



# Finance Act 2019

## 2019 CHAPTER 1

### PART 2

#### OTHER TAXES

##### *Stamp duty and SDRT*

#### **49 Stamp duty: exemption in respect of financial institutions in resolution**

(1) In FA 1986, after section 85 insert—

##### *“Resolution of financial institutions*

#### **85A Resolution of financial institutions**

- (1) Stamp duty is not chargeable on the transfer of stock or marketable securities by—
- (a) an instrument listed in subsection (2), or
  - (b) an instrument made under an instrument listed in subsection (2).
- (2) The instruments are—
- (a) a mandatory reduction instrument made in accordance with section 6B of the Banking Act 2009 (mandatory write-down, conversion etc of capital instruments),
  - (b) a share transfer instrument or property transfer instrument made in accordance with section 12(2) of that Act (transfer to a bridge bank),
  - (c) a property transfer instrument made in accordance with section 12ZA(3) of that Act (transfer to asset management vehicle),
  - (d) a resolution instrument made in accordance with section 12A of that Act (bail-in),
  - (e) a share transfer order or share transfer instrument made in accordance with section 13(2) of that Act (share transfer),

---

*Status: This is the original version (as it was originally enacted).*

---

- (f) a supplemental share transfer instrument made in accordance with section 26 of that Act, where the original instrument was made in accordance with section 12(2) or 13(2) of that Act,
  - (g) a supplemental share transfer order made in accordance with section 27 of that Act,
  - (h) a property transfer instrument made in accordance with section 41A(2) of that Act (transfer of property subsequent to resolution instrument),
  - (i) a supplemental property transfer instrument made in accordance with section 42(2) of that Act where the original instrument was made in accordance with section 12(2), 12ZA(3) or 41A(2) of that Act,
  - (j) a bridge bank supplemental property transfer instrument made in accordance with section 44D(2) of that Act,
  - (k) a property transfer order made in accordance with section 45(2) of that Act,
  - (l) a supplemental resolution instrument made in accordance with section 48U(2) of that Act,
  - (m) an onward transfer resolution instrument made in accordance with section 48V of that Act in the circumstances set out in subsection (3),
  - (n) an order under section 85 of that Act (temporary public ownership: building societies), or
  - (o) a third-country instrument made in accordance with section 89H(2) or 89I(4) of that Act.
- (3) The circumstances referred to in subsection (2)(m) are that the transfer—
- (a) is to a person within section 67(6), (7) or (8) or section 70(6), (7) or (8) of this Act (depository receipt issuers, clearance services), and
  - (b) is made by way of compensation to a creditor of the financial institution in respect of which the original instrument (within the meaning of section 48V of the Banking Act 2009) was made.
- (4) References in this section to a provision of the Banking Act 2009 include references to that provision as applied by or under any other provision of that Act (including where it is applied with modifications or in a substituted form).”
- (2) The amendment made by this section has effect in relation to instruments—
- (a) within section 85A(2) of FA 1986, or
  - (b) made under an instrument within section 85A(2) of FA 1986,
- which are executed on or after the day on which this Act is passed.