



# Stamp Act 1891

1891 CHAPTER 39 54 and 55 Vict

## PART I

### REGULATIONS APPLICABLE TO INSTRUMENTS GENERALLY

#### *Charge of Duty upon Instruments*

#### **1 Charge of duties in schedule.**

From and after the commencement of this Act the stamp duties to be charged for the use of Her Majesty upon the several instruments specified in the First Schedule to this Act shall be the several duties in the said schedule specified, which duties shall be in substitution for the duties theretofore chargeable under the enactments repealed by this Act, and shall be subject to the exemptions contained in this Act and in any other Act for the time being in force.

#### **2 All duties to be paid according to regulations of Act.**

All stamp duties for the time being chargeable by law upon any instruments are to be paid and denoted according to the regulations in this Act contained, and except where express provision is made to the contrary are to be denoted by impressed stamps only.

#### **3 How instruments are to be written and stamped.**

- (1) Every instrument written upon stamped material is to be written in such manner, and every instrument partly or wholly written before being stamped is to be so stamped, that the stamp may appear on the face of the instrument, and cannot be used for or applied to any other instrument written upon the same piece of material.
- (2) If more than one instrument be written upon the same piece of material, every one of the instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

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*Changes to legislation: There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)*

**Modifications etc. (not altering text)**

C1 S. 3 excluded by [Finance Act 1988 \(c. 39, SIF 114\)](#), s. 143(7)(9)

**4 Instruments to be separately charged with duty in certain cases.**

Except where express provision to the contrary is made by this or any other Act,—

- (a) An instrument containing or relating to several distinct matters is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the matters;
- (b) An instrument made for any consideration in respect whereof it is chargeable with ad valorem duty, and also for any further or other valuable consideration or considerations, is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of the considerations.

**Modifications etc. (not altering text)**

C2 S. 4 applied by [Revenue Act 1909 \(c. 43\)](#), s. 8

**5 Facts and circumstances affecting duty to be set forth in instruments.**

All the facts and circumstances affecting the liability of any instrument to duty, or the amount of the duty with which any instrument is chargeable, are to be fully and truly set forth in the instrument; and every person who, with intent to defraud Her Majesty,

- (a) executes any instrument in which all the said facts and circumstances are not fully and truly set forth; or
- (b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances;

shall incur a fine of ten pounds.

**6 Mode of calculating ad valorem duty in certain cases.**

(1) Where an instrument is chargeable with ad valorem duty in respect of

- (a) any money in any foreign or colonial currency, or
- (b) any stock or marketable security,

the duty shall be calculated on the value, on the day of the date of the instrument, of the money in British currency according to the current rate of exchange, or of the stock or security according to the average price thereof.

(2) Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with that statement, it is, so far as regards the subject matter of the statement, to be deemed duly stamped, unless or until it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

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**Modifications etc. (not altering text)**

**C3** S. 6 extended by [Finance Act 1985 \(c. 54, SIF 114\)](#), **s. 88**

*Use of Adhesive Stamps*

**7** ..... **F1**

**Textual Amendments**

**F1** S. 7 repealed by [Post Office Act 1969 \(c. 48\)](#), **Sch. 11 Pt. II**

**8** **General direction as to the cancellation of adhesive stamps.**

..... **F2**

**Textual Amendments**

**F2** Ss. 8, 10 repealed by [Finance Act 1985 \(c. 54, SIF 114\)](#), s. 98(6), **Sch. 27 Pt. IX(3)**

**9** **Penalty for frauds in relation to adhesive stamps.**

(1) If any person—

- (a) Fraudulently removes or causes to be removed from any instrument any adhesive stamp, or affixes to any other instrument or uses for any postal purpose any adhesive stamp which has been so removed, with intent that the stamp may be used again; or
- (b) Sells or offers for sale, or utters, any adhesive stamp which has been so removed, or utters any instrument, having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid;

he shall, in addition to any other fine or penalty to which he may be liable, incur a fine of fifty pounds.

(2) ..... **F3**

**Textual Amendments**

**F3** S. 9(2) repealed by [Revenue Act 1898 \(c. 46\)](#), **s. 7(4)**

**Modifications etc. (not altering text)**

**C4** S. 9 extended by [Revenue Act 1898 \(c. 46\)](#), **s. 7** and [Post Office Act 1969 \(c. 48\)](#), **s. 117(1)**; power to apply s. 9 with modifications conferred by [National Debt Act 1972 \(c. 65\)](#), **s. 10(1)**

**C5** S. 9: power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#), ss. 1(4), 177(4), **Sch. 1 para. 8(3)(b)** (with s. 108(5)).

**C6** S. 9: power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), ss. 1(4), 173(4), **Sch. 1 para. 8(3)(b)** (with s. 108(5)).

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*Appropriated Stamps and Denoting Stamps*

10 ..... F4

**Textual Amendments**  
F4 Ss. 8, 10 repealed by Finance Act 1985 (c.54, SIF 114), s. 98(6), Sch. 27 Pt. IX(3)

**11 Denoting stamps.**

Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of the last-mentioned duty shall, upon application to the Commissioners and production of both the instruments, be denoted upon the first-mentioned instrument in such manner as the Commissioners think fit.

**Modifications etc. (not altering text)**  
C7 S. 11 amended by Finance Act 1984 (c. 43, SIF 114), s. 111(2)(5)

*Adjudication Stamps*

**12 Assessment of duty by Commissioners.**

- (1) Subject to such regulations as the Commissioners may think fit to make, the Commissioners may be required by any person to express the opinion with reference to any executed instrument upon the following questions:
  - (a) Whether it is chargeable with any duty;
  - (b) With what amount of duty it is chargeable.
- (2) The Commissioners may require to be furnished with an abstract of the instrument, and also with such evidence as they may deem necessary, in order to show to their satisfaction whether all the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable thereon, are fully and truly set forth therein.
- (3) If the Commissioners are of opinion that the instrument is not chargeable with any duty, it may be stamped with a particular stamp denoting that it is not chargeable with any duty.
- (4) If the Commissioners are of opinion that the instrument is chargeable with duty, they shall assess the duty with which it is in their opinion chargeable, and when the instrument is stamped in accordance with the assessment it may be stamped with a particular stamp denoting that it is duly stamped.
- (5) Every instrument stamped with the particular stamp denoting either that it is not chargeable with any duty, or is duly stamped, shall be admissible in evidence, and available for all purposes notwithstanding any objection relating to duty.
- (6) Provided as follows:

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- (a) An instrument upon which the duty has been assessed by the Commissioners shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment:
- (b) Nothing in this section . . . <sup>F5</sup> shall authorise the stamping after the execution thereof of any instrument which by law cannot be stamped after execution:
- (c) A statutory declaration made for the purpose of this section shall not be used against any person making the same in any proceeding whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such declaration is made shall, on payment of the duty chargeable upon the instrument to which it relates, be relieved from any fine or disability to which he may be liable by reason of the omission to state truly in the instrument any fact or circumstance required by this Act to be stated therein.

