

Land and Buildings Transaction Tax (Amendment) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 6

Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

John Swinney

- 1 In section 1, page 2, line 12, leave out <chargeable> and insert <relevant>

Gavin Brown

- 17 In section 1, page 2, line 13, after second <the> insert <14th day after the>

John Swinney

- 2 In section 1, page 2, line 15, at beginning insert <either—
(i)>

John Swinney

- 3 In section 1, page 2, line 15, at end insert <, or
(ii) the buyer is replacing the buyer's only or main residence but the subject-matter of the transaction also includes the acquisition of ownership of one or more other dwellings in addition to the one that the buyer intends to occupy as the buyer's only or main residence.>

John Swinney

- 4 In section 1, page 2, line 29, leave out <chargeable> and insert <relevant>

John Swinney

- 5 In section 1, page 3, line 2, leave out from <(other> to end of line 4 and insert <and, in relation to any dwelling that is or forms part of the subject-matter of the transaction, there is no interested beneficiary.
() For the purposes of sub-paragraph (5), a beneficiary under the settlement is an interested beneficiary in relation to a dwelling if the beneficiary has or will have a relevant interest in the dwelling.>

John Swinney

6 In section 1, page 3, line 20, at end insert—

- <(4) In the case of a chargeable transaction to which this schedule applies by virtue of paragraph 2(1)(c)(ii), the relevant consideration is to exclude so much of the chargeable consideration as is attributable, on a just and reasonable apportionment, to the acquisition of ownership of the dwelling (including any interest or right pertaining to ownership of the dwelling) that the buyer intends to occupy as the buyer's only or main residence.>

John Swinney

7 In section 1, page 4, line 10, leave out <condition> and insert <conditions>

John Swinney

8 In section 1, page 4, line 11, after <2(1)(a)> insert <and (aa)>

John Swinney

9 In section 1, page 4, line 13, leave out first <the> and insert <a>

John Swinney

10 In section 1, page 4, line 13, after <has> insert <or will have>

John Swinney

11 In section 1, page 4, line 14, leave out <trust property> and insert <subject-matter of the transaction>

John Swinney

12 In section 1, page 5, line 8, at end insert—

- <() In the case of a chargeable transaction to which this schedule applies by virtue of paragraph 2(1)(c)(ii), sub-paragraph (2)(a) has effect only in relation to the additional amount applicable to so much of the relevant consideration for the transaction as is attributable, on a just and reasonable apportionment, to the acquisition of ownership of the dwelling (including any interest or right pertaining to ownership of the dwelling) referred to in sub-paragraph (1)(c).>

John Swinney

13 In section 1, page 5, line 36, at end insert—

- <(5) Where the ownership interest in a dwelling is one of deemed ownership by virtue of paragraph 11 or 11C then, for the purposes of sub-paragraph (3), the market value of the interest is taken to be the market value of the dwelling.
- (6) In determining the market value of a dwelling for the purposes of sub-paragraph (5)—
 - (a) the market value of any interest or right pertaining to ownership of the dwelling is to be included, and
 - (b) no account is to be taken of the effect of the existence of the interest referred to in sub-paragraph (5).>

John Swinney

- 14** In section 1, page 8, line 9, leave out <Part> and insert <Parts 2 (except paragraphs 2(1)(aa) and 3(1)(aa)) and>

John Swinney

- 15** In section 1, page 8, line 18, at end insert—
<“relevant consideration” is to be construed in accordance with paragraph 4(3) and (4),>

John Swinney

- 16** In section 1, page 8, line 24, after <property> insert <or the subject-matter of a transaction>

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