

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 9

#### SUPPLEMENTARY PROVISIONS ABOUT DEEMED DISPOSALS UNDER SECTION 45

##### Textual Amendments

- F1** *Sch. 9 repealed by Finance Act 1985 (c. 54, SIF 63:1), s. 98(6) and Sch. 27 Part X in relation to disposals of interests in land taking place on or after 19 March Finance Act 1985 (c. 54, SIF 63:1), but without affecting the construction of 1979 (C) Sch. 5 para. 9(5).*

##### *Provisions supplementary to paragraph 3*

- 6 (1) *The following provisions of this paragraph shall have effect for the purposes of paragraph 3 of this Schedule.*
- (2) *Without prejudice to sub-paragraphs (3) and (4) below, if at the time when a lease or agreement for a lease was granted or entered into the parties thereto were not at arm's length, the rent to which the lessor or party agreeing to grant a lease is or is to be entitled shall be deemed to be what it would be if, the other terms of the lease or agreement remaining as they are, the amount of the rent had been negotiated by the parties at arm's length.*
- (3) *Where the payment of any premium, fine or other capital sum (whether in lieu of or in addition to rent)—*
- (a) *is required under a lease or otherwise under the terms subject to which a lease is granted, or on the granting of a lease; or*
  - (b) *will be so required by virtue of an agreement for a lease; or*
  - (c) *is on the making of an agreement for a lease required from the party to whom the lease is to be granted,*
- the amount per annum of the rent to which the lessor or party by whom the lease is to be granted is or is to be entitled under or by virtue of the lease or agreement shall be deemed to be (if there is or is to be no actual rent) or to include (in addition to the actual rent, where there is or is to be any) the annual equivalent of that sum or, if there are two or more such sums, the aggregate of their respective annual equivalents.*
- (4) *Where the terms subject to which a lease is or is to be granted impose or are to impose on the lessee an obligation to carry out any work on the premises, the lease shall for the purposes of sub-paragraph (3) above be deemed to have required, or to be one that will require the payment of a premium to the lessor (in addition to any other premium) of an amount equal to the amount by which the value of the interest of the lessor immediately after the commencement of the lease exceeds or will exceed what its then value would have been or would be if the said terms did not or were not to impose that obligation on the lessee.]*

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 1974, Cross Heading: Provisions supplementary to paragraph 3.