#### Textual Amendments

**F5** Words repealed by [Finance Act 1971 \(c. 68\)](#), [Sch. 14 Pt. VI](#)

#### Modifications etc. (not altering text)

**C8** [S. 12](#) applied (E.W.S.) by [Companies Act 1985 \(c. 6, SIF 27\)](#), [s. 88\(4\)](#)

[S. 12](#) applied (S.) (10.3.1995) by [1994 c.39, s. 96\(2\)\(b\)](#) (with [s. 74\(4\)](#)); [S.I. 1995/702, art. 2](#)

**C9** [S. 12](#) excluded by [Finance Act 1931 \(c. 28\)](#), [s. 28\(4\)](#) and excluded (4.11.1996) by [1994 c. 9, ss. 244\(5\)](#), [245](#); [S.I. 1996/2316, art. 2](#)

VALID FROM 27/07/1999

#### **12A** <sup>F6</sup> **Adjudication: supplementary provisions.**

- (1) An instrument which has been the subject of adjudication by the Commissioners under section 12 shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the Commissioners' decision on the adjudication.
- (2) If without reasonable excuse any such instrument is not duly stamped within 30 days after the date on which the Commissioners gave notice of their decision, or such longer period as the Commissioners may allow, the person by whom the adjudication was required is liable to a penalty not exceeding £300.
- (3) A statutory declaration made for the purposes of section 12 shall not be used against the person making it in any proceedings whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable or as to the penalty payable on stamping that instrument.
- (4) Every person by whom any such declaration is made shall, on payment of the duty chargeable upon the instrument to which it relates, and any interest or penalty payable on stamping, be relieved from any penalty to which he may be liable by reason of the omission to state truly in the instrument any fact or circumstance required by this Act to be so stated.

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#### Textual Amendments

- F6** S. 12 and s. 12A substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) for s. 12 by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 1**

#### Modifications etc. (not altering text)

- C10** S. 12A applied (with modifications) (retrospective to 28.3.2000 and with effect as mentioned in s. 116(2) of the affecting Act) by 2000 c. 17, s. 116(2)(3), **Sch. 32 para. 7**
- C11** S. 12A(1) restricted (retrospective to 28.3.2000 and with effect as mentioned in s. 116(2) of the affecting Act) by 2000 c. 17, s. 116(2)(3), **Sch. 32 para. 5**

### 13 Persons dissatisfied may appeal.

- (1) Any person who is dissatisfied with the assessment of the Commissioners may, within twenty-one days after the date of the assessment, and on payment of duty in conformity therewith, appeal against the assessment to the High Court of the part of the United Kingdom in which the case has arisen, and may for that purpose require the Commissioners to state and sign a case, setting forth the question upon which their opinion was required, and the assessment made by them.
- (2) The Commissioners shall thereupon state and sign a case and deliver the same to the person by whom it is required, and the case may, within seven days thereafter, be set down by him for hearing.
- (3) Upon the hearing of the case the court shall determine the question submitted, and, if the instrument in question is in the opinion of the court chargeable with any duty, shall assess the duty with which it is chargeable.
- (4) If it is decided by the court that the assessment of the Commissioners is erroneous, any excess of duty which may have been paid in conformity with the erroneous assessment, together with any fine or penalty which may have been paid in consequence thereof, shall be ordered by the court to be repaid to the appellant, [<sup>F7</sup>with or without costs, as the court may determine.]
- <sup>XI</sup>(5) If the assessment of the Commissioners is confirmed the court may make an order for payment to the Commissioners of the costs incurred by them in relation to the appeal.

#### Editorial Information

- X1** S. 13(5) repealed (E.W.) by Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36), **Sch. 3**

#### Textual Amendments

- F7** Words repealed (E.W.) by Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36), **Sch. 3**

#### Modifications etc. (not altering text)

- C12** S. 13(4) amended by Finance Act 1965 (c. 25), **s. 91**

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### **13A** <sup>F8</sup> **Appeal to the Special Commissioners.**

- (1) The following provisions apply in relation to an appeal under section 13(4).
- (2) Notice of appeal must be given in writing to the Commissioners, specifying the grounds of appeal.
- (3) On the hearing of the appeal the Special Commissioners may allow the appellant to put forward a ground not specified in the notice of appeal, and take it into consideration, if satisfied that the omission was not wilful or unreasonable.
- (4) The powers conferred by sections 46A(1)(c) and (2) to (4) and sections 56B to 56D of the Taxes Management Act 1970 (power of Lord Chancellor to make regulations as to jurisdiction, practice and procedure in relation to appeals) are exercisable in relation to appeals to which this section applies.
- (5) On the appeal the Special Commissioners may—
  - (a) if it appears to them that no penalty should be paid, set the decision aside;
  - (b) if the amount determined appears to them to be appropriate, confirm the decision;
  - (c) if the amount determined appears to them to be excessive, reduce it to such other amount (including nil) as they consider appropriate;
  - (d) if the amount determined appears to them to be insufficient, increase it to such amount as they consider appropriate.
- (6) Section 56A of the Taxes Management Act 1970 (general right of appeal on point of law) applies in to a decision of the Special Commissioners under this section.
- (7) Without prejudice to that right of appeal, an appeal lies against the amount of a penalty determined by the Special Commissioners under this section, at the instance of the person liable to the penalty, to the High Court.
- (8) On an appeal under subsection (7) the court has the same powers as are conferred on the Special Commissioners by subsection (5) above.

#### **Textual Amendments**

- F8** Ss. 13, 13A and 13B substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) for s. 13 by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 2**

#### **Modifications etc. (not altering text)**

- C13** S. 13A applied (with modifications) (retrospective to 28.3.2000 and with effect as mentioned in s. 116(2) of the amending Act) by 2000 c. 17, s. 116(2)(3), **Sch. 32 para. 7**

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**13B** <sup>F9</sup> **Appeal to the High Court.**

- (1) The following provisions apply in relation to an appeal under section 13(5).
- (2) The appellant may for the purposes of the appeal require the Commissioners to state and sign a case setting out the questions upon which they were required to adjudicate and their decision upon them.
- (3) The Commissioners shall thereupon state and sign a case and deliver the same to the person by whom it is required, and the case may, within 30 days thereafter, be set down by him for hearing.
- (4) On the appeal the court shall determine the questions submitted and may give such directions as it thinks fit with respect to the repayment of any duty or penalty paid in conformity with the Commissioners' decision.

**Textual Amendments**

**F9** Ss. 13, 13A and 13B substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) for s. 13 by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 2**

**Modifications etc. (not altering text)**

**C14** S. 13B applied (with modifications) (retrospective to 28.3.2000 and with effect as mentioned in s. 109(4) of the amending Act) by 2000 c. 17, s. 116(2)(3), **Sch. 32 para. 7**

*Production of Instruments in Evidence*

**14** **Terms upon which instruments not duly stamped may be received in evidence.**

- (1) Upon the production of an instrument chargeable with any duty as evidence in any court of civil judicature in any part of the United Kingdom, or before any arbitrator or referee, notice shall be taken by the judge, arbitrator, or referee of any omission or insufficiency of the stamp thereon, and if the instrument is one which may legally be stamped after the execution thereof, it may, on payment to the officer of the court whose duty it is to read the instrument, or to the arbitrator or referee, of the amount of the unpaid duty, and the penalty payable on stamping the same, and of a further sum of one pound, be received in evidence, saving all just exceptions on other grounds.
- (2) The officer, or arbitrator, or referee receiving the duty and penalty shall give a receipt for the same, and make an entry in a book kept for that purpose of the payment and of the amount thereof, and shall communicate to the Commissioners the name or title of the proceeding in which, and of the party from whom, he received the duty and penalty, and the date and description of the instrument, and shall pay over to such person as the Commissioners may appoint the money received by him for the duty and penalty.
- (3) On production to the Commissioners of any instrument in respect of which any duty or penalty has been paid, together with the receipt, the payment of the duty and penalty shall be denoted on the instrument.



