

## Helptext – Form SDR2

### What is Form SDR2?

The SDR2 is the return for the Conveyance or Transfer of any Stocks or Marketable Securities.

You can obtain a Form SDR2 from Revenue's Forms and Leaflet's Service at LoCall 1890 306 706 or from any of our Stamp Duty offices in Dublin, Cork or Galway.

LoCall rates – note that the rates charged for the use of 1890 (LoCall) numbers may vary among different service providers.

### Can I file this return on-line?

The most efficient way to completing the return is to file your return electronically through the Revenue On-Line-Service (ROS). ROS will allow you file the return, calculate and pay any Stamp Duty due and obtain a Stamp Certificate in the same on-line transaction.

### Where can I get further help?

In addition to the following notes a more detailed publication is available on [www.revenue.ie](http://www.revenue.ie). You may call us on LoCall 1890 48 25 82 for guidance on how to complete the return.

### Sign and date the return

Before submitting your return, be sure you sign and date the Declaration on the front page of the Return. You should also state the capacity in which you are signing the return (e.g. as an authorised agent / administrator etc.).

### How to fill in this return

The return must be completed in BLOCK capitals.

Please note that incomplete or illegible returns cannot be processed and will be returned for correction. In such cases interest and penalties will be incurred if the corrected return is presented late.

- Insert "X" clearly in any relevant boxes as required
- Any panels or sections that do not require an entry should be left blank
- In date boxes enter the format Day / Month / Year
- All monetary entries should be in EURO denomination  
Do not enter € symbol.

The following short notes will assist you in completing the various Parts on the Return.

### Completing an amended return

An amended return allows you to correct a previously filed return. If the instrument has been stamped since the introduction of eStamping you should set out the details of the amendment(s) under a separate cover letter and complete the relevant Part(s) of the return to reflect the amendment(s).

If the instrument was stamped prior to eStamping you will need to complete the return as a Proxy return. Also indicate under separate cover letter the change in circumstances since the original stamping of the Instrument.

**Note** : For the purpose of the return "Vendor" includes Vendor or Transferor and "Purchaser" includes Purchaser or Transferee.

The numerical references below correspond with the relevant Parts on the return –

## **Part 1 - Filer Details**

### **1.1 & 1.2 Filer's Tax Reference Number & Tax Reference Type**

These fields must be completed in conjunction with each other.

You must enter a valid Tax Reference Number which must be matched against one of the Tax Reference Types listed at 1.2 in the return.

### **1.3 Correspondence in Irish**

Here you must indicate if you require all correspondence in relation to this instrument to be issued in Irish.

## **Part 2 – Instrument**

### **2.1 Instrument Category**

#### **Conveyance / Transfer of any Stocks or Marketable Securities**

This category includes instruments that convey or transfer stocks / shares / marketable securities which are chargeable with Stamp Duty at 1%. If the consideration does not represent the market value of the stocks/marketable securities, the instrument is chargeable on the value of the stocks/ marketable securities transferred. This category of Instrument also includes gifts.

**Please note** - For instruments executed on/after 24th December 2008, where the consideration or market value of the stock/shares does not form part of a larger transaction or series of transactions, the aggregate consideration of which exceeds €1,000, the rate of duty is 0% and a return does need to be filed (Section 87 Finance (No. 2) Act 2008).

### **2.2 Instrument Dates**

#### **Date of Execution of Instrument**

Enter the date of execution of the instrument in this field i.e. date on which the instrument was first executed (signed by either party).

#### **Date of Related Contract**

Enter the date of any related contract or agreement etc. entered into in respect of the transaction effected by the instrument.

#### **Date Released from Escrow**

Please note that a Certificate of escrow from the vendor's solicitor is required if the instrument was held in escrow. The certificate should state the date the instrument went into escrow, the reason why it was held in escrow and the date it came out of escrow. Only genuine escrow cases, where the deed was not delivered on the date it bears, will be accepted and the Revenue Commissioners reserve the right to refuse to accept a certificate of escrow where they are not satisfied that the instrument was delivered in escrow.

### **2.3 Instrument Party Details**

Here you must indicate if, as Vendor or Purchaser, you are acting in a fiduciary capacity. If you tick either box at 2.3.1 or 2.3.2, you will be required at Parts 4 & 5 and/or Parts 8 & 9 to state the name of the representative and to select the capacity in which the representative is acting e.g. Legal Personal Representative, Trustee, Nominee, Liquidator or Other ('Other' includes Receiver, Committee acting on behalf of a Ward of Court, Court Clerk, Power of Attorney).

## **Part 3 - Instrument Details**

### **3.1 Substitute / Proxy**

Here you must indicate if the instrument is to be stamped as a Substitute deed (i.e. a substitute for a lost instrument stamped prior to eStamping) or Proxy return (i.e. being filed in connection with an instrument stamped prior to eStamping) and enter the Document I.D. of the original stamped Instrument.

