Finance Act 1999

1999 CHAPTER 16

PART VI

STAMP DUTY AND STAMP DUTY RESERVE TAX

Stamp duty

109 Interest and penalties on late stamping.

(1) For section 15 of the [M1]Stamp Act 1891 (penalty upon stamping instruments after execution) substitute—

"**15 Stamping after execution.**

(1) An unstamped or insufficiently stamped instrument may be stamped after being executed on payment of the unpaid duty and any interest or penalty payable.

(2) Any interest or penalty payable on stamping shall be denoted on the instrument by a particular stamp.

15A Late stamping: interest.

(1) Interest is payable on the stamping of an instrument which—

(a) is chargeable with*ad valorem* duty, and

(b) is not duly stamped within 30 days after the day on which the instrument was executed (whether in the United Kingdom or elsewhere).

(2) Interest is payable on the amount of the unpaid duty from the end of the period of 30 days mentioned in subsection (1)(b) until the duty is paid.

If an amount is lodged with the Commissioners in respect of the duty, the amount on which interest is payable is reduced by that amount.

(3) Interest shall be calculated at the rate applicable under section 178 of the [M2]Finance Act 1989 (power of Treasury to prescribe rates of interest).

(4) The amount of interest shall be rounded down (if necessary) to the nearest multiple of £5.

No interest is payable if that amount is less than £25.

(5) Interest under this section shall be paid without any deduction of income tax and shall not be taken into account in computing income or profits for any tax purposes.

15B Late stamping: penalties.

(1) A penalty is payable on the stamping of an instrument which is not presented for stamping within 30 days after—

(a) if the instrument is executed in the United Kingdom, the day on which it is so executed;

(b) if the instrument is executed outside the United Kingdom, the day on which it is first received in the United Kingdom.

(2) If the instrument is presented for stamping within one year after the end of the 30-day period mentioned in subsection (1), the maximum penalty is £300 or the amount of the unpaid duty, whichever is less.

(3) If the instrument is not presented for stamping until after the end of the one-year period mentioned in subsection (2), the maximum penalty is £300 or the amount of the unpaid duty, whichever is greater.

(4) The Commissioners may, if they think fit, mitigate or remit any penalty payable on stamping.

(5) No penalty is payable if there is a reasonable excuse for the delay in presenting the instrument for stamping.”.

(2) In section 178(2) of the [M3]Finance Act 1989 (enactments for purposes of which Treasury may prescribe rates of interest), before paragraph (a) insert—

“(aa) section 15A of the Stamp Act 1891;”.

(3) The consequential amendments in Schedule 12 to this Act have effect.

(4) This section applies to instruments executed on or after 1st October 1999.

Marginal Citations

M1 1891 c.39.
M2 1989 c.26.
M3 1989 c.26.

110 Interest on repayment of duty overpaid etc.

(1) A payment by the Commissioners to which this section applies shall be paid with interest at the rate applicable under section 178 of the Finance Act 1989 for the period

between the relevant time (as defined below) and the date on which the order for the payment is issued.

(2) This section applies to any repayment by the Commissioners of duty, or any penalty on late stamping, under the enactments relating to stamp duty.

In that case the relevant time is 30 days after the day on which the instrument in question was executed or, if later, the date on which the payment of duty or penalty was made.

(3) This section applies to a repayment by the Commissioners of an amount lodged with them in respect of the duty payable on stamping an instrument if—

(a) the instrument is presented for stamping,

(b) the instrument is duly stamped, and

(c) the repayment is of an amount then repayable.

In that case the relevant time is 30 days after the day on which the instrument was executed or, if later, the date on which the amount was lodged with the Commissioners.

(4) This section also applies to a money payment made by the Commissioners under section 11 of the [M4]Stamp Duties Management Act 1891 (allowances for spoiled or misused stamps).

In that case the relevant time is the date on which the duty was paid for the stamp in respect of which the allowance is made.

(5) A payment by the Commissioners under section 12A(2)(b) of that Act (allowances for lost or spoiled instruments) is treated for the purposes of this section as a repayment of the duty or penalty by reference to which it is made.

In that case the relevant time is the date on which the payment of duty or penalty was made.

(6) No interest is payable under this section if the amount of the payment to which this section applies is less than £25.

(7) No interest is payable under this section in respect of a payment made in consequence of an order or judgment of a court having power to allow interest on the payment.

