

[^{F1}SCHEDULE 2A
ADDITIONAL AMOUNT: TRANSACTIONS RELATING TO SECOND HOMES ETC.

Textual Amendments

- F1** Sch. 2A inserted (1.4.2016) by [Land and Buildings Transaction Tax \(Amendment\) \(Scotland\) Act 2016](#) (asp 11), ss. **1(3)**, **5(2)** (with s. 3)

PART 2

TRANSACTIONS TO WHICH THIS SCHEDULE APPLIES

Transactions relating to second homes etc.

- 2 (1) This schedule applies to a chargeable transaction if the following conditions are satisfied—
- (a) the subject-matter of the transaction consists of or includes the acquisition of ownership of a dwelling,
 - (b) the relevant consideration for the transaction is £40,000 or more,
 - (c) at the end of the day that is the effective date of the transaction, the buyer owns more than one dwelling, and
 - (d) either—
 - (i) the buyer is not replacing the buyer's only or main residence, or
 - (ii) the buyer is replacing the buyer's only or main residence but the subject-matter of the transaction also includes the acquisition of ownership of one or more other dwellings in addition to the one that the buyer intends to occupy as the buyer's only or main residence.
- (2) A buyer is replacing the buyer's only or main residence if—
- (a) during the period of 18 months ending with the effective date of the transaction, the buyer has disposed of the ownership of a dwelling,
 - (b) that dwelling was the buyer's only or main residence at any time during the period of 18 months, and
 - (c) on the effective date of the transaction, the buyer intends to occupy the dwelling that is or forms part of the subject-matter of the transaction as the buyer's only or main residence.

Transactions where buyer is a non-individual etc.

- 3 (1) This schedule applies to a chargeable transaction if the following conditions are satisfied—
- (a) the subject-matter of the transaction consists of or includes the acquisition of ownership of a dwelling,
 - (b) the relevant consideration for the transaction is £40,000 or more, and
 - (c) the buyer—
 - (i) is not an individual, or
 - (ii) is an individual and sub-paragraph (2) or (5) applies.

Status: Point in time view as at 16/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, PART 2. (See end of Document for details)

- (2) This sub-paragraph applies if the acquisition is made in the course of a business of the individual the sole or main activity of which is investing or dealing in chargeable interests.
- (3) Sub-paragraph (2) of paragraph 31 of schedule 17 applies for the purposes of sub-paragraph (2) of this paragraph as it applies for the purposes of paragraph 31(1) of that schedule.
- (4) In sub-paragraph (2), the reference to a business of the individual includes a reference to a business of a partnership of which the individual is a partner.
- (5) This sub-paragraph applies if the individual is making the acquisition as trustee under a settlement and, in relation to any dwelling that is or forms part of the subject-matter of the transaction, there is no interested beneficiary.
- (6) For the purposes of sub-paragraph (5), a beneficiary under the settlement is an interested beneficiary in relation to a dwelling if the beneficiary has or will have a relevant interest in the dwelling.]

Status:

Point in time view as at 16/12/2022.

Changes to legislation:

There are currently no known outstanding effects for the Land and Buildings Transaction Tax (Scotland) Act 2013, PART 2.