
 S T A T U T O R Y I N S T R U M E N T S

1985 No. 1688

TAXES

**The Stamp Duty (Exempt Instruments)
Regulations 1985**

Made - - - - - 4th November 1985
Laid before the House of Commons 6th November 1985
Coming into Operation 1st January 1986

The Commissioners of Inland Revenue in exercise of the powers conferred upon them by section 89 of the Finance Act 1985(a) hereby make the following Regulations:—

1. These Regulations may be cited as the Stamp Duty (Exempt Instruments) Regulations 1985 and shall come into operation on 1st January 1986.

2. In these Regulations unless the context otherwise requires:—

“Her Majesty’s Land Registry” and “Chief Land Registrar” have the same meaning as in section 126(1) of the Land Registration Act 1925(b) and “Registered land” has the same meaning as in section 3 of that Act.

3. For the purposes of section 89 of the Finance Act 1985, the following class of instrument is prescribed:—

Instruments by means of which any transfer on sale within the meaning of paragraphs (a) or (c) of section 28(1) of the Finance Act 1931(c) is effected and in respect of which the following conditions are fulfilled:—

- (a) the instrument is executed on or after the 1st January 1986;
- (b) the consideration for the sale in question is of an amount or value such that no stamp duty is chargeable and the instrument is certified in accordance with section 34(4) of the Finance Act 1958(d); and

(a) 1985 c. 54.

(b) 1925 c. 21; section 126(1) was amended by section 12 of the Land Registration and Land Charges Act 1971 (c. 54).

(c) 1931 c. 28; section 28 and Schedule 2 (to which Regulation 4 refers) were amended by the Land Commission Act 1967 (c. 1) (Schedule 15 of which sets out Schedule 2 as amended) and by Part II of Schedule 23 to the Town and Country Planning Act 1971 (c. 78).

(d) 1958 c. 56.

- (c) (i) the land in question is registered land; or
(ii) in the case of land which is not registered land it is an instrument—
(a) to which section 123 of the Land Registration Act 1925(a) applies, or
(b) which effects a transfer in the case of which under rule 72 of the Land Registration Rules 1925(b) the transferee is deemed to be the applicant for first registration.

4. Where the instrument is of the class of instrument to which Regulation 3 above applies it shall be the duty of the applicant to deliver to the proper office of Her Majesty's Land Registry with his application for registration the instrument of transfer and a document signed by the transferee or by some person on his behalf and showing his address giving all the particulars set out in Schedule 2 to the Finance Act 1931.

5. The Chief Land Registrar shall furnish to the Commissioners of Inland Revenue the said particulars given to him under Regulation 4 above.

A. J. G. Isaac,
A. M. W. Battishill,
Two of the Commissioners
of Inland Revenue.

4th November 1985.

(a) Section 123 was applied by section 12 of the Commons Registration Act 1965 (c. 64), by section 20 of the Housing Act 1980 (c. 51) (as amended by paragraph 7 of Schedule 1 to the Housing and Building Control Act 1984 (c. 29)) and by Part III of Schedule 2 to the Housing Defects Act 1984 (c. 50).

(b) S.R. & O. 1925/1093, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

By section 28(1)(a) and (c) of the Finance Act 1931 it is provided that on certain transfers on sale of land the transferee must produce to the Commissioners of Inland Revenue ("the Board") the instrument of transfer as well as particulars relating to the transfer as set out in Schedule 2 to that Act ("the Schedule 2 particulars"). Under powers conferred on them by section 89 of the Finance Act 1985 the Board may by Regulations prescribe for the purposes of that section classes of instrument to which the provisions of section 28 above shall not apply and provide for the Schedule 2 particulars to be furnished to them in accordance with the Regulations.

These Regulations prescribe for the purposes of section 89 above a class of instrument of transfer which is to be furnished (with the Schedule 2 particulars) to the Chief Land Registrar; they provide also that he shall transmit to the Board the Schedule 2 particulars.

Regulation 1 provides the title and commencement date and Regulation 2 defines terms used.

Regulation 3 prescribes the class of instrument and lays down conditions: that no stamp duty is payable (and it is so certified); that the instrument is one executed on or after 1st January 1986; that the land is registered land, or is unregistered land which will fall to be registered on the occasion of the transfer including unregistered land transferred by the instrument to a third party by a purchaser before he registers his transfer.

Regulation 4 provides that the instrument shall be delivered to the Land Registry with a document, duly signed by the applicant for registration, giving the Schedule 2 particulars.

Regulation 5 provides that the Chief Land Registrar shall furnish to the Board the Schedule 2 particulars (given to him under Regulation 4).

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