

BERMUDA

STAMP DUTIES AMENDMENT (NO. 2) ACT 2023

2023 : 13

WHEREAS it is expedient to amend the Stamp Duties Act 1976;

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 may be cited as the Stamp Duties Amendment (No. 2) Act 2023.

Amends the Stamp Duties Act 1976

2 The Stamp Duties Act 1976 is amended in the Schedule—

(a) in **Head 14** "Exemptions" in paragraph (b)—

(i) by deleting "Conveyance to a first time homeowner described in condition (B) of this paragraph, for consideration of $750,000 or less," and substituting "Exemption of stamp duty on the first $1,000,000 (or less) of consideration paid on a conveyance to a first time homeowner described in condition (B) of this paragraph,";

(ii) in paragraph (F) by deleting subparagraphs 2. and 3. and substituting—

"2. that the total amount of consideration [$xx.xx] for the residential property or parcel of land being conveyed has been paid; and

3. that this conveyance is not a part of a larger transaction that exceeds the total amount of consideration provided in 2.";

(b) by deleting paragraph (c) and substituting—

"(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, shall be calculated as follows—

(i) no stamp duty shall be payable on the first $1,000,000 of consideration paid in respect of the instrument which conveys the relevant property to the purchaser;

(ii) 6.3 per centum on the next $500,000 of that amount or value (over $1,000,000 but not exceeding $1,500,000), or any part thereof;

(iii) 7.35 per centum thereafter, and

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)(i) did not apply, to any barrister or attorney or financial institution.";

(c) in **Head 31** "Exemption" by deleting paragraph (ab) and substituting—

"(ab) Stamp duty on any transfer, assignment or re-financing of an outstanding mortgage, for consideration equal to the amount outstanding or the market value of the debt, shall be calculated as follows—

(i) on the first $1,000,000 of the principal sum secured, nil;

(ii) where the principal sum secured is greater than $1,000,000, ½ per centum of the principal sum that exceeds $1,000,000; and

(iii) where the principal sum secured is less than $1,000,000 but is also greater than the outstanding mortgage amount, as for a mortgage under paragraphs (i)(1) and (2) or (iii)(1) and (2), as appropriate.".

Commencement

3 This Act comes into operation on 1 April 2023.

[Assent Date: 31 March 2023]

[Operative Date: 01 April 2023]