



Finance Act 1986

1986 CHAPTER 41

PART III

STAMP DUTY

Loan capital, letters of allotment etc.

[^{F1}80B Intermediaries: supplementary.

(1) For the purposes of section 80A above the question whether a person is connected with another shall be determined in accordance with the provisions of [^{F2}section 1122 of the Corporation Tax Act 2010].

^{F3}(2) In section 80A above and this section—

“collective investment scheme” has the meaning given in section 75 of the ^{M1}Financial Services Act 1986;

[^{F4}“the Directive” means Directive [2004/39/EC](#) of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments, as amended from time to time;]

^{F5}...

“EEA State” [^{F6}, in relation to any time, means a State which at that time is a member State or any other State which at that time] is a contracting party to the agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the Protocol signed at Brussels on the 17th March 1993 [^{F7}(as modified or supplemented from time to time)];

“insurance business” means long term business or general business as defined in section 1 of the ^{M2}Insurance Companies Act 1982;

[^{F8}“multilateral trading facility” means—

- (a) a UK multilateral trading facility, within the meaning of [Regulation \(EU\) No. 600/2014](#) of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments;
- (b) an EU multilateral trading facility, within the meaning of that Regulation; or

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- (c) [^{F9}a multilateral system, operated by an investment firm or a market operator, which brings together multiple third-party buying and selling interests in financial instruments (in the system and in accordance with non-discretionary rules) in a way which results in a contract in accordance with Part 2 of the Financial Services (Markets in Financial Instruments) Act 2018 of Gibraltar;]
- (c) [^{F9}a Gibraltar multilateral trading facility within the meaning given by Article 26(11)(b)(ii) of that Regulation;]

^{F10} ...]

“quoted or listed options” means options which are quoted on or listed by [^{F11}a multilateral trading facility, a regulated market] or a recognised foreign options exchange;

[^{F8}“regulated market” means—

- (a) a UK regulated market, within the meaning of [Regulation \(EU\) No. 600/2014](#) of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments;
- (b) an EU regulated market, within the meaning of that Regulation; or
- (c) [^{F12}a regulated market, within the meaning of that Regulation, which is authorised and functions regularly and in accordance with Part 3 of the Financial Services (Markets in Financial Instruments) Act 2018 of Gibraltar;]
- (c) [^{F12}a Gibraltar regulated market within the meaning given by Article 26(11)(b)(i) of that Regulation;]

“stock” includes any marketable security;

“trustee” and “the operator” shall, in relation to a collective investment scheme, be construed in accordance with section 75(8) of the Financial Services Act 1986.

^{F13}(2A)

- (3) In section 80A above “recognised foreign exchange” means a market which—
 - (a) is not in [^{F14}the United Kingdom, Gibraltar or] an EEA State; and
 - (b) is specified in regulations made by the Treasury under this subsection.
- (4) In section 80A above and this section “recognised foreign options exchange” means a market which—
 - (a) is not in [^{F15}the United Kingdom, Gibraltar or] an EEA State; and
 - (b) is specified in regulations made by the Treasury under this subsection.
- (5) In section 80A above “the exercise of a relevant option” means—
 - (a) the exercise by the options intermediary concerned of an option to buy stock; or
 - (b) the exercise of an option binding the options intermediary concerned to buy stock.

[The Treasury may by regulations amend section 80A above and this section (as they ^{F16}(5A) have effect for the time being) in order to extend the exemption from duty under that section.]

- (6) The Treasury may by regulations provide that section 80A above shall not have effect in relation to instruments executed in pursuance of kinds of agreement specified in the regulations.

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- (7) The Treasury may by regulations provide that if—
- (a) an instrument falls within [^{F17}any of subsections (1) to (2C)] of section 80A above, and
 - (b) stamp duty would be chargeable on the instrument apart from that section, stamp duty shall be chargeable on the instrument at a rate, specified in the regulations, which shall not exceed 10p for every £100 or part of £100 of the consideration for the sale.
- (8) The Treasury may by regulations change the meaning of “intermediary” or “options intermediary” for the purposes of section 80A above by amending subsection (4) or (5) of that section (as it has effect for the time being).
- (9) The power to make regulations under subsections (3) to (8) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.]

Textual Amendments

- F1** S. 80B inserted (20.10.1997) by 1997 c. 16, s. 97(1)(4); S.I. 1997/2428, art. 2
- F2** Words in s. 80B(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), Sch. 1 para. 197 (with Sch. 2)
- F3** Words in s. 80B(2) substituted (1.4.2007 for specified purposes, 1.11.2007 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007 (S.I. 2007/126), reg. 1(2), Sch. 6 para. 8(2)
- F4** Words in s. 80B(2) inserted (19.7.2007) by Finance Act 2007 (c. 11), Sch. 21 para. 2(2)(a)
- F5** Words in s. 80B(2) repealed (with effect in accordance with Sch. 21 para. 2(6) of the amending Act) by Finance Act 2007 (c. 11), Sch. 21 para. 2(2)(b), Sch. 27 Pt. 4(2)
- F6** Words in s. 80B(2) substituted (19.7.2007) by Finance Act 2007 (c. 11), Sch. 21 para. 2(2)(c)
- F7** Words in s. 80B(2) inserted (19.7.2007) by Finance Act 2007 (c. 11), Sch. 21 para. 2(2)(c)
- F8** Words in s. 80B(2) 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(3)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in s. 80B(2) substituted (31.12.2020) by The Taxes (Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/818), regs. 1(4), 2(2)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in s. 80B(2) omitted (31.12.2020) by virtue of The Taxes (Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/818), regs. 1(4), 2(2)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 80B(2) substituted (31.12.2020) by The Stamp Duty and Stamp Duty Reserve Tax (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/515), regs. 1, 2(3)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 80B(2) substituted (31.12.2020) by The Taxes (Amendments) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/818), regs. 1(4), 2(2)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 80B(2A) omitted (31.12.2020) by virtue of The Stamp Duty and Stamp Duty Reserve Tax (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/515), regs. 1, 2(3)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 80B(3)(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(3)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in s. 80B(4)(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(3)(d); 2020 c. 1, Sch. 5 para. 1(1)
- F16** S. 80B(5A) inserted (with effect in accordance with Sch. 21 para. 2(6) of the amending Act) by Finance Act 2007 (c. 11), Sch. 21 para. 2(4)
- F17** Words in s. 80B(7) substituted (with effect in accordance with Sch. 21 para. 2(6) of the amending Act) by Finance Act 2007 (c. 11), Sch. 21 para. 2(5)

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

Marginal Citations

M1 1986 c. 60.

M2 1982 c. 50.

Changes to legislation:

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