



ST CHRISTOPHER AND NEVIS

CHAPTER 20.40

STAMPS ACT

and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2009

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This edition contains a consolidation of the following laws:

Stamps Act

Act 10 of 1887 in force 31st December, 1887

Amended by Act 15 of 1965

Act 1 of 1966

Act 12 of 1967

Act 12 of 1968

Act 16 of 1968

Act 18 of 1970

Act 8 of 1972

Act 14 of 1972

Act 4 of 1974

Act 6 of 1974
Act 6 of 1976
Act 14 of 1976
Act 6 of 1977
Act 6 of 1980
Act 13 of 1980
Act 4 of 1982
Act 8 of 1984
Act 1 of 1985
Act 9 of 1985
Act 14 of 1985
Act 9 of 1986
Act 13 of 1986
Act 3 of 1987
Act 7 of 1987
Act 12 of 1988
Act 7 of 1992
Act 2 of 1999
Act 12 of 2001
Act 8 of 2004
Act 5 of 2005
Act 17 of 2005
Act 20 of 2005
Act 1 of 2006
Act 10 of 2006

Stamps Act (Special Development Area) Order – Section 100 – SRO 3 of 1987

Stamps (Revenue Issue) Order – Section 4 and 5 – SRO 34 of 2007

**Stamps (Nevis Housing and Land Development Corporation) Order –
Section 9 – SRO 46 of 2007**

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STAMPS ACT

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CHAPTER 20.40

STAMPS ACT

AN ACT to make provision for the use of stamps in the State whereby all postage rates and stamp duties, respectively, shall be noted or expressed; and to provide for related or incidental matters.

PART I – PRELIMINARY

1. **Short title.**

This Act may be cited as the Stamps Act.

2. **Schedule.**

The Schedule to this Act and everything therein contained is to be read and construed as part of this Act.

3. **Interpretation.**

In this Act, unless the context otherwise requires,

“Comptroller of Inland Revenue” means the Comptroller of Inland Revenue of the State, or the person discharging the duty of Comptroller of Inland Revenue of the State; and shall also include the chief revenue officer in the Island of Nevis;

“executed” and “execution,” with reference to instruments not under seal, mean signed and signature;

“Instrument” means every written document;

“marketable security” means a security of such a description as to be capable of being sold in any stock market in the United Kingdom;

“material” means every sort of material upon which words or figures can be expressed;

”Minister” means the Minister responsible for the subject of Finance;

[Inserted by Act 13/1986] [See also Act 3/1987]

“money” includes all sums expressed in British or in any foreign or Commonwealth currency;

“person” includes company, corporation, or society;

“postage rates” means rates of postage and other sums payable in pursuance of the Post Office Act or any other Act relating to post office matters and postal money orders;

“stamp” means as well a stamp impressed by means of a die, as an adhesive stamp, and made and issued under the authority of this Act;

“stamp duties” means duties charged and imposed under this Act and set forth in the Schedule and any other stamp duties that may by any Act be charged and imposed;

“stamped” with reference to instruments and material, applies as well to instruments and material impressed with stamps by means of a die, as to instruments and material having adhesive stamps affixed thereto;

“stock” means any share in any stock or funds and any share in the stocks or funds of any foreign state or government or in the capital stock of any foreign company, corporation or society.

[Inserted by Act 3/1987]

PART II – GENERAL PROVISIONS

4. Uniform stamps for postage and revenue.

There shall be a stamp or stamps for use

- (a) in St. Kitts; and
- (b) in Nevis;

whereby all postage rates and stamp duties respectively shall be noted or expressed and such stamps shall be adhesive or embossed or impressed or otherwise as the Governor-General acting in accordance with the advice of the Cabinet shall by order direct:

Provided that the Governor-General acting in accordance with the advice of the Cabinet may by order direct that a special stamp or stamps may be used concurrently with such stamps as aforesaid:

Provided further that such stamps may be used throughout St. Kitts and Nevis.

[Substituted by Act 12/1988]

5. Power to fix designs, provide dies, etc.

(1) The Governor-General, acting in accordance with the advice of the Cabinet, shall, by Orders, fix the design or designs and the mode in which each design shall be used and the several values of the stamp or stamps to be used in accordance with this Act, and provide proper dies and other implements for denoting by adhesive or embossed or impressed stamps or otherwise the postage rates and stamp duties required by law to be denoted or expressed by means of stamps, and make rules,

- (a) as to the manner in which stamps may be denoted or expressed;
- (b) as to the manner in which stamps may be cancelled;
- (c) as to the manner in which stamps destroyed without being used may be allowed for;
- (d) as to the places where stamps shall be kept for public sale and as to the particular values of such stamps that shall be kept for sale at such places or any of them;

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- (e) as to the manner of granting licences for sale of stamps and the form of such licences, the licence duty to be paid for such licence and the remuneration to be allowed to the vendors of stamps;
- (f) as to the period of the validity of stamps and the discontinuance of the use of stamps and of dies.

(2) All orders and rules shall be published in the *Gazette* and shall come into force upon publication in the *Gazette* or on and from the date fixed in such orders or rules as the date whereon they are to come into force.

[Amended by Act 3/1987]

6. Purchase of stamps.

Subject to any order under Section 5 of this Act stamps may be purchased at the Treasury and all Sub-Treasuries and Post Offices in the State and from all such persons as may be licensed to sell stamps.

[Amended by Act 6/1976]

7. Postage stamps subject to laws in force on the subject.

Except when inconsistent with the provisions of this Act stamps when used to denote postage rates shall be deemed postage stamps and shall be subject to all laws for the time being in force in the State relating to the administration of the Post Office and to offences against the Post Office or otherwise relating to Post Office matters; and except as aforesaid, stamps when used to denote stamp duty shall be subject to all the provisions of this Act and all other laws for the time being in force relating to stamp duties.

8. Penalty for forging stamps.

Any person who forges or counterfeits any stamp or uses any stamp knowing the same to be forged or counterfeited or to have been previously cancelled or used shall be guilty of felony and be liable on conviction thereof to be imprisoned for any term not exceeding seven years.

9. Payment of duties in Schedule.

(1) Subject to the exemptions contained in the Schedule, and in any other enactment for the time being in force, there shall be charged for the use of the Crown, upon the several instruments specified in the Schedule, the several duties in the said Schedule specified and no other duties:

Provided that in proper cases, the Minister, in his discretion, may, by cause shown, remit in part or in whole the duty payable on a licence for marriage.

(2) All moneys realised within the State in respect of the sale of stamps issued under this Act shall be paid into the Treasury for the use of the State.

[Amended by Act 6/1976]

10. All duties to be paid according to the regulations of this Act.

All stamp duties which may, from time to time, be chargeable by law upon any instruments are to be paid and denoted according to the general and special regulations in this Act contained.

PART III – GENERAL REGULATIONS**11. How instruments are to be written and stamped.**

(1) Every instrument written upon stamped material is to be written in such manner, and every instrument partly or wholly written before being stamped is to be so stamped, that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument written upon the same piece of material.

(2) If more than one instrument be written upon the same piece of material, every one of such instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

(3) Except where by this Act it is otherwise provided, or where the Governor-General acting in accordance with the advice of the Cabinet by order shall otherwise direct, all stamps may be expressed by adhesive or impressed stamps.

[Amended by Act 6/1976]

12. Instruments to be separately charged with duty in certain cases.

Except where express provision to the contrary is made by this or any other Act,

- (a) an instrument containing or relating to several distinct matters is to be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each of such matters;
- (b) an instrument made for any consideration or considerations, in respect whereof it is chargeable with *ad valorem* duty, and also for any further or other valuable consideration or considerations, is to be charged with duty in respect of such last mentioned consideration or considerations as if it were a separate instrument made for such consideration or considerations only.

13. Facts and circumstances affecting duty to be set forth in instruments.

All the facts and circumstances affecting the liability of any instrument to *ad valorem* duty, or the amount of the *ad valorem* duty with which any instrument is chargeable, are to be fully and truly set forth in the instrument; and every person who, with intent to defraud,

- (a) executes any instrument in which all the said facts and circumstances are not fully and truly set forth;
- (b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all the said facts and circumstances;

shall forfeit the sum of three hundred dollars.

[Amended by Acts 6/1976, 7/1976 and 9/1986]

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14. Money in foreign or Commonwealth currency to be valued.

When an instrument is chargeable with *ad valorem* duty in respect of any money in any foreign or Commonwealth currency, such duty shall be calculated on the value of such money in British currency according to the current rate of exchange on the day of the date of the instrument.

15. Stock and marketable securities to be valued.

Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable security, such duty shall be calculated on the value of such stock or security according to the average price thereof on the day of the date of the instrument.

16. Effect of statement of value.

Where an instrument contains a statement of current rate of exchange or average price, as the case may require, and is stamped in accordance with such statement, it is, so far as regards the subject matter of such statement, to be deemed duly stamped, unless and until it is shown that such statement is untrue, and that the instrument is in fact insufficiently stamped.

17. As to denoting stamp.

Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, the payment of such last mentioned duty shall, if application be made to the Comptroller of Inland Revenue for that purpose, and on production of both the instruments, be denoted, in such manner as such Comptroller of Inland Revenue thinks fit, upon such first mentioned instrument.

18. Terms upon which instruments may be stamped after execution.

(1) Except where express provision to the contrary is made by this or any other Act, any unstamped or insufficiently stamped instrument may be stamped after the execution thereof, on payment of the unpaid duty and a penalty of forty-eight dollars, and also by way of further penalty, where the unpaid duty exceeds forty-eight dollars, of interest on such duty, at the rate of eight *per centum per annum*, from the day on which the instrument was first executed, up to the time when such interest is equal in amount to the unpaid duty; and the payment of any penalty or penalties is to be denoted on the instrument by a particular stamp:

Provided that any unstamped or insufficiently stamped instrument which has been first executed at any place out of the State may be stamped, at any time within two months after it has been first received in the State, on payment of the unpaid duty only.

(2) In case of such instruments hereinafter mentioned as are chargeable with *ad valorem* duty, the following provisions shall have effect:

- (a) the instrument unless it is written upon duly stamped material shall be duly stamped with the proper *ad valorem* duty, by the persons hereinafter specified who shall be indebted to the State accordingly, and the stamping of the instrument shall be done before the expiration of two months after it is first executed, or after it has been first received in the State in case it is first executed at any place out of the State, unless the opinion of the Comptroller of Inland Revenue with

respect to the amount of duty with which the instrument is chargeable, has before such expiration, been required under section 22 of this Act;

- (b) if the opinion of the Comptroller of Inland Revenue with respect to any such instrument has been required, the instrument shall be stamped in accordance with the assessment within thirty days after notice of assessment;
- (c) if any such instrument executed after the date of commencement of this Act has not been or is not duly stamped in conformity with the foregoing provisions of this subsection the person in that behalf hereinafter specified shall incur a fine of one hundred and fifty dollars, and in addition to the penalty payable on stamping the instrument there shall be paid a further penalty equivalent to the stamp duty thereon, unless a reasonable excuse for the delay in stamping, or the omission to stamp, or the insufficiency to stamp, be afforded to the satisfaction of the Comptroller of Inland Revenue, or of the court, judge, arbitrator or referee before whom it is produced:

Provided that in the case of a conveyance or transfer of land the vendor or transferor shall be liable to pay half the penalty and half the further penalty and the vendee or transferee shall be liable to pay half the penalty and half the further penalty;

- (d) the instruments and the persons to whom the provisions of this subsection are to apply are the persons severally mentioned in the second column opposite the several instruments mentioned in the first column of the Table set out in the Second Schedule to this Act.

