

*These notes relate to the Land and Buildings Transaction Tax (Relief from Additional Amount) (Scotland) Act 2018 (asp 11) which received Royal Assent on 22 June 2018*

# **LAND AND BUILDINGS TRANSACTION TAX (RELIEF FROM ADDITIONAL AMOUNT) (SCOTLAND) ACT 2018**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1 – Retrospective effect of amendments made by the 2017 Order***

11. **Section 1** provides that the amendments made by articles 3 and 4 of the 2017 Order are to be treated as having had effect since 1 April 2016. It also provides that article 5 of the 2017 Order is to be treated as having had effect since that date and that, in article 5, the reference to 20 May 2017 is to be read as a reference to 28 January 2016 and the reference to 30 June 2017 is to be read as a reference to 1 April 2016 (those being the dates which determine the transactions to which the additional amount of LBTT potentially applies – see above).
12. This addresses the situation in which an additional amount of LBTT has been charged in respect of a transaction with an effective date before the date on which the 2017 Order came into force. If the additional amount would not have been charged, or would have been able to be reclaimed, had the effective date been on or after the date when the 2017 Order came into force, the taxpayer may reclaim the additional amount despite the effective date being earlier than that.

#### ***Sections 2, 3 and 4 – Interpretation, Commencement and Short title***

13. **Sections 2** and **3** are self-explanatory.
14. **Section 4** provides that the short title of this Act is the Land and Buildings Transaction Tax (Relief from Additional Amount) (Scotland) Act 2018.