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- (4) Save as aforesaid, an instrument executed in any part of the United Kingdom, or relating, wheresoever executed, to any property situate, or to any matter or thing done or to be done, in any part of the United Kingdom, shall not, except in criminal proceedings, be given in evidence, or be available for any purpose whatever, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

**Modifications etc. (not altering text)**

- C15** S. 14 amended by Finance Act 1931 (c. 28), s. 28(4) and amended (4.11.1996) by 1994 c. 9, ss. 244(5), 245; S.I. 1996/2316, art. 2
- C16** S. 14(4) amended by Finance Act 1984 (c. 43, SIF 114), ss. 109(3), 110(4)
- C17** S. 14(4) modified (retrospectively) (26.3.1985) by Finance Act 1985 (c. 54, SIF 114), ss. 78(12)(14), 79(12)(13), 80, 82(7), 85(4)
- C18** S. 14(4) amended (retrospectively) (22.3.1988) by Finance Act 1988 (c. 39, SIF 114), ss. 140(3)(6), 141(3)(6)
- C19** S. 14(4) modified (retrospectively to 16.1.1992) by Stamp Duty (Temporary Provisions) Act 1992 (c. 2), s. 1(3)(4)
- S. 14(4) modified (retrospectively to 23.3.1993) by 1993 c. 34, s. 201(3)(4)

*Stamping of Instruments after Execution*

**15 Penalty upon stamping instruments after execution.**

- (1) Save where other express provision is in this Act made, any unstamped or insufficiently stamped instrument may be stamped after the execution thereof, on payment of the unpaid duty and a penalty of ten pounds, and also by way of further penalty, where the unpaid duty exceeds ten pounds, of interest on such duty, at the rate of five pounds per centum per annum, from the day upon which the instrument was first executed up to the time when the amount of interest is equal to the unpaid duty.
- (2) In the case of such instruments herein-after mentioned as are chargeable with ad valorem duty, the following provisions shall have effect:
- (a) The instrument, unless it is written upon duly stamped material, shall be duly stamped with the proper ad valorem duty before the expiration of thirty days after it is first executed, or after it has been first received in the United Kingdom in case it is first executed at any place out of the United Kingdom, unless the opinion of the Commissioners with respect to the amount of duty with which the instrument is chargeable, has, before such expiration, been required under the provisions of this Act:
- (b) If the opinion of the Commissioners with respect to any such instrument has been required, the instrument shall be stamped in accordance with the assessment of the Commissioners within fourteen days after notice of the assessment:
- (c) If any such instrument executed after the sixteenth day of May one thousand eight hundred and eighty-eight has not been or is not duly stamped in conformity with the foregoing provisions of this subsection, the person in that behalf herein-after specified shall incur a fine of ten pounds, and in addition to the penalty payable on stamping the instrument there shall be paid a further penalty equivalent to the stamp duty thereon, unless a reasonable excuse for

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the delay in stamping, or the omission to stamp, or the insufficiency of stamp, be afforded to the satisfaction of the Commissioners, or of the court, judge, arbitrator, or referee before whom it is produced;

- (d) The instruments and persons to which the provisions of this subsection are to apply are as follows:—

<b>Title of Instrument as described in the First Schedule to this Act.</b>	<b>Person liable to Penalty.</b>
Bond, covenant, or instrument of any kind whatsoever.	The obligee, covenantee, or other person taking the security.
Conveyance on sale	The vendee or transferee.
Lease or tack	The lessee.
[ <sup>F10</sup> Agreement for lease or tack chargeable under section 75.]	[ <sup>F10</sup> The person contracting for the lease or tack to be granted to him or another.]
[ <sup>F11</sup> . . . . .]	[ <sup>F11</sup> . . . . .]
[ <sup>F12</sup> Unit Trust Investment]	[ <sup>F12</sup> The Trustees]

- (3) Provided that save where other express provision is made by this Act in relation to any particular instrument:—

- (a) Any unstamped or insufficiently stamped instrument which has been first executed at any place out of the United Kingdom, may be stamped, at any time within thirty days after it has been first received in the United Kingdom, on payment of the unpaid duty only: and
- (b) The Commissioners may, if they think fit, . . . <sup>F13</sup> mitigate or remit any penalty payable on stamping.

- (4) The payment of any penalty payable on stamping is to be denoted on the instrument by a particular stamp.

#### **Textual Amendments**

**F10** Words inserted by [Finance Act 1984 \(c. 43, SIF 114\)](#), **s. 111(4)(5)**

**F11** Words repealed by [Finance Act 1971 \(c. 68\)](#), **Sch. 14 Pt. VI**

**F12** Words substituted in relation to instruments made on or after 1.8.1962 by [Finance Act 1962 \(c. 44\)](#), **s. 30(1)**

**F13** Words repealed by [Finance Act 1895 \(c. 16\)](#), **Sch.**

#### **Modifications etc. (not altering text)**

**C20** **S. 15** modified (3.5.1994 with effect as mentioned in **s. 240(4)** of the amending Act) by [1994 c. 9](#), **s. 240(1)(4)**

**C21** **S. 15** excluded (31.7.1998) by [1998 c. 36](#), **s. 150(2)**

**C22** **S. 15(2)** extended by [Finance \(1909–10\) Act 1910 \(c. 8\)](#), **s. 74(2)**

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VALID FROM 27/07/1999

**[15A** <sup>F14</sup>**Late stamping: interest.**

- (1) Interest is payable on the stamping of an instrument which—
  - (a) is chargeable with *ad valorem* duty, and
  - (b) is not duly stamped within 30 days after the day on which the instrument was executed (whether in the United Kingdom or elsewhere).
- (2) Interest is payable on the amount of the unpaid duty from the end of the period of 30 days mentioned in subsection (1)(b) until the duty is paid.

If an amount is lodged with the Commissioners in respect of the duty, the amount on which interest is payable is reduced by that amount.
- (3) Interest shall be calculated at the rate applicable under section 178 of the <sup>M1</sup>Finance Act 1989 (power of Treasury to prescribe rates of interest).
- (4) The amount of interest shall be rounded down (if necessary) to the nearest multiple of £5.

No interest is payable if that amount is less than £25.
- (5) Interest under this section shall be paid without any deduction of income tax and shall not be taken into account in computing income or profits for any tax purposes.]