## Part 4 - Vendor Details

Here you must enter a valid Tax Reference Number in respect of each vendor / transferor. Each party's tax reference number must be matched against the type of tax to which it refers.

If an individual is previously unregistered with Revenue, they must obtain a valid PPS number by contacting the Department of Social & Family Affairs.

## Part 5 - Additional Vendor Details

### 5.1 Vendor Representative

If any party is acting in a fiduciary capacity on behalf of the vendor you must select the capacity in which they are acting from the list provided and state the name of the representative. 'Other' includes Receiver, Committee acting on behalf of a Ward of Court, Court Clerk, Power of Attorney etc.

Where a party to an instrument is acting in any of the capacities referred to in column 1 the table below, the details referred to in column 2 of the table should be entered in the Vendor Details section at Part 4 of the return.

Capacity	Vendor details required
Personal Representative (Executor/Administrator)	Tax Type and Tax Reference Number of the deceased or the deceased's estate (where assigned a separate Tax Reference Number).
Bare Trustee/Nominee	Tax Type and Tax Reference Number of the beneficial owner(s).
Trustee of Discretionary Trust/Charitable Trust	Tax Type and Tax Reference Number of the trustee(s).
Liquidator	Tax Type and Tax Reference Number of the company in liquidation.
Receiver	Tax Type and Tax Reference Number of the company in receivership.
Power of Attorney	Tax Type and Tax Reference Number of the beneficial owner(s).
Committee of the Ward of Court	Tax Type and Tax Reference Number of the Ward of Court.
Trustee of partnership property	Tax Type and Tax Reference Number of the partnership.
Official Assignee in bankruptcy	Tax Type and Tax Reference Number of the bankrupt person(s).

### 5.2 Name of Representative

Here you must enter the name of the Representative. A Tax Reference Number is not required for a party acting in a fiduciary capacity, as outlined in the table above.

## Part 6 - Solicitor / Agent for Vendor(s)

The name of any agent or legal representative (e.g. solicitor, accountant or tax advisor) acting on behalf of the Vendor should be entered in this field. A Vendor acting on their own behalf without representation should simply state their own name in this field.

## Part 7 - Tax Reference Number not being supplied – Vendor

In the event of an instrument executed prior to 01<sup>st</sup> September 1995 or of a global/merger transaction where a tax reference number has not been supplied for the vendor(s) at Part 4 of this return you must enter here the name & address of the party involved.

## Part 8 - Purchaser Details

Here you must enter a valid Tax Reference Number in respect of each purchaser / transferee. Each party's tax reference number must be matched against the type of tax to which it refers. You should also indicate here if any purchaser is a sub-purchaser.

If an individual is previously unregistered with Revenue, they must obtain a valid PPS number by contacting the Department of Social & Family Affairs.

If a Conveyance / Transfer or other disposal has not been executed in favour of the Original Purchaser and the property is being conveyed from the Original Vendor to the Sub-Purchaser, the provisions of Section 46 of the Stamp Duties Consolidation Act 1999 may apply. Under this section Stamp Duty is chargeable only on the consideration paid by the sub-purchaser.

It should be noted that neither Consanguinity Relief (Schedule 1 of the Stamp Duties Consolidation Act 1999) nor relief for transfers between spouses (Section 96 of the Stamp Duties Consolidation Act 1999) is available on instruments to which the sub-sale provisions apply.

## Part 9 – Additional Purchaser Details

### 9.1 Purchaser Representative

If any party is acting in a fiduciary capacity on behalf of the purchaser you must select the capacity in which they are acting from the list provided and state the name of the representative. 'Other' includes Receiver, Committee acting on behalf of a Ward of Court, Court Clerk, Power of Attorney etc.

Where a party to an instrument is acting in any of the capacities referred to in column 1 the table below, the details referred to in column 2 of the table should be entered in the Purchaser Details section at Part 8 of the return.

Capacity	Purchaser details required
Personal Representative (Executor/Administrator)	Tax Type and Tax Reference Number of the deceased or the deceased's estate (where assigned a separate Tax Reference Number).
Bare Trustee/Nominee	Tax Type and Tax Reference Number of the beneficial owner(s).
Trustee of Discretionary Trust/Charitable Trust	Tax Type and Tax Reference Number of the trustee(s).
Liquidator	Tax Type and Tax Reference Number of the company in liquidation.
Receiver	Tax Type and Tax Reference Number of the company in receivership.
Power of Attorney	Tax Type and Tax Reference Number of the beneficial owner(s).
Committee of the Ward of Court	Tax Type and Tax Reference Number of the Ward of Court.
Trustee of partnership property	Tax Type and Tax Reference Number of the partnership.
Official Assignee in bankruptcy	Tax Type and Tax Reference Number of the bankrupt person(s).

### 9.2 Name of Representative

Here you must enter the name of the Representative. A Tax Reference Number is not required for a party acting in a fiduciary capacity, as outlined in the table above.

