

EXTRAORDINARY



GOVERNMENT OF FIJI GAZETTE

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[55]

GOVERNMENT OF FIJI

STAMP DUTIES (AMENDMENT) DECREE 2013
(DECREE NO. 3 OF 2013)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of the Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

Short title and commencement

1.—(1) This Decree may be cited as the Stamp Duties (Amendment) Decree 2013 and shall be deemed to have come into force on 1 January 2013.

(2) The Stamp Duties Act (Cap. 205) is referred to as the “Principal Act” in this Decree.

Section 2 amended

2. Section 2 of the Principal Act is amended by deleting in the definition of “bills of exchange”, after the word order, the word “cheques”.

Repeals

3. Sections 72, 73 and 74 of the Principal Act are hereby repealed.

Schedule amended

4. The Schedule to the Principal Act is amended by deleting Part 1 and substituting the following—

“Part 1

RATES AND AMOUNTS OF STAMP DUTY

Nature of Instrument	Amount of duty	Persons Primarily Liable
AGREEMENT OR MEMORANDUM OF AN AGREEMENT (other than an agreement for a lease) 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, including every receipt or other matter put or endorsed or annexed	\$10.00	The Parties
<i>Exemption</i> Any agreement made in pursuance of the provisions of section 16 of the Workmen’s Compensation Act.		
APPOINTMENT in execution of a power over any property or of any use, share or interest therein by any instrument not being a will.	\$50.00	The person making or executing the appointment
APPOINTMENT AS NOTARY PUBLIC	\$1000.00	The appointee

<i>Exemption</i> Legal practitioners employed by the State		
APPOINTMENT OF TRUSTEE (including new trustees)-For every appointment of a trustee by any instrument or by order of the High Court	\$50.00	The person making or executing the appointment.
<i>Exemptions</i> (a) the appointment of a trustee by or pursuant to a will; (b) every instrument or order appointing the Public Trustee as trustee; (c) every instrument for the appointment of a trustee or trustees of property held in trust for any corporation or body of persons associated for religious, charitable, or educational purposes.		
ASSIGNMENTS OR ORDERS for payment of the proceeds of crops or other agricultural or pastoral produce— EXEMPT		
BILL OF EXCHANGE AND PROMISSORY NOTE of any kind (except a bank-note or cheque) drawn or expressed to be payable or actually paid or endorsed or in any manner negotiated in Fiji	\$100.00	The drawer or acceptor
BILL OF LADING for any goods, merchandise, or effects to be exported from Fiji	\$10.00	The person by whom the goods are consigned
BILL OF SALE	The like duty as for mortgage	The assignor or lienor
Discharge of —	The like duty as for discharge of mortgage	The assignor or lienor
BOND		
<i>Exemption</i> Any bond issued by the Government of Fiji for the purposes of bonding students on Government scholarship	\$50.00	The obligor
CHARTER-PARTY, or any agreement or contract for the charter of any ship or vessel (including aeroplanes) for conveyance outside Fiji	\$500.00	The charterer
CHEQUES (means personal cheques, bank cheques, company cheques and bank drafts)	\$0.05	The drawer

COPY OR EXTRACT (attested or in any manner authenticated) of or from an instrument chargeable with any duty	\$5.00	The charter
DEBENTURE OR DEBENTURE STOCK	The like duty as in the case of a mortgage	The person issuing
<i>Exemption</i> Any debenture issued by the Government or by any municipal authority or a refinancing or reconveyance of the stamped amount of a mortgage		
DEED of any kind whatsoever not otherwise charged in this Schedule	\$50.00	The person executing the deed
DUPLICATE OR COUNTERPART of any instrument charged with any duty where such duty does not amount to \$1	The like duty as on the original instrument	The person chargeable in the original instrument
In any other case	\$5.00	
DECLARATION OF TRUST—	\$30.00	The person declaring
EASEMENT with consideration	The like duty as on transfer on sale	The grantor
EASEMENT without consideration	\$5.00	The grantee
ENCUMBRANCE under the Land Transfer Act, securing annuity, rent-charge or money, other than mortgage	The like duty as in the case of a mortgage of same amount	The encumbrancer
EXCHANGE See Sec. 71 of Act	The like duty as on transfer on sale on each property passing	
INSTRUMENT—otherwise exempt—on any instrument exempt from duty and required to be so stamped “exempt” by any person—denoting duty	\$5.00	The person requiring
GUARANTEE	\$100.00	The guarantor