(8) Interest paid to any person under this section is not income of that person for any tax purposes.

(9) In section 178(2) of the [M5]Finance Act 1989 (enactments for purposes of which Treasury may prescribe rates of interest), after paragraph (o) add—

“, and

(p) section 110 of the Finance Act 1999.”.

(10) This section applies in relation to instruments executed on or after 1st October 1999.

Modifications etc. (not altering text)

C1 S. 110 applied (28.7.2000) by 2000 c. 17, s. 117, **Sch. 33 para. 5(2)** (with Sch. 33 para. 9(2))

Marginal Citations

M4 1891 c.38.

M5 1989 c.26.

[F1 111 Stamp duty on conveyance or transfer on sale.

(1) Section 55 of the M6 Finance Act 1963 and section 4 of the M7 Finance Act (Northern Ireland) 1963 (rates of stamp duty on conveyance or transfer on sale) are each amended as follows.

(2) In subsection (1)(d) (rate of £2 for every £100 etc. where consideration does not exceed £500,000 and the instrument is certified at that amount) for "£2" substitute " £2.50p ".

(3) In subsection (1)(e) (rate of £3 for every £100 etc. in cases not otherwise provided for) for "£3" substitute " £3.50p ".

(4) This section applies to instruments executed on or after 16th March 1999, except where the instrument in question is executed in pursuance of a contract made on or before 9th March 1999.

(5) This section shall be deemed to have come into force on 16th March 1999.**]**

Textual Amendments

F1 S. 111 repealed (with effect as mentioned in Sch. 20 Pt. V(2), Notes 1, 2) by 1999 c. 16, s. 139, **Sch. 20 Pt. V(2)**, Notes 1,2

Marginal Citations

M6 1963 c.25.

M7 1963 c.22(N.I.).

112 General amendment of charging provisions.

(1) The amount of any stamp duty chargeable ad valorem—

(a) shall be a percentage of the amount specified in the relevant charging provision, and

(b) shall be rounded up (if necessary) to the nearest multiple of £5.

(2) The amount of every fixed stamp duty shall be £5.

(3) The provisions of Schedule 13 to this Act have effect in place of Schedule 1 to the M8 Stamp Act 1891, and certain related enactments, so far as they relate to the instruments (other than bearer instruments) chargeable to duty and the method of calculation and rates of duty.

(4) The consequential amendments in Schedule 14 to this Act have effect.

(5) The percentage rates specified in Schedule 13 and the enactments amended by Schedule 14 correspond to the rates of duty generally in force at the passing of this Act.

In the case of an instrument in relation to which there was then in force transitional provision in connection with an earlier change in the rate of duty having the effect that a different rate applied, the new or amended provisions have effect as if a reference to a percentage corresponding to that different rate were substituted.

(6) This section has effect in relation to instruments executed on or after 1st October 1999.

Marginal Citations
M8 1891 c.39(N.I.).

113 Bearer instruments.

(1) The provisions of Schedule 15 to this Act have effect in place of the heading "Bearer Instruments" in Schedule 1 to the Stamp Act 1891, and certain related enactments, and incorporate amendments in relation to bearer instruments corresponding to those made by—

section 109 (interest and penalties on late stamping),

section 112 (general amendment of charging provisions), and

Part I of Schedule 17 to this Act (amendments of penalties other than on late stamping).

(2) The percentage rates specified in Schedule 15 correspond to the rates of duty generally in force at the passing of this Act.

In the case of an instrument in relation to which there was then in force transitional provision in connection with an earlier change in the rate of duty having the effect that a different rate applied, the new provisions have effect as if a reference to a percentage corresponding to that different rate were substituted.

(3) The consequential amendments specified in Schedule 16 to this Act have effect.

(4) This section applies in relation to bearer instruments issued on or after 1st October 1999.

114 Penalties other than on late stamping.

(1) The provisions of Schedule 17 to this Act (stamp duty: penalties other than on late stamping) have effect.

(2) The provisions of that Schedule have effect in relation to penalties in respect of things done or omitted on or after 1st October 1999.

115 Minor amendments and repeal of obsolete provisions.

Schedule 18 to this Act (stamp duty: minor amendments and repeal of obsolete provisions) has effect.

Status:
Point in time view as at 25/07/2003.

Changes to legislation:
Finance Act 1999, Cross Heading: Stamp duty is up to date with all changes known to be in force on or before 26 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.