

S.I. 51 of 2019

STAMP DUTY ACT

(Cap 227)

Stamp Duty (Exemption) Order, 2019

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

1. This Order may be cited as the Stamp Duty (Exemption) Order, 2019. Citation

2. In this order except where the context otherwise requires — Interpretation

“immovable property” means land with or without building thereon, a unit under the Condominium Property Act or a single apartment or a flat in Seychelles.

“instrument” includes any deed, judgment, decree, order or other document requiring stamping under the Act or registration under the Land Registration Act or the Condominium Property Act or registration or transcription under the Mortgage and Registration Act.

3.(1) Subject to subparagraph (2), the following instruments are hereby exempted from the stamp duty chargeable under this Act — Exemption

(a) transfer of ownership, or lease, of immovable property or an undivided share in immovable property, for residential purpose;

- (b) exchange of immovable property with the Republic except otherwise decided by the Minister;
- (c) transfer of immovable property, where the Republic or a public body under the lease or at any time prior to the registration of the instrument of transfer has agreed in writing with a lessee of an immovable property leased by the Republic or the public body to the lessee that —
 - (i) upon the happening of a certain and future event or the fulfilment of a condition of the lease or at a future time, the lessee's leasehold title to the immovable property will be converted into ownership or freehold title; and
 - (ii) the instrument of transfer of the conversion will be exempted from stamp duty;

and the event or time has happened or occurred or the condition is fulfilled, performed or satisfied.

- (d) transfer or lease of immovable property where the Republic has in writing agreed to exempt stamp duty;
- (e) transfer, transmission on death, or lease of immovable property or undivided share in immovable property registered in the name of a deceased proprietor by an heir, legatee, executor or executrix of a succession or Will of a deceased proprietor of the immovable property to a person who under the Will of the

deceased proprietor or the law relating to succession on his or her *intestacy* in relation to a deceased proprietor of the immovable property, as the case may be, are entitled to the immovable property (or an undivided share therein);

- (f) the transfer of matrimonial home or matrimonial property or any undivided share therein by one spouse to the other or by a spouse to the children of any or both of the spouses;
- (g) an instrument of discharge of charge or release of mortgage in favour of a public body for any housing loan subject to the approval by the Minister responsible for lands.

(2) Exemptions under paragraph (1) (a) shall apply subject to the following conditions, qualifications or limitations —

- (a) the transferee or lessee is a citizen of Seychelles;
- (b) subject to the proviso,
 - (i) the transferee or lessee is not a proprietor or owner of any immovable property for residential purpose;
 - (ii) the transferee or lessee has never owned an immovable property or undivided share in immovable property; and
- (c) the exemption is limited to a consideration or a value of Seychelles rupees two million (SCR2,000,000/-):

Provided that where a person is the proprietor or co-owner of an immovable property or any interest in immovable property by virtue of inheritance and the immovable property is, or if partitioned or subdivided will be, insufficient to accommodate a dwelling house thereon that is fit for human habitation with all appropriate and basic amenities for the person as certified by the Town and Country Planning Authority or such equivalent and appropriate governmental authority, the transfer or lease of an immovable property for residential purpose for the person shall be subject to exemption of stamp duty under this subparagraph (1)(a).

(3) Exemptions under subparagraph (1) (f) shall apply subject to the following conditions, qualifications or limitations—

- (a) the matrimonial property is immovable or immovable by destination; and
- (b) the exemption is limited to a consideration or a value of Seychelles rupees one million (SCR1,000,000).

Violation of conditions, qualifications or limitations

4. Any breach or contravention of the conditions, qualifications or limitations specified in this Order or any false representation or declaration made under this Order shall be a ground for cancellation of the stamp duty exemption prior to or after the registration and stamping of the instrument and in such event the beneficiary of the exemption shall on request of the Ministry responsible for Finance or the Stamp Duty Commissioner, as the case may be, remit the stamp duty chargeable for the instrument under the Act on such terms and condition as may be required.

5.(1) An application for exemption under paragraph 3(1) (a) shall be in the form specified in Schedule 1 and the applicant shall produce the documents specified therein.

Application form

(2) An application for exemption under paragraph 3(1) (f) shall be in the form specified in Schedule 2 and the applicant shall produce the documents specified therein.

6. The Minister shall, upon being satisfied that an applicant has complied with the requirements of this order, issue a certificate of exemption of stamp duty in the form as specified in Schedule 3.

Certificate of exemption

SCHEDULE 1

[Paragraph 3(1)(a)]

APPLICATION FORM

(Exemption of Stamp Duty)

Name:

Surname:.....

National Identity No.

Address:

Nationality:

Residential Tel No.:..... **Mobile No.:** **Work No.:**.....

Email Address:.....

Title No. /Parcel No./Unit No. of immovable property

.....