[Subsection (2) inserted by Act 6/1974]

19. As to the remission of penalties.

Where an application is made to the Comptroller of Inland Revenue to stamp any document under the provisions of this Act, and he or she is, by this Act, empowered to stamp such document on payment of any penalty, such Comptroller of Inland Revenue may, on being satisfied by declaration or otherwise that the omission to stamp such document, at the time when it should have been stamped prior to such application, has occurred without any fraudulent intention on the part of the person who should have stamped the same, remit the whole of such penalty or any part thereof.

20. Terms upon which unstamped instruments may be received in evidence in Court.

(1) Upon the production of any instrument chargeable with any duty as evidence in any Court of Civil Judicature in the State, the officer whose duty it is to read the instrument shall call the attention of the Judge to any omission or insufficiency of the stamp thereon, and if the instrument is one which may legally be stamped after the execution thereof, it may, on payment to the officer of the amount of the unpaid duty and the penalty payable by law on stamping the same, as aforesaid, and of a further sum of one dollar and twenty cents, be received in evidence, saving all just exceptions on other grounds.

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(2) The officer receiving the said duty and penalty shall give a receipt for the same, and make an entry, in a book kept for that purpose, of the payment and of the amount thereof, and shall communicate to the Comptroller of Inland Revenue the name or title of the cause or proceeding in which, and of the party from whom, he or she received the said duty and penalty, and the date and description of the instrument, and shall pay over to the said Comptroller of Inland Revenue, or to such other person as the said Comptroller of Inland Revenue may appoint, the money received by him or her for the said duty and penalty.

(3) Upon production to the said Comptroller of Inland Revenue of any instrument in respect of which any duty or penalty has been paid as aforesaid, together with the receipt of the said officer, the payment of such duty and penalty shall be denoted on such instrument accordingly.

21. Instruments not duly stamped inadmissible.

Save and except as aforesaid, no instrument executed, in any part of the State, or relating, wheresoever executed, to any property situate, or to any matter or thing done or to be done, in any part of the State, shall, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good, useful, or available in law or equity, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

22. Comptroller of Inland Revenue may be required to express his or her opinion as to duty.

(1) Subject to such regulations as the Minister may think fit to make, the Comptroller of Inland Revenue may be required by any person to express his or her opinion with reference to any executed instrument upon the following questions:

- (a) whether it is chargeable with any duty;
- (b) with what amount of duty it is chargeable.

[Amended by Act 6/1976]

(2) If the Comptroller of Inland Revenue is of the opinion that the instrument is not chargeable with any duty, such instrument may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(3) If the Comptroller of Inland Revenue is of opinion that the instrument is chargeable with duty, he or she shall assess the duty with which it is, in his opinion, chargeable; and if or when the instrument is duly stamped in accordance with the assessment of the Comptroller of Inland Revenue, it may be also stamped with a particular stamp denoting that it is duly stamped.

(4) Every instrument stamped with a particular stamp denoting either that it is not chargeable with any duty, or is duly stamped, shall be admissible in evidence and available for all purposes, notwithstanding any objection relating to duty.

(5) Provided as follows:

- (a) An instrument upon which the duty has been assessed by the Comptroller of Inland Revenue shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with such assessment of the Comptroller of Inland Revenue;

- (b) Nothing in this section contained extends to any instrument chargeable with duty and made as a security for money or stock without limit;
- (c) Nothing in this section contained shall be deemed to authorise the stamping, after the execution thereof, of any instrument prohibited by law from being so stamped.

(6) Until particular stamps are provided for the use under this section, a statement in writing denoting that the instrument is not chargeable with any duty, or that it is duly stamped, as the case may be, and signed by the Comptroller of Inland Revenue, shall have the same effect and value as a particular stamp has, by virtue of this section.

23. Person dissatisfied may appeal. Mode of procedure.

(1) Any person who is dissatisfied with the assessment of the Comptroller of the Inland Revenue, made in pursuance of the last preceding section, may, within thirty days after the date of such assessment, and on payment of duty in conformity therewith, appeal against such assessment to the High Court, and may, for that purpose, require the Comptroller of Inland Revenue to state and sign a case, setting forth the question upon which his or her opinion was required, and the assessment made by him or her.

(2) The Comptroller of Inland Revenue shall thereupon state and sign a case accordingly, and deliver the same to the person by whom it is required, and, on his or her application, such case may be set down for hearing before the High Court or before any Judge thereof sitting in Chambers.

(3) Upon the hearing of such case (due notice of which is to be given to the Comptroller of Inland Revenue), the Court shall determine the question submitted, and, if the instrument in question is, in the opinion of the Court, chargeable with any duty, shall assess the duty with which it is so chargeable.

(4) If it is decided by the Court that the assessment of the Comptroller of Inland Revenue is erroneous, any excess of duty which may have been paid in conformity with such erroneous assessment, together with any penalty which may have been paid in consequence thereof, shall be ordered by the Court to be repaid by the Comptroller of Inland Revenue to the appellant, together with the costs incurred by him in relation to the appeal.

(5) If the assessment of the Comptroller of Inland Revenue is confirmed by the Court, the costs incurred by the Comptroller of Inland Revenue in relation to the appeal shall be ordered by the Court to be paid by the appellant to the Comptroller of Inland Revenue.

24. Comptroller of Inland Revenue may call for, and refuse to proceed without evidence.

In any case of application to the Comptroller of Inland Revenue with reference to any instrument, the Comptroller of Inland Revenue may require to be furnished with an abstract of the instrument, and also with such evidence as he or she may deem necessary, in order to show to his or her satisfaction whether all the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable thereon, are

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fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence have been furnished accordingly:

Provided that no affidavit or statutory declaration made in pursuance of this section shall be used against any person making the same in any proceeding whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such affidavit or declaration is made shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty, forfeiture, or disability he may have incurred by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

25. Rolls, books, etc., to be open to inspection. Penalty for refusal.

(1) All public officers having in their custody any rolls, books, records, papers, documents, or proceedings, the inspection whereof may tend to secure any duty, or to the proof or discovery of any fraud or omission in relation to any duty, shall at all reasonable times, permit any person thereunto authorised by the Comptroller of Inland Revenue to inspect all such rolls, books, records, papers, documents, and proceedings, and to take such notes and extracts as he or she may deem necessary, without fee or reward.

(2) Every person who refuses to permit such inspection shall, for every such refusal, forfeit the sum of forty-eight dollars.

26. Duties may be made up by several stamps.

The duties imposed by this Act may be made up by several stamps, and stamps of greater value than is required may be used upon any instrument.

[Original section 26 was spent. Consequently sections 27 to 35 inclusive have been renumbered accordingly]

27. General directions as to the cancellation of adhesive stamps. Penalty for neglect or refusal.

(1) An instrument, the duty upon which is required or permitted by law to be denoted by an adhesive stamp, is not to be deemed duly stamped with an adhesive stamp, unless the person required by law to cancel such adhesive stamp cancels the same by writing on or across the stamp his or her name or initials, or the name or initials of his or her firm, together with the true date of his or her so writing, so that the stamp may be effectually cancelled, and rendered incapable of being used for any other instrument, or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

(2) Where two or more adhesive stamps are used to denote a stamp duty upon an instrument, such instrument is not to be deemed duly stamped, unless the person upon whom the duty of cancellation is by law imposed cancels each or every stamp by writing on or across the same his or her name or initials, or the name or initials of his or her firm, together with the true date of his or her so writing, so that both, or all and every, of the stamps may be effectually cancelled and rendered incapable of being used for any other instrument, or for any postal purpose; or unless it is otherwise proved that the stamps appearing on the instrument were affixed thereto at the proper time.

(3) Every person who, being required by law to cancel an adhesive stamp, wilfully neglects or refuses duly and effectually to do so in manner aforesaid, shall forfeit the sum of three hundred dollars.

[Amended by Acts 7/1976 and 9/1986]

28. Penalty for frauds in relation to adhesive stamps.

- (1) Any person who
- (a) fraudulently removes or causes to be removed, from any instrument any adhesive stamp, or affixes any adhesive stamp, which has been so removed, to any other instrument, with intent that the stamp may be used again,
 - (b) sells or offers for sale any adhesive stamp which has been so removed, or utters any instrument having thereon any adhesive stamp which has, to his or her knowledge, been so removed as aforesaid,
 - (c) practises, or is concerned in, any fraudulent act, contrivance, or device not specially provided for, with intent to defraud of any duty,

shall forfeit, over and above any other penalty to which he or she may be liable, the sum of one thousand five hundred dollars.

[Amended by Acts 7/1976 and 9/1986]

(2) This section shall be read as if the word “instrument” herein contained embraced a postal packet as defined by the Post Office Act, Cap. 16.04, and as if the word “duty” herein contained embraced any postage duty, as well as any stamp duty, upon an instrument.

(3) This section shall not exempt any person from any proceeding, by indictment or otherwise, for any offence which is punishable under any Acts relating to the Post Office, or the Post Office Offences Act, Cap. 4.24 or otherwise by law:

Provided that no person shall be liable to be punished more than once for the same offence.

29. Writings transferring freehold or leasehold property, or creating an incumbrance over land.

All deeds, documents, and writings which purport to transfer freehold or leasehold property, or to create any mortgage, charge, lien, or other incumbrance thereon, and which, by this Act, are required to be stamped with any stamp duty, shall be stamped, within three days after the execution thereof, with an impressed stamp or impressed stamps only, and such stamp or stamps shall be impressed thereon at the Treasury.

30. Spoiled stamps.

The value of stamps issued under this Act, which may be casually destroyed or spoiled, may be allowed for by the Comptroller of Inland Revenue, subject to a deduction of ten *per centum* thereon, on proof of such stamp being destroyed or spoiled, such proof being made by declaration under this Act, or otherwise, to the satisfaction of the Comptroller of Inland Revenue:

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Provided that no public officer is to be liable for the value of any stamps casually destroyed or spoiled while in his or her custody.

31. Recovery of penalties.

(1) All penalties under this Act shall be recoverable on summary conviction upon the complaint of the Director of Public Prosecutions or of any person authorised in writing by the Director of Public Prosecutions:

Provided that, in any proceeding for the recovery of any penalty under this Act, any written authority for the purpose aforesaid, produced by the complainant, and purporting to be signed by the Director of Public Prosecution shall, without any proof, be deemed, until the contrary is shown, to have been so signed.

(2) The Minister may, at his or her discretion, mitigate, stay, or compound proceedings for any penalty; and may reward any person who may inform the Comptroller of Inland Revenue of any offence against this Act, or assist in the recovery of any penalty.

