BERMUDA

STAMP DUTIES AMENDMENT ACT 2022

2022 : 29

WHEREAS it is expedient to amend the Stamp Duties Act 1976 to provide additional relief to first time homeowners in the form of: exemption from the stamp duty relating to the instrument of conveyance, which exemption shall be dealt with under a pre-qualification procedure in relation to Head 14(b) and (c) of the Schedule; repealing of the requirement for first time homeowners to live in the purchased property for at least three years or complete construction of the property within three years; and exemption with respect to refinancing of a mortgage, in addition to transfer or assignment of a mortgage;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Stamp Duties Act 1976 (the "principal Act") may be cited as the Stamp Duties Amendment Act 2022.

Amends section 77

2 The principal Act is amended in section 77(1) by deleting the period at the end of paragraph (e) and substituting a semicolon, and by inserting after paragraph (e) the following new paragraph—

> "(f) prescribe a procedure to enable the Tax Commissioner to grant a pre-qualification first time homeowner notice to a purchaser where the purchaser is deemed to satisfy the criteria of a first time homeowner set out under paragraphs (b) and (c) of Head 14 of the Schedule.".

Amends the Schedule

3 The principal Act is amended in the Schedule—

(a) by repealing paragraph (b)(C) of Head 14;

(b) in Head 14(b)(F), by deleting the words "I/We, the purchaser(s) declare that conditions (B) and (C) are met" and substituting the words "I/We, the purchaser(s) declare that condition (B) is met";

(c) by inserting in Head 14 after paragraph (b) the following new paragraph—

"(c) Stamp duty for the instrument of conveyance where the Tax Commissioner has granted a purchaser a pre-qualification first time homeowner notice, and by virtue of the granting of such notice—

(i) no stamp duty shall be payable on the instrument which conveys the relevant property to the purchaser; and

(ii) the parties to the instrument shall not be required to pay any advance, of the stamp duty that would be payable if paragraphs (b) or (c) did not apply, to any barrister or attorney or financial institution.";

(d) in paragraph (ab) of Head 31, by deleting the words "or assignment" and substituting the words ", assignment or re-financing".

[Assent Date: 20 October 2022]

[Operative Date: 20 October 2022]