**Textual Amendments**

**F14** Ss. 15, 15A and 15B substituted (27.7.1999 with effect as applies to instruments executed on or after 1.10.1999) by 1999 c. 16, ss. 109(1)(4), 122 (with s. 123(4))

**Modifications etc. (not altering text)**

- C23** S. 15A applied (27.7.1999 with effect as applies to instruments executed on or after 1.10.1999) by 1994 c. 9, s. 240(2) (as substituted by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 4**)  
s. 15A applied (with modifications) (retrospective to 28.3.2000 and with effect as mentioned in s. 116(2) of the amending Act) by 2000 c. 17, s. 116(2)(3), **Sch. 32 para. 7**  
S. 15A applied (24.7.2002 with application as mentioned in s. 115(8) of the amending Act) by 2002 c. 23, s. 115(5)(b)
- C24** S. 15A(3)-(5) applied (retrospective to 24.4.2002 with effect as mentioned in s. 111(10) of the amending Act) by 2002 c. 23, s. 111(6), **Sch. 34 para. 5(2)**

**Marginal Citations**

**M1** 1989 c.26.

VALID FROM 27/07/1999

**[15B** <sup>F15</sup>**Late stamping: penalties.**

- (1) A penalty is payable on the stamping of an instrument which is not presented for stamping within 30 days after—

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- (a) if the instrument is executed in the United Kingdom, the day on which it is so executed;
  - (b) if the instrument is executed outside the United Kingdom, the day on which it is first received in the United Kingdom.
- (2) If the instrument is presented for stamping within one year after the end of the 30-day period mentioned in subsection (1), the maximum penalty is £300 or the amount of the unpaid duty, whichever is less.
  - (3) If the instrument is not presented for stamping until after the end of the one-year period mentioned in subsection (2), the maximum penalty is £300 or the amount of the unpaid duty, whichever is greater.
  - (4) The Commissioners may, if they think fit, mitigate or remit any penalty payable on stamping.
  - (5) No penalty is payable if there is a reasonable excuse for the delay in presenting the instrument for stamping.]

#### Textual Amendments

**F15** Ss. 15, 15A and 15B substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) for s. 15 by 1999 c. 16, ss. 109(1)(4), 122, 123(4)

#### Modifications etc. (not altering text)

**C25** S. 15B applied (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) by 1994 c. 9, s. 240(2) (as substituted (27.7.1999 with application as mentioned) by 1999 c. 16, ss. 109(3)(4), 122, Sch. 12 para. 4)  
s. 15B applied (with modifications) (retrospective to 28.3.2000 and with effect as mentioned in s. 116(2) of the amending Act) by 2000 c. 17, s. 116(2)(3), Sch. 32 para. 7

*Entries upon Rolls, Books, &c.*

## 16 Rolls, books, &c. to be open to inspection.

Every public officer having in his custody any rolls, books, records, papers, documents, or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person thereto authorised by the Commissioners to inspect the rolls, books, records, papers, documents, and proceedings, and to take such notes and extracts as he may deem necessary, without fee or reward, and in case of refusal shall for every offence incur a fine of ten pounds.

#### Modifications etc. (not altering text)

**C26** S. 16 extended by Finance Act 1975 (c. 7), Sch. 4 para. 42(2)

**C27** S. 16 extended by Capital Transfer Tax Act 1984 (c. 51, SIF 65), s. 259

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**Status:** Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)

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**17 Penalty for enrolling, &c. instrument not duly stamped.**

If any person whose office it is to enrol, register, or enter in or upon any rolls, books, or records any instrument chargeable with duty, enrolls, registers, or enters any such instrument not being duly stamped, he shall incur a fine of ten pounds.

**PART II**

REGULATIONS APPLICABLE TO PARTICULAR INSTRUMENTS

**18–19** ..... **F16**

**Textual Amendments**

**F16** Ss. 18, 19 repealed by [Finance Act 1949 \(c. 47\)](#), [Sch. 11 Pt. V](#)

**20** ..... **F17**

**Textual Amendments**

**F17** S. 20 repealed by [Finance Act \(Northern Ireland\) 1925 \(c. 30\) \(N.I.\)](#), s. 3

**21** ..... **F18**

**Textual Amendments**

**F18** S. 21 repealed by [Finance Act 1947 \(c. 35\)](#), [Sch. 11 Pt. I](#)

**22** ..... **F19**

**Textual Amendments**

**F19** S. 22 repealed by [Finance Act 1970 \(c. 24\)](#), [Sch. 8 Pt. IV](#)

**23** ..... **F20**

**Textual Amendments**

**F20** S. 23 repealed by [Finance Act 1971 \(c. 68\)](#), [Sch. 14 Pt. VI](#)

**24** ..... **F21**

*Status:* Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.  
*Changes to legislation:* There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)

**Textual Amendments**  
F21 S. 24 repealed by [Finance Act 1949 \(c. 47\)](#), [Sch. 11 Pt. V](#)

*Instruments of Apprenticeship*

**25 Meaning of instrument of apprenticeship.**

Every writing relating to the service or tuition of any apprentice, clerk, or servant placed with any master to learn any profession, trade, or employment (except articles of clerkship to a solicitor or law agent or writer to the signet) is to be deemed an instrument of apprenticeship.

**26** ..... F22

**Textual Amendments**  
F22 S. 26 repealed by [Finance Act 1947 \(c. 35\)](#), [Sch. 11 Pt. I](#)

**27** ..... F23

**Textual Amendments**  
F23 S. 27 repealed by [Finance Act 1949 \(c. 47\)](#), [Sch. 11 Pt. V](#)

**28** ..... F24

**Textual Amendments**  
F24 S. 28 repealed by [Finance Act \(Northern Ireland\) 1925 \(c. 30\) \(N.I.\)](#), s. 3

**29–31** ..... F25

**Textual Amendments**  
F25 Ss. 29–31 repealed by [Finance Act 1972 \(c. 41\)](#), [Sch. 28 Pt. XI](#)  
Ss. 29-31 expressed to be repealed (1.1.1992) by [Finance Act 1991 \(c. 31, SIF 114\)](#), ss. 115, 123, [Sch. 19 Pt.VII](#)

**32, 33.** ..... F26

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**Status:** Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.  
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.....  
**Textual Amendments**

**F26** Ss. 32, 33 repealed by [Finance Act 1970 \(c. 24\)](#), [Sch. 8 Pt. V](#)

**34** ..... **F27**

.....  
**Textual Amendments**

**F27** S. 34 repealed by [Finance Act 1961 \(c. 36\)](#), [Sch. 6 Pt. II](#)

**35–39** ..... **F28**

.....  
**Textual Amendments**

**F28** Ss. 35–39 repealed by [Finance Act 1970 \(c. 24\)](#), [Sch. 8 Pt. V](#)

**40** ..... **F29**

.....  
**Textual Amendments**

**F29** Ss. 40, 42 repealed by [Finance Act 1949 \(c. 47\)](#), [Sch. 11 Pt. V](#)

*Bills of Sale*

**41** **Bills of sale.**

A bill of sale is not to be registered under any Act for the time being in force relating to the registration of bills of sale unless the original, duly stamped, is produced to the proper officer.

**42** ..... **F30**

.....  
**Textual Amendments**

**F30** Ss. 40, 42 repealed by [Finance Act 1949 \(c. 47\)](#), [Sch. 11 Pt. V](#)

**43** ..... **F31**

.....  
**Textual Amendments**

**F31** S. 43 repealed by Solicitors, Public Notaries, &c., Act 1949 (c. 21), Sch. 2

*Status:* Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.  
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44 ..... F32

**Textual Amendments**  
F32 S. 44 repealed by Solicitors Act 1932 (c. 37), Sch. 4 and Solicitors (Scotland) Act 1933 (c. 21), Sch. 3

45–48 ..... F33

**Textual Amendments**  
F33 Ss. 45–48 repealed by Solicitors, Public Notaries, &c., Act 1949 (c. 21), Sch. 2

*Charter-parties*

**49 Provisions as to duty on charter-party.**

(1) For the purposes of this Act the expression “charter-party” includes any agreement or contract for the charter of any ship or vessel or any memorandum, letter, or other writing between the captain, master, or owner of any ship or vessel, and any other person for or relating to the freight or conveyance of any money, goods, or effects on board of the ship or vessel.

