



Finance Act (Northern Ireland) 1963

1963 CHAPTER 22

BEARER INSTRUMENTS

8 ^{F1}Stamp duty on bearer instruments.

^{F2}*Subs.(1) amends sch.1 to 1891 c.39 and repeals ss.4, 5(1), 6 of 1899 c.9*

^{F2}(2) For the purposes of the heading^{F3} set out in sub-section (1)—

- (a) “inland bearer instrument” means any of the following instruments issued by or on behalf of any company or body of persons corporate or unincorporate formed or established in the United Kingdom, that is to say—
 - (i) any marketable security transferable by delivery;
 - (ii) any share warrant or stock certificate to bearer and any instrument to bearer (by whatever name called) having the like effect as such a warrant or certificate;
 - (iii) any deposit certificate to bearer;
 - (iv) any other instrument to bearer by means of which any stock can be transferred;
- (b) “overseas bearer instrument” means an instrument issued otherwise than by or on behalf of any such company or body of persons as is mentioned in paragraph (a), being an instrument described in sub-paragraphs (i) to (iv) of that paragraph or a bearer instrument by usage;
- (c) “deposit certificate” means an instrument acknowledging the deposit of stock and entitling the bearer to rights (whether expressed as units or otherwise) in or in relation to the stock deposited or equivalent stock; and “deposit certificate for overseas stock” means a deposit certificate in respect of stock of any one company or body of persons not being such a company or body as is mentioned in paragraph (a);
- (d) “bearer instrument by usage” means an instrument not described in the said sub-paragraphs (i) to (iv) which is used for the purpose of transferring the right to any stock, being an instrument delivery of which is treated by usage

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as sufficient for the purpose of a sale on the market, whether that delivery constitutes a legal transfer or not;

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...

^{F2}(3) For the purposes of the said heading “the transfer duty” means the duty which would be chargeable under the heading “Conveyance or Transfer on sale” in the said Schedule 1 in respect of an instrument in writing transferring the stock constituted by, or transferable by means of, the inland or overseas bearer instrument in question for a consideration equal to the market value of that stock^{F5}; and the instrument so postulated shall be taken to transfer the stock on the day of issue or transfer (depending on whether paragraph (a) or (b) of section 9(1) applies) and to be executed in pursuance of a contract made on that day.^{F5}.

^{F2}(4) For the purposes of this section and sections 9 and 10, “stock” includes securities, and references to stock include references to any interest in, or in any fraction of, stock or in any dividends or other rights arising out of stock; “transfer” includes negotiation; and a bearer instrument by usage used for the purpose of transferring the right to any stock shall be treated as transferring that stock on delivery of the instrument, and as issued by the person by whom or on whose behalf it was first issued, whether or not it was then capable of being used for transferring the right to the stock without execution by the holder.

Subs.(5) repeals s.4 of 1944 c.22 (NI)

F1	Rep. with saving, 1999 c. 16
F2	Rep. prosp. by 1990 c. 29
F3	1891 (c.39)
F4	1973 NI 18
F5	1986 c. 41

9 ^{F6F7}Payment of duty

- (1) Duty under the heading set out in section 8(1) shall be chargeable—
- in the case of an instrument issued in Northern Ireland, or issued outside Northern Ireland by or on behalf of any company or body of persons corporate or unincorporate formed or established in Northern Ireland, on issue;
 - in the case of any other instrument, on transfer in Northern Ireland of the stock constituted by or transferable by means of the instrument:

Provided that the duty chargeable by virtue of paragraph (b) on the transfer of stock shall be chargeable only where duty would be chargeable under or by reference to the heading “Conveyance or Transfer on sale” in Schedule 1 to the Stamp Act 1891 , if the transfer were effected by an instrument not being a bearer instrument.

