
STATUTORY INSTRUMENTS

1996 No. 2348

TAXES

**The Stamp Duty (Production of Documents)
(Northern Ireland) Regulations 1996**

Made - - - - 9th September 1996
Laid before the House of
Commons - - - - 11th September 1996
Coming into force - - 4th November 1996

The Commissioners of Inland Revenue, in exercise of the powers conferred on them by section 244(2) and section 245(1), (5) and (7) of the Finance Act 1994⁽¹⁾, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Stamp Duty (Production of Documents) (Northern Ireland) Regulations 1996 and shall come into force on 4th November 1996.

Interpretation

2. In these Regulations unless the context otherwise requires—

“exempt instrument” shall be construed in accordance with regulation 4(1);

“grant”, “lease” and “lessee” shall be construed in accordance with section 245(5) of the Finance Act 1994;

“long leasehold interest”, in relation to a transaction, means a leasehold interest which, at the time of that transaction, was for a term of 25 years or more before expiry;

“registered land” has the meaning given by section 45(1) of the Interpretation Act (Northern Ireland), 1954⁽²⁾;

“relevant instrument” means an instrument which a transferee, lessee or proposed lessee is required to produce to the Commissioners of Inland Revenue under subsection (1) of section 244;

“section 244” means section 244 of the Finance Act 1994;

(1) 1994 c. 9.
(2) 1954 c. 33 (N.I.).

“short leasehold interest”, in relation to a transaction, means a leasehold interest which, at the time of that transaction, was for a term of less than 25 years before expiry.

Prescribed particulars

3. The particulars to be given in a document produced pursuant to subsection (2) of section 244 are those prescribed by the Schedule to these Regulations.

Classes of exempt instrument

4.—(1) Paragraphs (2) and (3) prescribe classes of instrument which are exempt instruments for the purposes of section 245(1) of the Finance Act 1994.

(2) The class of instrument prescribed by this paragraph is any instrument effecting any transfer on sale of any freehold interest in land in Northern Ireland where the instrument has the characteristics specified in paragraph (4).

(3) The class of instrument prescribed by this paragraph is any instrument effecting any transfer on sale of any lease of land in Northern Ireland where the instrument has the characteristics specified in paragraph (4).

(4) The characteristics specified are that—

- (a) the instrument is executed on or after 4th November 1996;
- (b) by reason of the amount or value of the consideration for the transfer effected by the instrument, no stamp duty is chargeable on the instrument; and
- (c) the instrument is certified in accordance with section 7(4) of the Finance Act (Northern Ireland), 1958(3).

Furnishing of documents relating to registered land

5.—(1) This regulation applies in the case of an exempt instrument which effects a transfer—

- (a) of land which is registered land, or
- (b) of land which is not registered land, and the case is one in which, as a result of the transfer, the first registration of the ownership of the land becomes compulsory by virtue of section 24 of the Land Registration Act (Northern Ireland) 1970(4).

(2) The transferee shall produce to the Registrar of Titles with the exempt instrument such a document as is mentioned in subsection (2) of section 244 and contains the particulars prescribed by the Schedule to these Regulations; and the Registrar of Titles shall furnish that document to the Commissioner of Valuation for Northern Ireland.

(3) In paragraph (2) “the Registrar of Titles” shall be construed in accordance with section 1(4) of the Land Registration Act (Northern Ireland) 1970.

Furnishing of documents relating to unregistered land

6.—(1) This regulation applies in the case of an exempt instrument which effects a transfer of land which is not registered land, and the case is one in which, as a result of the transfer, the first registration of the ownership of that land does not become compulsory by virtue of section 24 of the Land Registration Act (Northern Ireland) 1970.

(2) The transferee shall produce to the Registrar of Deeds with the exempt instrument such a document as is mentioned in subsection (2) of section 244 and contains the particulars prescribed

(3) 1958 c. 14 (N.I.); section 7(4) was amended, prospectively, by section 113(1) to (3) of the Finance Act 1991 (c. 31).

(4) 1970 c. 18 (N.I.); section 24 was amended by article 10(1) of S.I.1992/811 (N.I. 7).

by the Schedule to these Regulations; and the Registrar of Deeds shall furnish that document to the Commissioner of Valuation for Northern Ireland.

(3) In paragraph (2) “the Registrar of Deeds” means the officer having the control and management of the registry of deeds; and “the registry of deeds” has the meaning given by section 46(2) of the Interpretation Act (Northern Ireland), 1954.