(2) ..... F34

**Textual Amendments**  
F34 Ss. 49(2), 50, 51 repealed by Finance Act 1949 (c. 47), Sch. 11 Pt. V

50, 51. .... F35

**Textual Amendments**  
F35 Ss. 49(2), 50, 51 repealed by Finance Act 1949 (c. 47), Sch. 11 Pt. V

52, 53. .... F36

**Textual Amendments**  
F36 Ss. 52, 53 repealed by Finance (1909–10) Act 1910 (c. 8), Sch. 6



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### Conveyances on Sale

#### 54 Meaning of “conveyance on sale”.

For the purposes of this Act the expression “conveyance on sale” includes every instrument, and every decree or order of any court or of any commissioners, whereby any property, or any estate or interest in any property, upon the sale thereof is transferred to or vested in a purchaser, or any other person on his behalf or by his direction.

.....  
**Modifications etc. (not altering text)**

**C28** S. 54 explained by [Finance Act 1898 \(c. 10\)](#), s. 6

#### 55 How ad valorem duty to be calculated in respect of stock and securities.

- (1) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any stock or marketable security, the conveyance is to be charged with ad valorem duty in respect of the value of the stock or security.
- (2) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any security not being a marketable security, the conveyance is to be charged with ad valorem duty in respect of the amount due on the day of the date thereof for principal and interest upon the security.

#### 56 How consideration consisting of periodical payments to be charged.

- (1) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period not exceeding twenty years, so that the total amount to be paid can be previously ascertained, the conveyance is to be charged in respect of that consideration with ad valorem duty on such total amount.
- (2) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period exceeding twenty years or on perpetuity, or for any indefinite period not terminable with life, the conveyance is to be charged in respect of that consideration with ad valorem duty on the total amount which will or may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of the instrument.
- (3) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during any life or lives, the conveyance is to be charged in respect of that consideration with ad valorem duty on the amount which will or may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of the instrument.
- (4) .....

F37

.....  
**Textual Amendments**

**F37** S. 56(4) repealed by [Finance Act 1971 \(c. 68\)](#), [Sch. 14 Pt. VI](#)

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*Changes to legislation: There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)*

## 57 How conveyance in consideration of a debt, &c., to be charged.

Where any property is conveyed to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, the debt, money, or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the conveyance is chargeable with ad valorem duty.

### Modifications etc. (not altering text)

**C29** S. 57 explained by Finance Act 1898 (c. 10), s. 6

**C30** S. 57 excluded by Finance Act 1980 (c. 48, SIF 114), s. 102, Finance Act 1981 (c. 35, SIF 114), s. 107(1) and Finance (No. 2) Act 1983 (c. 49, SIF 114), s. 15(1) as amended by Finance Act 1985 (c. 54, SIF 114), s. 82(4)

## 58 Direction as to duty in certain cases.

- (1) Where property contracted to be sold for one consideration for the whole is conveyed to the purchaser in separate parts or parcels by different instruments, the consideration is to be apportioned in such manner as the parties think fit, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with ad valorem duty in respect of such distinct consideration.
- <sup>F38</sup>(2) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts or parcels by separate instruments to the persons by or for whom the same was purchased for distinct parts of the consideration, the conveyance of each separate part or parcel is to be charged with ad valorem duty in respect of the distinct part of the consideration therein specified.
- (3) Where there are several instruments of conveyance for completing the purchaser's title to property sold, the principal instrument of conveyance only is to be charged with ad valorem duty, and the other instruments are to be respectively charged with such other duty as they may be liable to, but the last-mentioned duty shall not exceed the ad valorem duty payable in respect of the principal instrument.
- (4) Where a person having contracted for the purchase of any property, but not having obtained a conveyance thereof, contracts to sell the same to any other person, and the property is in consequence conveyed immediately to the sub-purchaser
  - [<sup>F39</sup>then, except where—
    - (a) the chargeable consideration moving from the sub-purchaser is less than the value of the property immediately before the contract of sale to him, and
    - (b) the conveyance is not one to which section 107 of the Finance Act <sup>M2</sup>1981 (sales of houses at discount by local authorities etc.) applies]
 the conveyance is to be charged with ad valorem duty in respect of the consideration moving from the sub-purchaser.
- (5) Where a person having contracted for the purchase of any property but not having obtained a conveyance contracts to sell the whole, or any part or parts thereof, to any other person or persons, and the property is in consequence conveyed by the original

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seller to different persons in parts or parcels [<sup>F40</sup>then, except where the aggregate of the chargeable consideration for the sale of all such parts or parcels is less than the value of the whole of the property immediately before the contract for their sale or, as the case may be, the first contract for the sale of any of them], the conveyance of each part or parcel is to be charged with ad valorem duty in respect only of the consideration moving from the sub-purchaser thereof, without regard to the amount or value of the original consideration.

- (6) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the consideration moving from him, and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable only with such other duty as it may be liable to, but the last-mentioned duty shall not exceed the ad valorem duty.

[<sup>F41</sup>(7) Any reference in subsection (4) or subsection (5) of this section to chargeable consideration is a reference to consideration which falls to be brought into account in determining the duty (if any) chargeable on the conveyance to the sub-purchaser or, as the case may be, on the conveyance of each of the parts or parcels in question; and in any case where it is necessary for the purposes of either of those subsections to determine [<sup>F42</sup>the value at any time of any property, that value shall be taken to be the price which the property might reasonably be expected to fetch on a sale at that time in the open market.]]

#### Textual Amendments

- F38** S. 58(2) modified (retrospective to 28.3.2000 and with effect as mentioned in s. 129(5) and Sch. 34 para. 3(6) of the amending Act) by 2000 c. 17, s. 129(3)(5)(6), **Sch. 34 para. 3(2)(6)**
- F39** Words and ss. 58 (4)(a)(b) inserted by Finance Act 1984 (c. 43, SIF 114), **s. 112(1)(4)**
- F40** Words inserted by Finance Act 1984 (c. 43, SIF 114), **s. 112(2)(4)**
- F41** S. 58(7) inserted by Finance Act 1984 (c. 43, SIF 114), **s. 112(3)(4)**
- F42** Words substituted by Finance Act 1985 (c. 54, SIF 114), **s. 82(2)**

#### Modifications etc. (not altering text)

- C31** S. 58(1)(2) modified by Finance Act 1991 (c. 31, SIF 114), **s.112**
- C32** S. 58(1) modified (retrospective to 28.3.2000 and with effect as mentioned in s. 129(5) and Sch. 34 para. 3(6) of the amending Act) by 2000 c. 17, s. 129(3)(5)(6), **Sch. 34 para. 3(1)(6)**
- C33** S. 58(1) modified (11.5.2001 with effect as mentioned in s. 92(8) of the amending Act) by 2001 c. 9, s. 92, **Sch. 30 para. 2(1)(4)(6)**; S.I. 2001/3748, **art. 2**
- C34** S. 58(2) modified (11.5.2001 with effect as mentioned in s. 92(8) of the amending Act) by 2001 c. 9, s. 92, **Sch. 30 para. 2(2)-(6)**; S.I. 2001/3728, **art. 2**
- S. 58(1) modified (retrospective to 23.4.2002 with application as mentioned in s.116(5) of the amending Act) by 2002 c. 23, s. 116(2), **Sch. 37 para. 2(1)**
- S. 58(2) modified (retrospective to 23.4.2002 with application as mentioned in s. 116(5) of the amending Act) by 2002 c. 23, s. 116(2), **Sch. 37 para. 2(2)**
- C35** S. 58(3) applied (27.7.1999 with effect as mentioned in s. 112(6) of the amending Act) by 1999 c. 16, ss. 112(3)(6), 123, **Sch. 13 Pt. III para. 21(2)**

#### Marginal Citations

- M2** 1981 c. 35 (114).