- (2) Any instrument which is chargeable under the said heading on issue shall, before being issued, be produced to the Ministry of Finance^{F8} (in this Part referred to as “the Ministry”), together with such particulars in writing of the instrument as the Ministry may require, and shall be deemed to be duly stamped if, and only if, it is stamped with a particular stamp denoting that it has been produced to the Ministry; and within six weeks of the date on which any such instrument is issued, or such longer time as the Ministry may allow, a statement in writing containing the date of issue and such further particulars as the Ministry may require in respect of that instrument shall be delivered to the Ministry, and the duty chargeable in respect of that instrument shall

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be paid to the Ministry on delivery of that statement or within such longer time as the Ministry may allow.

- (3) If default is made in complying with sub-section (2) in respect of any instrument, the person by whom or on whose behalf the instrument is issued, and any person who acts as the agent of that person for the purposes of the issue, shall be liable to a fine not exceeding the aggregate of fifty pounds and an amount equal to the stamp duty chargeable in respect of that instrument, and shall also be liable to pay to [^{F9} Her Majesty] the duty chargeable in respect of that instrument and interest on the duty at the rate of five per cent. per annum from the date of the default.
- (4) Where any instrument which is chargeable under the said heading on transfer of the stock constituted by, or transferable by means of, the instrument is presented to the Ministry for stamping, the person presenting it, and the owner of the instrument, shall furnish to the Ministry such particulars in writing as it may require for determining the amount of duty chargeable on that instrument.
- (5) Any person who in Northern Ireland transfers, or is concerned as broker or agent in transferring, any stock by or by means of any such instrument as is mentioned in sub-section (4) shall, if the instrument is not duly stamped, be liable to a fine not exceeding the aggregate of fifty pounds and an amount equal to the stamp duty chargeable in respect of that instrument, and shall also be liable to pay to [^{F9} Her Majesty] the duty chargeable in respect of that instrument and interest on the duty at the rate of five per cent. per annum from the date of the transfer in question.
- (6) If any person, in furnishing particulars under this section in respect of any instrument, wilfully or negligently furnishes any particulars which are false in any material respect, he shall be liable to a fine not exceeding the aggregate of fifty pounds and an amount equal to twice the amount by which the stamp duty which ought to be charged in respect of that instrument exceeds the stamp duty paid in respect thereof.
- (7) Where any such instrument as is mentioned in sub-section (4) has been stamped ad valorem or with a stamp indicating that it is chargeable under paragraph (4) of the said heading and with the duty specified in that paragraph, that instrument shall be deemed for all purposes other than sub-section (6) to have been duly stamped.

F6 Rep. with saving, 1999 c. 16

F7 Rep. prosp. by 1990 c. 29

F8 Functions transf. SI 1973/2163

F9 SI 1973/2163

10 ^{F10}Ascertainment of market value.

- (1) In relation to an instrument which is chargeable on issue, the market value of the stock constituted by, or transferable by means of, that instrument shall be taken for the purposes of section 8 to be—
 - (a) where the stock was offered for public subscription (whether in registered or in bearer form) within twelve months before the issue of the instrument, the amount subscribed for the stock;
 - (b) in any other case, the value of the stock on the first day within one month after the issue of the instrument on which stock of that description is dealt in on a stock exchange in the United Kingdom or, if stock of that description is not so dealt in, the value of the stock immediately after the issue of the instrument.

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- (2) In relation to an instrument which is chargeable on transfer of the stock constituted by, or transferable by means of, that instrument, the market value of that stock shall be taken for the purposes of section 8 to be the value of that stock—
- (a) in the case of a transfer pursuant to a contract of sale, on the date when the contract is made;
 - (b) in any other case, on the day preceding that on which the instrument is presented to the Ministry for stamping or, if it is not so presented, on the date of the transfer.

F10 Rep. with saving, [1999 c. 16](#)

MISCELLANEOUS

11 ^{F11}Commonwealth stock.

- (1) In Schedule 1 to the Stamp Act 1891 ^{M1}, the heading “Conveyance or Transfer whether on sale or otherwise” (which relates to Canadian and colonial stock) shall be omitted, ^{F12} and any transfer of stock to which that heading applied shall be chargeable with stamp duty under the heading appropriate to a like transfer of other stock.

