



Finance Act 2003

2003 CHAPTER 14

PART 4

STAMP DUTY LAND TAX

Application of provisions

103 Joint purchasers

- (1) This section applies to a land transaction where there are two or more purchasers who are or will be jointly entitled to the interest acquired.
- (2) The general rules are that—
 - (a) any obligation of the purchaser under this Part in relation to the transaction is an obligation of the purchasers jointly but may be discharged by any of them,
 - (b) anything required or authorised by this Part to be done in relation to the purchaser must be done by or in relation to all of them, and
 - (c) any liability of the purchaser under this Part in relation to the transaction (in particular, any liability arising by virtue of the failure to fulfil an obligation within paragraph (a)), is a joint and several liability of the purchasers.

These rules are subject to the following provisions.

- (3) If the transaction is a notifiable transaction, a single land transaction return is required.
- (4) The declaration required by paragraph 1(1)(c) of Schedule 10 ^{F1}... (declaration that return ^{F1}... is complete and correct) must be made by all the purchasers.
- (5) If the Inland Revenue give notice of an enquiry into the return ^{F2}...—
 - (a) the notice must be given to each of the purchasers,
 - (b) the powers of the Inland Revenue as to the production of documents and provision of information for the purposes of the enquiry are exercisable separately (and differently) in relation to each of the purchasers,
 - (c) any of the purchasers may apply for a direction that a closure notice be given (and all of them are entitled to [^{F3}to be parties to the application]), and

Status: Point in time view as at 06/09/2015.

Changes to legislation: Finance Act 2003, Section 103 is up to date with all changes known to be in force on or before 12 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) the closure notice must be given to each of the purchasers.
- (6) A Revenue determination or discovery assessment relating to the transaction must be made against all the purchasers and is not effective against any of them unless notice of it is given to each of them whose identity is known to the Inland Revenue.
- (7) In the case of an appeal arising from proceedings under this Part relating to the transaction—
- (a) the appeal may be brought by any of the purchasers,
 - (b) notice of the appeal must be given to any of them by whom it is not brought,
 - (c) the agreement of all the purchasers is required if the appeal is to be settled by agreement,
 - [^{F4}(d) if it is not settled, and is notified to the tribunal, any of them are entitled to be parties to the appeal, and]
 - [^{F5}(e) the tribunal's decision on the appeal binds all of them.]
- [^{F6}(7A) In a case where subsection (7) applies and some (but not all) of the purchasers require HMRC to undertake a review under paragraph 36B or 36C of Schedule 10—
- (a) notification of the review must be given by HMRC to each of the other purchasers whose identity is known to HMRC,
 - (b) any of the other purchasers may be a party to the review if they notify HMRC in writing,
 - (c) the notice of HMRC's conclusions must be given to each of the other purchasers whose identity is known to HMRC,
 - (d) paragraph 36F of Schedule 10 (effect of conclusions of review) applies in relation to all of the purchasers, and
 - (e) any of the purchasers may notify the appeal to the tribunal under paragraph 36G.]
- (8) This section has effect subject to—
- the provisions of Schedule 15 relating to partnerships, and
- the provisions of Schedule 16 relating to trustees.

Textual Amendments

- F1** Words in s. 103(4) omitted (with effect in accordance with s. 94(5) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 4\(2\)](#)
- F2** Words in s. 103(5) omitted (with effect in accordance with s. 94(5) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 4\(3\)](#)
- F3** Words in s. 103(5)(c) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 369\(2\)](#)
- F4** S. 103(7)(d) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 369\(3\)\(a\)](#)
- F5** S. 103(7)(e) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 369\(3\)\(b\)](#)
- F6** S. 103(7A) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 369\(4\)](#)

Commencement Information

- I1** Pt. 4 wholly in force at Royal Assent subject to Sch. 19, see s. 124, Sch. 19 para. 1(1)

Status:

Point in time view as at 06/09/2015.

Changes to legislation:

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