

BILL NO. 17 OF 2020

A BILL

FOR AN ACT TO REPEAL THE STAMP DUTIES ACT 1920

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Stamp Duties (Repeal) Act 2020.
- (2) This Act comes into force on 1 August 2020.

Repeal

2. The Stamp Duties Act 1920 and any subsidiary legislation made thereunder are repealed.

Savings and transitional

- 3.—(1) Notwithstanding the repeal of the Stamp Duties Act 1920—
 - (a) any instrument that is subject to stamp duty under the Stamp Duties Act 1920 and which is executed or takes effect before 1 August 2020 remains subject to stamp duty in accordance with such Act;
 - (b) the Chief Executive Officer of the Fiji Revenue and Customs Service continues to exercise the powers and responsibilities of the Commissioner of Stamp Duties provided under the Stamp Duties Act 1920 for the purposes

of duly stamping any instrument subject to stamp duty under the Stamp Duties Act 1920 before 1 August 2020 or for the recovery of any unpaid stamp duty; and

- (c) the Chief Accountant may, without further appropriation, pay out of the Consolidated Fund any money payable to any person under the provisions of the Stamp Duties Act 1920.
- (2) Any licence granted under section 12 of the Stamp Duties Act is cancelled.

Consequential amendments

- 4.** The Acts listed in the Schedule are amended as set out in that schedule.

SCHEDULE
(Section 4)

CONSEQUENTIAL AMENDMENTS

Bankruptcy Act 1944

1. The Bankruptcy Act 1944 is amended by deleting section 129.

Biosecurity Act 2008

2. The Biosecurity Act 2008 is amended in Part B of Schedule 4 by deleting paragraph 12.

Companies Act 2015

3. The Companies Act 2015 is amended by—
 - (a) in section 211, deleting subsections (2) and (3); and
 - (b) deleting section 502.

Consumer Credit Act 1999

4. The Consumer Credit Act 1999 is amended by—
 - (a) in section 48(5)(a), deleting “stamp duty in respect of the assignment or disposal agreement, or any other” and substituting “any”; and
 - (b) in section 151(1)(c), deleting “stamp duty or other”.

Diplomatic Privileges and Immunities Act 1971

5. The Diplomatic Privileges and Immunities Act 1971 is amended in section 13 by—
 - (a) in subsection (1), deleting “stamp duty under the Stamp Duties Act 1920 and from any fee or duty under any other” and substituting “any fee or duty under any”; and
 - (b) in subsection (2)(b), deleting “stamp duty under the Stamp Duties Act 1920 and from any fee or duty under any other” and substituting “any fee or duty under any”.

Employment Relations Act 2007

6. The Employment Relations Act 2007 is amended by deleting section 166(7).

Fiji Development Bank Act 1966

7. The Fiji Development Bank Act 1966 is amended in section 30(1) after “duties” by inserting “paid before 1 August 2020”.

Fiji Revenue and Customs Service Act 1998

8. The Fiji Revenue and Customs Service Act 1998 is amended by—
 - (a) in section 27(2), deleting paragraph (a)(ii);
 - (b) in section 53 in the heading, deleting “and duties”;
 - (c) deleting section 53(2); and
 - (d) in Schedule 1, deleting paragraph 15.

Fijian Competition and Consumer Commission Act 2010

9. The *Fijian Competition and Consumer Commission Act 2010* is amended in section 24 by—

- (a) in the heading, deleting “and duties”; and
- (b) deleting subsection (2).

Land Development Act 1961

10. The *Land Development Act 1961* is amended in section 36 by deleting “stamp duties and”.

Land Sales Act 1974

11. The *Land Sales Act 1974* is amended by deleting section 8.

Legal Practitioners Act 2009

12. The *Legal Practitioners Act 2009* is amended in section 136 by deleting “, and every person so appointed shall, on his or her appointment, pay as stamp duty to the Commissioner of Stamp Duties the sum of \$1,000 provided that any legal practitioner employed by the State shall be exempt from the payment of such stamp duty”.

