



Stamp Act 1891

1891 CHAPTER 39 54 and 55 Vict

PART I

REGULATIONS APPLICABLE TO INSTRUMENTS GENERALLY

Charge of Duty upon Instruments

^{F1}

Textual Amendments

F1 S. 1 repealed (27.7.1999 with effect as mentioned in Sch. 20 Pt.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(1), [Sch. 20 Pt. V\(2\)](#) Notes 1, 2

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 [^{F2}stamps produced by means of a die] only.

Textual Amendments

F2 Words in s. 2 substituted (22.4.2019) by [The Stamp Duty \(Method of Denoting Duty\) Regulations 2019 \(S.I. 2019/719\)](#), regs. 1, [3\(2\)](#)

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,

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

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.

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 [^{F3}a penalty not exceeding £3,000].

Textual Amendments

F3 Words in s. 5(b) substituted (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. 114, Sch. 17 Pt. I para. 3\(2\)](#)

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,

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

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.

Modifications etc. (not altering text)

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

Use of Adhesive Stamps

7^{F4}

Textual Amendments

F4 S. 7 repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 11 Pt. II](#)

8 General direction as to the cancellation of adhesive stamps.

.....^{F5}

Textual Amendments

F5 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;
- [^{F6}he is liable to a penalty not exceeding £3,000].

(2)^{F7}

Textual Amendments

F6 Words in s. 9(1) substituted (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. 114](#), [Sch. 17 Pt. I para. 3\(3\)](#)

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

F7 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)).

Appropriated Stamps and Denoting Stamps

10 ^{F8}

Textual Amendments

F8 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

^{F9} **12 Adjudication by Commissioners.**

- (1) Subject to such regulations as the Commissioners may think fit to make, the Commissioners may be required by any person to adjudicate with reference to any executed instrument upon the questions—
 - (a) whether it is chargeable with duty;
 - (b) with what amount of duty it is chargeable;
 - (c) whether any penalty is payable under section 15B (penalty on late stamping);
 - (d) what penalty is in their opinion correct and appropriate.
- (2) The Commissioners may require to be furnished with an abstract of the instrument and with such evidence as they may require as to the facts and circumstances relevant to those questions.
- (3) The Commissioners shall give notice of their decision upon those questions to the person by whom the adjudication was required.

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

- (4) If the Commissioners decide that the instrument is not chargeable with any duty, it may be stamped with a particular stamp denoting that it has been the subject of adjudication and is not chargeable with any duty.
- (5) If the Commissioners decide that the instrument is chargeable with duty and assess the amount of duty chargeable, the instrument when stamped in accordance with their decision may be stamped with a particular stamp denoting that it has been the subject of adjudication and is duly stamped.
- (6) Every instrument stamped in accordance with subsection (4) or (5) shall be admissible in evidence and available for all purposes notwithstanding any objection relating to duty.]

Textual Amendments

- F9** 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)

- C8** s. 12(6) excluded (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. 4(3)(a)**
s. 12 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**
- C9** S. 12 applied (8.9.2008 for specified purposes) by **Housing and Regeneration Act 2008 (c. 17)**, s. 325(1), **Sch. 7 para. 12(3)**; S.I. 2008/2358, arts. 2(1), 3(1)

12A ^{F10}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.

Textual Amendments

- F10** 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**

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

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**

[^{F11} 13 Appeal against Commissioners' decision on adjudication.

- (1) A person who is dissatisfied with a decision of the Commissioners on an adjudication under section 12 may appeal against it.
- (2) The appeal must be brought within 30 days of notice of the decision on the adjudication being given under section 12(3).
- (3) An appeal may only be brought on payment of—
 - (a) duty and any penalty in conformity with the Commissioners' decision, and
 - (b) any interest that in conformity with that decision would be payable on stamping the instrument on the day on which the appeal is brought.
- (4) An appeal which relates only to the penalty payable on late stamping may be brought to the [^{F12} First-tier Tribunal] in accordance with section 13A below.
- (5) Any other appeal may be brought in accordance with section 13B below to the High Court of the part of the United Kingdom in which the case has arisen.]