[Amended by Acts 12/1967 and 6/1976]

32. Affidavits and declarations, how to be made.

(1) Subject to the provisions of section 73, any affidavit or declaration to be made in pursuance, or for the purposes, of this Act may be made before the Comptroller of Inland Revenue, who is hereby empowered to receive the same and administer oaths for that purpose, or before any commissioner appointed under the Commissioners for Oaths Act, and empowered by his or her commission to administer oaths in the High Court, or before any Magistrate or notary public, or, at any place out of the State, before any person duly authorised to administer oaths there.

(2) Any person who makes any affidavit or declaration in the State under this Act, wilfully knowing the same to be false, commits the offence of perjury.

33. Moneys received, and not appropriated, to be recoverable before a Magistrate.

(1) Every person who, having received any sum of money as and for the duty upon or in respect of any instrument, neglects or omits to appropriate such money to the due payment of such duty, or otherwise improperly withholds or detains the same, shall be accountable for the amount of such duty, and the same shall be a debt from him, and recoverable as such accordingly.

(2) A Magistrate may, upon application to be made for that purpose on behalf of the Comptroller of Inland Revenue, upon such affidavit as may appear sufficient, grant a rule requiring any such person as aforesaid, or the officer of any Court, or the executor or administrator of such officer or person, to show cause why he or she should not deliver to the Comptroller of Inland Revenue an account, upon oath, of all duties and sums of money received by such person or officer, and why the same should not be forthwith paid to the Comptroller of Inland Revenue, or to such other person as the Minister may appoint to receive the same, and the Magistrate may make absolute any such rule, and enforce, by attachment or otherwise, the payment of such duties or sums of money as, on such proceedings, may appear to be due, together with the costs of the proceedings.

PART IV – SPECIAL REGULATIONS

AGREEMENTS

34. Duty on agreements may be denoted by adhesive stamp.

The duty upon an agreement may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the agreement is first executed.

35. Stamp duty on options and on certain contracts.

- (1) The interest created by
 - (a) an option given or taken to buy or sell land; or
 - (b) an agreement for the sale of land where a deposit is paid; or
 - (c) an agreement in connection with the sale of the shares of a company where fifty percent of the value of the assets of the company consists of land,

whether under hand only or by deed shall be deemed to be land for all the purposes of this Act.

- (2) The *ad valorem* duty chargeable
 - (a) on the conveyance, if any, made in pursuance of and by the exercise of such an option as is mentioned in paragraph (a) of subsection (1); or
 - (b) on the conveyance or assignment, if any, made in pursuance of such of the agreements as are mentioned in paragraphs (b) or (c) of subsection (1).

shall be reduced by the amount of the *ad valorem* duty paid on the option or agreement as the case may be, but only if the consideration given for the option, or the amount of the deposit is offset against the consideration given for the conveyance.

(3) This section shall apply only to options and deposits arising from agreements made on and after the 21st day of January, 1974.

[Inserted by Act 6/1974 as section 35A. Has been renumbered as section 35]

[Note: Sections 36 to 56 inclusive have been renumbered accordingly]

BANK NOTES, BILLS OF EXCHANGE, AND PROMISSORY NOTES

36. Stamping of bills of exchange.

Except where express provision is made to the contrary, stamp duties for the time being chargeable on any bills of exchange shall be denoted by impressed stamps only.

37. Definition of “bill of exchange”.

(1) The term “bill of exchange,” for the purposes of this Act, includes also draft, order, cheque, and letter of credit, and any document or writing (except a banknote) entitling, or purporting to entitle, any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money therein mentioned.

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(2) An order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed, for the purposes of this Act, a bill of exchange for the payment of any sum of money on demand.

(3) An order for the payment of any sum of money weekly, monthly, or at any other stated periods, and also any order for the payment by any person, at any time after the date thereof, of any sum of money, sent or delivered by the person making the same to the person by whom the payment is to be made, and not to the person to whom the payment is to be made, or to any person on his behalf, is to be deemed, for the purposes of this Act, a bill of exchange for the payment of money on demand.

38. Definition of “promissory note”.

(1) The term “promissory note” includes any document or writing containing a promise to pay any sum of money.

(2) A note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed, for the purposes of this Act, a promissory note for the said sum of money.

39. Duty on bill of exchange may be denoted by adhesive stamp.

The duty on a bill of exchange for the payment of money on demand may be denoted by an adhesive stamp, which, when the bill is drawn in the State, is to be cancelled by the person by whom the bill is signed, before he or she delivers it out of his or her hands, custody, or power.

40. Ad valorem duties to be denoted in certain cases by adhesive stamps. Provisos for the protection of *bonâ fide* holders. Not to relieve any other person.

(1) The *ad valorem* duties upon bills of exchange and promissory notes drawn or made out of the State are to be denoted by adhesive stamps.

(2) Every person into whose hands any such bill or note comes in the State before it is stamped shall, before he or she presents for payment, or endorses, transfers, or in any manner negotiates, or pays, such bill or note, affix thereto a proper adhesive stamp, or proper adhesive stamps of sufficient amount, and cancel every stamp so affixed thereto.

(3) Provided as follows:

- (a) if at the time when any such bill or note comes into the hands of any *bonâ fide* holder thereof, there is affixed thereto an adhesive stamp effectually obliterated, and purporting and appearing to be duly cancelled, such stamp shall, so far as relates to such holder, be deemed to be duly cancelled, although it may not appear to have been so affixed and cancelled by the proper person;
- (b) if, at the time when any such bill or note comes into the hands of any *bonâ fide* holder thereof, there is affixed thereto an adhesive stamp

not duly cancelled, it shall be competent for such holder to cancel such stamp as if he or she were the person by whom it was affixed, and, upon his or her so doing, such bill or note shall be deemed duly stamped, and as valid and available as if the stamp had been duly cancelled by the person by whom it was affixed.

(4) Neither of the foregoing provisos shall relieve any person from any penalty incurred by him or her for not cancelling any adhesive stamp.

41. Bills and notes, etc., purporting to be drawn abroad.

A bill of exchange or promissory note purporting to be drawn or made out of the State is, for the purposes of this Act, to be deemed to have been so drawn or made, although it may, in fact, have been drawn or made within the State.

42. Effect of non-compliance with provisions of Act in case of certain bills of exchange.

Notwithstanding anything in this Act, a bill of exchange which is presented for acceptance, or accepted, or payable, outside the State shall not be invalid by reason only that it is not stamped in accordance with the provisions of this Act, and any such bill of exchange which is unstamped or not properly stamped may be received in evidence on payment of the proper duty and penalties as provided by sections 18 and 20.

43. Terms upon which bills and notes may be stamped after execution.

(1) Where a bill of exchange or promissory note has been written on material bearing an impressed stamp of sufficient amount but of improper denomination, it may be stamped with the proper stamps on payment of the duty, and a penalty of nine dollars and sixty cents if the bill or note be not then payable according to its tenor, and of forty-eight dollars if the same be so payable.

(2) Except as aforesaid, no bill of exchange or promissory note shall be stamped with an impressed stamp except within three days after the execution thereof.

44. Penalty for issuing, etc., any unstamped bill or note.

(1) Every person who issues, endorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not being duly stamped shall forfeit the sum of three hundred dollars, and the person who takes or receives from any other person any such bill or note not being duly stamped, either in payment, or as a security, or by purchase, or otherwise, shall not be entitled to recover thereon, or to make the same available for any purpose whatever:

Provided that if any bill of exchange for the payment of money on demand, is presented for payment unstamped, the person to whom it is so presented may affix thereto a proper adhesive stamp, and cancel the same, as if he had been the drawer of the bill, and may, upon so doing, pay the sum in the said bill mentioned, and charge the duty in account against the person by whom the bill was drawn, or deduct such duty from the said sum, and such bill is, so far as respects the said duty, to be deemed good and valid.

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(2) The foregoing proviso shall not relieve any person from any penalty he may have incurred in relation to such bill.

45. **One bill only of a set need be stamped.**

Where a bill of exchange is drawn in a set according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued, or in some manner negotiated, apart from such duly stamped bill, be exempt from duty, and upon proof of the loss or destruction of a duly stamped bill forming one of a set, any other bill of the set, which has not been issued, or in any manner negotiated, apart from such lost or destroyed bill, may, although unstamped, be admitted in evidence to prove the contents of such lost or destroyed bill.

BILLS OF LADING

46. **Bills of lading.**

(1) A bill of lading is not to be stamped after the execution thereof.

(2) Every person who makes or executes any bill of lading not duly stamped shall forfeit the sum of two hundred and forty dollars.

BILLS OF SALE

47. **Bills of sale.**

A copy of a bill of sale is not to be filed unless the original, duly stamped, is produced to the proper officer.

BONDS GIVEN IN RELATION TO DUTIES OF EXCISE

48. **Bonds not to include goods, etc., belonging to more than one person.**

If any person required by any Act in force in the State or by the direction of the Comptroller of Inland Revenue or any of the officers of the Comptroller of Inland Revenue, to give or enter into any bond for or in respect of any duties or excise, or for preventing frauds or evasions thereof, or for any matter or thing relating thereto, includes in one and the same bond any goods or things belonging to more persons than one, not being co-partners, or joint tenants or tenants in common, he or she shall, for every such offence, forfeit the sum of one thousand five hundred dollars.

[Amended by Acts 7/1976 and 9/1986]

CHARTERPARTIES

49. **Duty may be denoted by an adhesive stamp.**

The duty upon an instrument chargeable with duty as a charterparty may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is last executed, or by whose execution it is completed as a binding contract.

50. Charterparties executed abroad.

Where any document chargeable with duty as a charterparty, not being duly stamped, is first executed out of the State, any party thereto may, within ten days after it has been first received in the State, and before it has been executed by any person in the State, affix thereto an adhesive stamp denoting the duty chargeable thereon, and at the same time cancel such adhesive stamp; and the instrument with an adhesive stamp thereon so affixed and cancelled shall be deemed duly stamped.

51. Terms upon which charterparties may be stamped after execution.

An executed instrument chargeable with duty as a charterparty, and not being duly stamped, may be stamped by the Comptroller of Inland Revenue if it is executed, upon the following terms, that is to say,

- (a) within three days after the first execution thereof, on payment of the duty and a penalty of fifty dollars;
- (b) after three days, but within one month after the first execution thereof, on payment of the duty and a penalty of one hundred and fifty dollars;

but shall not in any other case be stamped by the Comptroller of Inland Revenue.

[Amended by Acts 7/1976 and 9/1986]

CONVEYANCES ON SALE**52. Definition.**

The term “conveyance on sale” includes every instrument, and every decree or order of any Court or of any Commissioners, whereby any property, upon the sale thereof, is legally or equitably transferred to or vested in the purchaser, or any other person on his or her behalf or by his or her direction.

53. Ad valorem duty on stock and securities.

(1) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any stock or marketable security, such conveyance is to be charged with *ad valorem* duty in respect of the value of such stock or security.

(2) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any security not being a marketable security, such conveyance is to be charged with *ad valorem* duty in respect of the amount due, on the day of the date thereof, for principal and interest upon such security.

(3) Where the consideration, or any part of the consideration, for a conveyance on sale consists of any stock or marketable security, such conveyance on sale may be executed before being stamped:

Provided that security is given to the satisfaction of the Comptroller of Inland Revenue for the payment of the duty within twenty-four hours after the value of such stock or security, at the date of its execution, can be ascertained.