Maritime Safety Authority of Fiji Act 2009

13. The *Maritime Safety Authority of Fiji Act 2009* is amended in section 55 by—

- (a) in the heading, deleting “and duties”; and
- (b) deleting subsection (2).

Mining Act 1965

14. The *Mining Act 1965* is amended by—

- (a) in section 46(3)(a), deleting “, and no dealing shall be so endorsed unless it is stamped to the satisfaction of the Commissioner of Stamp Duties”; and
- (b) in section 52, deleting “and to the provisions of the Stamp Duties Act 1920”.

National Bank of Fiji Restructuring Act 1996

15. The *National Bank of Fiji Restructuring Act 1996* is amended in section 68 by—

- (a) in the heading, deleting “or duties”; and
- (b) deleting subsection (2).

National Trust of Fiji Act 1970

16. The *National Trust of Fiji Act 1970* is amended by deleting section 19(1).

Personal Property Securities Act 2017

17. The *Personal Property Securities Act 2017* is amended in section 11 by—

- (a) in the heading, deleting “, security interest and stamp duty” and substituting “ and security interest”; and
- (b) deleting subsection (4).

Petroleum (Exploration and Exploitation) Act 1978

18. The Petroleum (Exploration and Exploitation) Act 1978 is amended by—

- (a) in section 50(3)(a), deleting “, and no dealing shall be so endorsed unless it is stamped to the satisfaction of the Commissioner of Stamp Duties under the provisions of the Stamp Duties Act 1920”; and
- (b) in section 55, deleting “Subject to the provisions of the Stamp Duties Act 1920, in” and substituting “In”.

Posts and Telecommunications Act 1989

19. The Posts and Telecommunications Act 1989 is amended by deleting sections 73(5) and 111.

Preservation of Objects of Archaeological and Palaeontological Interest Act 1940

20. The Preservation of Objects of Archaeological and Palaeontological Interest Act 1940 is amended by deleting section 22.

Proceeds of Crime Act 1997

21. The Proceeds of Crime Act 1997 is amended by deleting section 15(6).

Property Law Act 1971

22. The Property Law Act 1971 is amended by deleting sections 109(6) and 110(7).

Sugar Cane Growers Fund Act 1984

23. The Sugar Cane Growers Fund Act 1984 is amended in section 15 by—

- (a) in the heading, deleting “, stamp duty”; and
- (b) deleting subsection (2).

Television Act 1992

24. The Television Act 1992 is amended by deleting section 24(5).

Tax Administration Act 2009

25. The Tax Administration Act 2009 is amended in section 28(9) by deleting “, and the order is subject to stamp duty accordingly”.

Value Added Tax Act 1991

26. The Value Added Tax 1991 is amended in Schedule 1 in paragraph 1A by deleting “Any stamp duties assessed under the Stamp Duties Act 1920 and the” and substituting “The”.

Water Authority of Fiji Act 2007

27. The Water Authority of Fiji Act 2007 is amended in section 6(2) by deleting “, stamp duties”.

Agricultural Landlord and Tenant (Tribunal Procedure) Regulations 1967

28. The Agricultural Landlord and Tenant (Tribunal Procedure) Regulations 1967 is amended by—

- (a) in regulation 48(2), deleting “be duly stamped as required by the Stamp Duties Act 1920 and”; and
- (b) in Schedule 3, deleting “STAMP DUTY”.

Bankruptcy (Fees) Rules 1969

29. The Bankruptcy (Fees) Rules 1969 is amended in the Schedule in paragraph 34(ii) by deleting “or the stamp duty”.

Companies (Penalties) Regulations 2015

30. The Companies (Penalties) Regulations 2015 is amended by—

- (a) in Schedule 1, deleting item 117; and
- (b) in Schedule 2, deleting item 11.

