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**Changes to legislation:** Finance Act 2008, Part 1 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 32

#### STAMP DUTY: ABOLITION OF FIXED DUTY ON CERTAIN INSTRUMENTS

##### PART 1

##### ABOLITION OF FIXED DUTY

###### *FA 1985*

- 1 Part 3 of FA 1985 (stamp duty) is amended as follows.
- 2 In section 83 (transfers in connection with divorce, dissolution of civil partnership, etc), omit subsection (2) (fixed duty).
- 3 In section 84 (death: varying dispositions, and appropriations)—
  - (a) omit subsections (8) and (9) (fixed duty and adjudication), and
  - (b) in subsection (11) (commencement), omit the words from “and,” to “subsection (8) above”.

###### *FA 1986*

- 4 Part 3 of FA 1986 (stamp duty) is amended as follows.
- 5 In section 66 (company's purchase of own shares), omit subsection (2A) (fixed duty).
- 6 In section 67(9) (transfer of securities between depositary receipt systems), for “the stamp duty chargeable on the instrument is £5” substitute “stamp duty is not chargeable on the instrument”.
- 7 In section 70(9) (transfer of securities between clearance systems), for “the stamp duty chargeable on the instrument is £5” substitute “stamp duty is not chargeable on the instrument”.
- 8 In section 72A(1) (transfer of securities between depositary receipt system and clearance system), for paragraph (b) substitute—
  - “(b) stamp duty is not chargeable on the instrument.”

###### *FA 1999*

- 9 FA 1999 is amended as follows.
- 10 (1) Schedule 13 (instruments chargeable to stamp duty and rates of duty) is amended as follows.

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- (2) In paragraph 1(5) (treasury shares), for the words from “any instrument” to the end substitute “ sub-paragraph (1) does not apply to any instrument to which sub-paragraph (6) applies. ”
- (3) In Part 3 (other instruments chargeable to stamp duty and rates of duty) omit—
  - (a) paragraph 16 (fixed duty on transfer otherwise than on sale) and the heading before it,
  - (b) paragraph 17 (fixed duty on declaration of use or trust) and the heading before it,
  - (c) paragraph 18(2) (fixed duty on disposition of certain property in Scotland),
  - (d) paragraph 19(1) (fixed duty on duplicate or counterpart),
  - (e) paragraph 21(3) (fixed duty on partition or division),
  - (f) paragraph 22 (fixed duty on release or renunciation) and the heading before it, and
  - (g) paragraph 23 (fixed duty on surrender) and the heading before it.
- 11 (1) Schedule 15 (stamp duty: bearer instruments) is amended as follows.
  - (2) Omit paragraph 6 (fixed duty on instrument given in substitution for a like instrument stamped *ad valorem*).
  - (3) At the beginning of Part 2 (exemptions) insert—

*“Substitute instruments*

- 12A(1) Stamp duty is not chargeable on a substitute instrument.
  - (2) A substitute instrument is a bearer instrument given in substitution for a like instrument stamped *ad valorem* (whether under this Schedule or otherwise) (“the original instrument”).
  - (3) The substitute instrument shall not be treated as duly stamped unless it appears by some stamp impressed on it that the full and proper duty has been paid on the original instrument.”
- (4) In paragraph 20 (variation of original terms or conditions), for paragraph (b) substitute—
  - “(b) has been stamped in accordance with paragraph 12A, or”.
- (5) In paragraph 26 (instruments treated as duly stamped), omit paragraph (b) (and the “or” before it).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 41 para. 6(1A) inserted by [2015 c. 11 Sch. 20 para. 10\(2\)](#)
- Sch. 41 para. 6A(A1)(1) substituted for Sch. 41 para. 6A(1) by [2015 c. 11 Sch. 20 para. 11\(2\)](#)