

6. The Lords Commissioners of Her Majesty's Treasury reserve the right of rejecting any Tenders.

Treasury Chambers, December 11, 1888.

### STAMP DUTIES.

#### FURTHER NOTICE AS TO THE STAMPING OF UNSTAMPED OR INSUFFICIENTLY STAMPED INSTRUMENTS.

*Stamp Duties on Equitable Mortgages, Transfers of Marketable Bonds, &c., and Agreements to Let.*

THE Board of Inland Revenue direct attention to the fact that the arrangement under which they are willing to grant a remission of the penalty or penalties payable on stamping unstamped or insufficiently stamped instruments executed prior to the passing of the Customs and Inland Revenue Act, 1888 (16th May, 1888), with the exceptions, and subject to the conditions set forth in the notice of the 2nd July last, will expire on the 31st instant.

In the consideration of applications for relief from penalties payable on stamping instruments which might have been voluntarily presented under the arrangement referred to, the Board will have regard to the circumstance that the liability to the payment of such penalties might have been avoided had advantage been taken of the concession in question.

Annexed to this notice is a form which may be used in the transmission to this office of any unstamped or insufficiently stamped instruments in respect of which it may be desired to obtain the remission of the penalty or penalties under the conditions prescribed in the Notice, a copy of which is printed at the back of the form.

The Board take this opportunity of directing attention to the law as to the stamp duty chargeable on the following instruments as to which there is reason to fear that some misapprehension exists on the part of the public:—

1. *Equitable Mortgages.*—By section 15 (1) of the Customs and Inland Revenue Act, 1888, the duty chargeable upon an equitable mortgage effected by an agreement or memorandum under hand only relating to the deposit of any title deeds or instruments constituting or being evidence of the title of any property whatever (other than stock or marketable security), or creating a charge on such property, is reduced to 1s. for every £100, and any fractional part of £100 of the amount secured.

By virtue of the provisions of section 13 of the same Act, any failure to pay this duty before the expiration of 30 days after the agreement or memorandum is first executed renders the mortgagee liable to the payment of a penalty of £10, in addition to the penalties of £10, double stamp duty, and in some cases interest, payable by law on stamping the instrument.

An agreement or memorandum given on the occasion of a deposit of a life policy would be within the charge of duty as aforesaid.

2. *Transfers of Marketable Bonds, &c., not transferable by Delivery.*—A transfer or assignment of any mortgage, bond, debenture or covenant—being a marketable security,—or of any security for money by or on behalf of any foreign or Colonial State, Government, municipal body, corporation, or company—being a marketable security—is now chargeable with stamp duty at the rate of 1s. per cent., if made on the occasion of sale, and with 10s. if made on any other occasion. A marketable security is defined by section 2 (10) of the Stamp Act, 1871, to be a security

of such a description as to be capable of being sold in any stock market in the United Kingdom.

3. *Agreements to Let.*—Section 96 of the Stamp Act, 1870, enacts that:—

(1.) An agreement for a lease or tack, or with respect to the letting of any lands, tenements, or hereditaments for any term not exceeding thirty-five years, 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.

(2.) A lease or tack made subsequently to, and in conformity with, such an agreement duly stamped, is to be charged with the duty of sixpence only.

The Board are empowered by law to reward any person who may inform them of any offence against the Stamp Acts, or who may assist in the recovery of any penalty.

By order,

W. H. Cousins.

Inland Revenue Office,  
Somerset House, London, W.C.  
December, 1888.

*For use in respect of Instruments dated prior to 16th May, 1888.*

I

of

make application to the Commissioners of Inland Revenue for relief from the penalty payable on stamping the accompanying Instrument dated

with the duty of

; and I declare that the Instrument is voluntarily presented for stamping, and not in consequence of other circumstances which have rendered it necessary to make use of it, such as the need of producing it in evidence, or of making good the title to property on a sale.

The Instrument was not presented in proper time because

Signature,

Address,

December, 1888.

Date

(Copy.)

#### IMPORTANT NOTICE AS TO THE STAMPING OF UNSTAMPED OR INSUFFICIENTLY STAMPED INSTRUMENTS.

THE Board of Inland Revenue give notice that, except as hereinafter mentioned, they are prepared to remit the penalty or penalties payable on stamping instruments executed prior to the passing of the Customs and Inland Revenue Act, 1888 (16th May, 1888), which are presented to the Board for the purpose at any time before the 1st day of January, 1889.

This concession of course does not extend to instruments which cannot in any case legally be stamped after execution, or which cannot legally be stamped after execution without payment of a fixed statutory penalty, nor is it to apply to instruments in respect of which personal penalties have been incurred or to articles of clerkship.

The Board reserve to themselves the right of refusing the benefit of this concession in any case in which it may appear that the instrument is not voluntarily presented for stamping, but is presented in consequence of other circumstances, such as, for instance, the necessity of producing the instrument in Court, or of making good the title to property at the requisition of a purchaser.

In the consideration of applications for relief from penalties payable on stamping instruments executed prior to the passing of the Customs and Inland Revenue Act, 1888, and not presented for