

CAPITAL TAXES

Stamp Duty Land Tax



Stamp Duty Land Tax is payable by the purchaser in a land transaction which includes a simple conveyance of land such as buying a house, or when creating or assigning a lease. Since 1 July 2021 the Stamp Duty Land Tax (SDLT) and Land Transaction Tax (LTT) bands for residential property have changed.

Who pays the tax?

SDLT is payable by the purchaser in a land transaction occurring in England and Northern Ireland. For land transactions in Scotland, Land & Buildings Transaction Tax (LBTT) applies and in Wales land transactions are chargeable to Land Transaction Tax (LTT).

What is a land transaction?

A transaction will trigger liability if it involves the acquisition of an interest in land. This will include a simple conveyance of land such as buying a house, creating a lease or assigning a lease.

When is the tax payable?

The tax has to be paid when a contract has been substantially performed. In cases where the purchaser takes possession of the property on completion, that will be the date. However, if the purchaser effectively takes possession before completion - known as 'resting on contract' - that will be regarded as triggering the tax.

How much tax is payable on residential property?

Each SDLT rate is payable on the portion of the property value which falls within each band.

SDLT between 1 July 2021 and 30 September 2021

Since 1 July 2021 the Stamp Duty Land Tax (SDLT) and Land Transaction Tax (LTT) bands for residential property have changed. The following rates and thresholds apply for SDLT from 1 July 2021 to 30 September 2021:

Residential property (£)	Rate %
0 – 250,000	0
250,001 – 925,000	5

925,001 – 1,500,000	10
1,500,001 and above	12

SDLT: previous temporary reduced rates due to coronavirus pandemic

Reduced or no rates of SDLT applied (the ‘stamp duty holiday’) for residential property purchased from 8 July 2020 until 30 June 2021 inclusive.

The rates and thresholds were:

Residential property

Purchase price of property	Band % rates
£0 - £500,000	0
£500,001-£925,500	5
£925,501-£1,500,000	10
£1,500,501-and above	12

First-time buyer relief

From July until 30 September 2021, first-time buyers will not pay any stamp duty on the first £300,000 of residential property, provided the property costs £500,000 or less. up to and including £300,000. The excess beyond this and up to £500,000 will be charged at 5% with ordinary SDLT rates applying beyond £500,000.

Each SDLT rate is payable on the portion of the property value which falls within each band. The current rates and thresholds are:

Property value	Band % rates
£0 - £300,000	0
£300,001-£500,000	5
Over £500,000	Standard rates apply

From 1 October 2021, the Stamp Duty rates in England and Northern Ireland change.

Stamp duty rates in England and Northern Ireland from 1 October 2021:

PURCHASE PRICE	RATE ON MAIN RESIDENCE	RATE FOR ADDITIONAL PROPERTIES
Up to £125,000 (£300,000 for first-time buyers)	0%	3%
£125,0001 – £250,000	2%	5%

£250,001 – £925,000	5%	8%
£925,001 – £1,500,000	10%	13%
£1,500,001 +	12%	15%

First-time buyers relief for qualifying shared ownership

First-time buyer relief applies to purchasers of qualifying shared ownership properties who do not elect to pay SDLT on the market value of the whole property when they purchase their first share. Relief will be applied to the first share purchased, where the market value of the shared ownership property is £500,000 or less.

Additional residential properties

As shown in the table above, higher rates of SDLT are charged on purchases of additional residential properties (above £40,000).

The main target of the higher rates is purchases of buy-to-let properties or second homes. However, there will be some purchasers who will have to pay the additional charge even though the property purchased will not be a buy-to-let or a second home. The 36-month rule set out below helps to remove some transactions from the additional rates (or allow a refund).

Care is needed if an individual already owns, or partly owns, a property and transacts to purchase another property without having disposed of the first property.

The higher rates potentially apply if, at the end of the day of the purchase transaction, the individual owns two or more residential properties.

Some further detail:

- Purchasers will have 36 months to claim a refund of the higher rates if they buy a new main residence before disposing of their previous main residence.
- Purchasers will also have 36 months between selling a main residence and replacing it with another main residence without having to pay the higher rates.
- A small share in a property which has been inherited within the 36 months prior to a transaction will not be considered as an additional property when applying the higher rates.
- There will be no exemption from the higher rates for significant investors.

What about non-residential and mixed property?

The rates for non-residential and mixed property are set out in the table below.

The SDLT rates are payable on the portion of the property value which falls within each band.

£0 - £150,000	0
£150,001-£250,000	2
£250,001 and over	5

Broadly speaking, 'residential property' means a building that is suitable for use as a dwelling - eg: ordinary houses. Buildings such as hotels are not residential.

More than one dwelling

There is a relief available for purchasers of residential property who acquire interests in more than one dwelling at the same time. Where the relief is claimed the rate of SDLT is determined not by the aggregate consideration but instead by the mean consideration (ie by the aggregate consideration divided by the number of dwellings), subject to a minimum rate of 1%.

SDLT surcharge on non-UK residents?

If you're not present in the UK for at least 183 days (6 months) during the 12 month before your purchase you are 'not a UK resident' for the purposes of SDLT. Since 1 April 2021 you'll usually pay a 2% SDLT surcharge when purchasing residential property in England and Northern Ireland.

Are there any exemptions?

Yes. There are a number of situations in which the transfer of land will not be caught for SDLT. These include:

- a licence to occupy
- a gift of land
- transfers of land in a divorce
- transfer of land to a charity
- transfers of land within a group of companies.

What is the tax charged on?

Tax is chargeable on the consideration. This will usually be the actual cash that passes on the sale. However the definition is very wide and is intended to catch all sorts of situations where value might be given other than in cash: for example, if the purchaser agrees to do certain work on the property.

How does the tax work on leases?

If an existing lease is purchased, SDLT is calculated in the same way as the purchase of a freehold property. If a lease is created for the payment of a premium ie a lump sum in addition to any rent, then the amount of the premium is the consideration subject to SDLT and is also calculated in the same way as the purchase of a freehold property.

However, there is also a potential charge to SDLT on the rental element. The calculation takes account of various factors including the rent that will be paid under the lease. If the calculated value exceeds £150,000, the excess is charged at 1%.

A 2% rate applies to rent paid under a non-residential lease where the Net Present Value (NPV) NPV of the rent is above £5 million.

The [government has SDLT calculators](#) which work out the amount of SDLT payable.

How do I tell HMRC about a liability?

The purchaser must complete an SDLT1 return and this must be submitted to a special HMRC office within 14 days of the transaction. The purchaser must also send a cheque for the tax at the same time so this means that they have to calculate the tax due. A late return triggers an automatic penalty of £100, and late payment of the tax will mean a charge to interest.

SDLT certificate

A certificate will be sent to the purchaser to show that they have paid the tax. This certificate is required to change the details of the property ownership at the Land Registry. The fact that HMRC has given the purchaser a certificate does not mean the SDLT calculations are agreed. HMRC has nine months in which to decide whether or not to enquire into the return and challenge the figures.

How we can help

If you are planning to enter into an arrangement to purchase land, we can advise you of the precise impact of Stamp Duty Land Tax on the transaction, so please contact us at Wise & Co. We can also help you complete the SDLT1 and submit it to HMRC.

Updated in July 2021.