Subs. (2) rep. by 1986 c. 41; ^{F12}subs. (3) amends s.83 of 1891 c.39; subs.(4) rep. by SLR 1973; subs. (5) rep. by 1986 c. 41

F11 Rep. with saving, [1999 c. 16](#)

F12 Rep. prosp. by [1990 c. 29](#)

Marginal Citations

M1 [1891 c. 39](#)

12 ^{F13}Securities for annual and other payments.

In determining whether an instrument is—

- (a) the only, principal or primary security for any annuity or for any sum or sums of money within the meaning of paragraph (1) of the heading “Bond, Covenant or Instrument of any kind whatsoever” in Schedule 1 to the Stamp Act 1891 ; or
- (b) the only, principal or primary security for the payment or repayment of money within the meaning of paragraph (1) of the heading “Mortgage, Bond, Debenture, Covenant and Warrant of Attorney” in that Schedule;

no account shall be taken of any other instrument which is a security for the same annuity, sum or sums, or for the same payment or repayment, as the case may be, or for any part thereof, unless that other instrument is chargeable with stamp duty under either of the said paragraphs and is duly stamped.

F13 Rep. with saving, [1999 c. 16](#)

S. 13 rep. by 1985 c. 54

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14 Miscellaneous exemptions.

^{F14F15}(1) Any instrument which is exempt from duty under the heading set out in section 8(1) by virtue of exemption 3 in that heading, or would be so exempt if it were otherwise chargeable under that heading, shall be exempt from stamp duty under or by reference to the heading “Conveyance or Transfer on sale” in Schedule 1 to the Stamp Act 1891.

Subs. (2) rep. by 1999 c. 16

F14 Rep. with saving, 1999 c. 16

F15 Rep. prosp. by 1990 c. 29

S.15 rep. by 1967 c.20 (NI); 1973 NI 18

16 ^{F16}Prohibition of circulation of blank transfers.

(1) Where a transfer in blank relating to registered stock of any description has been delivered, pursuant to a sale of that stock, to or to the order of the purchaser or any person acting on his behalf, any person who in Northern Ireland parts with possession of that transfer, or who removes it or causes or permits it to be removed from Northern Ireland, before it has been duly completed shall be liable to a [^{F17} penalty]^{F17} not exceeding the aggregate of [^{F17} £300]^{F17} and an amount equal to twice the stamp duty chargeable in respect of that transfer.

(2) For the purposes of this section “transfer in blank” means a transfer in which the name of the transferee has not been inserted, and a transfer shall be treated as duly completed if, and only if, the name of the transferee is inserted therein, being the name of—

- (a) the purchaser of the stock under the sale;
- (b) a person entitled to a charge upon the stock for money lent to that purchaser;
- (c) a nominee holding as a bare trustee for that purchaser or for any such person as is mentioned in paragraph (b); or
- (d) a person acting as the agent of that purchaser for the purposes of the sale.

Subs. (3) rep. by 1985 c. 54

(4) In this section references to stock shall be construed in accordance with sub-section (4) of section 8, and “transfer” includes any instrument used for transferring stock; but nothing in this section applies—

- (a) to any instrument which is chargeable with duty under paragraph (3) of the heading “Bearer Instrument” set out in sub-section (1) of that section and is duly stamped; or
- (b) to any instrument which is exempt from duty by virtue of exemption 3 in that heading, or would be so exempt if it were otherwise chargeable under that heading.

(5) References in this section to the purchaser^{F18}... of any stock include references to any person to whom the rights of the purchaser^{F18}... are transmitted by operation of law; and in relation to a transfer chargeable with duty in accordance with section 58(4) or (5) of the Stamp Act 1891 (transfers to sub-purchasers), references in this section to the purchaser and a sale shall be construed as references to the sub-purchaser and a sub-sale.

Subs.(6) rep. by SLR 1973

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F16 Rep. prosp. by [1990 c. 29](#)

F17 [1999 c. 16](#)

F18 [1985 c. 54](#)

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