

STAMP DUTY AMENDMENT BILL 2017

SAMOA

Explanatory Memorandum

Introduction:

The Bill seeks to amend the Stamp Duty Ordinance 1932 (“Principal Act”). The objects and purpose of the Bill are:

- (a) to amend section 2 of the principal Act by inserting definitions for capital assets and capital gains; and
- (b) to amend section 4 of the principal Act:
 - (i) to provide an obligation on a person who owns a capital asset (and makes a capital gains on the sale of such) to settle his/her capital gains tax before the relevant instrument for sale is stamped under the Stamp Duty Ordinance; and
 - (ii) that the Ministry of Finance or Ministry of Natural Resources and Environment may seek assistance from Ministry of Revenue to verify any information provided by a person to be stamped.

Clauses:

- Clause 1:** - states that when enacted, the Bill will be called the Stamp Duty Amendment Act 2017, and will commence on 1 July 2017.

- Clause 2:** - amends section 2 of the Principal Act by inserting definitions for the terms “capital assets” and “capital gains” and amending definition for the term “presented for stamping”.
- Clause 3:** - amends section 4 of the Principal Act by substituting subsection (2) and inserting new subsections (3), (4) and (5).



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(Hon SILI Epa Tuioti)

MINISTER FOR FINANCE

STAMP DUTY AMENDMENT BILL 2017

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 4 amended

2017, No.

A BILL INTITULED

AN ACT to amend the Stamp Duty Ordinance 1932 (“principal Act”).

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

- (1) This Act may be cited as the Stamp Duty Amendment Act 2017.
- (2) This Act commences on 1 July 2017.

2. Section 2 amended:

Section 2 of the principal Act is amended as follows:

- (a) after the definition for “bill of lading” insert:

““capital assets” has the same meaning under the Income Tax Act 2012;

“capital gains” has the same meaning under section 62 of the Income Tax Act 2012;” and

- (b) in the definition of “presented for stamping”, for “Chief Executive Officer” substitute “prescribed Officer”.

3. Section 4 amended:

Section 4 of the principal Act is amended as follows:

- (a) for subsection (2) substitute:

“(2) The prescribed officer for:

- (a) instruments relating to the transfer or sale of land, is the Registrar of Land; and
- (b) all other instruments, is the Chief Executive Officer of the Ministry of Finance.”;

- (b) after subsection (2) insert:

“(3) An instrument (to effect a sale or disposal of a capital asset) to which a stamp duty applies, will not be accepted for stamping, until the capital gains tax is paid on capital gains realised from the sale or disposal of the capital asset.

- (4) For the purpose of subsection (3), the person presenting the instrument for stamping must provide written confirmation from the Ministry for Revenue that capital gains tax has been paid.
- (5) The Registrar of Land or Chief Executive Officer may seek verification from the Ministry for Revenue, of any information or document provided by a person under subsection (4)."