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## 59 Certain contracts to be chargeable as conveyances on sale.

- (1) Any contract or agreement . . . <sup>F43</sup> for the sale of any equitable estate or interest in any property whatsoever, or for the sale of any estate or interest in any property except lands, tenements, hereditaments, or heritages, or property locally situate out of the United Kingdom, or goods, wares or merchandise, . . . <sup>F44</sup> or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same ad valorem duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest, or property contracted or agreed to be sold.
- (2) Where the purchaser has paid the said ad valorem duty and before having obtained a conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if the consideration for that sale is in excess of the consideration for the original sale, with the ad valorem duty payable in respect of such excess consideration, [<sup>F45</sup>but shall not otherwise be chargeable . . . <sup>F46</sup>.]
- (3) Where duty has been duly paid in conformity with the foregoing provisions, the conveyance or transfer made to the purchaser or sub-purchaser, or any other person on his behalf or by his direction, shall not be chargeable with any duty, and the Commissioners, upon application, either shall denote the payment of the ad valorem duty upon the conveyance or transfer, or shall transfer the ad valorem duty thereto upon production of the contract or agreement, or contracts or agreements, duly stamped.
- (4) . . . . . <sup>F47</sup>
- (5) [<sup>F48</sup>Provided that where any such contract or agreement . . . <sup>F46</sup>would, apart from this section, not be chargeable with any duty], and a conveyance or transfer made in conformity with the contract or agreement is presented to the Commissioners for stamping with the ad valorem duty chargeable thereon within the period of six months after the first execution of the contract or agreement, or within such longer period as the Commissioners may think reasonable in the circumstances of the case, the conveyance or transfer shall be stamped accordingly, and the same, and the said contract or agreement, shall be deemed to be duly stamped. Nothing in this proviso shall alter or affect the provisions as to the stamping of a conveyance or transfer after the execution thereof.
- (6) Provided also, that the ad valorem duty paid upon any such contract or agreement shall be returned by the Commissioners in case the contract or agreement be afterwards rescinded or annulled, or for any other reason be not substantially performed or carried into effect, so as to operate as or be followed by a conveyance or transfer.

### Textual Amendments

- F43** Words repealed by [Revenue Act 1909 \(c. 43\)](#), [Sch.](#)
- F44** Words repealed by [Finance Act 1990 \(c. 29, SIF 114\)](#), s. 132, [Sch. 19 Pt. VI](#)
- F45** Words substituted by [Finance Act 1970 \(c. 24\)](#), [Sch. 7 para. 1\(3\)\(b\)\(i\)](#)
- F46** Words repealed by [Finance Act 1985 \(c. 54, SIF 114\)](#), s. 98(6), [Sch. 27 Pt. IX\(2\)](#)
- F47** [S. 59\(4\)](#) repealed by [Finance Act 1970 \(c. 24\)](#), [Sch. 8 Pt. IV](#)
- F48** Words substituted by [Finance Act 1970 \(c. 24\)](#), [Sch. 7 para. 1\(3\)\(b\)\(ii\)](#)

### Modifications etc. (not altering text)

- C36** [S. 59](#) amended (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 103
- C37** [S. 59](#) amended (N.I.) (1.4.1992) by [S.I. 1992/232, art.2](#); [S.R. 1992/117, art. 3\(1\)](#).

**Status:** Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)

## 60 As to sale of an annuity or right not before in existence.

Where upon the sale of any annuity or other right not before in existence such annuity or other right is not created by actual grant or conveyance, but is only secured by bond, warrant of attorney, covenant, contract, or otherwise, the bond or other instrument, or some one of such instruments, if there be more than one, is to be charged with the same duty as an actual grant or conveyance, and is for the purposes of this Act to be deemed an instrument of conveyance on sale.

## 61 Principal instrument, how to be ascertained.

- (1) In the cases herein-after specified the principal instrument is to be ascertained in the following manner;
  - (a) . . . <sup>F49</sup>
  - (c) Where in Scotland there is a disposition or assignation executed by the seller, and any other instrument is executed for completing the title, the disposition or assignation is to be deemed the principal instrument.
- (2) In any other case the parties may determine for themselves which of several instruments is to be deemed the principal instrument, and may pay the ad valorem duty thereon accordingly.

### Textual Amendments

**F49** S. 61(1)(a)(b) repealed by Finance Act 1949 (c. 47), Sch. 11 Pt. V

### Modifications etc. (not altering text)

**C38** S. 61 applied (27.7.1999 with effect in relation to instruments executed on or after 1.10.1999) by 1999 c. 16, ss. 112(3)(6), 122, Sch. 13, Pt. III, para. 21(2) (with s. 123(4))

### *Conveyances on any Occasion except Sale or Mortgage*

## 62 What is to be deemed a conveyance on any occasion, not being a sale or mortgage.

Every instrument, and every decree or order of any court or of any commissioners, whereby any property on any occasion, except a sale or mortgage, is transferred to or vested in any person, is to be charged with duty as a conveyance or transfer of property:

Provided that a conveyance or transfer made for effectuating the appointment of a new trustee is not to be charged with any higher duty than [<sup>F50</sup>50p].

### Textual Amendments

**F50** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

### Modifications etc. (not altering text)

**C39** S. 62 extended by Finance Act 1902 (c. 7), s. 9

*Status: Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)*

63— ..... F51  
68.

#### Textual Amendments

F51 Ss. 63–68 repealed by Finance Act 1949 (c. 47), Sch. 11 Pt. V

69— ..... F52  
71.

#### Textual Amendments

F52 Ss. 69–71 repealed by Finance Act 1905 (c. 4), Sch.

### *Duplicates and Counterparts*

#### 72 Provision as to duplicates and counterparts.

The duplicates or counterpart of an instrument chargeable with duty (except the counterpart of an instrument chargeable as a lease, such counterpart not being executed by or on behalf of any lessor or grantor), is not to be deemed duly stamped unless it is stamped as an original instrument, or unless it appears by some stamp impressed thereon that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart.

#### Modifications etc. (not altering text)

C40 S. 72 excluded by Land Commission Act 1967 (c. 1), s. 25(4)

### *Exchange and Partition or Division*

#### 73 As to exchange, &c.

Where <sup>F53</sup> . . . upon the partition or division of any [<sup>F54</sup>estate or interest in land], any consideration exceeding in amount or value one hundred pounds is paid or given, or agreed to be paid or given, for equality, the principal or only instrument whereby the <sup>F53</sup> . . . partition or division is effected is to be charged with the same ad valorem duty as a conveyance on sale for the consideration, and with that duty only; and where in any such case there are several instruments for completing the title of either party, the principal instrument is to be ascertained, and the other instruments are to be charged with duty in the manner herein-before provided in the case of several instruments of conveyance.

