

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 but also creating a lease or assigning a lease. If you are considering property investment or acquiring a lease on a commercial property in the Surrey area we, at Wise & Co, can help you to make property acquisitions in a tax efficient manner.

Who pays the tax?

SDLT is payable by the purchaser in a land transaction occurring in England and Northern Ireland. For land transactions occurring 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. The current rates and thresholds are:

Residential property**Purchase price of property****Band % rates**

£0 - £125,000	0
£125,001-£250,000	2
£250,001-£925,000	5
£925,001-£1,500,000	10
£1,500,501 and above	12

First-time buyer relief

First-time buyers pay 0% SDLT on residential properties on consideration 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:

Non-residential and mixed	Band % rates
£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. Obviously it includes 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%.

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 £125,000 for residential property and £150,000 for non-residential, the excess is charged at 1%.

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

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

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 30 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.

What will HMRC do then?

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 the 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, in the Surrey area 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.