

## SCHEDULES

### SCHEDULE 9

Section 112.

#### STAMP DUTY AND STAMP DUTY RESERVE TAX

##### *Interpretation*

- 1 (1) In this Schedule—
- “the Inland Revenue” means the Commissioners of Inland Revenue;
  - “restructuring scheme” means a transfer scheme, if and to the extent that it provides for the transfer of property, rights or liabilities from a body or person falling within any of paragraphs (a) to (e) of section 85(1) of this Act to another such body or person.
- (2) For the purposes of this Schedule a transfer, instrument or agreement shall be regarded as made in pursuance of Schedule 8 to this Act if the making of that transfer, instrument or agreement is required or authorised by or under paragraph 2 or 3 of that Schedule.

##### *Stamp duty*

- 2 (1) Stamp duty shall not be chargeable on any restructuring scheme which is certified to the Inland Revenue by the Secretary of State as made by him or as made pursuant to a direction given by him under this Act.
- (2) Stamp duty shall not be chargeable on any instrument or agreement which is certified to the Inland Revenue by the Secretary of State as made in pursuance of Schedule 8 to this Act, in connection with a restructuring scheme made—
- (a) by the Secretary of State; or
  - (b) pursuant to a direction given by him under this Act.
- (3) Stamp duty shall not be chargeable on any instrument or agreement which is certified to the Inland Revenue by the Secretary of State—
- (a) as made pursuant to an obligation imposed by any provision included, by virtue of section 91(1)(c) of this Act, in a restructuring scheme made by—
    - (i) the Secretary of State;
    - (ii) the Board, pursuant to a direction given by the Secretary of State under this Act; or
    - (iii) the Franchising Director, pursuant to a direction so given; and
  - (b) as operating in favour of no person who does not fall within paragraphs (a) to (e) of section 85(1) of this Act.
- (4) Stamp duty shall not be chargeable on any instrument or agreement which is certified to the Inland Revenue by the Secretary of State as being a transfer, or an agreement for the transfer, to the Board or any of the Board’s subsidiaries of property, rights or liabilities of the Board or any such subsidiary, made for the purpose of facilitating a disposal required to be made pursuant to a direction given by him under this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (5) No restructuring scheme or other instrument or agreement which is certified as mentioned in any of sub-paragraphs (1) to (4) above shall be taken to be duly stamped unless—
- (a) it is stamped with the duty to which it would be liable, apart from the sub-paragraph in question; or
  - (b) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped.
- (6) Section 12 of the Finance Act 1895 (collection of stamp duty in cases of property vested by Act or purchased under statutory power) shall not operate to require—
- (a) the delivery to the Inland Revenue of a copy of this Act, or
  - (b) the payment of stamp duty under that section on any copy of this Act,
- and shall not apply in relation to any instrument on which, by virtue of the preceding provisions of this paragraph, stamp duty is not chargeable.

*Stamp duty reserve tax*

- 3 (1) An agreement to transfer chargeable securities, as defined in section 99 of the Finance Act 1986, to a person falling within paragraphs (a) to (e) of section 85(1) of this Act shall not give rise to a charge to stamp duty reserve tax if the agreement is made for the purposes of, or for purposes connected with, a restructuring scheme made—
- (a) by the Secretary of State;
  - (b) by the Board, pursuant to a direction given by the Secretary of State under this Act; or
  - (c) by the Franchising Director, pursuant to a direction so given.
- (2) An agreement shall not give rise to a charge to stamp duty reserve tax if the agreement is made in pursuance of Schedule 8 to this Act in connection with a restructuring scheme made as mentioned in paragraph (a), (b) or (c) of sub-paragraph (1) above.