
WELSH STATUTORY INSTRUMENTS

2018 No. 125 (W. 30)

LAND TRANSACTION TAX, WALES

**The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017
(Amendment to Schedule 5) Regulations 2018**

Made - - - - *31 January 2018*

Coming into force - - *1 April 2018*

The Welsh Ministers make the following Regulations in exercise of the power conferred on them by section 24(11) of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017(1).

In accordance with section 79(2) of that Act, a draft of these Regulations was laid before and approved by a resolution of the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendment to Schedule 5) Regulations 2018.

(2) These Regulations come into force on 1 April 2018.

Amendment to Schedule 5 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017

2. Schedule 5 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 is amended as follows—

- (a) in paragraph 7(a), after “the buyer” insert “or the buyer’s spouse or civil partner”;
- (b) in paragraph 16(a), after “the buyer” insert “or the buyer’s spouse or civil partner”.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

31 January 2018

Mark Drakeford
Cabinet Secretary for Finance, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 5 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (“the Act”) to extend the scope of the exceptions from the rates applicable to a higher rates residential property transaction provided by paragraphs 7 and 16.

Paragraph 7 provides that a transaction is not a higher rates residential property transaction where the major interest acquired by the buyer is an additional interest in their only or main residence. Such a transaction may arise where there is a transfer of equity from a co-owner in the dwelling. Paragraph 16 of Schedule 5 to the Act makes equivalent provision where the buyer acquires a number of dwellings as part of a single transaction.

Regulation 2 amends paragraphs 7 and 16 to extend the scope of the exceptions. The amendments ensure that a buyer is able to rely on the exceptions provided by paragraphs 7 and 16 in cases where that buyer is acquiring a major interest in a dwelling and—

- (a) immediately before the effective date of the transaction, the buyer’s spouse or civil partner owns a major interest in the same dwelling; and
- (b) that dwelling will be the buyer’s only or main residence immediately before and after the effective date of the transaction.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.