at 1.4.2015 by [S.S.I. 2015/108](#) , [art. 2](#)

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