HMRC - STSM151010 - Compliance: Introduction - Stamp Duty - Stamp Act 1891 S14(4)

The Stamp Act 1891 provides that an instrument chargeable with stamp duty may not be registered or used unless it has been duly stamped. Since owners want to be able to demonstrate their title to property they are effectively required to have the transfer instrument stamped if they want anyone including a Court, to take notice of it. The provision is at Stamp Act 1891/S14(4), as follows:-

“….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, 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 it was executed.”

Documents are sent to the Birmingham Stamp Office for stamping. While HMRC has no direct powers of enforcement relating to stamp duty, an unstamped document cannot be relied upon nor can it be used for legal purposes, such as registering a transfer of ownership or production as evidence in Court, except in criminal proceedings. So if a document is needed for any legal purpose, such as registering a transfer of ownership or production in a civil court action, it must first be stamped.

Stamp Act 1891/S14(4) is further supported by Stamp Act 1891/S17 which imposes a penalty not exceeding £300 on anyone who registers or records a document which is not duly stamped within the meaning of Section 14(4)

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