<p>LEASE OR agreement for a lease or any written document for the tenancy or occupancy of any lands for:</p> <p>(a) agricultural purposes (including dairy)—</p> <p>(i) where lease is for land less than 100 acres – EXEMPT; and</p> <p>(ii) where land is 100 acres and above.</p> <p>For all or any leases issued for agricultural purposes on or after the 1st of February, 2013.</p> <p>(b) commercial purposes;</p> <p>(c) residential purposes;</p> <p>(d) tourism/audio visual purposes.</p> <p>Any other type of lease</p>	<p>\$100.00</p> <p>\$1000.00</p> <p>\$500.00</p> <p>\$1500.00</p> <p>\$500.00</p>	<p>The lessee or tenant</p>
<p>LEASE-Surrender of</p>	<p>\$10.00</p>	<p>The lessee or tenant</p>
<p>LEASE, VARIATION OF</p>	<p>\$10.00</p>	<p>The lessee or tenant</p>
<p>LETTERS OF CREDIT — See Bills of Exchange.</p>		
<p>MORTGAGE—</p>		
<p>(1) Being the only or principal or primary security for the payment or repayment of money—For every \$100 or part of \$100 principal moneys</p>	<p>\$1.75</p>	<p>The mortgagor</p>
<p>or</p>		
<p>Where such a mortgage secures further or future advances or moneys due on account current-For every \$100 or part of \$100 of the principal indebtedness at any time owing....Where the principal indebtedness under such a mortgage at any time exceeds the amount covered by ad valorem duty already paid, the mortgage shall be liable to further duty as if it were a new instrument in respect of the amount of such excess.</p>	<p>\$1.75</p>	<p>The mortgagor</p>
<p>(2) Being a collateral, auxiliary or additional or substituted security or by way of further assurance where the principal or primary security is duly stamped</p>	<p>\$10.00</p>	<p>The mortgagor</p>

NOTE: In determining whether an instrument is the only principal or primary security for the payment or repayment or money within the meaning of paragraph (1) of this Head no account shall be taken of any other instrument which is a security for the same sum or sums or for the payment or repayment as the case may be, of any part thereof, unless that other instrument is chargeable with stamp duty under paragraph (1) above and is duly stamped.		
(3) Transfer or assignment—For every \$100 or part of \$100 principal moneys owing	\$1.75	The transferee
(4) Reconveyance, release, or discharge of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured	\$10.00	The mortgagor
<i>Exemption</i> The transfer of a mortgage or mortgages to or in trust for any corporation or body of persons associated solely for religious, charitable, or educational purposes or any refinancing or reconveyance of the stamped amount of mortgage.		
NOTARIAL ACT		
(1) For every notarial act of any kind (except protests on injury to ship or cargo)	\$5.00	The person requiring the act
(2) For every maritime protest for or in respect of any injury or damage to any ship or vessel or the cargo or loading thereof or for any purpose that such protest may be required for and whether noted only or extended in due form	\$5.00	
ORDER FOR PAYMENT See Bills of Exchange.		
PARTITION OR DIVISION—		
(1) For any instrument effecting a partition of any lands	The like duty as on a transfer	The person making the partition
POLICY OF LIFE ASSURANCE OR INSURANCE—		
For every equitable assignment thereof to secure the payment or repayment of money for all local and overseas insurance transaction fees	The like duty as on a mortgage	The assignor

On re-assignment of the same	Like duty as in discharge of mortgage	The assignor
POLICY OF ASSURANCE OR INSURANCE on any and all insurance policies issued on or after the 1st of February, 2013.	15% on gross premium payable	The policy holder
The foregoing duty (hereinafter called the basic duty) under this item shall be payable in respect of a policy or instrument of which the term or period does not exceed one year. Where the term or period of any policy or instrument referred to in this item exceeds one year the duty payable shall be the basic duty multiplied by the number of years covered by the policy or instrument and for this purpose an incomplete year shall be reckoned as one year.		
On any renewal of any policy or instrument referred to in this item duty shall be payable in accordance with the period for which the policy or instrument is renewed as on an original issue for that period		
<i>Exemptions</i> (a) any agreement made in pursuance of the provisions of section 16 of the Workmen's Compensation Act; (b) compulsory third party; and (c) medical insurance		
POLICY OF MARINE INSURANCE	10%	The policy holder
POLICY OF MOTOR VEHICLE INSURANCE	5%	The policy holder
POLICY OF TRAVEL INSURANCE	15%	The policy holder
POWER OF ATTORNEY— Upon every power or letter of attorney whether executed in or out of Fiji	\$100.00	The person executing
PROMISSORY NOTES See Bills of Exchange.		
RENT, VARIATION OF	\$5.00	The lessee or the tenant
SETTLEMENT, Deed of	\$50.00	The person making the settlement
TRANSFER (other than any transfer otherwise specifically charged)—		The transferee

<p>(1) Of a share, or any stock, or the like, in or of any corporation or limited liability company for every \$100 or part thereof of the purchase or consideration price</p>	<p>\$3.00</p>	
<p>(2) Of any property (or interest therein) for every \$100 or part thereof of the purchase or consideration price</p>	<p>\$3.00</p>	
<p>Provided that—</p> <p>(i) No instrument appointing any new trustee or trustees under any will, settlement, or other instrument, or any transfer to any devisee, or any appointee under a deed or will not valuable consideration or to any next-of-kin by any executor, administrator, or trustee shall be liable to the duty under this or any other Act relating to duties.</p>		
<p><i>Exemptions—</i></p> <p>(a) Any instrument dedicating a road, street or free and perpetual right-of-way to the use of the public, or dedicating or transferring to any municipality land reserved as open space in a sub-division, and not containing any provision by which such instrument could otherwise become liable to duty;</p> <p>(b) Any transfer of property to or in trust for any corporation or body of persons associated for religious, charitable, or educational purposes; and any instrument for declaring or defining the trust or for appointing new trustees in respect of such property;</p> <p>(c) Transfer pursuant to Court Order—exempt only if Court Order stipulates</p>		

GIVEN under my hand this 15th day of January 2013.

EPELI NAILATIKAU
President of the Republic of Fiji