

S.I. 52 of 2024

STAMP DUTY ACT

*(Cap 227)***Stamp Duty (Exemption) (Amendment) Order, 2024**

In exercise of the powers conferred by section 47 of the Stamp Duty Act, the Minister responsible for finance makes the following Order —

Citation

1. This Order may be cited as the Stamp Duty (Exemption) (Amendment) Order, 2024.

Amendment of paragraph 2

2. The Stamp Duty (Exemption) Order, 2019, (hereinafter referred to as the “principal Order is amended in paragraph 2 as follows —

- (a) by inserting after the definition of “instrument” the following definition —

““spouse” includes a partner in a domestic relationship that qualifies as a qualifying relationship under article 260 of the Civil Code of Seychelles Act (*Act 1 of 2021*).”

Amendment of paragraph 3

3. The principal Order is amended in paragraph 3 as follows —

- (a) by repealing clause (a) of subparagraph (2) and substituting it with the following —

“(a) the transferee or lessee is an individual and a citizen of Seychelles;”

- (b) by repealing clauses (b) and (c) in subparagraph (3) and substituting them with the following —

- “(b) subject to subparagraph (4), the exemption is limited to matrimonial home or matrimonial property of a value not exceeding Seychelles rupees three million (SCR3,000,000/-).”
- (c) by inserting after subparagraph (3) new subparagraphs (4), (5), (6) as follows —

“(4) Exemptions under subparagraphs (1) (a) and (1) (f) shall apply subject to the additional conditions, qualifications or limitations —

- (a) in this subparagraph, “property” means, land, lease, matrimonial home and matrimonial property that are subject to stamp duty on transfer or lease;
- (b) where a transfer or lease under paragraph 3(1)(a) or 3(1)(f), as the case may be, relates to an undivided share in land or lease, the exemption of stamp duty shall be equal to the proportion of the undivided share of the transferee or lessee to the aggregate value of the property, provided that the value of the property does not exceed Seychelles Rupees three million (SCR3,000,000/-);
- (c) subparagraph (b) shall apply notwithstanding that the stipulated monetary consideration or value of the undivided share is less than Seychelles Rupees three million (SCR3,000,000/-);
- (d) for clarity, where the aggregate value of the property exceeds Seychelles Rupees three million (SCR3,000,000/-), no exemption of stamp duty shall apply to the transaction.

(5) Where a person is a party to a transfer or lease involving more than one transferee or lessee, and that person meets the requirements under subparagraph (2) or (3) for his or her transfer or lease to be subject to exemption of stamp duty, the exemption of stamp duty shall be equal to the proportion of the undivided share of that person to the aggregate value of the property or the aggregate stipulated purchase price, provided that such value or stipulated purchase price does not exceed Seychelles Rupees three million (SCR3,000,000/-) Provided that where the aggregate value of the property or the aggregate stipulated purchase price exceeds Seychelles Rupees three million (SCR3,000,000/-), no exemption of stamp duty shall apply to the transaction.

(6) In relation to a transfer or lease made under paragraph 3(1)(a), subparagraphs (4) and (5) are deemed to have come into operation on the 1st January, 2022, with the rate of exemption applicable on the date of the transfer or lease.

(7) Any refund under subparagraphs (4) and (5) shall be subject to paragraph 3B and the rate of exemption applicable on the date of the transfer or lease.”

Insertion of new of paragraphs 3B and 3C

4. The principal Order is amended by inserting after paragraph 3A new paragraphs 3B and 3C as follows —

“Refund of stamp duty

3B.(1) Where the Minister is satisfied that an instrument subject to exemption of stamp duty under this Order has been assessed and subject to any duty, including validating duty, the Minister shall refund the amount thereof to the person by whom it was paid.

(2) Subject to subparagraph (3), an application under subparagraph (1) shall be made within a period of 48 months after the date of the payment of such duty.

(3) Where an instrument subject to exemption of stamp duty under this Order has been assessed with and subject to any duty, including validating duty, and the duty was paid between —

- (a) 2nd September, 2019 to 31st August, 2022, an application for refund of stamp duty under this paragraph shall be made within a period of 48 months after the date of the publication of this Order in the *Gazette*;
- (b) 1st September, 2022 to 29th July, 2024, an application an application for refund of stamp duty under this paragraph shall be made within a period of 48 months after the date of the payment of such duty.

Manner of application under 3(1)(f)

3C.(1) An application for exemption of stamp duty under paragraph 3(1)(f) shall be accompanied by proof, to the satisfaction of the Minister, of the qualifying relationship between the parties.

(2) An affidavit of facts with relevant documentary evidence may constitute satisfactory proof.

(3) The Minister may, in addition to the affidavit of facts, request any information or documents from the applicant or any other person as deemed necessary to consider the application for exemption”

Amendment of Schedule 2

5. Schedule 2, of the principal Order is amended by inserting after item (5) a new item (6) under the “note:” as follows —

“(6) proof of a qualifying relationship e.g. an affidavit of facts.*”.

MADE this 29th day of July, 2024.

**NAADIR HASSAN
MINISTER OF FINANCE,
NATIONAL PLANNING AND TRADE**
