HMRC - STSM021250 - Stamp Duty: A To A Transfers

A transfer relating to shares in an English or Welsh company where the transferor and transferee are the same person has no operation known to law and is outside the scope of Stamp Duty (SD). This also applies to transfers which evidence the re-allocation of shares between designated accounts of the same legal owner, usually a nominee company.

Although the stock transfer form is not liable to duty there may be cases where the transaction has been effected by related documents (e.g. letters of direction) which are liable to SD as transferring the beneficial interest. It is those related documents that and should be submitted for stamping.

In Scotland the position is different. In certain circumstances a person may transfer property to himself in a different capacity. A Scottish company may accept that a person or persons hold its shares in a trust or representative capacity unless it is prevented from doing so by its articles. The duty chargeable will depend upon the particular circumstances of the case.

A transfer given to effect a change in the designation of a shareholding in the name of a nominee company will not be charged with SD where there is no change of beneficial ownership.

Previous page

Next page