

My document relates to a transfer or assignment of rights in several countries and the whole consideration was £1,000,000 but the UK element only represents £50,000 of that sum. Can I insert a £60,000 Certificate of Value in the document and benefit from the Nil Rate of stamp duty? The document was executed abroad.

*No. The Certificate of Value can only be given if the certified document is not part of a larger transaction for more than the stated amount so a £60,000 Certificate of Value in such a document would not be proper because the consideration for the*

larger transaction was more than £500,000. You would only have to pay stamp duty on the UK element of the consideration if the document was wholly executed abroad, but because a Certificate of Value would not be appropriate duty on that £50,000 would be at the 3.5% rate giving stamp duty of £1,750

If the same document had been partly or wholly executed in the UK you would have to pay duty on the full £1M consideration, including that for the foreign property so duty at 3.5% would be £35,000.

**My document was executed abroad and has been kept there so surely it is not liable to UK stamp duty anyway?**

*This is a common misconception. A document is liable to stamp duty if it relates to any matter or thing to be done in the UK or to any UK property, even if it was executed abroad. The liability arises immediately the document is executed. By wholly executing and keeping a document abroad all the parties to the transaction do is postpone payment of that stamp duty. Section 15B(1)(b) of the Stamp Act 1891 allows 30 days from the date the document is brought into the UK to have it stamped without payment of a penalty for late stamping. Section 15B does not mean there is no stamp duty due until it is brought into the UK.*

**What is the stamp duty position if the transfer or assignment was granted for no payment?**

*Assignments for Nil or no chargeable consideration of any kind for stamp duty purposes are liable to £5 fixed stamp duty unless the document is certified as falling within one of the categories in the Stamp Duty (Exempt Instruments) Regulations 1987.*

*A Certificate of Value is not appropriate in such documents. There must be some consideration for a Certificate of Value to be appropriate.*

If your document states that the transfer or assignment has been granted "for good and onerous consideration" we will need to know what that consideration actually consists of and we may ask you some questions about it before we can stamp your document.

**What is the position if I sign the statement in the UK Patent Office form that the document is duly stamped when I know it remains unstamped?**

*You risk a breach of Section 21 of the Stamp Duties Management Act 1891 which provides a maximum £3,000 penalty for fraud in relation to stamp duty.* □

*Alan W. White*

You can contact any of the Stamp Offices shown below  
for further information.  
The staff will be pleased to help you.

**Belfast Stamp Office**  
Ground Floor  
Dorchester House  
52-58 Great Victoria Street  
Belfast BT2 7QE  
DX 2003 NR Belfast 2

**Birmingham Stamp Office**  
Ground Floor  
City House  
140-146 Edmund Street  
Birmingham B3 2JG  
DX 15001 Birmingham 1

**Bristol Stamp Office**  
The Pithay  
All Saints Street  
Bristol BS1 2NY  
DX 7899 Bristol 1

**Manchester Stamp Office**  
Alexandra House  
The Parsonage  
Manchester M60 9BT  
DX 14430 Manchester 2

**Newcastle Stamp Office**  
15th Floor  
Cale Cross House  
156 Pilgrim Street  
Newcastle-upon-Tyne NE1 6TF  
DX 61021 Newcastle-upon-Tyne 1

**London/Worthing  
Stamp Office**  
East Block  
Barrington Road  
Worthing  
West Sussex BN12 4XH  
DX 3799 Worthing 1

**The Stamp Office (Scotland)**  
Mulberry House  
16 Picardy Place  
Edinburgh EH1 3NF  
DX ED 303 Edinburgh 1