



# Companies Act 1948

1948 CHAPTER 38 11 and 12 Geo 6

## PART V

### WINDING UP.

#### (v) PROVISIONS APPLICABLE TO EVERY MODE OF WINDING UP

*Supplementary Provisions as to Winding up.*

#### **339 Exemption of certain documents from stamp duty on winding up of companies.**

- (1) In the case of a winding up by the court of a company registered in England, or of a creditors' voluntary winding up of such a company,—
  - (a) every assurance relating solely to freehold or leasehold property, or to any mortgage, charge or other encumbrance on, or any estate, right or interest in, any real or personal property, which forms part of the assets of the company and which, after the execution of the assurance, either at law or in equity, is or remains part of the assets of the company; and
  - (b) every power of attorney, proxy paper, writ, order, certificate, affidavit, bond or other instrument or writing relating solely to the property of any company which is being so wound up, or to any proceeding under any such winding up, shall be exempt from duties chargeable under the enactments relating to stamp duties.
- (2) In the case of such a winding up as aforesaid of a company registered in Scotland—
  - (a) every conveyance relating solely to property which forms part of the assets of the company and which, after the execution of the conveyance, is or remains the property of the company for the benefit of its creditors; and
  - (b) every power of attorney, commission, factory, oath, affidavit, articles of group or sale, submission, decree arbitral, and every other instrument and writing whatsoever relating solely to the property of the company; and
  - (c) every deed or writing forming a part of the proceedings in the winding up, shall be exempt from duties chargeable under the enactments relating to stamp duties.

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*Status: This is the original version (as it was originally enacted).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

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- (3) In subsection (1) of this section the expression “assurance ” includes deed, conveyance, assignment and surrender, and in subsection (2) of this section the expression “conveyance ” includes assignment, instrument, discharge, writing and deed.