

Stamp Duties (Amendment) Bill

Bill No. 32/2008.

Read the first time on 20th October 2008.

A BILL

i n t i t u l e d

An Act to amend the Stamp Duties Act (Chapter 312 of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1.—(1) This Act may be cited as the Stamp Duties (Amendment) Act 2008.

(2) Section 3 shall be deemed to have come into operation on 15th
5 February 2007.

(3) Section 4 shall come into operation on 1st January 2009.

(4) Section 5 shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

10 2. Section 2 of the Stamp Duties Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the definition of “Commissioner”, the following definition:

“ “company” means any company incorporated or registered under any law in force in Singapore or elsewhere;”.

15 Amendment of section 15

3. Section 15 of the principal Act is amended —

(a) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

20 “(b) the transfer, conveyance or assignment of any beneficial interest in any asset between such entities that are associated in such manner as may be prescribed; or”;

(b) by inserting, immediately before the definition of “firm” in subsection (4), the following definition:

25 “ “entity” means any of the following:

(a) a company;

(b) a registered business trust;

(c) a statutory body;

(d) a limited liability partnership;”;

30 (c) by inserting, immediately after the definition of “firm” in subsection (4), the following definition:

““limited liability partnership” has the same meaning as in the Limited Liability Partnerships Act (Cap. 163A) and includes any similar partnership formed or incorporated outside Singapore;”; and

- 5 (d) by deleting the full-stop at the end of the definition of “registered business trust” in subsection (4) and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““statutory body” means any body corporate established by any written law.”.

10 **Amendment of section 16**

4. Section 16 of the principal Act is amended by deleting subsection (2).

Amendment of section 70

5. Section 70 of the principal Act is amended —

- (a) by deleting subsection (6);
- 15 (b) by inserting, immediately after subsection (7), the following subsections:

“(7A) Where an agent makes any payment of moneys to the Commissioner under this section —

- 20 (a) the agent shall be deemed to have been acting under the authority of the person by whom the duty is payable (referred to in this section as the person in default);
- (b) the agent is hereby indemnified in respect of the payment to the Commissioner;
- 25 (c) the amount of the duty due from the person in default shall be reduced by the amount paid by the agent to the Commissioner; and
- 30 (d) the amount of the reduction shall, to the extent of that amount, be deemed to have been paid to the person in default in accordance with any law, contract or scheme governing the payment of moneys held by the agent for or due from the agent to the person in default.

(7B) Where —

- (a) an amount of duty is due from any person under this Act otherwise than as an agent under this section;
- 5 (b) except for this subsection, an amount is or would, at any time during the period of 90 days after the date of the receipt of the notice in paragraph (c), be payable by the Government to the person in default by or under any written law, contract or scheme; and
- 10 (c) before payment of the amount referred to in paragraph (b) is made to the person in default, the Commissioner serves notice on any public officer by whom the payment is to be made that the duty is due from the person in default,

15 then the public officer shall, notwithstanding any other written law, contract or scheme, be entitled to reduce the amount referred to in paragraph (b) by the amount of the whole or any part of the duty referred to in paragraph (a), and if the public officer makes such a reduction —

- 20 (i) the amount of the duty referred to in paragraph (a) shall be reduced by the amount of the reduction; and
- (ii) the amount of the reduction shall, to the extent of such amount, be deemed to have been paid to the person in default in accordance with any law, contract or scheme governing the payment of moneys referred to in paragraph (b) to the person in default.”; and
- 25 (c) by deleting the word “agents” in the section heading and substituting the words “agent, etc., for recovery of duty”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Stamp Duties Act (Cap. 312).

Clause 1 relates to the short title and commencement.

Clause 2 inserts a new definition for “company” to clarify, for the avoidance of doubt, that it includes (unless the context otherwise requires) a company that is incorporated or registered outside of Singapore.

Clause 3 amends section 15 to extend the ad valorem duty relief under that section to statutory bodies and limited liability partnerships (whether formed or incorporated in Singapore or outside of Singapore).

Clause 4 deletes subsection (2) of section 16 to remove the mandatory requirement of adjudication before the Commissioner of Stamp Duties on any conveyance or transfer operating as a voluntary disposition inter vivos.

Clause 5 amends section 70 to enable the Government to set-off an amount of outstanding duty against what is payable by the Government to the person in default of duty under any law, contract or scheme.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
