

EXTRAORDINARY



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GOVERNMENT OF FIJI

STAMP DUTY (AMENDMENT) DECREE 2012
(DECREE NO. 84 OF 2012)

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. This Decree may be cited as the Stamp Duty (Amendment) Decree 2012 and shall come into force on 1 January 2013.

Schedule

2. The Schedule to the Stamp Duty Act (Cap. 205) is amended—
(i) 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
Exemption Any agreement made between an employer and a workman 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
Exemption Legal practitioner 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.
Exemptions (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) 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	
Discharge of —	The like duty as for discharge of mortgage	The assignor or lienor
BOND	\$50.00	The obligor
Exemption: Any bond issued by the Government of Fiji for the purposes of bonding students on Government scholarship		
CHARTER-PARTY, or any agreement or contract for the charter of any ship or vessel (including aeroplanes) for conveyance outside Fiji	\$500.00	The charter
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
Exemption		
Any debenture issued by the Government or by any municipal authority		
DEED of any kind whatsoever not otherwise charged in this Schedule	\$50.00	
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	
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	The parties
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
LEASE OR agreement for a lease or any written document for the tenancy or occupancy of any lands for:		The lessee or tenant
(a) Agricultural purposes (including dairy);	\$100.00	
(b) Commercial purposes;	\$1000.00	
(c) Residential purposes:-		
(i) Where Housing Authority is lessee:	\$100.00	
(ii) For other lessees:	\$500.00	
(d) Tourism/Audio visual purposes.	\$1500.00	
LEASE-Surrender of	\$10.00	The lessee
LETTERS OF CREDIT-See Bills of Exchange.		
MORTGAGE -		
(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 or	\$1.75	The mortgagor

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.	\$1.75	The mortgagor
(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	\$10.00	The mortgagor
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
Exemption 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.		
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: OF INSURANCE -		
For every equitable assignment thereof to secure the payment or repayment of money	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 of other instrument by whatsoever name the same shall be called whereby any insurance shall be made of or upon any building, goods, wares, merchandise or other property from loss or damage by fire or by any other cause whatsoever- For every \$100 insured or parts of \$100 thereby insured, and:-		The company or persons issuing the policy
(a) Where the insurance is over commercial property;	\$0.18	
(b) Where the insurance is over residential property and the value of the property is \$150,000 or less;	\$0.06	
(c) Where the insurance is over residential property and the value of the property is over \$150,000;	\$0.18	

Travel Insurance-for every \$100 insured or parts of \$100 thereby insured	\$0.18	
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.		
POLICY OF MARINE INSURANCE		The company or persons issuing the policy
(1) Upon every policy executed in Fiji on any voyage beyond Fiji		
For every \$100 and every part of \$100 there by insured	\$0.06	
(2) Upon every such policy for time -		
For every \$100 and every part of \$100 thereby insured -		
Where the insurance is made for any time not exceeding six months	\$0.06	
For any time exceeding six months and not exceeding twelve months	\$0.11	
Exemption		
the extension for the like time, of a policy where the insurance is made for any time not exceeding six months and relates to any shipment of sugar.		
POWER OF ATTORNEY –	\$100.00	The person executing
Upon every power or letter of attorney whether executed in or out of Fiji		
PROMISSORY NOTES		
See Bills of Exchange.		
SETTLEMENT, Deed of TRANSFER	\$50.00	The person making the settlement
(other than any transfer otherwise specifically charged) -		The transferee
(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	\$3.00	
(2) Of any property (or interest therein) for every \$100 or part thereof of the purchase or consideration price	\$3.00	
Exemptions -		
(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;		
(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;		
(c) Any transfer to any devisee or any appointee under a deed or will not for valuable consideration or to any next-of-kin by any executor, administrator, or trustee; and		

(d) Transfer pursuant to Court Order- exempt only if Court Order stipulates		
NOTE: nothing herein shall be deemed to exempt any instrument from liability to any other duty to which it is or may be liable under this or any other Act relating to stamp duties.		

ii) in Part 3, in paragraph 1 by inserting a new sub-paragraph after sub-paragraph (3) —

“(4) Any person, who for the first time, purchases a residential property, shall be conditionally exempted from paying stamp duty.”

GIVEN under my hand this 31st day of December 2012.

EPELI NAILATIKAU
President of the Republic of Fiji