



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Supplementary

230 Stamp duty

- (1) Subject to subsection (4) below, stamp duty shall not be chargeable in respect of any transfer effected under or by virtue of any of the following provisions of this Act, namely—
- section 15(2);
 - section 74 (taken with Schedule 10);
 - section 95(4);
 - section 96(2);
 - section 126 (taken with Schedule 10);
 - section 128(1)(b);
 - section 130 (taken with Schedule 10);
 - section 136(2);
 - section 168(1) and (2);
 - section 180(1);
 - section 190(5);
 - section 192;
 - section 201(5) and (7); and
 - section 228 (taken with Schedule 10).
- (2) Subject to subsection (4) below, stamp duty shall not be chargeable in respect of any transfer to a local education authority under or by virtue of section 95(6) or (7) or 101(2) of this Act of property which immediately after the transfer is held by the authority for the purposes of an institution (or institutions) falling within subsection (3) below.

Status: This is the original version (as it was originally enacted).

- (3) An institution falls within this subsection if it is—
- (a) a university;
 - (b) an institution within the PCFC funding sector;
 - (c) an institution which provides higher education or further education (or both) and is either—
 - (i) maintained by a local education authority; or
 - (ii) designated by or under regulations made under section 27 of the 1980 Act as an institution substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the 1944 Act;
 - (d) a school maintained by a local education authority; or
 - (e) a grant-maintained school.
- (4) No instrument (other than a statutory instrument) made or executed—
- (a) under or in pursuance of any of the provisions mentioned in subsection (1) above; or
 - (b) for the purpose of giving effect to any such transfer as is mentioned in subsection (2) above;

shall be treated as duly stamped unless it is stamped with the duty to which it would, but for this section (and, if applicable, section 129 of the Finance Act 1982), be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it has been duly stamped.