

# No-deal-Brexit: Land transfer before Brexit becomes effective?

**No-deal-Brexit:** Is it preferable to make a land transfer contract between close relatives before Brexit becomes effective?

In the case of a real estate transaction in the country Salzburg, in principle, the authorisation of the land transfer authority is needed for the land registry entry, if the acquirer is a citizen of a third country. But there are exemptions.

One exemption is provided for the case, that the land is taken over from a relative, such as a child.

According to paragraph 11 subparagraph 2 of the law of the transfer of properties (Salzburger Grundverkehrsgesetz) a transaction of land between „*parents and their progeny, grandparents and their progeny*“ is **not subject to the permission of the land transfer authority**.

Thus, in view of the postponed Brexit, it seems to be, that land transfers between close relatives are exempt from the permission of the land transfer authority, as it is already applicable for foreigners from third countries, i.e. not-EU member states.

So, in view of the uncertainty with the Brexit, the law of the transfer of property provides no stricter rules in certain cases, e.g. the land transfer between close relatives. In these cases it might not be necessary to make a short term land transaction.

However, inheritance or gift tax could possibly be levied in the UK for foreign assets in Salzburg. This tax issue should be considered in time.

For further information and consultation do not hesitate to contact me (phone: 0043 699 1710 76 38 or mail: [office@rechtsanwalt-herzog.at](mailto:office@rechtsanwalt-herzog.at)).