



STAMP DUTIES

THE FINANCE
ACT, 1990

Sub-section 5 of Section 112 of the Finance Act, 1990 provides that with effect from the 1st of September 1990 every instrument which transfers or leases land must contain a Statement in such form as the Revenue Commissioners may specify, certifying whether or not the land comes within the ambit of Section 112. The wording which was recommended by the Revenue Commissioners in their Statement of Practice SP.SD/2/90 is as follows:

1. In cases where the instrument comes within the provisions of the Section:

“It is hereby certified for the purposes of the stamping of this instrument that this is an instrument to which the provisions of Section 112 of the Finance Act, 1990 apply.

2. In cases where the instrument does not come within the provisions of the Section:

“It is hereby certified for the purposes of the stamping of this instrument that this is an instrument to which the provisions of Section 112 of the Finance Act, 1990 do not apply for the reason that ... (adding the reason i.e. specifying the type of property being transferred or leased e.g. agricultural land, existing houses etc.)”

Up to now the Revenue Commissioners have been fairly lenient with regard to deeds which do not contain the Certificate, but the Conveyancing Committee have now been advised that as and from the 1st of November 1990, any document which does not bear this Certificate will be returned.

Section 114 of the Act provides that no stamp duty shall be payable on any instrument whereby any property is transferred by a spouse or spouses of a marriage to either spouse or to both spouses of the said marriage.

The Committee has been advised by the Revenue Commissioners that they have received confirmation from both the Land Registry and the Registry of Deeds that they will not require such instruments to be adjudicated. Any instruments transferring property, whether Family Home or otherwise, between spouses which are submitted for adjudication are therefore being returned unstamped by the Revenue Office with a note explaining the reason.