9th September 1996

C W Corlett
G H Bush
Two of the Commissioners of Inland Revenue

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

SCHEDULE

Regulations 3, 5(2), 6(2)

PRESCRIBED PARTICULARS TO BE GIVEN IN A DOCUMENT PRODUCED
PURSUANT TO SUBSECTION (2) OF SECTION 244 OR REGULATION 5(2) OR 6(2)

The particulars prescribed are particulars—

- (1) of the description of the relevant instrument;
- (2) of the date of the relevant instrument;
- (3) of the names and addresses of the transferor and the transferee or the lessor and the lessee;
- (4) of the situation and postal address of the land to which the transaction relates, including—
 - (a) in any case relating to registered land, the Folio Number, County, Townland and Area,
 - (b) in any case relating to unregistered land or land which is part of a Folio, the Folio Number and Townland, and
 - (c) if necessary for the identification of the land, a photocopy of a plan indicating boundaries and areas, and stating the size of the areas and whether those areas are measured in acres or hectares;
- (5) showing whether the interest transferred or granted by the transaction is a freehold interest, a long leasehold interest or a short leasehold interest;
- (6) showing whether the transfer or grant relates to—
 - (a) a dwelling house,
 - (b) commercial property,
 - (c) development land,
 - (d) farmland, or
 - (e) other land,and, in the case of a transfer or grant which relates to other land, specifying the nature of that other land;
- (7) in any case where the transfer or grant relates to commercial property, showing whether that transfer or grant relates to a single plot of land for the construction of a dwelling;
- (8) in any case where the interest transferred or granted is a freehold interest or a long leasehold interest, specifying the amount of the consideration, and in any case where that amount relates to a number of separate items, the allocation of that amount among those items;
- (9) showing whether the consideration for the transaction includes value added tax, and if so the amount of that value added tax;
- (10) in any case where the interest transferred or granted is a short leasehold interest, specifying—
 - (a) the term of the lease,
 - (b) the date of commencement of the term,
 - (c) the rent reserved,
 - (d) the dates on which the rent is payable,
 - (e) any capital payment made in connection with the transfer or grant of the lease,
 - (f) whether the lease makes provision for rent reviews, and if so the dates of those rent reviews,
 - (g) whether the lessee is responsible for repairs and insurance,
 - (h) whether the lessee is responsible for any other matters and, if so, specifying those other matters, and

- (i) any other covenants affecting the value of the lease;
- (11) of any debt released by the transaction, the amount of that debt and the person to whom that debt was owed;
- (12) of the name and address of any selling or letting agent;
- (13) of the name of the solicitor for the transferor or lessor;
- (14) in a case where the document is signed by an individual who is not the transferee, lessee or proposed lessee, of the name, address and telephone number of that individual.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Subsection (1) of section 244 of the Finance Act 1994 (“section 244”) provides, subject to section 245 of that Act, (“section 245”) that on the occasion of any transfer on sale of any freehold interest in land in Northern Ireland, or the grant, or any transfer on sale, of any lease of such land, the instrument by means of which the transfer was effected or the lease was granted shall be produced to the Commissioners of Inland Revenue. Subsection (2) of section 244 provides that any person required to produce an instrument under subsection (1) of section 244 shall produce with it a document giving such particulars as may be prescribed by regulations.

Subsection (1) of section 245 provides that section 244 shall not apply to any instrument (“an exempt instrument”) falling within any prescribed class; but that regulations may, in respect of exempt instruments or such descriptions of exempt instruments as may be prescribed, require such a document as is mentioned in subsection (2) of section 244 to be furnished in accordance with the regulations to the Commissioner of Valuation for Northern Ireland.

These Regulations make provision with respect to the enactments contained in sections 244 and 245.

Regulation 1 provides for citation and commencement and regulation 2 for interpretation.

Regulation 3 and the Schedule to these Regulations prescribe the particulars to be given in a document produced pursuant to subsection (2) of section 244.

Regulation 4 prescribes classes of instrument which are exempt instruments for the purposes of subsection (1) of section 245 by reason of their having the characteristics specified in the regulation.

Regulations 5 and 6 make provision in certain cases for a document similar to that required to be produced pursuant to subsection (2) of section 244 to be produced to the Registrar of Titles or the Registrar of Deeds (as the case may be) and then furnished by the Registrar to the Commissioner of Valuation for Northern Ireland. The cases in question are those of an exempt instrument which relates to registered land and an exempt instrument which relates to unregistered land.