



# Finance Act 1946

## 1946 CHAPTER 64

### PART VII

#### STAMP DUTY.

#### **55 Special provisions as to certificates to bearer under unit trust schemes.**

- (1) For the purposes of sections four and five of the Finance Act, 1899 (which relate, inter alia, to stock certificates to bearer issued by companies), a unit under a unit trust scheme, not governed by the law of any part of the United Kingdom shall be treated as if it were stock of a company formed out of the United Kingdom, and a certificate to bearer in respect of a unit under a unit trust scheme governed by the law of any part of the United Kingdom shall be treated as an instrument to bearer issued by or on behalf of a company formed in the United Kingdom
- (2) Where a certificate to bearer in respect of a unit under a unit trust scheme governed by the law of any part of the United Kingdom which has been issued before the passing of this Act is after the passing of this Act assigned, transferred or in any manner negotiated in Great Britain, there shall be charged thereon the like stamp duty as would be charged thereon if it had been issued after the passing of this Act, and every person who, in Great Britain, assigns, transfers or in any manner negotiates, or is concerned as broker or agent in assigning, transferring, or in any manner negotiating, any instrument which is chargeable with duty under this subsection, and is not duly stamped, or any unit under a unit trust scheme by means of such an instrument, shall incur a fine of twenty pounds and the amount of the duty shall, be a debt due from him to His Majesty.
- (3) Where stamp duty has been paid on a certificate to bearer in respect of a unit under a unit trust scheme in accordance with the provisions of the last preceding subsection on the occasion of a transfer or assignment to the managers and, before the expiration of two months from the date of the transfer or assignment, the managers and trustees jointly certify—
  - (a) that, as a consequence of the transfer or assignment, a proportionate part of the trust property has been realised, and the trust property diminished accordingly ; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) that the unit is extinguished, and that the managers have no power to transfer any other unit in lieu thereof,

the Commissioners shall, on the application of the person by or on behalf of whom the duty was paid, and on production to them of the certificate to bearer duly cancelled, of the joint certificate of the managers and trustees, and of such evidence as they may require that the certificate to bearer has not been assigned, transferred or in any manner negotiated in Great Britain between the date of the passing of this Act and the date of the transfer or assignment to the managers, refund the duty.

- (4) For the purposes of this section, the delivery of any instrument used for the purpose of assigning, transferring, or in any manner negotiating the right to any unit, shall, if, by the usage of any market on which there are dealings in such units, it is treated as sufficient for the purpose of a sale of such a unit on the market, be deemed to be an assignment, transfer, or negotiation, whether it constitutes a legal assignment, transfer, or negotiation or not.