Companies Regulations 2015

31. The Companies Regulations 2015 is amended by—

- (a) in Schedule 1 in the table, deleting item 36; and
- (b) in Schedule 2—
 - (i) in Form A11, deleting “You must also lodge a Form A36 certifying that all stamp duties have been paid”;
 - (ii) in Form A26, deleting “You must also lodge a Form A36 certifying that all stamp duties have been paid”; and
 - (iii) deleting Form A36.

Consumer Credit Regulations 2009

32. The Consumer Credit Regulations 2009 is amended in the Schedule in Form 11 in paragraph 2 by deleting “stamp duty and other” and substituting “any”.

Fiji Development Bank (Forms) Regulations 1967

33. The Fiji Development Bank (Forms) Regulations 1967 is amended in the Schedule by—

- (a) in Form 2, deleting “Stamp Duty”; and
- (b) in Form 3, deleting “STAMP DUTY”.

High Court Rules 1988

34. The High Court Rules 1988 is amended in Order 41 by deleting rule 10(2).

Income Tax (Film-making and Audio-visual Incentives) Regulations 2016

35. The Income Tax (Film-making and Audio-visual Incentives) Regulations 2016 is amended in regulation 80E(1) in the table, in item 2(b)(i) by deleting “upon payment of the appropriate stamp duty”.

iTaukei Land Trust (Leases and Licences) Regulations 1984

36. The iTaukei Land Trust (Leases and Licences) Regulations 1984 is amended by—

- (a) in regulation 12(1)(b) and (4)(b), deleting “, stamp duty” wherever it appears; and
- (b) in Schedule 2 in the table, deleting the first column.

Legal Practitioners (Non-Contentious Business) Rules 2004

37. The Legal Practitioners (Non-Contentious Business) Rules 2004 is amended in Schedule 4 by—

(a) in Part B—

- (i) in paragraph (a), deleting “or any work carried out to apply for exemption from stamp duty”; and
- (ii) in paragraph (b), deleting “office of the Commissioner of Stamp Duties and/or the”; and

(b) in Part C—

- (i) in paragraph (a), deleting subparagraph (iii);
- (ii) in paragraph (b), deleting subparagraph (iii); and
- (iii) in paragraph (d), deleting subparagraph (iii).

Mining Regulations 1966

38. The Mining Regulations 1966 is amended in Schedule 1 by—

- (a) in Form 9, deleting “Stamp Duty”; and
- (b) in Form 21, deleting “STAMP DUTY”.

Proceeds of Crime (Management and Disposal of Property) Regulations 2012

39. The Proceeds of Crime (Management and Disposal of Property) Regulations 2012 is amended by deleting regulation 18.

State Lands (Leases and Licences) Regulations 1980

40. The State Lands (Leases and Licences) Regulations 1980 is amended in Schedule 1 in Form 1 by deleting “STAMP DUTY” and “\$ c Stamp Duty paid vide RR No of Commissioner of Stamp Duties”.

Tax Administration (Infringement Notices) Regulations 2018

41. The Tax Administration (Infringement Notices) Regulations 2018 is amended in Schedule 1 by deleting paragraph 4, including the table.

July 2020

STAMP DUTIES (REPEAL) BILL 2020

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Stamp Duties Act 1920 (**‘Act’**) was promulgated in 1920 as Ordinance No. 9 of 1920. The Act imposes a duty on documents and instruments listed in the Schedule to the Act, including mortgages, bills of exchange, leases, registration of vehicles, policies of insurance, security agreements, etc.
- 1.2 The Stamp Duties (Repeal) Bill 2020 (**‘Bill’**) seeks to repeal the Act to abolish stamp duty.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on 1 August 2020.
- 2.2 Clause 2 of the Bill repeals the Act.
- 2.3 Clause 3 of the Bill provides for the saving of provisions necessary to facilitate the transition out of the application of the Act.
- 2.4 Clause 4 of the Bill provides for consequential amendments to laws as listed in the Schedule to the Bill.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for finance.

A. SAYED-KHAIYUM
Attorney-General