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54. Consideration consisting of periodical payments.

(1) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically for a definite period, so that the total amount to be paid can be previously ascertained, such conveyance is to be charged, in respect of such consideration, with *ad valorem* duty on such total amount.

(2) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically in perpetuity, or for any indefinite period not terminable with life, such conveyance is to be charged, in respect of such consideration, with *ad valorem* duty on the total amount which would or may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of such instrument.

(3) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during any life or lives, such conveyance is to be charged, in respect of such consideration, with *ad valorem* duty on the amount which would or may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of such instrument:

Provided that no conveyance on sale chargeable with *ad valorem* duty in respect of any periodical payments, and containing also provision for securing such periodical payments, is to be charged with any duty whatever in respect of such provision, and no separate instrument made in any such case for securing such periodical payments is to be charged with any higher duty than two dollars and forty cents.

55. Conveyance in consideration of a debt, or subject to future payment, etc.

Where any property is conveyed to any person in consideration, wholly or in part, of any debt due to him or her, or subject, either certainly or contingently, to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money, or stock, is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the conveyance is chargeable with *ad valorem* duty.

56. Direction as to duty in certain cases.

(1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts or parcels by different instruments, the consideration is to be apportioned in such manner as the parties think fit, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with *ad valorem* duty in respect of such distinct consideration.

(2) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly, or by any person for himself or herself and others, or wholly for others, is conveyed in parts or parcels, by separate instruments, to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part or parcel is to be charged with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

(3) Where a person having contracted for the purchase of any property, but not having obtained a conveyance thereof, contracts to sell the same to any other person, and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance is to be charged with *ad valorem* duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser in any case where the consideration for the sale is the same or less than the consideration between the original purchaser and the original vendor; in any other case, a conveyance is to be charged with *ad valorem* duty in respect of each transaction in respect of the property.

(4) Where a person having contracted for the purchase of any property, but not having obtained a conveyance, contracts to sell the whole, or any part or parts thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts or parcels, the conveyance of each part or parcel is to be charged with *ad valorem* duty in respect only of the consideration moving from the sub-purchaser thereof, without regard to the amount or value of the original consideration in any case where the consideration for the sale is the same or less than the consideration between the original purchaser and the original vendor; in any other case, a conveyance is to be charged with *ad valorem* duty in respect of each transaction in respect of the property.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him or her, which is chargeable with *ad valorem* duty in respect of the consideration moving from him or her, and is duly stamped accordingly, any conveyance to be afterwards made to him or her of the same property by the original seller shall be exempt from the said *ad valorem* duty, and chargeable only with the duty to which it may be liable under any general description, but such last mentioned duty shall not exceed the *ad valorem* duty.

57. **Stamp Duty on Gifts *inter vivos*.**

(1) Any conveyance or transfer operating as a voluntary disposition *inter vivos* shall be chargeable with the like stamp duty as if it were a *conveyance or transfer on sale* with the substitution in each case of the value of the property conveyed or transferred for the amount of or value of the consideration for the sale.

(2) Any conveyance or transfer (not being a disposition made in favour of a purchaser or incumbrancer or other person in good faith and for valuable consideration) shall, for the purposes of this section, be deemed to be a conveyance or transfer operating as a voluntary disposition *inter vivos* and (except where marriage is the consideration) the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration where the Comptroller is of the opinion that by reason of the inadequacy of the sum paid as consideration or other circumstances the conveyance or transfer confers a substantial benefit on the person to whom the property is conveyed or transferred.

[Inserted by Act 16/1968 as section 56A. Has been renumbered as section 57]

[Note: Sections 57 to 59 have been renumbered accordingly]

58. **Sale of an annuity or right not before in existence.**

Where, upon the sale of any annuity or other right not before in existence, such annuity or other right is not created by actual grant or conveyance, but is only secured by

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bond, warrant of attorney, covenant, contract, or otherwise, the bond or other instrument, or some one of such instruments, if there be more than one, is to be charged with the same duty, as an actual grant or conveyance, and is, for all the purposes of this Act, to be deemed an instrument of conveyance on sale.

59. Where several instruments, the principal instrument only to be charged with *ad valorem* duty.

Where there are several instruments of conveyance for completing the purchaser's title to the property sold, the principal instrument of conveyance only is to be charged with *ad valorem* duty, and the other instruments are to be respectively charged with such other duty as they may be liable to, but such last mentioned duty shall not exceed the *ad valorem* duty payable in respect of the principal instrument.

60. Principal instrument how to be ascertained.

(1) In any case the parties may determine for themselves which of several instruments is to be deemed the principal instrument and may pay the *ad valorem* duty thereon accordingly.

(2) Stamp duty specified in the Schedule to this Act as payable by a vendor or transferor of land shall be paid by the vendor or transferor thereof to the Comptroller of Inland Revenue and where more than one instrument is presented for stamping in a transaction it shall be paid upon the principal instrument presented for stamping, but such duty shall not be payable in case of an assent by a personal representative to a devise or upon a conveyance or transmission of land to a person entitled on intestacy and for the purposes of this section stocks or shares of a company whose assets consist of fifty per cent or more of land shall be deemed to be land:

Provided that Conveyances and transfers issued by or on behalf of the Frigate Bay Development Corporation or by or on behalf of the National Housing Corporation shall be exempt from stamp duty under this subsection.

[Amended by Act 6/1974].

61. Right of vendee or transferee to recover portion of stamp duty.

Where in the case of a Conveyance or transfer of land the vendee or transferee is compelled to pay the portion of stamp duty payable by the vendor or transferor of the land he or she shall have the right to recover the amount so paid from the vendor or transferor.

[Inserted by Act 6/1974 as section 59A]

62. Passing on or attempting to pass on portion of stamp duty payable by vendor or transferor.

(1) Whosoever sells or transfers land to another person and passes on or attempts to pass on his or her liability to pay that portion of the stamp duty payable by a vendor or transferor to that other person shall be guilty of an offence against this Act and on summary conviction therefor before a Magistrate to a fine not exceeding the aggregate of one thousand five hundred dollars and an amount equal to the stamp duty which he or she passed on or attempted to pass on.

(2) A conviction under this section shall not affect the liability of the person concerned to pay any penalty imposed under sections 13, 18, or 101 of this Act or affect his or her liability under section 61 of this Act.

[Inserted by Act 6/1974 as section 59B. Has been renumbered as section 62]

[Note: As a result of the insertion of sections 59A and 59B, sections 60 to 70 inclusive have been renumbered accordingly]

CONVEYANCES ON ANY OCCASION EXCEPT SALE OR MORTGAGE

63. What is to be deemed a conveyance on any occasion not a sale or mortgage.

Every instrument, and every decree or order of any Court or of any Commissioners, whereby any property on any occasion, except a sale or mortgage, is transferred to or vested in any person, is chargeable with duty as a conveyance or transfer of property:

Provided that a conveyance or transfer made for effectuating the appointment of a new trustee is not to be charged with any higher duty than two dollars and forty cents.

DUPLICATES AND COUNTERPARTS

64. Stamping duplicates and counterparts.

The duplicate or counterpart of any instrument chargeable with duty (except the counterpart of an instrument chargeable as a lease, such counterpart not being executed by or on behalf of any lessor or grantor) is not to be deemed duly stamped, unless it is stamped as an original instrument, or unless it appears by some stamp thereon, or in such other way as the Governor-General, acting in accordance with the advice of the Cabinet, may direct, that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart.

[Amended by Act 3/1987]

EXCHANGE AND PARTITION OR DIVISION

65. Exchange and partition of real estate.

Where upon the exchange of any real property for any other real property, or upon the partition or division of any real property, any consideration exceeding in amount or value four hundred and eighty dollars is paid or given, or agreed to be paid or given, for equality, the principal or only instrument whereby such exchange or partition or division is effected is to be charged with the same *ad valorem* duty as a conveyance on sale for such consideration, and with such duty only; and where, in any such case, there are several instruments for completing the title of either party, the principal instrument is to be ascertained, and the other instruments are to be charged with duty, according to the provisions of sections 59 and 60.

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MORTGAGES, ETC.

66. Definition.

The term “mortgage” means a security by way of mortgage for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable, or for the repayment of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced or due, or without, as the case may be; and includes

- (a) a memorandum of mortgage under the Title by Registration Act,
- (b) any conveyance of any lands, estate, or property whatsoever in trust to be sold or otherwise converted into money, intended only as a security, and redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where such conveyance is made for the benefit of creditors generally, or for the benefit of creditors specified who accept the provisions made for payment of their debts in full satisfaction thereof, or who exceed five in number,
- (c) any defeasance, letter of reversion, declaration, or other deed or writing for defeating, or making redeemable, or explaining, or qualifying any conveyance or disposition of any lands, estate, or property whatsoever, apparently absolute, but intended only as a security,
- (d) any agreement, contract, or bond accompanied with a deposit of title deeds for making a mortgage, or any such other security or conveyance as aforesaid, of any lands, estate, or property comprised in such title deeds, or for pledging or charging the same as a security,
- (e) any conditional surrender by way of mortgage, further charge, or disposition of or affecting any lands, estate, or property, real or personal, heritable or movable, whatsoever.

67. Security for stock.

A security for the transfer or retransfer of any stock is to be charged with the same duty as a similar security for a sum of money equal in amount to the value of such stock, and a transfer, assignment, or disposition of any such security, and a reconveyance, release, discharge, surrender, resurrender, or warrant to vacate, or renunciation of any such security, shall be charged with the same duty as an instrument of the same description relating to a sum of money equal in amount to the value of such stock.

68. Security for future advances.

(1) A security for the payment or repayment of money to be lent, advanced, or paid, or which may become due, upon an account current, either with or without money previously due, is to be charged, where the total amount secured, or to be ultimately recoverable, is in any way limited, with the same duty as a security for the amount so limited.

(2) Where such total amount is unlimited, the security is to be available for such an amount only as the *ad valorem* duty thereon extends to cover:

Provided that no money to be advanced for the insurance of any property comprised in any such security against damage by fire, or for keeping up any policy of life insurance comprised in such security, or for effecting in lieu thereof any new policy, or for the renewal of any grant or lease of any property comprised in such security upon the dropping of any life whereon such property is held, shall be reckoned as forming part of the amount in respect whereof the security is chargeable with *ad valorem* duty.

69. Security for repayment by periodical payments.

A security for the payment of any rent-charge, annuity or periodical payments, by way of repayment, or in satisfaction or discharge of any loan, advance, or payment intended to be so repaid, satisfied, or discharged, is to be charged with the same duty as a similar security for the payment of the sum of money so lent, advanced, or paid.

70. Transfers and further charges.

No transfer of a duly stamped security, and no security by way of further charge for money or stock, added to money or stock previously secured by a duly stamped instrument, is to be charged with any duty by reason of containing any further or additional security for the money or stock transferred or previously secured, or for the interest or dividends thereof, or any new covenant, power, proviso, stipulation, or agreement in relation thereto, or any further assurance of the property comprised in the transferred or previous security.

71. Mortgage with conveyance of equity of redemption.

An instrument chargeable with *ad valorem* duty as a mortgage is not to be charged with any other duty by reason of the equity of redemption in the mortgaged property being thereby conveyed or limited in any other manner than to, or in trust for, or according to the direction of, a purchaser.

