

Status: Point in time view as at 12/02/2019.

Changes to legislation: Finance Act 2003, Paragraph 4 is up to date with all changes known to be in force on or before 21 June 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)

SCHEDULES

[^{F1}SCHEDULE 17A

FURTHER PROVISIONS RELATING TO LEASES

Textual Amendments

- F1** Sch. 17A inserted (with effect in accordance with Sch. 39 para. 26 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 39 para. 22\(2\)](#) (which amending provision re-enacts, subject to certain changes, a corresponding amendment made by the now revoked [Stamp Duty and Stamp Duty Land Tax \(Variation of the Finance Act 2003\) \(No. 2\) Regulations 2003 \(S.I. 2003/2816\)](#), see Sch. 39 para. 14) (with Sch. 39 paras. 11, 13(5))

Treatment of leases for indefinite term

- 4 (1) For the purposes of this Part (except [^{F2}sections 77 and 77A] (notifiable transactions))
- (a) a lease for an indefinite term is treated in the first instance as if it were a lease for a fixed term of a year,
 - (b) if the lease continues after the end of the term resulting from the application of paragraph (a), it is treated as if it were a lease for a fixed term of two years,
 - (c) if the lease continues after the end of the term resulting from the application of paragraph (b), it is treated as if it were a lease for a fixed term of three years,
- and so on.
- (2) No account shall be taken for the purposes of this Part of any other statutory provision in England and Wales or Northern Ireland deeming a lease for an indefinite period to be a lease for a different term.
- [^{F3}(3) Where the effect of sub-paragraph (1) in relation to the continuation of the lease after the end of a deemed fixed term is that a transaction becomes notifiable, the purchaser must deliver a return in respect of that transaction before the end of the period of 14 days after the end of that term.
- (3A) Where the effect of sub-paragraph (1) in relation to the continuation of the lease after the end of a deemed fixed term is that—
- (a) tax is payable in respect of a transaction where none was payable before and sub-paragraph (3) does not apply, or
 - (b) additional tax is payable in respect of a transaction,
- the purchaser must deliver a further return in respect of that transaction before the end of the period of 30 days after the end of that term.
- (3B) For the purposes of sub-paragraphs (3) and (3A), any tax or additional tax payable is calculated according to the effective date of the transaction.

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- (3C) Where a purchaser is required to deliver a return under sub-paragraph (3) or a further return under sub-paragraph (3A)—
- (a) that return must include a self-assessment of the amount of tax chargeable in respect of the transaction on the basis of the information contained in the return, and
 - (b) the tax or additional tax payable must be paid not later than the filing date for that return.]
- (4) The provisions of Schedule 10 (returns, enquiries, assessments and other matters) apply to a return under this paragraph as they apply to a return under section 76 (general requirement to deliver land transaction return), with the adaptation that references to the effective date of the transaction shall be read as references to the day on which the lease becomes treated as being for a longer fixed term.
- (4A) For the purposes of [F⁴sections 77 and 77A] (notifiable transactions) a lease for an indefinite term is a lease for a term of less than seven years.
- (5) References in this paragraph to a lease for an indefinite period include—
- (a) a periodic tenancy or other interest or right terminable by a period of notice,
 - (b) a tenancy at will ^{F⁵}..., or
 - (c) any other interest or right terminable by notice at any time.]

Textual Amendments

- F2** Words in Sch. 17A para. 4(1) substituted (with effect in accordance with s. 94(5) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 14](#)
- F3** [Sch. 17A para. 4\(3\)-\(3C\)](#) substituted for [Sch. 17A para. 4\(3\)](#) (with effect in accordance with s. 46(10) of the amending Act) by [Finance Act 2019 \(c. 1\)](#), [s. 46\(8\)\(b\)](#)
- F4** Words in Sch. 17A para. 4(4A) substituted (with effect in accordance with s. 94(5) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 30 para. 14](#)
- F5** Words in Sch. 17A para. 4(5)(b) omitted (with effect in accordance with s. 29(4) of the amending Act) by virtue of [Scotland Act 2012 \(c. 11\)](#), [s. 44\(2\)\(b\)\(3\)\(b\)](#), [Sch. 3 para. 27\(3\)](#) (with [s. 29\(5\)\(6\)](#)); S.I. 2015/637, art. 2

Modifications etc. (not altering text)

- C1** Sch. 17A para. 4(1)(2) applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Pensions Schemes \(Taxable Property Provisions\) Regulations 2006 \(S.I. 2006/1958\)](#), [regs. 1\(1\), 7](#)
- C2** Sch. 17A para. 4(5) applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Pensions Schemes \(Taxable Property Provisions\) Regulations 2006 \(S.I. 2006/1958\)](#), [regs. 1\(1\), 7](#)

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