Finance Act (Northern Ireland) 1965

1965 CHAPTER 16

An Act to amend the law relating to estate duty, stamp duties and excise duties on mechanically-propelled vehicles, and to make further provision in connection with finance. [8th July 1965]

Part I (Ss. 1#3)—Estate Duty

PART II

STAMP DUTIES

4 Conveyances and transfers.

(1) Subject to the provisions of this section, any instrument whereby property is conveyed or transferred to any person in contemplation of a sale of that property shall be treated for the purposes of the Stamp Act 1891 as a conveyance or transfer on sale of that property for a consideration equal to the value of that property.

(2) If on a claim made to the Ministry of Finance[F1] not later than two years after the making or execution of an instrument chargeable with duty in accordance with subsection (1), it is shown to the satisfaction of the Ministry—

(a) that the sale in contemplation of which the instrument was made or executed has not taken place and the property has been re-conveyed or re-transferred to the person from whom it was conveyed or transferred or to a person to whom his rights have been transmitted on death or under the Bankruptcy Acts (Northern Ireland) 1857 to 1964; or

(b) that the sale has taken place for a consideration which is less than the value in respect of which duty was paid on the instrument by virtue of this section;

the Ministry shall repay the duty paid by virtue of this section, in a case falling under paragraph (*a*), so far as it exceeds the stamp duty which would have been payable apart from this section and, in a case falling under paragraph (*b*), so far as it exceeds the stamp duty which would have been payable if the instrument has been stamped,[F2]...

in accordance with subsection (1) in respect of a value equal to the consideration in question.

(3) No instrument chargeable with duty in accordance with subsection (1) shall be deemed to be duly stamped unless the Ministry of Finance has been required to express its opinion thereon under section 12 of the said Act of 1891 and has expressed its opinion thereon in accordance with that section.

(4) Subsections (1) to (3) shall apply whether or not an instrument conveys or transfers other property in addition to the property in contemplation of the sale of which it is made or executed, but those subsections shall not affect the stamp duty chargeable on the instrument in respect of that other property.

(5) For the purposes... of subsection (1), the value of property conveyed or transferred by an instrument chargeable with duty in accordance with**[**[F2] that subsection**]** shall be determined without regard to—

(a) any power (whether or not contained in the instrument) on the exercise of which the property, or any part of or any interest in, the property, may be revested in the person from whom it was conveyed or transferred or in any person on his behalf;

(b) any annuity reserved out of the property or any part of it, or any life or other interest so reserved, being an interest which is subject to forfeiture;

but if on a claim made to the Ministry of Finance not later than two years after the making or execution of the instrument it is shown to the satisfaction of the Ministry that any such power as is mentioned in paragraph (*a*) has been exercised in relation to the property and the property or any property representing it has been re-conveyed or re-transferred in whole or in part in consequence of that exercise the Ministry shall repay the stamp duty paid by virtue of this subsection so far as it exceeds the stamp duty which would have been payable if the instrument had operated to convey or transfer only such property, if any, as is not so re-conveyed or re-transferred.

(6) *Commencement*

Annotations:
F1 functions transf. by SI 1973/2163
F2 1985 c. 54

5 [F3]Interest where stamp duty repaid under judgment.

Where under section 13(4) of the Stamp Act 1891 (appeals against assessment of stamp duty) a court orders any sum to be repaid by the Ministry of Finance[F4], the court may order it to be repaid with such interest as the court may determine.

Annotations:
F3 Rep. with saving by 1999 c. 16
F4 functions transf. by SI 1973/2163

Part III (Ss. 6#9) rep. by 1972 c. 10 (NI)