## Part 10 - Tax Reference Number not being supplied – Purchaser

In the event of an instrument executed prior to 01<sup>st</sup> September 1995 or of a global/merger transaction where a tax reference number has not been supplied for the purchaser(s) at Part 8 of this return you must enter here the name & address of the party involved.

## Part 11 - Additional Information

### 11.1 Transfer of a fractional interest of any stocks or marketable securities.

This box may be ticked to indicate that the instrument involves the transfer of a fractional interest of any stocks or marketable securities. Examples would include:

- transfer of shares from the sole name of "A" into the joint names of "A" & "B".
- transfer from the joint names of "A" & "B" into the sole name of "A"

## 11.2 Relationship between vendor & purchaser

This Part should **only** be completed if a relationship exists between the parties. You should indicate then from the list provided the nature of the relationship (e.g. business, family or otherwise).

Please note that consanguinity relief does not apply to the transfer of stocks or marketable securities.

## 11.3 Instruments which form part of a larger or series of transactions

You should tick this box if the instrument in question forms part of such a transaction.

In the case of instruments executed on/after 24th December 2008, where the consideration or market value of the stock/shares forms part of a larger transaction or series of transactions, the aggregate consideration of which exceeds €1,000, the rate of duty applicable to the Instrument is 1%. If this box is ticked, you will be required to state the aggregate chargeable consideration at Part 16.1.

## 11.4 Transfer of Life / Remainder interest

These options only apply where an actual life interest (also referred to as a limited interest) is involved.

If a life or remainder interest is passing, you will be required to state the market value of the interest passing at Part 14.2 of this return.

## Part 12 – Company Details

**12.1** Here you must state the full name of the company whose shares are being transferred by way of the instrument of transfer.

## Part 13 – Details of Stocks or Marketable Securities being transferred

**13.1** Here you must indicate the type of shares being transferred from the list provided.

**13.2** Here you indicate if the shares are quoted or unquoted. Where you indicate that the shares are unquoted and the consideration is not a once-off monetary payment you will be requested to complete a **Form SD4** setting out the valuation details of the shares subject of the Instrument of Transfer.

**13.3** Here you must enter the number of shares being transferred as shown on the instrument of transfer.

**13.4** Please enter the value *per share* as at the date of the instrument.

## Part 14 – Consideration Details

**14.1** Here you must enter the consideration as stated on the Instrument of Transfer. If the shares / stocks are transferred by way of a gift where there was no monetary consideration you should enter "zero".

**14.2** If the transfer involved a fractional, life or remainder interest please enter the market value of the interest passing.

## Part 15 – Additional Information

### 15.1 Once-off Monetary payment

Here you are requested to indicate if the consideration as stated on the instrument of Transfer comprises solely of a once-off monetary payment.

### 15.2 Unascertainable consideration

Here you must indicate if the entire consideration is unascertainable at the date of the instrument. If the entire consideration is unascertainable you will be requested to complete **Form SD4** setting out the valuation details of the shares subject of the Instrument of Transfer.

## **Part 16 - Larger / Series of Transactions**

Here you must enter the aggregate consideration of all transactions forming the larger / series of transaction of which this instrument forms a part.

## **Part 17 - Substitute / Proxy**

If you indicated at Part 3.2 that this is being filed as a substitute / proxy instrument you must enter here the total Stamp Duty paid on the original stamped instrument.

## **Part 18 – Adjudication**

By ticking the box you are requesting that the instrument be formally assessed under Section 20 of the Stamp Duties Consolidation Act 1999.

There is also a statutory requirement that the instrument be submitted for Adjudication under Section 20 where certain reliefs/exemptions are claimed and this requirement is clearly set out in the sections which provide for these reliefs. Certain other instruments (e.g. involving related parties) are adjudicated as a matter of practice. The eStamping system will automatically flag these cases for Adjudication – you do not need to tick the box for these cases.

## **Part 19 - Expression of Doubt**

Section 8(6) of the Stamp Duties Consolidation Act 1999 provides for an Expression of Doubt where there is legitimate doubt about the interpretation / application of the relevant Stamp Duty legislation regarding the facts set out in the instrument and/or any accompanying documentation as it affects the calculation of duty. Where you indicate that you wish to lodge an Expression of Doubt, you will be required to draw the attention of the Revenue Commissioners to the matter in question by specifying the doubt in a full written statement. Provided the Revenue Commissioners are satisfied that the doubt is genuine, you will be regarded as having made a full and true disclosure with regard to the matter.

## **Part 20 - List of Reliefs**

Here you should indicate any reliefs / exemptions being claimed in respect of the instrument.

## **Part 21 - Stamp Duty Liability & Payment Details**

### **21.1 Enter duty as calculated by Filer**

The total Stamp Duty as calculated by you should be entered here. This should not include any penalties and interest that may be due.

### **21.2 Payment enclosed**

Indicate as to whether a payment is being submitted with the return.

### **21.3 Payment amount enclosed**

Where a payment is being submitted you should enter the total payment amount.