

L.N. 240 of 2020**DUTY ON DOCUMENTS AND TRANSFERS ACT
(CAP. 364)****Exemption of Duty in Terms of Article 23
(Amendment) Order, 2020**

BY VIRTUE of the powers vested in him by article 23 of the Duty on Documents and Transfers Act, the Minister for Finance and Financial Services , has made the following Order:-

Citation. **1.** The title of this Order is the Exemption of Duty in Terms of Article 23 (Amendment) Order, 2020, and this Order shall be read and construed as one with the Exemption of Duty in Terms of Article 23 Order, hereinafter referred to as "the principal Order".

S.L. 364.12.

Amends article 3 of the principal Order. **2.** Article 3 of the principal Order shall be amended as follows:

(a) the words "before the 1st January 2020," thereof, shall be substituted by the words "before the 15th October 2019,"; and

(b) immediately after the second proviso thereof, there shall be added the following new proviso:

"Provided also that in respect of transfers of property made on or after the 9th June 2020, for the purpose of determining whether the property is the first immovable property acquired *inter vivos* by such person, the previous acquisition by such person of an undivided share of immovable property representing less than twenty-five per cent (25%) of the real value of the whole of such property, shall not be taken into account, so however that this proviso shall not apply if such person has been granted the relief provided under article 32(4)(a) of the Duty on Documents and Transfers Act or under this article:".

Cap. 364.

3. Immediately after article 4 of the principal order, there shall be added the following new article:

Adds new article to the principal order.

"Exemption from duty for deeds made between 9th June 2020 and 31st March 2021.
Cap. 364.

5. (1) In the case of a transfer *inter vivos* of immovable property or any real right over such property made on or after the 9th June 2020 but before the 1st April 2021, the duty otherwise chargeable in terms of the Duty on Documents and Transfers Act on the first four hundred thousand euro (€400,000) of the amount or value of the consideration for the transfer of the property or the value of the property, whichever is the higher, shall be chargeable at the rate of one euro and fifty cents (€1.50) for every one hundred euro (€100.00) or part thereof:

Provided that this article shall only apply where all the following conditions are satisfied:

Cap. 246.

(a) the person acquiring the property does not require a permit for the purposes of the Immovable Property (Acquisition by Non-Residents) Act;

(b) notice of the final deed in relation to such transfer is given to the Commissioner for Revenue by not later than the 30th April 2021; and

Cap. 364.

(c) no relief is claimed under article 32C of the Duty on Documents and Transfers Act on the same transfer.

(2) In the case of an acquisition of an undivided share of property, the benefit shall apply on a *pro rata* basis according to the share of the property being acquired.

Cap. 364.

(3) (a) where the Commissioner is of the opinion that two or more transfers form part of a structured arrangement, he may order, within five years from the date of the last of the said transfers, that the exemption granted under this article shall not apply to those transfers and in such a case the duty shall be chargeable on each of those transfers in accordance with the provisions of the Duty on Documents and Transfers Act without reference to this article;

(b) the difference between the duty chargeable as provided in sub-article (3)(a) and the duty already paid shall become payable by not later than thirty (30) days following the service of a notice on the transferee;

Cap. 364.

(c) a person served with a notice made under sub-article (3)(a) shall have the same rights of objection and appeal in accordance with the provisions of the Duty on Documents and Transfers Act as if that notice were an assessment made under article 54 of that Act;

(d) for the purpose of this article, "structured arrangement" means two or more acquisitions of portions of the same property made by the same person within a period of six months which are executed by two or more deeds, rather than by one single deed, solely or mainly for the purpose of inflating the benefit of the exemption that would otherwise be available in terms of this article;

(e) for the purpose of paragraph (d), "portions of the same property" includes:

(i) adjacent parcels of land;

(ii) portions of developed property or of property under construction that are not identifiable as separate units;

(iii) the airspace and the property beneath it;

(iv) portions of the airspace overlying the same property;

(f) for the purpose of paragraph (d), acquisitions made by bodies of persons that are directly or indirectly controlled and beneficially owned as to more than fifty per cent (50%) by the same persons shall be deemed to be acquisitions made by the same person.

(4) The provisions of this article shall be deemed to have come into force on the 9th June 2020."