NOTARIAL ACTS

72. Duty may be denoted by an adhesive stamp.

The duty upon a notarial act, and upon the protest by a notary public of a bill of exchange or promissory note, may be denoted by an adhesive stamp, which is to be cancelled by the notary.

PROBATE OF WILLS AND LETTERS OF ADMINISTRATION

73. Declaration, on application for probate or letters of administration, as to value of deceased's property.

(1) Every person applying for probate of a will, or for letters of administration, shall make and file in the High Court a declaration on oath of the probable value of the deceased's property.

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(2) A declaration under this section may be made before a Judge, Registrar, or Magistrate, or before a commissioner appointed under the Commissioners for Oaths Act, Cap. 3.04, and empowered by his or her commission to administer oaths in the High Court.

(3) Every such declaration shall, if liable to stamp duty under this Act, be impressed with the stamp or stamps of the value of the duty by this Act made payable, and the probate or letters of administration applied for shall not issue, unless the same bear a certificate in writing, under the hand of the proper officer of the Court, showing that the declaration has been filed, and that such declaration, if liable to stamp duty, was duly stamped, and stating the amount of the gross value of the property as shown by the account contained in the declaration.

(4) Probate or Letters of Administration shall not issue unless the Comptroller of Inland Revenue files in the Probate Registry a certificate under his or her hand stating that the Stamp duty payable on the value of the property passing on the death of the deceased has been duly paid.

[Substituted by Act 14/1976]

74. Notification of executor or administrator, to be made to Comptroller within three months of date of death.

(1) Every person applying for probate of a will, or for letters of administration on the death of any person is hereby required to notify the Comptroller of Inland Revenue of such fact within 3 months after the date of such death unless such applicant can prove that any delay was occasioned by ignorance on his or her part of the relevant circumstances or that such delay was caused by inadvertence and without negligence on his or her part and that he or she took immediate steps so to notify the Comptroller after he or she came to knowledge of the relevant circumstances.

(2) Every declaration required to be made under subsections (1) and (2) of section 73 shall be made within six months of the date of such death or within 3 months of the date of notifying the Comptroller in accordance with the provisions of subsection (1) of this section.

(3) The payment of stamp duty on every such declaration found to be so liable shall be made in full to the Comptroller of Inland Revenue within twelve months of the date of such death as aforesaid or within 9 months of the date of notifying the Comptroller in accordance with the provisions of subsection (1) of this section.

(4) In every case where either subsection (1) or subsection (2) of this section is not complied with, it shall be lawful for the Comptroller of Inland Revenue on the basis of any information he or she has to assess the stamp duty so payable and to collect this assessed duty by the sale of property of the deceased's estate or by other means.

(5) For the purposes of this section, any person who died prior to the commencement date of this section in respect of whose estate no application has hitherto been made for probate of a will or for letters of administration, or no declaration stating the amount of the gross value of the property has been duly made, the date of death of such person shall be deemed to be the commencement date of this section.

[Inserted by Act 6/1977 as section 70A. Consequently section 71 has been renumbered as section 75]

75. Definitions for purposes of this Part of this Act.

The following definitions shall be applicable for the purposes of this Part:

“estate” means property.

“property” means all real and personal property passing on the death of any person after the 1st day of January, 1940;

“real and personal property passing on the death” includes

- (a) property of which the deceased was at the time of his or her death competent to dispose;
- (b) property in which the deceased or any other person had an interest ceasing on the death of the deceased, to the extent to which a benefit accrues or arises by the cesser of such interest but exclusive of property the interest in which of the deceased or other person was only an interest as holder of an office, or recipient of the benefits of a charity or as a corporation sole;
- (c) property taken as a *donatio mortis causa* made by the deceased or taken under a disposition made by the deceased purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery or otherwise, which has not been *bona fide* made five years before the death of the deceased, or taken under any gift whenever made, if *bona fide* possession and enjoyment of such property have not been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or any benefit to him or her by contract or otherwise;
[Amended by Act 16/1968]
- (d) property which the deceased having been absolutely entitled thereto, has caused to be transferred to or vested in himself or herself and any other person jointly, whether by disposition or otherwise, or any purchase or investment made by the deceased alone or in concert, or by arrangement with any other person, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his or her death to such other person;
- (e) property passing under any past or future disposition made by the deceased verbally or by any instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life or any other period determinable by reference to death is reserved, or by contract or otherwise secured, either expressly or by implication to the person disposing or whereby the person disposing may have reserved to himself or herself the right, by the exercise of any power, to restore to himself or herself or to reclaim the absolute interest in such property, or the proceeds of sale thereof; notwithstanding in cases where the disposition is contained in any instrument, such instrument may have been made for

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- valuable consideration as between the person disposing and any other person;
- (f) money received under a policy of assurance effected by the deceased;
 - (g) any annuity or other interest purchased as provided by the deceased, either by himself or herself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased; but shall not include
 - (i) real property situate outside the State; or
 - (ii) personal property in the United Kingdom (except money received under a policy of Assurance unless the Comptroller of Inland Revenue is satisfied that duty has been paid in the United Kingdom); or
 - (iii) personal property situate in any other British possession or in any foreign country passing on the death of a person who at the time of his or her death was not domiciled in the State; or
 - (iv) personal property situate in any other British possession or in any foreign country passing on the death of a person who at the time of his or her death was domiciled in the State when the Comptroller of Inland Revenue is satisfied that duty is payable in respect of such property in such other British possession or foreign country;
 - (v) property held by the deceased as trustee for another person, under a disposition not made by the deceased, or under a disposition made by the deceased more than twelve months before his or her death where possession and enjoyment of the property was *bona fide* assumed by the beneficiary immediately upon the creation of the trust and thenceforward retained to the entire exclusion of the deceased or of any benefit to him or her by contract or otherwise.

76. Comptroller may ask for Declaration and Account at any time after death.

It shall be lawful for the Comptroller of Inland Revenue at any time after the date of the death of any person owning property or dying domiciled in the State to require the personal representative of such person to submit a Declaration and Account of the deceased's property for the purpose of valuation and assessment and payment of Stamp Duty.

[Inserted by Act 8/1972 as section 71A. Consequently section 72 has been renumbered as section 77]

77. Comptroller of Inland Revenue to be supplied with copy of declaration.

Every person applying for a probate or letters of administration shall, upon the declaration of the value of the estate being sworn, forthwith forward to the Comptroller of

Inland Revenue a copy of such declaration; and it shall be lawful for the Comptroller of Inland Revenue, at any time after application for a grant, and from time to time, within three years after the grant of probate or letters of administration, as he or she may think necessary, to require the person acting in the administration of the estate to furnish such explanations and to produce such documentary or other evidence respecting the contents of, or particulars verified by, the declaration as the case may seem to him or her to require; and if the Comptroller of Inland Revenue, after such explanation or production of such documentary or other evidence shall be of opinion that the correct value of the estate was not stated in the declaration, he or she may assess the value of the estate at such amount as he or she shall think proper, and require the person acting in the administration of the estate to file a further declaration as hereinafter provided.

[Amended by Act 8/1972]

78. Interest on duty unpaid.

(1) Simple interest at the rate of six *per centum per annum* shall be paid upon all unpaid stamp duty payable on the estate of a deceased person from and after the expiration of three months from the date of the death of the deceased to the date of payment or until the expiration of fifteen months from the date of death of the deceased whichever is the earlier and shall be recoverable in the same manner as if it were part of the duty.

(2) Simple interest at the rate of twelve *per centum per annum* shall be paid upon all unpaid stamp duty payable on the estate of a deceased person from and after the expiration of fifteen months from the date of death of the deceased to the date of payment and shall be recoverable in the same manner as if it were part of the duty:

Provided that where the stamp duty payable has not been assessed, the executor or other person liable to pay duty may pay to the Comptroller of Inland Revenue any sum on account of stamp duty thereafter to be assessed; and any sum so paid shall, on assessment, be appropriated against the stamp duty due from such executor or other person, as the case may be.

(3) Where under this Act any sum is payable by any person by way of interest and stamp duty on the estate of a deceased person, any payment made by such person shall be appropriated first to interest and then to stamp duty.

(4) Where the Minister of Finance is satisfied that interest payable under this section on stamp duty in respect of any estate cannot be raised without undue hardship he or she may in his or her discretion, having regard to all the circumstances of the case including the prevailing rates of interest that the State would be required to pay on borrowed money abate the interest by any proportion of the rate by which it exceeds six *per centum*.

[Inserted by Act 6/1974 as section 72A. Consequently sections 73 to 84 inclusive have been renumbered accordingly]

79. Provision for payment of further duty.

If in pursuance of any inquiry by the Comptroller of Inland Revenue, or if at any time, it shall be discovered that the estate of the deceased was, at the time of the grant of probate or letters of administration, of greater value than the value mentioned in the declaration, the person acting in the administration of the estate shall, within three months after the discovery, file a further declaration, duly stamped, for the amount which, with the

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duty (if any) previously paid, shall be sufficient to cover the duty chargeable according to the true value thereof, and shall, at the same time, as the circumstances of the case may require pay into the Treasury interest upon such amount at the rate or rates prescribed in section 78.

[Amended by Act 6/1974]

80. Procedure where, on enquiry, duty is found due and remains unpaid.

Where, in pursuance of any inquiry by the Comptroller of Inland Revenue, or otherwise, it is ascertained that any duty is due and payable in respect of any such estate, and the amount of such duty, with interest at the rate aforesaid, is not paid within three months after it has been ascertained to be due, double the amount of such duty and interest shall thereupon become due and payable forthwith; and the same shall be deemed a debt due to the Crown, and it shall be lawful for the Comptroller of Inland Revenue to sue for and recover the same from the person acting in the administration of the estate in a Court of competent jurisdiction; but no personal liability shall attach to the Comptroller of Inland Revenue in respect of costs:

Provided that civil proceedings taken under this section shall not in any way affect any criminal proceedings to which the person acting in the administration of an estate may be liable under this Act, or under any Act, or at common law.

81. Provision for return of duty overpaid, etc.

If an application for probate or letters of administration shall be refused by the Court, or if at any time after the grant of probate or letters of administration, and during the administration of the estate, the value mentioned in the certificate of the officer of the Court shall be found to exceed the true value of the estate of the deceased, it shall be lawful for the Comptroller of Inland Revenue, upon proof of the facts to his or her satisfaction, and with the approval of the Minister, to return the amount of stamp duty which shall have been paid or overpaid, as the case may be, and to cause a noting of such return of stamp duty to be written on the declaration, or the grant of probate or letters of administration, as the case may be.

[Amended by Act 3/1987]

82. Penalties in case of default.

Any person who shall refuse or neglect to furnish any explanation, or to produce documentary or other evidence, respecting the contents of, or particulars verified by, any declaration, when required by the Comptroller of Inland Revenue so to do, or who shall refuse or neglect to make any declaration in pursuance of this Act within the time limited therefor, shall, on summary conviction, be liable to a penalty not exceeding one thousand five hundred dollars.

