

Finance Act, 2008

Section 94 - Notification and registration of transactions

1) Part 4 of FA 2003 (stamp duty land tax) is amended as follows. (2) For section 77 substitute- "77 Notifiable transactions (1) A land transaction is notifiable if it is- (a) an acquisition of a major interest in land that does not fall within one or more of the exceptions in section 77A, (b) an acquisition of a chargeable interest other than a major interest in land where there is chargeable consideration in respect of which tax is chargeable at a rate of 1% or higher or would be so chargeable but for a relief, (c) a land transaction that a person is treated as entering into by virtue of section 44A(3), or (d) a notional land transaction under section 75A. (2) This section has effect subject to- (a) sections 71A(7) and 72A(7), and (b) paragraph 30 of Schedule 15. (3) In this section "relief" does not include an exemption from charge under Schedule 3. 77A Exceptions for certain acquisitions of major interests in land (1) The exceptions referred to in section 77(1)(a) are as follows. 1. An acquisition which is exempt from charge under Schedule 3. 2. An acquisition (other than the grant, assignment or surrender of a lease) where the chargeable consideration for that acquisition, together with the chargeable consideration for any linked transactions, is less than 40,000. 3. The grant of a lease for a term of 7 years or more where- (a) any chargeable consideration other than rent is less than 40,000, and (b) the relevant rent is less than 1,000. 4. The assignment or surrender of a lease where- (a) the lease was originally granted for a term of 7 years or more, and (b) the chargeable consideration for the assignment or surrender is less than 40,000. 5. The grant of a lease for a term of less than 7 years where the chargeable consideration does not exceed the zero rate threshold. 6. The assignment or surrender of a lease where- (a) the lease was originally granted for a term of less than 7 years, and (b) the chargeable consideration for the assignment or surrender does not exceed the zero rate threshold. (2) Chargeable consideration for an acquisition does not exceed the zero rate threshold if it does not consist of or include- (a) any amount in respect of which tax is chargeable at a rate of 1% or higher, or (b) any amount in respect of which tax would be so chargeable but for a relief. (3) In this section- "annual rent" has the meaning given in paragraph 9A of Schedule 5, "relevant rent" means- (a) the annual rent, or (b) in the case of the grant of a lease to which paragraph 11 or 19 of Schedule 15 applies, the relevant chargeable proportion of the annual rent (as calculated in accordance with that paragraph), and "relief" does not include an exemption from charge under Schedule 3." (3) In section 79(2) (registration of land transactions), after "every" insert "notifiable". (4) Schedule 30 contains consequential provision. (5) The amendments made by this section and that Schedule have effect in relation to transactions with an effective date on or after 12 March 2008.