

NOTES FOR GUIDANCE

STAMP DUTIES CONSOLIDATION ACT 1999

**(as amended by subsequent Acts up to and
including the Finance Act 2025)**

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STAMP DUTIES CONSOLIDATION ACT 1999

PART 1 INTERPRETATION

Overview

This Part defines certain terms and sets out rules for the construction of certain references, used in the **Stamp Duties Consolidation Act 1999**.

Section 1 Interpretation

This section provides for the interpretation of terms and expressions used in the **Stamp Duties Consolidation Act 1999**. It also sets out rules for the construction of certain references used in that Act. The various definitions and rules apply unless the context requires otherwise. Readers should also be aware that **section 18 of the Interpretation Act 2005**, contains general rules for the construction of statutes which apply unless the contrary intention appears. **(1) – (4)**

The definitions of “accountable person”, “appeal commissioner”, “approved person”, “authorised person”, “civil partner”, “civil partnership”, “Commissioners”, “conveyance on sale”, “die”, “electronic return”, “executed”, “execution”, “e-stamping system”, “filer”, “forge”, “forged”, “impressed”, “instrument”, “material”, “Minister”, “money”, “paper return”, “policy of insurance”, “policy of life insurance”, “Revenue officer”, “stamp”, “stamp certificate”, “stamped”, “stock”, “stock certificate to bearer” and “Teagasc” are self-explanatory. **(1)**

The definition of “bill of exchange” means a draft, an order or a cheque (drawn on an account in the State).

A “child” includes a person, being a transferee or lessee, who, prior to the date of execution of the instrument in respect of which relief from duty is claimed, has resided with, was under the care of and was maintained at the expense of the transferor or lessor throughout:

- a period of 5 years, or
- periods which together comprised of at least 5 years,

prior to such person reaching 18 years of age but only if the claim for relief is not based on the uncorroborated testimony of one witness.

A “lineal descendent” includes a person who, as transferee, is a child within the meaning of the definition of “child” as outlined in the previous paragraph.

A “marketable security” is defined as:

- a security (e.g. written evidence of a debt),
- which is capable of being dealt in (*i.e.* bought and sold) on the Irish Stock Exchange (*i.e.* on the Official List, or any of the markets run by Euronext Dublin).

This definition, therefore, encompasses both securities which are in fact dealt in, and securities which could be dealt in, on the exchange. The securities of private companies, because they may not be dealt in on the exchange, do not fall within this definition (but see definition of “stock”).

Subsection (1A) provides that the following persons will not be **(1A)** accountable persons for the purposes of this Act:

- (a) the National Treasury Management Agency;
- (b) the Minister in relation to a function exercised by the Minister which is capable of being delegated to the National Treasury Management Agency under **section 5 of the National Treasury Management Agency Act 1990**.

This section also sets out how references in the Act to enactments, Parts, **(2) – (4)** Chapters, sections, Schedules, subsections, paragraphs, subparagraphs, clauses or subclauses are to be construed.