[Amended by Acts 7/1976 and 9/1986]

83. Appeal.

Any person aggrieved by any proceeding or decision of the Comptroller of Inland Revenue taken or given in pursuance of this Act may, on payment of or giving security for the duty claimed by the Comptroller of Inland Revenue, appeal to a Judge of the High Court within the time and in the manner and on the conditions directed by rules of Court,

and the decision of such Judge shall, unless leave to appeal be given by him or her, be final, and such rules of Court may be made in the same manner as rules of the Supreme Court may be made.

84. Intermeddling with a deceased person's estate, and not obtaining probate, etc., within prescribed time.

If any person takes possession of, or in any manner administers, any part of the estate of any person deceased, without obtaining probate of his or her will, or letters of administration of his or her estate, within six months after his or her decease, or within two months after the termination of any suit or dispute respecting the will, or the right to letters of administration, the Director of Public Prosecutions, on behalf of the Government, may sue out of the High Court a writ of summons against the person so taking possession or administering as aforesaid, for an account of the estate of the deceased, and of its value, and for payment of such duty as would have been payable if probate or administration had been obtained, and the costs of the proceedings. The provisions of the Crown Proceedings Act shall be applicable to all proceedings under this section.

85. Aggregation of property to form one estate for purpose of stamp duty.

For determining the rate of stamp duty to be paid on property passing on the death of a deceased person all such property so passing in respect of which stamp duty is leviable shall be aggregated so as to form one estate, and the stamp duty shall be charged at the proper graduated rate on the principal value thereof.

86. Stamp duty to be a charge.

The stamp duty payable in respect of any property subject to such duty shall, unless and until the same is paid as hereinafter provided, be a charge on all such property of the deceased, ranking in priority to all charges other than those imposed by statute and immediately after debts (if any) due from the deceased to the Crown; and the whole or any part of such duty if unpaid may be recovered as a Crown debt from the personal representative of the deceased or any person to whom such property has been transferred or conveyed, to the extent of the value of the property so transferred or conveyed.

87. Liability of personal representative.

The personal representative of a deceased person shall be under the same liability to pay the stamp duty payable in respect of the property becoming subject thereto, on his death, as if such duty had been a debt incurred by the deceased, and shall have power to pay such duty out of any money for the time being in hand, or to raise the amount of such duty and any interest and expenses properly paid or incurred in respect thereof by sale or mortgage of such property or any part thereof.

88. Value of property.

(1) In determining the value of an estate for the purpose of stamp duty, allowance shall be made for all

- (a) expenses as are allowable as reasonable funeral expenses;

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- (b) debts and incumbrances incurred or created by the deceased *bona fide* for full consideration in money or moneys worth wholly for the deceased's own use and benefit and such debts and incumbrances shall be deducted from the value of the property liable thereto:

Provided that no debt shall be deducted in respect whereof there is a right of re-imburement from any other estate or person unless the re-imburement cannot be obtained.

(2) The principal value of any property shall be estimated to be the price which, in the opinion of the Comptroller of Inland Revenue, such property would fetch if sold in the open market at the time of the death of the deceased.

(3) Subject to the provisions of this Act, the value of any property for the purpose of stamp duty under this Part shall be ascertained by the Comptroller of Inland Revenue in such manner and by such means as he or she shall think fit, and if he or she authorises a person to inspect any property and report to him or her the value thereof for the purposes of this Act, the person having the custody or possession of such property shall permit the person so authorised to inspect it at such reasonable times as the Comptroller of Inland Revenue considers necessary.

89. Payment of duty on property not vested in personal representative.

Notwithstanding the provisions of section 87, in the case of property passing on the death of the deceased but which does not devolve to and become vested in his or her personal representative, such personal representative shall not be accountable for the stamp duty payable in respect of such property but every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him or her, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for and pay the stamp duty on the property:

Provided that nothing herein contained shall render a person accountable for duty who acts merely as agent or bailiff of another person in the management of property.

90. Penalty for non-compliance.

A person who wilfully fails to comply with the foregoing provisions of sections 87 and 89 shall be liable to pay one thousand five hundred dollars or a sum equal to double the amount of the stamp duty, if any, remaining unpaid for which he or she is accountable, according as the Comptroller of Inland Revenue may elect:

Provided that the Comptroller of Inland Revenue, or in any proceeding for the recovery of such penalty the Court shall have power to reduce any such penalty.

CONVEYANCE OR TRANSFER OF CONDOMINIUM UNITS

91. Prohibition on transfer of condominium units.

No person who is the registered owner of a condominium unit shall transfer any condominium unit without payment of the relevant stamp duty as specified in the Schedule to this Act.

92. Registrar to grant written approval on payment of Stamp Duty.

When a person who is the owner of a condominium unit makes an application for the transfer and registration of such unit, the Registrar shall grant such approval if, but only if the transferor or the vendor and the transferee or the purchaser have paid to the Comptroller the stamp duty payable on the transfer of the condominium units to which this Act applies.

93. Interpretation of certain words.

For the purposes of sections 91 and 92, the terms

“condominium unit” has the same meaning as in the Condominium Act, Cap. 10.03;

“transfer” with its grammatical variations and cognate expressions when used in relation to condominium units to which this Act applies, includes a change of possession of such condominium unit by way of sale, gift or mortgage.

[Sections 84A, 84B and 84C inserted by Act 4/198. Consequently they have been renumbered as sections 91, 92 and 93, respectively.]

[Note: Sections 85, 86 and 87 have been renumbered as sections 94, 95 and 96]

RECEIPTS**94. Definition.**

The term “receipt” means any note, memorandum, cash bill or writing whatsoever, whereby any money amounting to fifteen dollars or upwards, or any bill of exchange or promissory note for money amounting to fifteen dollars or upwards, is acknowledged or expressed to have been received, deposited, or paid, or whereby any debt or demand, or any part of a debt or demand, of the amount of fifteen dollars or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person.

95. Obligation to issue stamped receipts and to affix adhesive stamps accordingly.

(1) Subject to subsection (2), every person shall provide a duly stamped receipt for every transaction stated or implied in the definition of receipt in section 94.

(2) The stamp duty on a receipt as provided in the Schedule shall be denoted with an adhesive stamp and shall be cancelled by the person by whom it is given before he or she delivers it out of his or her hands.

[Substituted by Act 9/1985]

96. Terms upon which receipts may be stamped after execution.

A receipt given without being stamped may be stamped by the Comptroller of Inland Revenue upon the terms following, that is to say,

- (a) Within fourteen days after it has been given, on payment of the duty and a penalty of one hundred dollars;

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- (b) After fourteen days after it has been given, on payment of the duty and a penalty of two hundred dollars;

and shall not in any other case be stamped.

[Amended by Act 9/1985]

LICENCES UNDER THE ALIENS LAND HOLDING REGULATION

97. **Definition.**

The following definition shall be applicable for the purposes of this Part:

“licence” means a licence granted under the Aliens Land Holding Regulation Act.

[Inserted by Act 6/1974 as section 87A]

98. **Stamping of licence.**

(1) Stamp duties for the time being chargeable on any licence shall be denoted by impressed stamps only.

(2) Where the consideration or any part of the consideration for the sale or transfer of land to an alien consists of a money consideration, a licence granted to the alien to hold such land is to be charged with *ad valorem* duty in respect of such consideration and the price paid for the property and any improvements passing expressly or impliedly by the conveyance or transfer shall be included in the consideration.

[Inserted by Act 6/1974 as section 87B]

99. **Power of Minister of Finance to vary stamp duty or licence.**

(1) Notwithstanding any other provision of this Act or any other provision to the contrary, the Minister of Finance may by order, amend, vary, suspend or revoke the stamp duties chargeable in the Schedule under the heading of “Licence under the Aliens Land Holding Regulation Act.

(2) An order of the Minister made pursuant to subsection (1) shall take effect only on the condition that it is approved by resolution passed by the National Assembly.

(3) With the exception of subsection (2), the Minister of Finance may by order, amend, vary, suspend or revoke any of the stamp duties chargeable in the Schedule.

[Inserted by Act 6/1974 as section 87C and amended by Act 10/2006]

100. **Designation of Special Development Areas.**

The Minister may, by Order, designate any area as a Special Development Area.

[Inserted by Act 13/1986 as section 87D]

101. **Penalty for offences.**

If any person

- (a) gives any receipt liable to duty and not duly stamped;

- (b) in any case where a receipt would be liable to duty, refuses to give a receipt duly stamped;
- (c) upon a payment to the amount of fifteen dollars or upwards, gives a receipt for a sum not amounting to fifteen dollars or separates or divides the amount paid with intent to evade the duty;

he or she commits an offence and is liable, on summary conviction, to a fine of two hundred dollars.

[Amended by Act 9/1985]

[Note: Originally section 88 and has been renumbered as section 101]

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FIRST SCHEDULE

(Sections 2 and 9)

\$5.00

Affidavit or Statutory Declaration

[Amended by Acts 15/1965 and 14/1985]

Exemptions

- (a) Affidavit made for the immediate purpose of being filed, read or used in any Court, or before any Judge, Master, or officer of any Court.
- (b) Affidavit or declaration made upon the requisition of the Comptroller of Inland Revenue or any of the officers acting under him or her, or required by law and made before any Justice of the Peace.
- (c) Affidavit or declaration which may be required at the Bank of England or the Bank of Ireland to prove the death of any proprietor of any stock transferable there, or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stock.
- (d) Affidavit or declaration relating to the loss, mutilation, or defacement of any bank note or bank post bill.
- (e) Declaration required to be made pursuant to any Act relating to marriages, in order to celebrate a marriage without licence.

Agreement or Contract, accompanied with a deposit. See *Mortgage*, etc., and section 66.

Agreement for a lease, or for letting. See *Lease*.

Agreement or Memorandum of Agreement, made under hand only, and not otherwise specifically charged with any duty, whether the same be only evidence of a contract, or obligatory upon the parties from its being a written instrument.....

.50

Exemptions

- (a) Agreement or memorandum the matter whereof is not of the value of \$25.
- (b) Agreement or memorandum for the hire of any labourer, artificer, manufacturer, or menial servant.
- (c) Agreement, letter or memorandum made for or relating to the sale of any goods, wares, or merchandise.
- (d) Agreement or memorandum made between the master and mariners of any ship or vessel for wages on any voyage from port to port in the State.
- (e) Agreement for the carriage of a passenger in a ship when that agreement is embodied in a passage ticket.

And see section 34.

Appraisalment or Valuation of any property, or of any interest therein, or of any repairs wanted, or of the materials and labour used or to be used in any building, or of any artificer’s work whatsoever.

Where the amount of the appraisalment or valuation						\$	
does not exceed \$50							.25
exceeds	\$50	but	does	not	exceed	\$100	1.00
”	\$100	”	”	”	”	\$150	1.50
”	\$150	”	”	”	”	\$250	2.00
”	\$250	”	”	”	”	\$500	3.00
”	\$500	”	”	”	”	\$1000	4.00
”	\$1000	”	”	”	”	\$2500	7.50
”	\$2500					15.00

Exemptions

- (a) Appraisalment or valuation made for, and for the information of, one party only, and not being in any manner obligatory as between parties either by agreement or operation of law.
- (b) Appraisalment or valuation made in pursuance of the order of any Court of Admiralty, or of any Court of Appeal from any sentence, adjudication or judgment of any Court of Admiralty.

