



# Stamp Act 1891

1891 CHAPTER 39 54 and 55 Vict

## PART II

### REGULATIONS APPLICABLE TO PARTICULAR INSTRUMENTS

#### *Conveyances on Sale*

<sup>F1</sup>54 .....

#### Textual Amendments

<sup>F1</sup> S. 54 repealed (27.7.1999 with effect as mentioned in Sch. 20 Pt. V(2) Notes 1, 2 of the amending Act) by 1999 c. 16, s. 139, **Sch. 20 Pt. V(2)** Notes 1, 2

#### 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.

[<sup>F2</sup>(1A) For the purposes of subsection (1), it is immaterial—

- (a) whether, at the time of the execution of the conveyance on sale, the stock or marketable security is or has been issued or is to be issued; and
- (b) in a case where the stock or marketable security is to be issued, when it is to be, or is, issued and whether the issue is certain or contingent.]

(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.

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

**Textual Amendments**  
F2 S. 55(1A) inserted (28.7.2000 with effect as mentioned in s. 126(3) of the amending Act) by 2000 c. 17, s. 126(2)(3)

**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) ..... F3

**Textual Amendments**  
F3 S. 56(4) repealed by Finance Act 1971 (c. 68), Sch. 14 Pt. VI

**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)**  
C1 S. 57 explained by Finance Act 1898 (c. 10), s. 6  
C2 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)

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## 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>F4</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>F5</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>M1</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 seller to different persons in parts or parcels [<sup>F6</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>F7</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

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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>F8</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

- F4** 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\(2\)\(6\)](#)
- F5** Words and ss. 58 (4)(a)(b) inserted by [Finance Act 1984 \(c. 43, SIF 114\)](#), [s. 112\(1\)\(4\)](#)
- F6** Words inserted by [Finance Act 1984 \(c. 43, SIF 114\)](#), [s. 112\(2\)\(4\)](#)
- F7** S. 58(7) inserted by [Finance Act 1984 \(c. 43, SIF 114\)](#), [s. 112\(3\)\(4\)](#)
- F8** Words substituted by [Finance Act 1985 \(c. 54, SIF 114\)](#), [s. 82\(2\)](#)

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

- C3** S. 58(1)(2) modified by [Finance Act 1991 \(c. 31, SIF 114\)](#), [s.112](#)
- C4** 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\(1\)\(6\)](#)
- C5** 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](#)
- C6** 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\(2\)](#)
- C7** S. 58(3) applied (27.7.1999 with effect as mentioned 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

- M1** 1981 c. 35 (114).

<sup>F9</sup>59 .....

#### Textual Amendments

- F9** S. 59 repealed (27.7.1999 with effect in relation to penalties in respect of things done or omitted on or after 1.10.1999) by 1999 c. 16, s. 139, [Sch. 20 Pt. V\(2\)](#) Notes 1, 2

### 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.

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## 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>F10</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.

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### Textual Amendments

**F10** S. 61(1)(a)(b) repealed by [Finance Act 1949 \(c. 47\)](#), [Sch. 11 Pt. V](#)

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### Modifications etc. (not altering text)

**C8** 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))

**Changes to legislation:**

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