

BELIZE:

STAMP DUTIES (AMENDMENT) (NO. 2) ACT, 2017

ARRANGEMENT OF SECTIONS

1. Short title and construction.
2. Amendment of section 2.
3. Amendment of section 64.
4. Repeal and replacement of section 72.
5. Amendment of section 73A.



No. 42 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

1st November, 2017.

AN ACT to further amend the Stamp Duties Act, Chapter 64 of the Substantive Laws of Belize, Revised Edition 2011, to make new provision in relation to stamp duties chargeable on transfers of land; and to provide for matters connected therewith or incidental thereto.

(Gazetted 4th November, 2017)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title and construction.

STAMP DUTIES (AMENDMENT)
(NO. 2) ACT 2017,

and shall be read and construed as one with the Stamp Duties Act which, as amended, is hereinafter referred to as the principal Act.

CAP. 64.
No. 30 of 2017.

Amendment of section 2.

2. Section 2 of the principal Act is amended by inserting in the definition of “land”, immediately after the word “hereditaments”, the words “, and, for greater certainty, strata lots comprised in a duly registered strata plan within the meaning of the Strata Titles Registration Act”.

CAP. 196.

Amendment of section 64.

3. Section 64 of the principal Act is amended in subsection (2) by deleting the words “whether by sale” and substituting therefor the words “other than a sale”.

Repeal and replacement of section 72.

4. Section 72 of the principal Act is repealed and the following substituted therefor,

“Stamp duty on transfer of land

72.—(1) Subject to subsection (3), there shall be paid a duty at the following rates on the value of the land or of the amount of the consideration, whichever is the greater, in respect of a transfer of land, whether by sale, exchange or gift, or pursuant to testamentary disposition or devolution on intestacy,

Value of Land

Rate of Stamp Duty

Not exceeding \$20,000

On an amount in excess of \$20,000,

0% (EXEMPT)

(a) where the transferee of land, being a natural person, is a citizen of Belize

5%

(b) where the transferee of land is a Belizean company

5%

- (c) where the transferee of land is a CARICOM national, acting for purposes directly related to the exercise by that national of a right of establishment or the right to provide a service in Belize 5%
- (d) in the case of any person not specified in paragraph (a), (b) or (c) 8%."

(2) Stamp duty at the applicable rate specified in subsection (1) is payable in respect of,

- (a) a settlement of land or other trust arrangement facilitating the participation by any person as a beneficiary under a trust, in any interest in land, whether or not the trust involves other property which is not land and notwithstanding anything in the Trusts Act, and the beneficiary is not a citizen of Belize;
- (b) an instrument transferring land as part of a company's assets to a successor company, whether by way of acquisition, merger or otherwise;
- (c) an instrument that involves the transfer of an equitable or beneficial interest in land or an agreement to

transfer an equitable or beneficial interest in land, to a transferee that is neither a citizen of Belize nor a Belizean company, as the case may be.

(3) A transfer of land to a citizen of Belize or to a Belizean company, by way of testamentary disposition or devolution on intestacy, or settlement or other arrangement specified in subsection (2) (a), is exempt from the payment of duty under this section.

(4) In this section,

“CARICOM national” means a person who,

- (a) is a citizen of a Member State;
- (b) has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration; or
- (c) is a company or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it,

provided that such company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity within the Caribbean Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

“right of establishment” includes the right to,

- (a) engage in any non-wage-earning activity of a commercial, industrial, agricultural, professional or artisan nature;
- (b) create and manage an economic enterprise;

“service” means a service provided against remuneration other than wages in any sector duly approved for the purposes of the supply of services between Member States, and “provide a service” means to supply a service,

- (a) from the territory of a Member State into the territory of another Member State;

- (b) in the territory of one Member State to a service consumer of another Member State;
- (c) as carried out by a service supplier of one Member State through commercial presence in the territory of another Member State;
- (d) as carried out by a service supplier of one Member State through the presence of a natural person of a Member State in the territory of another Member State.

(5) For the purposes of this section,

CAP. 250.

- (a) a company is a Belizean company if it has been formed and registered under the Companies Act or formed under another enactment of Belize, and is not a foreign-controlled company;
- (b) a company is a foreign-controlled company, if (regardless of where it has been formed),
 - (i) one half or more of its shareholders or directors are not citizens of Belize;
 - (ii) one half or more of its issued share capital is held by or for and on behalf of persons

who are not citizens of Belize; or

- (iii) one half or more of the votes exercisable at any meeting of the company is held by or for and on behalf of persons who are not citizens of Belize.

5. Section 73A of the principal Act is amended,

Amendment of section 73A.

- (a) in subsection (1), by deleting the words “which includes” and substituting therefor the words “whether or not the agreement includes”, and by inserting the word “applicable” before the words “rate specified”;
- (b) in subsection (3), by inserting the word “applicable” before the words “rate specified”;
- (c) in subsection (4), by inserting in paragraphs (a) and (b), immediately before the words “shall be read and construed”, the words “in that subsection and section 72”.