Assignment or Assignment.

By way of security, or of any security. See *Mortgage*, etc.

Upon a sale or otherwise. See *Conveyance*.

Attestation of Signature, under the seal of the State or the seal of the Governor-General..... 10.00

Attorney, Letter or Power of. See Letter of Attorney.

Attorney, Warrant of. See Warrant of Attorney.

Award:

where the amount or value of the matter in dispute		
does not exceed \$25050
exceeds \$250 but does not exceed \$500		2.00
and for every additional \$250 or part thereof		1.00

[Inserted by Act 13 of 1986]

Bank Loans to Aliens

- (a) Any Bank which provides loans to Aliens shall be liable to payment of stamp duty of two and a half per centum of the total amount so provided;
- (b) this amount (specified under the preceding paragraph) shall be paid to the Comptroller by the Bank;
- (c) for the purposes of the preceding paragraph, the term ‘Alien’ has the meaning assigned to it by section 2 of the Aliens Land Holding Regulation Act;

[Paragraphs (a), (b) and (c) inserted by Act 4/1982]

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- (d) any bank which provides a loan to any alien for the purpose of acquiring or leasing any property whatsoever in any Special Development Area shall be liable to payment of stamp duty of five (5) *per centum* of the total amount so provided.

[Inserted by Act 13/1986]

Bill of Exchange, payable on demand or at sight or on presentation or within three days after date or sight. \$.05

Bill of Exchange of any other kind whatsoever (except a bank note), and promissory note of any kind whatsoever (except a bank note), drawn or expressed to be payable, or actually paid, or indorsed, or in any manner negotiated, in the State

Where the amount or value of the money for which the bill or note is drawn or made does not exceed \$50 .05

exceeds	\$50	but	does not	exceed	\$100	.10
”	\$100	”	”	”	\$250	.25
”	\$250	”	”	”	\$500	.50
”	\$500—					

for every \$500 and also for any fractional part of \$500 of such amount or value50

Exemptions

- (a) Draft or order drawn upon any banker in the State by an officer of a public department of the State, for the payment of money out of the public account.
- (b) Letter of credit granted in the State authorising drafts to be drawn out of the State payable in the State.
- (c) Draft or order for the payment of money out of the High Court, drawn by the duly constituted authorities of that Court.
- (d) Coupon or warrant for interest attached to and issued with any security.

And see sections 36–45.

Bills of Lading, each..... .05

And see section 46.

Bill of Sale:

Absolute. See *Conveyance on Sale*.

By way of security. See *Mortgage, etc.*

And see section 47, and Bills of Sale Act.

Bond for securing the payment or repayment of money, or the transfer or retransfer of Stock. See *Mortgage, etc.*

	\$
<i>Bond</i> on obtaining letters of administration.....	2.00
<i>Bond</i> , Bottomry.....	2.00

Bond entered into with the Government of the State for the return to the State and entry into, or resumption of service with the Government of the State or with private industry in the State, at the conclusion of a University or other training course the Stamp Duty shall be one quarter of one *per centum* of the amount secured by the Bond.

[Inserted by Act 18/1970]

Bond, Bail and other bonds of indemnity not specifically charged with any duty 2.00

Bond accompanied with a deposit of title deeds for making a mortgage, or other security on any estate or property therein comprised.

See *Mortgage, etc.*, and section 66

Bond, Declaration, or other *Deed* or *Writing* for making redeemable any disposition apparently absolute, but intended only as a security.

See *Mortgage, etc.*, and section 66

Charterparty, or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter or other writing between the captain, master, or owner of any ship or vessel, and any other person, for or relating to the freight or conveyance of any money, goods, or effect on board such vessel 1.00

And see sections 49–51.

Constat of Letters Patent. See *Exemplification*.

Contract. See *Agreement*.

Conveyance or Transfer, whether on sale or otherwise,

- (a) of any stock of the Governor and Company of the Bank of England;
- (b) of any debenture stock or funded debt of any company or corporation

for every \$500, and also for any fractional part of \$500, of the nominal amount transferred 1.00

And see section 63.

Conveyance or transfer of land.

- (a) for a consideration in money or money’s worth of not less than the value of the property, 12% of the amount of the consideration to be paid by the vendor;
- (b) for a consideration in money or money’s worth of less than the value of the property conveyed, 12% of the total amount obtained by adding together the amount or value of such consideration and the sum representing the difference between the value of the property and the said amount or value of such consideration to be paid by the vendor;
- (c) without consideration in money or money’s worth, 6% of the value of the property, save in the case of transfer between husband and wife or vice versa, and between parents and children or vice versa, the stamp duty shall be \$100.00;
- (d) conveyance or transfer of land by means of an assent to a devise or upon a conveyance or transmission to a person entitled on intestacy or under a will, \$100.00;
- (e) conveyance or transfer of any property (other than such stock or debenture stock or funded debt or land as aforesaid) 2% of the amount or value of the consideration;
- (f) conveyance or transfer of land in any Special Development Area, 14% of the

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amount of the consideration or market value by the vendor or transferor;
except that in case of property situated in the Southeast Peninsular, the stamp
duty payable by the vendor or transferor shall be 18.5% of the market value.

- (g) conveyance or transfer of land where a developer has obtained concessions in connection with a house or building constructed on the land the developer shall pay stamp duty as provided in paragraph (a), (b) or (c) above, as the case may be, on the land and the house or building constructed on the land;
- (h) conveyance or transfer of land where a developer has obtained concessions in connection with a house or building to be constructed on the land but defers the construction of such house or building on the land shall initially pay stamp duty as provided in paragraph (a), (b) or (c) above, as the case may be, on the land, and when the house or building is subsequently constructed on the land with the aid of the concessions or any part thereof the owner of the house or building shall pay stamp duty as provided in paragraph (a), (b) or (c) above, as the case may be, on the house or building so constructed as if the concessions or any part thereof had not been utilized;
- (i) conveyance or transfer of land where a developer has not obtained any concessions in connection with the house or building constructed on the land such developer shall pay stamp duty as provided in paragraph (a), (b) or (c) above, as the case may be, in respect of land only.

And see sections 52 - 62

[Substituted by Act 5/2005]

- (j) the provisions of paragraph (a) to (i) shall not
 - (i) apply to conveyances and transfer made by or on behalf of the Frigate Bay Development Corporation, the National Housing Corporation, or any other body which the Minister may by Order designate;
[Amended by Act 17/2005]
 - (ii) for the avoidance of doubt where the vendor in a transaction is any of the named entities or bodies in paragraph (i) or the Government of Saint Christopher and Nevis, the stamp duty shall be 6% payable by the purchaser in such transactions including court sales and crown grants, but shall not be restricted to such transactions.
[Amended by Act 10/2006]

Provided that: for the avoidance of doubt, the provisions of this Act and Schedule shall apply to any instrument, decree or order of the Court whereby property is legally or equitably transferred or vested in a purchaser upon the sale of such property where applicable.

[Amended by Act 1/2006]

Conveyance or transfer of condominium units

- (a) for a consideration in money or money's worth five per cent of the amount of the consideration to be paid by the vendor or the transferor;
- (b) without consideration in money or money's worth five per cent of the value of the condominium unit to be

worth paid by the vendor or the transferor.

[Amended by Act 17/2005]

Conveyance or Transfer by way of security of any property (except such stock or debenture stock or funded debt as aforesaid) or of any security.

See Mortgage, etc.

Conveyance or Transfer of any kind not hereinbefore described 5.00

And see section 63.

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Counterpart. See *Duplicate*.

Covenant for securing the payment or repayment of money or the transfer or retransfer of stock.

See *Mortgage, etc.*

Customs Landing Certificate 1.00

Debenture or Deed for securing the payment or repayment of money, or the transfer or retransfer of stock.

See *Mortgage, etc.*

Declaration (Statutory). See *Affidavit*.

Deed of any kind whatever, not described in this Schedule. 5.00

Defeasance. Deed or other instrument of defeasance of any conveyance or disposition, apparently absolute, but intended only as a security for money or stock.

See *Mortgage, etc.*, and section 66.

Deposit of Title Deeds.

See *Mortgage, etc.*, and section 66.

Draft for money. See *Bill of Exchange*, and section 37.

Duplicate or Counterpart of any instrument chargeable with any duty—

Where such duty does not amount to \$1.50, the same duty as the original instrument.

In any other case..... 2.00

And see section 64.

Exchange, Instruments effecting \$

In the cases specified in section 65, see that section.

In any other case 5.00

Exemplification or Constat, under the Public Seal of the State, of any Letters Patent..... 40.00

Exemplification under the seal of any Court, or under the Public Seal of the State, of any record or proceeding..... 7.50

Further Charge or Further Security. See *Mortgage, &c.*, and section 70.

Lease

Where the annual rental

exceeds	\$ 100	but does	not	exceed	\$ 200	1.50
”	\$ 200	”	”	”	\$ 400	2.50
”	\$ 400	”	”	”	\$ 750	5.00
”	\$ 750	”	”	”	\$1000	7.50
”	\$1000	—				

for every additional \$250 or fractional part thereof..... 2.00

Provided that the stamp duty on leases in respect of property in any Special Development Area shall be:

- For any period up to 20 years — 2% of the market value of the property payable by the lessor and 2% payable by the lessee.
- For any period of 20 years to 90 years — 4% of the market value of the property payable by the lessor and 4% payable by the lessee.
- For any period over 90 years — 10% of the market value of the property payable by the lessor and 4% payable by the lessee.

[Proviso inserted by Act 13 of 1986]

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Letters Patent on any invention. See *Exemplification*.*Letter or Power of Attorney*, or other instrument in the nature thereof

- | | | |
|-----|---|------|
| (a) | by any petty officer, seaman, marine or soldier serving as a marine, or by the executors or administrators of any such person, for receiving prize money or wages | .50 |
| (b) | for the receipt of the dividends or interest of any stock where made for the receipt of one payment only | .50 |
| | in any other case | 2.00 |
| (c) | for the receipt of any sum of money, or any bill of exchange or promissory note for any sum of money not exceeding \$100, or any periodical payments not exceeding the sum of \$50 (not being hereinbefore charged) | 2.00 |
| (d) | of any kind whatsoever not hereinbefore described | 5.00 |

Licence for marriage (see section 9)

- | | |
|--|-------|
| Where both parties are local residents | 30.00 |
| Where either party is not a local resident | 50.00 |

Licence for marriage (Special) 200.00*[Inserted by Act 7/1987]**Licences under the Aliens Land Holding Regulation Act.*

10% of the value of the land or \$750 whichever is the greater

*[Substituted by Act 6/1980]**Mortgage, Bond, Debenture, Deed, Covenant and Warrant of Attorney* to confess or enter up judgment, whether the same be

- (a) the only or principal or primary security for the payment or repayment of money; or
- (b) collateral, or auxiliary, or additional, or substituted security, or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped; or
- (c) a transfer, assignment, or disposition of any mortgage, bond, debenture, covenant, or foreign security, or of any money or stock secured by any such instrument or by any warrant of attorney to enter up judgment, or by any judgment; or
- (d) a reconveyance, release, discharge, surrender, resurrender, warrant to vacate, or renunciation of any such security as aforesaid, or of the benefits thereof or of the money thereby secured;

the stamp duty shall be 1% of the amount secured as aforesaid. (And see sections 66–71).

