



Finance Act 1986

1986 CHAPTER 41

PART III

STAMP DUTY

Loan capital, letters of allotment etc.

[^{F1}80A Sales to intermediaries.

[^{F2}(1) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—

- (a) the person is a member of a regulated market on which stock of that kind is regularly traded; and
- (b) the person is an intermediary and is recognised as such by the market in accordance with arrangements approved by the Commissioners.

(1A) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—

- (a) the person is a member of a multilateral trading facility, or a recognised foreign exchange, on which stock of that kind is regularly traded;
- (b) the person is an intermediary and is recognised as such by the facility or exchange in accordance with arrangements approved by the Commissioners; and
- (c) the sale is effected on the facility or exchange.

(1B) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—

- (a) the person is an intermediary who is approved for the purposes of this section by the Commissioners; and
- (b) stock of that kind is regularly traded on a regulated market.

(1C) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1986, Section 80A. (See end of Document for details)

- (a) the person is an intermediary who is approved for the purposes of this section by the Commissioners;
 - (b) stock of that kind is regularly traded on a multilateral trading facility or a recognised foreign exchange; and
 - (c) the sale is effected on the facility or exchange.
- (2) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—
- (a) the person is a member of a regulated market, a multilateral trading facility or a recognised foreign options exchange;
 - (b) options to buy or sell stock of that kind are regularly traded on, and are listed by or quoted on, that market, facility or exchange;
 - (c) the person is an options intermediary and is recognised as such by that market, facility or exchange in accordance with arrangements approved by the Commissioners; and
 - (d) stock of that kind is regularly traded on a regulated market.
- (2A) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—
- (a) the person is a member of a regulated market, a multilateral trading facility or a recognised foreign options exchange;
 - (b) options to buy or sell stock of that kind are regularly traded on, and are listed by or quoted on, that market, facility or exchange;
 - (c) the person is an options intermediary and is recognised as such by that market, facility or exchange in accordance with arrangements approved by the Commissioners; and
 - (d) the sale is effected on a relevant qualifying exchange on which stock of that kind is regularly traded or is effected on a relevant qualifying exchange pursuant to the exercise of a relevant option and options to buy or sell stock of that kind are regularly traded on, and are listed by or quoted on, that exchange;
- and in paragraph (d) “relevant qualifying exchange” means a multilateral trading facility, a recognised foreign options exchange or a recognised foreign exchange.
- (2B) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—
- (a) the person is an options intermediary who is approved for the purposes of this section by the Commissioners;
 - (b) options to buy or sell stock of that kind are regularly traded on, and are listed by or quoted on, a regulated market, a multilateral trading facility or a recognised foreign options exchange; and
 - (c) stock of that kind is regularly traded on a regulated market.
- (2C) Stamp duty shall not be chargeable on an instrument transferring stock of a particular kind on sale to a person or the person's nominee if—
- (a) the person is an options intermediary who is approved for the purposes of this section by the Commissioners;
 - (b) options to buy or sell stock of that kind are regularly traded on, and are listed by or quoted on, a regulated market, a multilateral trading facility or a recognised foreign options exchange; and
 - (c) the sale is effected on a relevant qualifying exchange on which stock of that kind is regularly traded or is effected on a relevant qualifying exchange

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1986, Section 80A. (See end of Document for details)

pursuant to the exercise of a relevant option and options to buy or sell stock of that kind are regularly traded on, and are listed by or quoted on, that exchange; and in paragraph (c) “relevant qualifying exchange” means a multilateral trading facility, a recognised foreign options exchange or a recognised foreign exchange.]

- (4) For the purposes of this section—
- (a) an intermediary is a person who carries on a bona fide business of dealing in stock and does not carry on an excluded business; and
 - (b) an options intermediary is a person who carries on a bona fide business of dealing in quoted or listed options to buy or sell stock and does not carry on an excluded business.
- (5) The excluded businesses are the following—
- (a) any business which consists wholly or mainly in the making or managing of investments;
 - (b) any business which consists wholly or mainly in, or is carried on wholly or mainly for the purpose of, providing services to persons who are connected with the person carrying on the business;
 - (c) any business which consists in insurance business;
 - (d) any business which consists in managing or acting as trustee in relation to a pension scheme or which is carried on by the manager or trustee of such a scheme in connection with or for the purposes of the scheme;
 - (e) any business which consists in operating or acting as trustee in relation to a collective investment scheme or is carried on by the operator or trustee of such a scheme in connection with or for the purposes of the scheme.
- (6) A sale is effected on [^{F3}a facility or] an exchange for the purposes of [^{F4}this section] if (and only if)—
- (a) it is subject to the rules of [^{F5}the facility or exchange]; and
 - (b) it is reported to [^{F5}the facility or exchange] in accordance with the rules of [^{F5}the facility or exchange].