#### Textual Amendments

F53 Words in s. 73 repealed (3.5.1994 with effect as mentioned in s. 241(6) of the repealing Act) by 1994 c. 9, s. 241(3)(6), 258, Sch. 26 Pt. VII Note

**Status:** Point in time view as at 03/05/1994. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)

**F54** Words in [S. 73](#) substituted (3.5.1994 with effect as mentioned in [S. 241\(6\)](#) of the amending Act) by [1994 c. 9, s. 241\(4\)\(6\)](#)

**Modifications etc. (not altering text)**

**C41** [S. 73](#) excluded (3.5.1994 with effect as mentioned in [s. 241\(6\)](#) of the amending Act) by [1994 c. 9, s. 241\(3\)\(6\)](#)

**74** ..... **F55**

**Textual Amendments**

**F55** [S. 74](#) repealed by [Finance Act 1937 \(c. 54\), Sch. 6 Pt. II](#)

*Leases*

**75 Agreements for not more than thirty-five years to be charged as leases.**

(1) An agreement for a lease or tack, or with respect to the letting of any lands, tenements, or heritable subjects for any term . . . <sup>F56</sup>, or for any indefinite term, is to be charged with the same duty as if it were an actual lease or tack made for the term and consideration mentioned in the agreement.

[<sup>F57</sup>(2) Where duty has been duly paid on an agreement for a lease or tack and, subsequent to that agreement, a lease or tack is granted which either—  
(a) is in conformity with the agreement, or  
(b) relates to substantially the same property and term as the agreement,

then the duty which would otherwise be charged on the lease or tack shall be reduced (or, as the case may be, extinguished) by the deduction therefrom of the duty paid on the agreement.]

**Textual Amendments**

**F56** Words repealed by [Finance Act 1984 \(c. 43, SIF 114\), s. 111\(1\)\(5\), Sch. 23 Pt. X](#)

**F57** [S. 75 \(2\)](#) substituted by [Finance Act 1984 \(c. 43, SIF 114\), s. 111\(1\)\(5\)](#)

**Modifications etc. (not altering text)**

**C42** [S. 75](#) amended by [Finance Act 1963 \(c. 25\), s. 56\(3\)](#)

**76** ..... **F58**

**Textual Amendments**

**F58** [Ss. 76, 77\(3\)\(4\), 78](#) repealed by [Finance Act 1963 \(c. 25\), Sch. 14 Pt. IV](#)

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*Changes to legislation:* There are currently no known outstanding effects for the Stamp Act 1891. (See end of Document for details)

**77 Directions as to duty in certain cases.**

- (1) A lease or tack, or agreement for a lease or tack, or with respect to any letting, is not to be charged with any duty in respect of any penal rent, or increased rent in the nature of a penal rent, thereby reserved or agreed to be reserved or made payable, or by reason of being made in consideration of the surrender or abandonment of any existing lease, tack, or agreement, or of relating to the same subject matter.
- (2) A lease made for any consideration in respect whereof it is chargeable with ad valorem duty, and in further consideration either of a covenant by the lessee to make, or of his having previously made, any substantial improvement of or addition to the property demised to him, or of any covenant relating to the matter of the lease, is not to be charged with any duty in respect of such further consideration.
- (3),(4) . . . <sup>F59</sup>
- (5) An instrument whereby the rent reserved by any other instrument chargeable with duty and duly stamped as a lease or tack is increased is not to be charged with duty otherwise than as a lease or tack in consideration of the additional rent thereby made payable.

**Textual Amendments**  
**F59** Ss. 76, 77(3)(4), 78 repealed by Finance Act 1963 (c. 25), Sch. 14 Pt. IV

**Modifications etc. (not altering text)**  
**C43** S. 77(2) excluded by Revenue Act 1909 (c. 43), s. 8

**78** . . . . . <sup>F60</sup>

**Textual Amendments**  
**F60** Ss. 76, 77(3)(4), 78 repealed by Finance Act 1963 (c. 25), Sch. 14 Pt. IV

**79, 80.** . . . . . <sup>F61</sup>

**Textual Amendments**  
**F61** Ss. 79, 80 repealed by Finance Act 1949 (c. 47), Sch. 11 Pt. V

**81** . . . . . <sup>F62</sup>

**Textual Amendments**  
**F62** S. 81 repealed by Finance Act 1917 (c. 31), s. 30(2)



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*Marketable Securities and Foreign and Colonial Share Certificates*

**82** ..... <sup>F63</sup>

**Textual Amendments**

**F63** S. 82 repealed with saving by Finance Act 1973 (c. 51), s. 59(7), Sch. 22 Pt. V

**83** **Penalty on issuing, &c. foreign, &c. security not duly stamped**

Every person who in the United Kingdom <sup>F64</sup> . . . assigns, transfers, negotiates, <sup>F65</sup> . . . any foreign security or [<sup>F66</sup>commonwealth government security not being duly stamped, shall incur a fine of twenty pounds.]

**Textual Amendments**

**F64** Words repealed by Finance Act 1973 (c. 51), Sch. 22 Pt. V.

**F65** Words repealed by Finance Act 1973 (c. 51), Sch. 22 Pt. V.

**F66** Word substituted by Finance Act 1963 (c. 25), s. 62(4)

**84** ..... <sup>F67</sup>

**Textual Amendments**

**F67** S. 84 repealed by Finance Act 1963 (c. 25), s. 73(8)(b), Sch. 14 Pt. IV

**85** ..... <sup>F68</sup>

**Textual Amendments**

**F68** S. 85 repealed by Customs and Inland Revenue Act 1893 (c. 7), s. 4(2)

**86–89** ..... <sup>F69</sup>

**Textual Amendments**

**F69** Ss. 86–89 repealed by Finance Act 1971 (c. 68), Sch. 14 Pt. VI

**90** ..... <sup>F70</sup>

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**Textual Amendments**  
**F70** S. 90 repealed by Finance Act 1949 (c. 47), Sch. 11 Pt. V

*Policies of Insurance*

**91** ..... **F71**

.....  
**Textual Amendments**  
**F71** Ss. 91, 98 (1) repealed by Finance Act 1989 (c. 26, SIF 114), s. 187(1), Sch. 17 Pt. IX

**92** ..... **F72**

.....  
**Textual Amendments**  
**F72** S. 92 repealed by Finance Act 1959 (c. 58), Sch. 8 Pt. II

**93** ..... **F73**

.....  
**Textual Amendments**  
**F73** S. 93 repealed with saving by Finance Act 1959 (c. 58), s. 30(6), Sch. 8 Pt. II

**94**— ..... **F74**  
**97.**

.....  
**Textual Amendments**  
**F74** Ss. 94–97, 98(2) repealed by Finance Act 1959 (c. 58), Sch. 8 Pt. II

*Policies of Insurance except Policies of Sea Insurance*

**98** **Meaning of policy of life insurance and policy of insurance against accident.**

(1) ..... **F75**

(2) ..... **F76**

.....  
**Textual Amendments**  
**F75** Ss. 91, 98 (1) repealed by Finance Act 1989 (c. 26, SIF 114), s. 187(1), Sch. 17 Pt. IX  
**F76** Ss. 94–97, 98(2) repealed by Finance Act 1959 (c. 58), Sch. 8 Pt. II

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**99** ..... **F77**

**Textual Amendments**

**F77** S. 99 repealed by Finance Act 1970 (c. 24), Sch. 8 Pt. IV

**100** ..... **F78**

**Textual Amendments**

**F78** S. 100 repealed by Finance Act 1989 (c. 26, SIF 114), ss. 173(3)(7)(8), 187(1), Sch. 17 Pt. IX

**101—** ..... **F79**  
**103.**

**Textual Amendments**

**F79** Ss. 101–103 repealed by Finance Act 1970 (c. 24), Sch. 8 Pt. V

**104—** ..... **F80**  
**106.**

**Textual Amendments**

**F80** Ss. 104–106 repealed by Finance Act 1962 (c. 44), Sch. 11 Pt. V

**107** ..... **F81**

**Textual Amendments**

**F81** Ss. 107, 108, 109(2) repealed by Finance Act 1963 (c. 25), Sch. 14 Pt. IV

*Stock Certificates to Bearer*

**108** ..... **F82**

**Textual Amendments**

**F82** Ss. 107, 108, 109(2) repealed by Finance Act 1963 (c. 25), Sch. 14 Pt. IV

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**109<sup>F83</sup> Penalty for issuing stock certificate unstamped.**

<sup>F84</sup>(1) Where the holder of a stock certificate to bearer has been entered on the register of the local authority as the owner of the share of stock described in the certificate, the certificate shall be forthwith cancelled so as to be incapable of being re-issued to any person.

