



Finance Act 1963

1963 CHAPTER 25

PART IV

STAMP DUTIES

Miscellaneous

62 Commonwealth stock

- (1) In Schedule 1 to the Stamp Act 1891, the heading "Conveyance or Transfer whether on sale or otherwise" (which relates to Canadian and colonial stock) shall be omitted, and any transfer of stock to which that heading applied shall be chargeable with stamp duty under the heading appropriate to a like transfer of other stock.
- (2) The rate of stamp duty chargeable under or by reference to the heading "Conveyance or Transfer on sale" in the said Schedule in respect of a transfer of commonwealth government stock shall be one quarter of the rate of duty which would be chargeable under that heading apart from this subsection, except that where the amount or value of the consideration does not exceed £5 the duty shall be 3d.
- (3) Section 37 of the Finance Act 1939 shall apply to all commonwealth government stock including any such stock which is constituted by or transferable by means of overseas bearer instruments within the meaning of the heading set out in section 59(1) of this Act; and accordingly—
 - (a) the reference in subsection (1)(b) of the said section 37 to the stamp duty which would be payable on transfers of the stock shall include a reference to the stamp duty which would be payable in respect of such instruments; and
 - (b) any such instrument to which an agreement made under that section applies and which would otherwise be chargeable to stamp duty shall be exempt from that duty:

Provided that nothing in this section shall be taken as affecting any agreement made under that section before the commencement of this Part of this Act.

Status: This is the original version (as it was originally enacted).

- (4) In sections 82 and 83 of the Stamp Act 1891 (marketable securities) for the word " colonial " wherever it occurs, there shall be substituted the word " commonwealth ".
- (5) Section 2 of the Indian Securities Act 1860 (exemption for certain India stock) and section 28 of the Finance Act 1936 (India stocks and securities to be treated as colonial stock) are hereby repealed.
- (6) In this section " commonwealth government stock " means stock or marketable securities issued by the government of any country or territory within the commonwealth outside the United Kingdom, and in section 82 of the Stamp Act 1891, as amended by this section, references to a commonwealth government, municipal body, corporation or company are references to the government of, or a municipal body, corporation or company established under the law of, any such country or territory.

63 Securities for annual and other payments

In determining whether an instrument is—

- (a) the only, principal or primary security for any annuity or for any sum or sums of money within the meaning of paragraph (1) of the heading " Bond, Covenant or Instrument of any kind whatsoever " in Schedule 1 to the Stamp Act 1891; or
- (b) the only, principal or primary security for the payment or repayment of money within the meaning of paragraph (1) of the heading " Mortgage, Bond, Debenture, Covenant and Warrant of Attorney " in that Schedule,

no account shall be taken of any other instrument which is a security for the same annuity, sum or sums, or for the same payment or repayment, as the case may be, or for any part thereof, unless that other instrument is chargeable with stamp duty under either of the said paragraphs and is duly stamped.

64 Gifts in consideration of marriage

For the purposes of section 74(5) of the Finance (1909-10) Act 1910 (stamp duty on conveyances and transfers not for valuable consideration) marriage shall not be deemed to be the consideration for a conveyance or transfer except in so far as the conveyance or transfer is a disposition such as, in the case of a person dying after the passing of this Act, would be treated for estate duty purposes as a gift made in consideration of marriage.

65 Miscellaneous exemptions

- (1) Any instrument which is exempt from duty under the heading set out in section 59(1) of this Act by virtue of exemption 3 in that heading or would be so exempt if it were otherwise chargeable under that heading shall be exempt from stamp duty under or by reference to the heading " Conveyance or Transfer on sale " in Schedule 1 to the Stamp Act 1891.
- (2) In Part VII of the Finance Act 1946, and in section 30 of the Finance Act 1962, the references to a unit trust scheme shall be deemed not to include references—
 - (a) to any common investment scheme under section 22 of the Charities Act 1960; or

- (b) to any unit trust scheme the units in which are, under the terms of the trust instrument relating to the scheme, required to be held only by bodies of persons established for charitable purposes only or trustees of trusts so established.
- (3) No stamp duty shall be chargeable in respect of any form of application for legal aid under the Legal Aid and Advice Acts 1949 and 1960 or the Legal Aid (Scotland) Acts 1949 and 1960, or in respect of any form relating to the offer and acceptance of a certificate pursuant to an application for legal aid under those Acts.

