

SCHEDULES

SCHEDULE 7

DISPOSALS OF UK RESIDENTIAL PROPERTY INTERESTS BY NON-RESIDENTS ETC

PART 1

AMENDMENTS OF TCGA 1992

28 After section 168 insert—

“168A Deemed disposal of UK residential property interest under section 168

- (1) Subsection (2) applies if, ignoring subsections (2) to (4)—
 - (a) a gain would accrue to a transferee on a disposal of a UK residential property interest deemed to have been made by virtue of section 168(1), and
 - (b) on the assumption that the disposal is a non-resident CGT disposal, that gain would be an NRCGT gain chargeable to capital gains tax by virtue of section 14D (see section 57B and Schedule 4ZZB).
- (2) The transferee may elect for subsections (3) and (4) to have effect.
- (3) The held-over gain (within the meaning of section 165 or 260) does not accrue to the transferee on that disposal.
- (4) But, on a subsequent disposal of the whole or part of the interest in UK land which is the subject of the disposal mentioned in subsection (1)(a), the whole or a corresponding part of the held-over gain which would have accrued to the transferee were it not for subsection (3)—
 - (a) is deemed to accrue to the transferee (in addition to any gain or loss that actually accrues on that subsequent disposal), and
 - (b) (if that would not otherwise be the case) is to be treated as an NRCGT gain chargeable to capital gains tax by virtue of section 14D accruing on a non-resident CGT disposal.
- (5) In this section, “interest in UK land” has the meaning given by paragraph 2 of Schedule B1.”