(2) ..... <sup>F85</sup>

**Textual Amendments**

- F83** S. 109 extended by [Finance Act 1899 \(c. 9\), s. 5](#)
- F84** S. 109(1) extended by [Finance Act 1946 \(c. 64\), s.56\(2\)](#)
- F85** Ss. 107, 108, 109(2) repealed by [Finance Act 1963 \(c. 25\), Sch. 14 Pt. IV](#)

**110** ..... <sup>F86</sup>

**Textual Amendments**

- F86** Ss. 110, 111(2)(3) repealed by [Finance Act 1949 \(c. 47\), Sch. 11 Pt. V](#)

*Warrants for Goods*

**111 Provisions as to warrants for goods.**

(1) For the purposes of this Act the expression “warrant for goods” means any document or writing, being evidence of the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods, wares, or merchandise lying in any warehouse or dock, or upon any wharf, and signed or certified by or on behalf of the person having the custody of the goods, wares, or merchandise.

(2) ..... <sup>F87</sup>

**Textual Amendments**

- F87** Ss. 110, 111(2)(3) repealed by [Finance Act 1949 \(c. 47\), Sch. 11 Pt. V](#)

**PART III**

**SUPPLEMENTAL**

**112,113**..... <sup>F88</sup>

**Textual Amendments**

- F88** Ss. 112, 113 repealed with saving by [Finance Act 1973 \(c. 51\), ss. 49\(1\), 59\(7\), Sch. 22 Pt. V](#)

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*Composition for certain Stamp Duties.*

**114** ..... **F89**

**Textual Amendments**

**F89** S. 114 repealed by Finance Act 1970 (c. 24), Sch. 7 para. 13(1), Sch. 8 Pt. IV but transfers of any stock in respect of which payments have been made under s. 114 shall continue to be exempt from stamp duty

**115** ..... **F90**

**Textual Amendments**

**F90** S. 115 repealed by Finance Act 1976 (c. 40), Sch. 15 Pt. VI

**116** ..... **F91**

**Textual Amendments**

**F91** S. 116 repealed by Finance Act 1970 (c. 24), Sch. 8 Pt. IV

*Miscellaneous*

**117** **Conditions and agreements as to stamp duty void.**

Every condition of sale framed with the view of precluding objection or requisition upon the ground of absence or insufficiency of stamp upon any instrument executed after the sixteenth day of May one thousand eight hundred and eighty-eight, and every contract, arrangement, or undertaking for assuming the liability on account of absence or insufficiency of stamp upon any such instrument or indemnifying against such liability, absence, or insufficiency, shall be void.

**118** ..... **F92**

**Textual Amendments**

**F92** S. 118 repealed by Finance Act 1989 (c. 26, SIF 114), ss. 173(4)(9), 187(1), Sch. 17 Pt. IX

**119** **Instruments relating to Crown property.**

Except where express provision to the contrary is made by this or any other Act, an instrument relating to property belonging to the Crown, or being the private property

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of the sovereign, is to be charged with the same duty as an instrument of the same kind relating to property belonging to a subject.

## 120 As to instruments charged with duty of 35s.

Any instrument which by any Act passed before the first day of January one thousand eight hundred and seventy-one and not relating to stamp duties, is specifically charged with the duty of [<sup>F93</sup>£1·75], shall be chargeable only with the duty of [<sup>F93</sup>50p] in lieu of the said duty of [<sup>F93</sup>£1·75].

### Textual Amendments

**F93** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

## 121 Recovery of penalties.

All fines imposed by this Act are to be sued for and recovered by information in the High Court in England, in the name of the Attorney General for England, in Scotland in the name of the Lord Advocate, and in Ireland in the name of the Attorney General for Ireland.

### Modifications etc. (not altering text)

**C44** [S. 121](#) excluded by [Post Office Act 1969 \(c. 48\), s. 117\(2\)](#)

**C45** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2

**C46** [S. 121](#): functions transferred (6.5.1999) by [S.I. 1999/679, art. 2, Sch.](#)

## 122 Definitions.

(1) In this Act, unless the context otherwise requires,—

The expression “Commissioners” means Commissioners of Inland Revenue:

The expression “material” includes every sort of material upon which words or figures can be expressed:

The expression “instrument” includes every written document:

The expression “stamp” means as well a stamp impressed by means of a die as an adhesive stamp:

The expression “stamped”, with reference to instruments and material, applies as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto:

The expressions “executed” and “execution”, with reference to instruments not under seal, mean signed and signature [<sup>F94</sup>(but subject to subsection (1A) of this section):]

The expression “money” includes all sums expressed in British or in any foreign or colonial currency:

The expression “stock” includes any share in any stocks or funds transferable at the Bank of England or at the Bank of Ireland, <sup>F95</sup>. . . and any share in the stocks or funds of any foreign or colonial state or government,

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or in the capital stock or funded debt of any county council, corporation, company, or society in the United Kingdom, or of any foreign or colonial corporation, company, or society:

The expression “marketable security” means a security of such a description as to be capable of being sold in any stock market in the United Kingdom:

The expression “steward” of a manor includes deputy steward.

[<sup>F96</sup>(1A) For the purposes of this Act a deed (or, in Scotland, a deed for which delivery is required) shall be treated as executed when it is delivered or, if it is delivered subject to conditions, when the conditions are fulfilled]

(2) In the application of this Act to Scotland expressions referring to the High Court shall be construed as referring to the Court of Session sitting as the Court of Exchequer.

**Textual Amendments**

**F94** Words in s. 122(1) added (3.5.1994 with effect as mentioned in s. 239(3) of the amending Act) by 1994 c. 9, s. 239(1)(b)(3)

**F95** Words in s. 122(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. IX Group 1

**F96** S. 122(1A) inserted (3.5.1994 with effect as mentioned in s. 239(3) of the amending Act) by 1994 c. 9, s. 239(1)(a)(3)

**Modifications etc. (not altering text)**

**C47** Definition of “instrument” extended by Companies Act 1948 (c. 38), s. 52(2)

*Repeal; Commencement; Short Title*

**123** ..... <sup>F97</sup>

**Textual Amendments**

**F97** S. 123 repealed by Statute Law Revision Act 1908 (c. 49)

**124 Commencement.**

This Act shall come into operation on the first day of January one thousand eight hundred and ninety-two.

**125 Short title.**

This Act may be cited as the Stamp Act 1891.

**Status:**

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**Changes to legislation:**

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