66 Composition for stamp duty on local authorities' securities

- (1) The Commissioners may enter into an agreement with any local authority for the composition, in accordance with the following provisions of this section, of the stamp duty chargeable under the heading " Marketable Security" or " Mortgage, Bond, Debenture, Covenant and Warrant of Attorney " in Schedule 1 to the Stamp Act 1891 on such securities issued by the local authority as may be specified in the agreement.
- (2) Any such agreement shall require the local authority to deliver to the Commissioners periodical accounts giving such particulars of the instruments to which the agreement relates as may be specified in the agreement, and may contain such other terms and conditions as the Commissioners think proper.
- (3) Where an agreement has been entered into under this section between the Commissioners and any local authority, any instrument to which the agreement relates and which contains a statement that the appropriate stamp duty has been or will be paid to the Commissioners in accordance with the provisions of this section shall not be chargeable with any stamp duty, but the aggregate of the sums which, but for the provisions of this subsection, would have been chargeable by way of stamp duty on any such instruments issued during the period to which any account delivered under the agreement relates shall, by way of composition, be paid by the local authority to the Commissioners on the delivery of the account.
- (4) If a local authority makes default in delivering any account required by any such agreement or in paying the duty payable on the delivery of any such account, the local authority shall be liable to a fine not exceeding £50 for every day during which the default continues and shall also be liable to pay to Her Majesty, in addition to the duty, interest thereon at the rate of five per cent. per annum from the date when the default begins.
- (5) For the purposes of the headings mentioned in subsection (1) of this section, any instrument in respect of which stamp duty is paid by way of composition under this section shall be deemed to be duly stamped; and for the purposes of section 8(3) of the Finance Act 1899 the stamp duty payable in respect of any such instrument shall be deemed to have been paid.
- (6) In this section " local authority " means a local authority within the meaning of the Local Government Act 1933 (not being a parish council), a local authority within the meaning of the London Government Act 1939, the Common Council of the City of London and, in Scotland, the council of a county, the town council of a burgh and a district council.

Status: This is the original version (as it was originally enacted).

67 Prohibition of circulation of blank transfers

- (1) Where a transfer in blank relating to registered stock of any description has been delivered, pursuant to a sale of that stock, to or to the order of the purchaser or any person acting on his behalf, any person who in Great Britain parts with possession of that transfer, or who removes it or causes or permits it to be removed from Great Britain, before it has been duly completed shall be liable to a fine not exceeding the aggregate of £50 and an amount equal to twice the stamp duty chargeable in respect of that transfer.
- (2) For the purposes of this section "transfer in blank" means a transfer in which the name of the transferee has not been inserted, and a transfer shall be treated as duly completed if, and only if, the name of the transferee is inserted therein, being the name of—
 - (a) the purchaser of the stock under the sale ;
 - (b) a person entitled to a charge upon the stock for money lent to that purchaser ;
 - (c) a nominee holding as a bare trustee for that purchaser or for any such person as is mentioned in paragraph (b) above; or
 - (d) a person acting as the agent of that purchaser for the purposes of the sale.
- (3) The foregoing provisions of this section shall apply in relation to a transfer delivered by way of or pursuant to a voluntary disposition inter vivos, being a transfer to which section 74 of the Finance (1909-10) Act 1910 applies, as they apply in relation to a transfer delivered pursuant to a sale, and as if for any reference to the purchaser there were substituted a reference to the person (in this section referred to as the donee) to whom the disposition is made.
- (4) In this section references to stock shall be construed in accordance with subsection (4) of section 59 of this Act, and " transfer " includes any instrument used for transferring stock ; but nothing in this section applies—
 - (a) to any instrument which is chargeable with duty under paragraph (3) of the heading " Bearer Instrument " set out in subsection (1) of that section and is duly stamped; or
 - (b) to any instrument which is exempt from duty by virtue of exemption 3 in that heading, or would be so exempt if it were otherwise chargeable under that heading.
- (5) References in this section to the purchaser or donee of any stock include references to any person to whom the rights of the purchaser or donee are transmitted by operation of law; and in relation to a transfer chargeable with duty in accordance with section 58(4) or (5) of the Stamp Act 1891 (transfers to sub-purchasers) references in this section to the purchaser and a sale shall be construed as references to the sub-purchaser and a sub-sale.
- (6) This section shall come into force on such date as the Treasury may by order made by statutory instrument direct.