[Inserted by Act 12/1968]

Provided that stamp duty at the rate of two per cent shall be payable under paragraphs (a) – (d) on transactions related to any Special Development Area.

[Inserted by Act 13 of 1986]

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<i>Notarial Act</i> of any kind whatsoever (except a protest of a bill of exchange or promissory note)50
And see <i>Protest</i> , and section 72.	
	\$
<i>Order</i> for the payment of money. See <i>Bill of Exchange</i> and section 72.	
<i>Permit to Leave the State</i>	1.00
<i>Power of Attorney</i> . See <i>Letter of Attorney</i>	7.20
<i>Probate of Wills and Letters of Administration:</i>	

Where the aggregate amount of the property passing on the death of the deceased does not exceed \$5,000							Rate per centum
Exceeds	\$5,000	but	does	not	exceed	\$10,000	Nil
"	\$10,000	"	"	"	"	\$15,000	Nil
"	\$15,000	"	"	"	"	\$20,000	Nil
"	\$20,000	"	"	"	"	\$25,000	Nil
"	\$25,000	"	"	"	"	\$30,000	Nil
"	\$30,000	"	"	"	"	\$40,000	Nil
"	\$40,000	"	"	"	"	\$50,000	Nil
"	\$50,000	"	"	"	"	\$60,000	Nil
"	\$60,000	"	"	"	"	\$70,000	Nil
"	\$70,000	"	"	"	"	\$80,000	Nil
"	\$80,000	"	"	"	"	\$90,000	Nil
"	\$90,000	"	"	"	"	\$100,000	Nil
"	\$100,000	"	"	"	"	\$200,000	Nil
"	\$200,000	"	"	"	"	\$300,000	Nil
"	\$300,000	"	"	"	"	\$400,000	Nil
"	\$400,000	"	"	"	"	\$500,000	Nil
"	\$500,000	"	"	"	"	\$1,000,000	Nil
"	\$1,000,000						Nil

[Amended by Act 14 of 1985]

Provided that the amount of duty payable at the rate applicable thereto under the scale of rates of duty shall, when necessary, be reduced so as not to exceed the highest amount of duty which would be payable at the next lower rate with the addition of the amount by which the aggregate amount of property exceeds the aggregate on which the highest amount of duty would be so payable at the lower rate:

Thus an estate of \$70,005.00 will not pay the full duty of (\$4200.30) but five per cent on \$7,000.00 (\$3,500.00 plus the \$5 by which it exceeds the \$70,000.00 that is it will pay \$3,505.00).

Provided further that the above rates of duty shall be doubled where property passes from the deceased to successors other than to the father, mother, husband or wife or children of the deceased :

[Amended by Act 14 of 1976]

and see sections 73–90

[Substituted by Act 6 of 1974]

Provided that this provision shall apply only in respect of deaths occurring on or after 1st January, 1986:

[This proviso was inserted by Act 14 of 1985]

Provided also that the revised scale of rates under this heading shall apply as respects deaths occurring after the 21st day of January, 1974:

[Inserted by Act 6 of 1974]

Provided that no duty shall be payable in respect of a dwelling-house owned and occupied by the deceased as a dwelling-house at the time of death.

Provided further that this exemption shall apply in respect of one dwelling-house only and to deaths occurring after 17th April, 1980:

For the purposes of this exemption, “dwelling-house” means a house situated on not more than one acre of land or a dwelling-house situated on any area of land whose total value does not exceed one hundred thousand dollars:

Provided further that where a dwelling-house is situated on more than one acre of land, duty shall be payable on that amount of land in excess of one acre and provided that if a dwelling-house is situated on any area of land and the total value is in excess of one hundred thousand-dollars, duty shall be payable on that amount in excess of one hundred thousand dollars.

[Inserted by Act 13/1980]

[This Item has also been amended by Acts 16/1968 and 6/1974]

	\$
<i>Procuratation</i> , deed or other instrument of	5.00

Promissory Note. See *Bill of Exchange* and section 72.

Protest of any bill of exchange or promissory note

Where the duty on the bill or note does not exceed 25c
the same duty as the bill or note.

In any other case50
-------------------------	-----

And see section 72.

Proxy. See *Letter or Power of Attorney*.

“Receipts given for or upon the payment of money (including Cash Bills for goods purchased at stores, shops or elsewhere)

	\$	¢
For the sum of \$15.00 and up to \$500.00	10	¢
from \$500.01 and up to \$2000.00	25	¢
from \$2000.01 and up to \$5000.00	50	¢
above \$5000.00	\$1.00	

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Exemptions

- (a) Receipt given for money deposited in any bank or with any banker to be accounted for, and expressed to be received of the person to whom the same is to be accounted for.
- (b) Acknowledgment by any banker of the receipt of any bill of exchange or promissory note, for the purpose of being presented for acceptance or payment.
- (c) Receipt given for or upon the payment of any taxes or duties imposed by any Act, or of money to or for the use of the Crown.
- (d) Receipt given by an officer of any public department of the State for money paid by way of imprest or advance, or adjustment of an account, whereby he or she derives no personal benefit therefrom.
- (e) Receipt written upon a bill of exchange or promissory note duly stamped.
- (f) Receipt endorsed or otherwise written upon, or contained in, any instrument liable to stamp duty, and duly stamped acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured or therein mentioned.
- (g) Receipt given for drawback or bounty upon the exportation of any goods or merchandise from the State.
- (h) Receipt given for the return of any duties of customs upon certificates of over entry.
- (i) Receipt given for the return of any amount deposited as security for duty.
- (j) Receipt given for money withdrawn from Savings Bank.

And see sections 94 and 95.

Reconveyance, Release or Renunciation of any property.

See *Mortgage, etc.*

\$

Release or Renunciation of any property, or of any right or interest in any property

Upon a sale, see *Conveyance on Sale*.

By way of security, see *Mortgage, etc.*

In any other case

5.00

Renunciation. See *Reconveyance* and *Release*.

Revocation of any use or trust of any property by deed, or by any writing not being a will.....

5.00

Settlement—Any instrument whether voluntary or upon any good or valuable consideration, otherwise than a *bona fide* pecuniary consideration, whereby any definite and certain principal sum of money (whether charged or chargeable on land or hereditaments, or not, or to be laid out in the purchase of other lands or other hereditaments, or not) or any definite and certain amount of stock, or any security, is settled or agreed to be settled in any manner whatsoever for every \$500, and also for any fractional part of \$500, of the amount or

value of the property settled or agreed to be settled 1.00

Exemption

Instrument of appointment relating to any property in favour of persons specially named or described as the objects of a power of appointment created by a previous settlement stamped with *ad valorem* duty in respect of the same property; or by will, where probate duty has been paid in respect of the same property as personal estate of the testator.

Transfer. See *Conveyance of Transfer*.

Valuation. See *Appraisement*

Warrant of Attorney to confess and enter up a judgment given as a security for the payment or repayment of money, or for the transfer or retransfer of stock. See *Mortgage, &c.*

Warrant of Attorney of any other kind 2.00

*General Exemptions from all Stamp Duties.**

- (a) Instruments for the sale, transfer, or other disposition, either absolutely or by way of mortgage, or otherwise of any ship or vessel, or any part, interest, share, or property of or in any ship or vessel.
- (b) Bonds given to the Provost-Marshal or other persons upon the reply of any goods or chattels, and assignment of such bonds.
- (c) Any bond given in connection with the exportation of any spirits or tobacco in pursuance of the law of the State.
- (d) Instruments made by, to, or with the Government of the State for the purchase, sale, exchange, conveyance or lease of any lands vested therein, or acquired for public purposes.
- (e) Instruments or documents required in connection with the conveyance or transfer of property to a foreign Government or State for diplomatic or consular purposes or for the use of its agencies in the State where stamp duty, if charged, would fall to be borne directly by such foreign Government or State and provided such foreign Government or State accords similar exemption to Her Majesty's Government.
- (f) the sale or transfer of securities listed on an exchange licensed by the Eastern Caribbean Securities Regulatory Commission under the Securities Act, 2001.

[Amended by Act 20/2005]

* And see section 28 of the Post Office Act.

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SECOND SCHEDULE

(Section 18(2)(d))

Title of Instrument as described in Schedule to this Act	Persons liable for payment of duty and penalty
Bond for securing the payment or repayment of money or the transfer or retransfer of stock.	The obligee, covenantee or other person taking the security.
Conveyance or transfer of land.	(a) The vendor or transferor as to the amount payable by vendor or transferor; (b) the vendee or transferee as to the amount payable by the vendee or transferee.
Lease.	The Leasee.
Mortgage, bond, debenture, Deed, Covenant and warrant of attorney to confer and enter up judgment.	The mortgagee, obligee; in the case of a transfer or reconveyance, the transferee, assignee, or disponee, or the person redeeming the security.
Settlement.	The settlor.

SCHEDULE 1

(Section 100)

Stamps Act (Special Development Area) Order

1. **Citation.**

This Order may be cited as the Stamp Act (Special Development Area) Order.

2. **Special Development Area.**

All lands south of the southern boundary of the Frigate Bay Development Area and commonly referred to as the Southeast Peninsula are hereby designated a Special Development Area for the purposes of the Act.

SCHEDULE 2

(Sections 4 and 5)

Stamps (Revenue Issue) Order

1. **Citation.**

This Order may be cited as the Stamps (Revenue Issue) Order.

2. **Concurrent use of special stamps.**

There shall be used throughout Saint Christopher and Nevis concurrently with the uniform stamps now in use for the payment of postage rates and stamp duties, a set of

eleven special adhesive stamps described in the Schedule which shall be available indefinitely from the date of the coming into operation of this Order.

3. **Dies.**

The several dies and other implements to give effect to this Order shall be provided.

SCHEDULE TO THE ORDER

The Stamps authorised by this Order are issued for the purpose of revenue and feature different fruits found in the Federation of St Kitts and Nevis and throughout the Eastern Caribbean islands.

The Stamps were designed and printed by the Art Department of the Inter-Governmental Philatelic Corporation (based on photographs provided by the General Post Office) and printed by the lithographic printing process in sets of 50 and are 20 mm x 24 mm in size with a perforation gauge of 20 mm x 24 mm.

The format for the stamps shall be horizontal.

The 10¢ value shall depict the local cherry.

The 15¢ value shall depict the coconut.

The 30¢ value shall depict the watermelon.

The 40¢ value shall depict the pineapple.

The 50¢ value shall depict the guava.

The 60¢ value shall depict the sugar apple.

The 80¢ value shall depict the passion fruit.

The \$1.00 value shall depict the tangerine.

SCHEDULE 3

(Section 9)

Stamps (Nevis Housing and Land Development Corporation) Order

1. **Citation.**

This Order may be cited as the Stamp (Nevis Housing and Land Development Corporation) Order.

2. **Interpretation.**

In this Order, a reference to the "Act" means the Stamp Act.

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3. Designation of Nevis Housing and Loan Development Corporation as an exempt body.

The Nevis Housing and Land Development Corporation is hereby designated as an exempt body for the purpose of the payment of the stamp by vendors under the Act.