Textual Amendments

- F11** 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**
- F12** Words in s. 13(4) substituted (1.4.2009) by **The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56)**, art. 1(2), **Sch. 1 para. 2**

Modifications etc. (not altering text)

- C12** s. 13 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**

[^{F14} 13A Appeal to the [^{F13} First-tier Tribunal].

- (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.
- ^{F15}(3)
- ^{F15}(4)
- (5) On the appeal the [^{F16} First-tier Tribunal] may—
 - (a) if it appears ^{F17}... that no penalty should be paid, set the decision aside;
 - (b) if the amount determined appears ^{F17}... to be appropriate, confirm the decision;
 - (c) if the amount determined appears ^{F18}... to be excessive, reduce it to such other amount (including nil) as [^{F19} the tribunal considers] appropriate;

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

(d) if the amount determined appears ^{F18}... to be insufficient, increase it to such amount as [^{F19} the tribunal considers] appropriate.

^{F20}(6)

[^{F21}(7) In addition to any right of appeal on a point of law under section 11(2) of the Tribunals, Courts and Enforcement Act 2007, the person liable to the penalty may appeal to the Upper Tribunal against the amount of the penalty which has been determined under subsection (5), but not against any decision which falls under section 11(5)(d) or (e) of that Act and was made in connection with the determination of the amount of the penalty.

(7A) Section 11(3) and (4) of the Tribunals, Courts and Enforcement Act 2007 applies to the right of appeal under subsection (7) as it applies to the right of appeal under section 11(2) of that Act.]

(8) On an appeal under subsection (7) the [^{F22} Upper Tribunal] has the same powers as are conferred on the [^{F23} First-tier Tribunal] by subsection (5) above.

Textual Amendments

- F13** Words in s. 13A heading substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(2)**
- F14** 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**
- F15** S. 13A(3)(4) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(3)**
- F16** Words in s. 13A(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(4)(a)**
- F17** Words in s. 13A(5)(a)(b) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(4)(b)**
- F18** Words in s. 13A(5)(c)(d) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(4)(c)(i)**
- F19** Words in s. 13A(5)(c)(d) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(4)(c)(ii)**
- F20** S. 13A(6) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(5)**
- F21** S. 13A(7)(7A) substituted for s. 13A(7) (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(6)**
- F22** Words in s. 13A(8) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(7)(a)**
- F23** Words in s. 13A(8) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 3(7)(b)**

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**

13B ^{F24}Appeal to the High Court.

(1) The following provisions apply in relation to an appeal under section 13(5).

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

- (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

F24 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 [^{F25}the instrument 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 [^{F25}any interest or 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 [^{F26}the duty and any interest or 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 [^{F26}the duty and any interest or 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 [^{F26}the duty and any interest or penalty].
- (3) On production to the Commissioners of any instrument in respect of which [^{F27}any duty, interest or penalty] has been paid, together with the receipt, the payment of [^{F28}the duty, interest and penalty] shall be denoted on the instrument.
- (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 [^{F29}executed].

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

[^{F30}(5) Where an instrument is denoted with any duty by a method required or permitted by the law in force at the time when it is stamped, the method is to be treated for the purposes of subsection (4) as being in accordance with the law in force at the time when the instrument was executed.]

Textual Amendments

- F25** Words in s. 14(1) substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 3(2)**
- F26** Words in s. 14(2) substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 3(3)**
- F27** Words in s. 14(3) substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 3(4)(a)**
- F28** Words in s. 14(3) substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 3(4)(b)**
- F29** Words in s. 14(4) substituted (27.7.1999 with effect as mentioned in s. 109(4) of the amending Act) by 1999 c. 16, ss. 109(3)(4), 122, **Sch. 12 para. 3(5)**
- F30** S. 14(5) inserted (22.4.2019) by *The Stamp Duty (Method of Denoting Duty) Regulations 2019* (S.I. 2019/719), regs. 1, **3(3)**