[The Commissioners may approve a person for the purposes of this section only if the ^{F6}(6A) person

- ^{F7}(a) [is authorised under the law of an EEA State [^{F8}or Gibraltar] to provide any of the investment services or activities listed in Section A 2 or 3 of Annex I to the Directive (execution of orders on behalf of clients and dealing on own account), whether or not the person is authorised under the Directive][^{F9}or
- (b) has permission under the Financial Services and Markets Act 2000 to carry on any of the investment services or activities in paragraph 2 or 3 of Part 3 of Schedule 2 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.]]

- (7) An instrument on which stamp duty is not chargeable by virtue only of this section shall not be deemed to be duly stamped unless it has been stamped with a stamp denoting that it is not chargeable with any duty; and notwithstanding anything in section 122(1) of the ^{M1}Stamp Act 1891, the stamp may be a stamp of such kind as the Commissioners may prescribe.]

Textual Amendments

F1 S. 80A inserted (20.10.1997) by 1997 c. 16, s. 97(1)(4); S.I. 1997/2428, art. 2

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1986, Section 80A. (See end of Document for details)

- F2** S. 80A(1)-(2C) substituted for s. 80A(1)-(3) (with effect in accordance with Sch. 21 para. 1(5) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 21 para. 1\(2\)](#)
- F3** Words in s. 80A(6) inserted (with effect in accordance with Sch. 21 para. 1(5) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 21 para. 1\(3\)\(a\)](#)
- F4** Words in s. 80A(6) substituted (with effect in accordance with Sch. 21 para. 1(5) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 21 para. 1\(3\)\(b\)](#)
- F5** Words in s. 80A(6) substituted (with effect in accordance with Sch. 21 para. 1(5) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 21 para. 1\(3\)\(c\)](#)
- F6** S. 80A(6A) inserted (with effect in accordance with Sch. 21 para. 1(5) of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 21 para. 1\(4\)](#)
- F7** Words in s. 80A(6A) renumbered as s. 80A(6A)(a) (31.12.2020) by [The Stamp Duty and Stamp Duty Reserve Tax \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/515\)](#), regs. 1, [2\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 80A(6A)(a) inserted (31.12.2020) by [The Stamp Duty and Stamp Duty Reserve Tax \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/515\)](#), regs. 1, [2\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F9** S. 80A(6A)(b) and word inserted (31.12.2020) by [The Stamp Duty and Stamp Duty Reserve Tax \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/515\)](#), regs. 1, [2\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** S. 80A extended (12.10.2004) by [The Stamp Duty and Stamp Duty Reserve Tax \(Extension of Exceptions relating to Recognised Exchanges\) Regulations 2004 \(S.I. 2004/2421\)](#), art. 1, [reg. 2](#)
- C2** S. 80A: power to extend conferred (20.7.2005) by [Finance \(No. 2\) Act 2005 \(c. 22\)](#), [s. 50\(1\)-\(4\)](#)
- C3** S. 80A extended (with modifications) (11.8.2005) by [The Stamp Duty and Stamp Duty Reserve Tax \(Extension of Exceptions relating to Recognised Exchanges\) Regulations 2005 \(S.I. 2005/1990\)](#), regs. 1, [2-7](#)
- C4** S. 80A extended (16.2.2006) by [The Stamp Duty and Stamp Duty Reserve Tax \(Extension of Exceptions relating to Recognised Exchanges\) Regulations 2006 \(S.I. 2006/139\)](#), regs. 1, [2\(1\)](#)
- C5** S. 80A: power to extend conferred (24.7.2002) by 2002 c. 23, [s. 117\(2\)](#)
- C6** S. 80A extended (26.7.2002) by [S.I. 2002/1975](#), [reg. 2](#)

Marginal Citations

- M1** 1891 c. 39.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1986, Section 80A.