Specify immovable property, if (i) ownership or freehold of land with or without building thereon, unit, apartment, flat or (ii) lease of land with or without building thereon, unit, apartment, flat

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Purchase price* or estimated value* of immovable property:

SCR.....

The purchase or acquisition of the immovable property is for residential purpose.

YES NO

Are you the registered owner or proprietor of any immovable property or an undivided share in an immovable property?

YES NO

If Yes, please provide details of the immovable property, i.e. the title or parcel No., the extent of the immovable property, if ownership or lease, proportion of undivided share

Have you ever owned an immovable property or an undivided share in immovable property?

YES NO

If Yes, please provide details of the immovable property or the undivided share in immovable property, i.e. the title or parcel No., the extent of the immovable property, if ownership or lease, proportion of undivided share

If you own or owned an undivided share in immovable property, is the share that you own or owned or if partitioned or sub-divided, your share therein is or will be sufficient to accommodate a dwelling house thereon that is fit for human habitation with all appropriate and basic amenities?

If not, please provide a certificate to that effect by the Town and Country Planning Authority or such equivalent authority or body.

Note:-

- (1) *Immovable property means land with or without a building thereon, a unit under the Condominium Property Act or a single apartment or flat in Seychelles.*

(2) Please attach the following documents to the application form, as applicable:

- 1. Instrument* or promise of sale*, if executed;
- 2. Copy of Seychelles national identity card or Seychelles passport of the applicant; and
- 3. Certificate of the Town and Country Planning Authority.*

I, the undersigned applicant, hereby declare that the above particulars are true and correct in every detail to the best of my information and knowledge.

.....
Signature of Applicant

*provide as applicable.

SCHEDULE 2

[Paragraph 3(1)(f)]

APPLICATION FORM

(Exemption of Stamp Duty)

Name:

Surname:.....

National Identity No.

Address:

Nationality:

Residential Tel No.:..... **Mobile No.:** **Work No.:**

Email Address:

Title No./Parcel No./Unit No.

Name of registered proprietor/owner of immovable property

.....

Specify matrimonial home or matrimonial property, if (i) ownership or freehold of land with or without building thereon, unit, apartment or flat or (ii) lease of land with or without building thereon, unit, apartment or flat

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Consideration* or estimated value*:

SCR.....

Note:

Please attach the following documents to the application form, as applicable:

- (1) Copy of Seychelles national identity card or Seychelles passport
- (2) Instrument* or Promise of Sale*, if executed, or any judgment of the competent court*;
- (3) Certificate of marriage;
- (4) Certificate of divorce*;
- (5) Certificate of birth of the children of the spouse.*

I, the undersigned applicant, hereby declare that the above particulars are true and correct in every detail to the best of my information and knowledge.

.....
Signature of Applicant

**Provide as applicable.*

SCHEDULE 3

(Paragraph 6)



Republic of Seychelles
Ministry responsible Finance

CERTIFICATE OF EXEMPTION OF STAMP DUTY

Having considered the Application referred to herein, in accordance with the Stamp Duty (Exemption) Order, 2019, I hereby exempt from stamp duty the Instrument, in the amount, specified herein —

Particulars of Application and Instrument

1. Name of the Applicant:
2. Address of the Applicant:
3. National Identity No. of the Applicant:
4. Title no./Parcel no./Unit no.
5. Instrument: Transfer Lease
6. Amount -
 - 6.1 Not exceeding SCR 2,000,000/-
 - 6.2 Not exceeding SCR 1,000,000/-

This Certificate is issued in pursuance of Paragraph 6 of the Stamp Duty Exemption) Order, 2019 for producing before the appropriate authority to claim the stamp duty exemption.

The exemption granted under this Certificate of Exemption of Stamp Duty is subject to the following conditions:

- (i) The immovable property shall be solely used for residential purpose.
- (ii) The Ministry responsible for Finance or the office of the Registrar-General shall promptly and punctually be notified of any change of use of the immovable property.
- (iii) Any other fees, excluding stamp duty chargeable for the registration of the instrument shall be payable.

Should the immovable property be transferred or utilised for purposes other than that for which the exemption is granted or upon any breach or contravention of the condition, qualifications or limitations specified above, the stamp duty exemption hereby granted shall be cancelled by order of the Minister responsible for Finance and the beneficiary shall on the request of the Ministry responsible for Finance or the Stamp Duty Commissioner, as the case may be, and subject to such conditions remit the stamp duty chargeable for the instrument at the time of the registration and stamping of the instrument under the Stamp Duty Act as if no exemption was granted.

Dated this day of, 20.....

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Minister responsible for Finance

Copy to: Registrar-General

MADE this 26th day of August, 2019.

**MAURICE LOUSTAU-LALANNE
MINISTER OF FINANCE, TRADE, INVESTMENT
AND ECONOMIC PLANNING**