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(1) excluded (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. 4(3)(b)**
- C17** S. 14(4) amended by *Finance Act 1984* (c. 43, SIF 114), ss. **109(3)**, 110(4)
- C18** 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)
- C19** S. 14(4) amended (retrospectively) (22.3.1988) by *Finance Act 1988* (c. 39, SIF 114), ss. **140(3)(6)**, **141(3)(6)**
- C20** 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)**
s. 14(4) applied (with modifications) (retrospective to 28.3.2000 and with effect as mentioned in s. 116(3) of the amending Act) by 2000 c. 17, s. 116(2)(3), **Sch. 32 para. 6**
S. 14(4) restricted (24.7.2002 with effect as mentioned in s. 115(8) of the affecting Act) by 2002 c. 23, s. **115(5)(a)**
- C21** S. 14(4) modified (21.7.2008) by *Finance Act 2008* (c. 9), s. **99(3)**
- C22** S. 14(4) modified (with effect in accordance with s. 100(3) of the amending Act) by *Finance Act 2008* (c. 9), s. **100(4)**
- C23** S. 14(4) modified (with effect in accordance with s. 98(5) of the amending Act) by *Finance Act 2008* (c. 9), s. **98(6)**

Stamping of Instruments after Execution

[^{F31}15 **Stamping after execution.**

- (1) An unstamped or insufficiently stamped instrument may be stamped after being executed on payment of the unpaid duty and any interest or penalty payable.

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

- (2) Any interest or penalty payable on stamping shall be denoted on the instrument by a particular stamp.]

Textual Amendments

F31 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)

C24 S. 15 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

[15A ^{F32}Late stamping: interest.

- (1) Interest is payable on the stamping of an instrument which—
- is chargeable with *ad valorem* duty, and
 - 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 ^{M1}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

F32 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)

- C25** 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)
- C26** 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)

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

Marginal Citations

M1 1989 c.26.

[15B ^{F33}Late stamping: penalties.

- (1) A penalty is payable on the stamping of an instrument which is not presented for stamping within 30 days after—
 - (a) if the instrument is executed in the United Kingdom [^{F34}or relates to land in the United Kingdom,]] the day on which it is so executed;
 - (b) if the instrument is executed outside the United Kingdom [^{F35} and does not relate to land outside the United Kingdom], the day on which it is first received in the United Kingdom.

[^{F36}(1A) For the purposes of subsection (1) every instrument that (whether or not it also relates to any other transaction) relates to a transaction which to any extent involves land in the United Kingdom is an instrument relating to land 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

- F33** 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)
- F34** Words in s. 15B(1)(a) inserted (24.7.2002 with application as mentioned in s. 114(4) of the amending Act) by 2002 c. 23, s. 114(2)(a)
- F35** Words in s. 15B(1)(b) inserted (24.7.2002 with application as mentioned in s. 114(4) of the amending Act) by 2002 c. 23, s. 114(2)(b)
- F36** S. 15B(1A) inserted (24.7.2002 with application as mentioned in s. 114(4) of the amending Act) by 2002 c. 23, s. 114(3)

Modifications etc. (not altering text)

- C27** 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
- S.15B applied (24.7.2002 with application as mentioned in s. 115(8) of the amending Act) by 2002 c. 23, s. 115(5)(b)

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

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 [^{F37}a penalty not exceeding £300].

Textual Amendments

F37 Words in s. 16 substituted (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. 114, **Sch. 17 Pt. I para. 3(4)**

Modifications etc. (not altering text)

C28 S. 16 extended by Finance Act 1975 (c. 7), **Sch. 4 para. 42(2)**

C29 S. 16 extended by Capital Transfer Tax Act 1984 (c. 51, SIF 65), **s. 259**

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 [^{F38}a penalty not exceeding £300].

Textual Amendments

F38 Words in s. 17 substituted (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. 114, **Sch. 17 Pt. I para. 3(5)**

Changes to legislation:

There are currently no known outstanding effects for the Stamp Act 1891, Part I.