

Table of contents

Other titles from Claritax Books.....	iv
About the author.....	v
Abbreviations.....	vi
Foreword to the sixth edition.....	ix
Introduction.....	1

1. Stamp duty

1.1 Overview	3
1.2 The basis of the charge to stamp duty.....	3
1.3 Compliance	7
1.4 Transitional provisions	9
1.5 Why is stamp duty relevant now?.....	11

2. SDLT - the basics

2.1 Overview	13
2.2 The elements of the charge to SDLT	13
2.3 Transactions exempt from charge.....	16
2.4 Rates of charge.....	18
2.5 What is non-residential or mixed-use property?	22
2.6 Higher rates of SDLT for additional dwellings	25
2.7 Acquisition of property through a non-natural person - 15% rate	33
2.8 Annual tax on enveloped dwellings (ATED).....	37
2.9 SDLT on de-enveloping transactions.....	40
2.10 Major interest.....	41
2.11 Tax point.....	42
2.12 Linked transactions	45
2.13 Land and buildings transaction tax.....	48
2.14 Land transaction tax (Treth Trafodiadau Tir)	53

3. Chargeable consideration

3.1 Overview	60
3.2 Scope of charge.....	60
3.3 Uncertain, contingent and unascertained consideration.....	65
3.4 Annuities	69
3.5 Just and reasonable apportionment.....	70
3.6 Market value	73
3.7 Works exemption.....	78
3.8 Prudential Assurance Co v CIR.....	79
3.9 PFI projects.....	80

4. Leases - the basics

4.1 Overview	81
4.2 Meaning of a lease	81
4.3 The term of a lease	82
4.4 Rates of charge.....	87
4.5 Rent.....	88
4.6 Renewable energy	89
4.7 Net present value.....	90

4.8	Variable or uncertain rent.....	91
4.9	Exclusions from scope of chargeable consideration	97
5.	Leases – miscellaneous	
5.1	Overview	100
5.2	Lease premiums and reverse premiums.....	100
5.3	Deposit and loan arrangements.....	101
5.4	Agreements for lease and substantial performance	102
5.5	Holding over.....	105
5.6	Assignment of leases	109
5.7	Lease variations.....	111
5.8	Surrender	114
5.9	Abnormal increases in rent	115
5.10	Linked transactions	115
6.	Partnerships	
6.1	Overview	118
6.2	Partnerships defined	118
6.3	Ordinary partnership transactions	120
6.4	Contribution of a chargeable interest to a partnership.....	122
6.5	Transfer of interest in property investment partnership.....	126
6.6	Transfer of interest from a partnership	131
6.7	Anti-avoidance.....	135
6.8	Interaction with deemed market value for connected company acquisition	137
6.9	Application of group relief	138
7.	Trusts and trustees	
7.1	Overview	142
7.2	Bare trust	142
7.3	Trusts other than bare trusts.....	145
7.4	Foreign trusts.....	148
7.5	Personal representatives.....	148
7.6	Transactions involving pension funds	149
8.	Shared ownership schemes	
8.1	Overview	151
8.2	Shared ownership schemes.....	151
8.3	Qualification requirements.....	152
8.4	How SDLT is calculated	152
8.5	Right to buy	156
8.6	First-time buyer’s relief and shared ownership	157
8.7	Higher rates of SDLT for additional dwellings and staircasing.....	157
8.8	Lease and leaseback arrangements.....	157
9.	Reliefs – general	
9.1	Overview	158
9.2	Charities relief (code 20).....	158
9.3	Compulsory purchase relief (code 10)	162
9.4	Compliance with planning obligations (code 11).....	163
9.5	Alternative finance relief (code 24)	164

9.6	Sale and leaseback relief (code 28)	167
9.7	NHS bodies relief (code 28)	169
9.8	Incorporation of LLP (code 17)	170
9.9	Disadvantaged areas relief	171
9.10	First-time buyer's relief (code 32)	171
9.11	Multiple dwellings relief (code 33)	173
9.12	Certain acquisitions of residential property (code 8 or 9)	178
9.13	Certain acquisitions by registered social landlords (code 23)	183
9.14	Crown exemption (code 28)	184
9.15	Other reliefs	184
10.	Reliefs – corporate	
10.1	Overview	189
10.2	Group relief	189
10.3	Acquisition relief	198
10.4	Reconstruction relief	202
10.5	Seeding relief	204
11.	Transactions entered into before completion of contract (sub-sale, assignment or transfer of rights)	
11.1	Overview	207
11.2	Finance Act 2003, Sch. 2A	208
11.3	Anti-avoidance	215
11.4	Application to leases	218
11.5	Compliance	219
11.6	Contract providing for conveyance to a third party	220
12.	Section 75A – the SDLT anti-avoidance rule and related case law	
12.1	Overview	223
12.2	Application of FA 2003, s. 75A	224
12.3	Incidental transactions	228
12.4	Miscellaneous	229
12.5	Situations in which HMRC consider FA 2003, s. 75A applies; and situations in which it does not	229
12.6	Conclusion	232
12.7	SDLT case-law involving SDLT avoidance schemes	233
12.8	The avoidance dilemma	241
13.	Compliance	
13.1	Overview	243
13.2	Notifiable transactions and major interests in land	243
13.3	Exceptions from the requirement to notify	244
13.4	The land transaction return	246
13.5	Registration at the Land Registry and the SDLT5 certificate	256
13.6	Record keeping	256
13.7	Payment of SDLT	257
14.	Penalties, enquiries and disclosure	
14.1	Overview	259
14.2	Fixed penalties	259
14.3	Tax-related penalties	261

14.4	Interest on unpaid tax.....	263
14.5	Criminal offences	264
14.6	HMRC enquiry and assessment powers	264
14.7	DOTAS.....	268
14.8	Follower and accelerated payment notices	271
	Table of primary legislation	273
	Table of statutory instruments	285
	Index of cases	287
	General index	289
	Rates of SDLT valid 1 April 2019	314