Stamp duty land tax: company addresses for service of documents

Large Corporate | Management of taxes | OMB

22 August 2022

The CIOT responded to a recent consultation on draft regulations to extend the stamp duty land tax (SDLT) deemed service provisions to a company's registered office address and to the address provided in the SDLT return.

The CIOT has responded to the consultation on the draft The Stamp Duty Land Tax (Service of Documents) Regulations 2022 (tinyurl.com/4r4cnwrc).

Under the Interpretation Act 1978 s 7, a notice or other document is deemed to be effected by properly addressing, pre-paying and posting a letter containing the document. For stamp duty land tax (SDLT), FA 2003 s 84(3) provides that a letter is 'properly addressed' for this purpose if it is addressed to the company at its principal place of business, or to a liquidator if one has been appointed, or to any other place prescribed by regulation. These draft regulations prescribe **additional** addresses for deemed service by post under Interpretation Act 1978.

As a result of the amendment, there will be four possible addresses for deemed service of a notice to a company for SDLT purposes (the proposed new addresses are in bold) in addition to the address of an appointed liquidator:

- **The address of the company's registered office, if the company is UK incorporated.**
- **If the company is incorporated outside the UK, the address of any place of business it is required to register in its place of incorporation.**
- **The address provided to HMRC on the company's SDLT 1.**
- The address of the company's principal place of business.

We said that the guidance for completing the online and paper return should be much clearer for taxpayers on the address to be included on the SDLT 1 return, and

should state that HMRC may use this address for the service of notices in the future. For example, taxpayers need to be aware that the address inserted should be one that will remain in use (not, for example, the address of the premises that the business is in the process of moving from) and that there are arrangements in place to forward post if the address is not regularly monitored. The current guidance at question 56 for completing a paper SDLT 1 is not particularly clear and will need updating.

Consistent with HMRC's Charter commitments, the guidance could also helpfully confirm that notices will be copied to any agent listed in the SDLT return, or authorised by a subsequent letter of authority.

The full CIOT response can be found here: www.tax.org.uk/ref1013.

Kate Willis *kwillis@ciot.org.uk*