



Law Society
of Scotland

Representations

UK Budget

February 2020



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Tax Law Sub-committee welcomes the opportunity to submit budget representations. We have the following comments to put forward for consideration.

Budget representations

Taxation of Chargeable Gains Act 1992 (TCGA 1992), section 248A

We understand that ICAS have submitted representations in relation to a proposal to amend section 248A of the TCGA 1992. We strongly support ICAS' representations on this matter. We consider that Scottish partnerships should not be disadvantaged by being unable to claim the relief which would otherwise be available under section 248A as a result of the underlying Scots law concerning the legal personality of a partnership.

Office of Tax Simplification: Inheritance Tax Review

We note the terms of the report¹ concerning administrative aspects of inheritance tax published in November 2018 by the Office of Tax Simplification as part of their Inheritance Tax Review. In our response² to the Review's consultation, we called for simplification of inheritance tax forms and processes and improvements to guidance. We support the implementation of the OTS' recommendations in relation to administrative

¹ <https://www.gov.uk/government/publications/office-of-tax-simplification-inheritance-tax-review>

² <https://www.lawscot.org.uk/media/360487/18-06-08-tax-ts-consultation-iht-review.pdf>

aspects of inheritance tax and consider that the changes proposed could make a significant difference to agents, executors, trustees, and other relevant parties who require to interact with inheritance tax processes.

For further information, please contact:

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