
STATUTORY INSTRUMENTS

1992 No. 3286

**The Finance Act 1986 (Stamp Duty and Stamp
Duty Reserve Tax) (Amendment) Regulations 1992**

2. For subsection (3) of section 81 of the Finance Act 1986(1) there shall be substituted the following subsection—

“(3) For the purposes of this section a person is a market maker in stock of a particular kind—

(a) if he—

- (i) holds himself out at all normal times in compliance with the rules of The Stock Exchange as willing to buy and sell stock of that kind at a price specified by him, and
- (ii) is recognised as doing so by the Council of The Stock Exchange; or

(b) if—

- (i) he is an authorised person under Chapter III of Part I of the Financial Services Act 1986(2),
- (ii) he carried out the transaction in the course of his business as a dealer in investments, within the meaning of paragraph 12 of Schedule 1 to the Financial Services Act 1986(3), as a principal and in circumstances where that paragraph was applicable for the purposes of that Act,
- (iii) he did not carry out the transaction in the course of any activities which fall within paragraph 14 or 16 of Schedule 1 to the Financial Services Act 1986, and
- (iv) the stock was not at the time the transaction was carried out dealt in on a recognised investment exchange; or

(c) if—

- (i) that person is a European institution, within the meaning of regulation 3 of the Banking Coordination (Second Council Directive) Regulations 1992(4), which carries on investment business, within the meaning of section 1(2) of the Financial Services Act 1986, in the United Kingdom,
- (ii) the transaction was carried out by the institution as a principal in the course of its investment business,
- (iii) the transaction was not carried out in the course of any activities which fall within paragraph 14 or 16 of Schedule 1 to the Financial Services Act 1986, and
- (iv) the stock was not at the time the transaction was carried out dealt in on a recognised investment exchange.”.

(1) Subsection (3) was previously substituted by [S.I. 1988/654](#).

(2) [1986 c. 60](#).

(3) The note to paragraph 12 of Schedule 1 was added by [S.I. 1988/803](#).

(4) [S.I. 1992/3218](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
