

L.N. 427 of 2020

**DUTY ON DOCUMENTS AND TRANSFERS ACT
(CAP. 364)**

**Extension of Exemptions (Duty on Documents and Transfers Act)
Order, 2020**

IN EXERCISE of the powers conferred by article 23 of the Duty on Documents and Transfers Act, the Minister for Finance and Financial Services has made the following order:-

1. The title of this order is the Extension of Exemptions (Duty on Documents and Transfers Act) Order, 2020. Citation.

Part I

Amendments to the Exemption of Duty in terms of article 23 Order.

2. This Part amends the Exemption of Duty in terms of article 23 Order and it shall be read and construed as one with the Exemption of Duty in terms of article 23 Order, hereinafter in this Part referred to as "the principal order". Amendments to the Exemption of Duty in terms of article 23 Order. S.L. 364. 12.

3. Article 3 of the principal order shall be amended as follows: Amends article 3 of the principal order.

(a) in the second proviso thereof, the words "before the 1st January 2021" shall be substituted by the words "before the 20th October 2020";

(b) immediately after the second proviso thereof there

shall be added the following new proviso:

Cap. 364. "Provided further that in respect of transfers of property made on or after the 20th October 2020 but before the 1st January 2022, which qualify for relief of duty under article 32(4)(a) of the Duty on Documents and Transfers Act, no duty shall be chargeable on the first two hundred thousand euro (€200,000) of the aggregate value of the consideration paid for the acquisition of such property by a person, provided that this is the first immovable property acquired *inter vivos* by such person and provided that the notary who receives any deed of such a transfer shall record in the deed a written declaration by the person so acquiring that this is the first immovable property acquired *inter vivos* by him and the notary shall warn the said person of the importance of the truthfulness of such declaration:"; and

(c) in the fifth proviso thereof, the words "before the 28th February 2021:" shall be substituted by the words "before the 28th February 2022:".

Amends article 4 of the principal order.

4. Paragraph (b) of sub-article (1) of article 4 of the principal order shall be substituted by the following new paragraph:

"(b) the final deed in relation to such transfer is made by the 31st December 2021 and the notice of the final deed in relation to such transfer is given to the Commissioner for Revenue by the 28th February 2022;".

Amends article 5 of the principal order.

5. Article 5 of the principal order shall be amended as follows:

(a) the marginal note thereof shall be substituted by the words "Exemption from duty on certain property transfers."; and

(b) immediately after paragraph (c) of the proviso to sub-article (1) thereof, there shall be added the following new

provisos:

"Provided further that where notice of the relative promise of sale is given to the Commissioner for Revenue before the 1st April 2021, the exemption under this article shall also apply in the case of a transfer *inter vivos* of immovable property or any real right over such property made by not later than the 31st December 2021, provided that notice of the final deed in relation to such transfer is given to the Commissioner for Revenue by not later than the 28th February 2022:

Cap. 246. Provided further that this article shall not apply to a person who would have required a permit by the Minister for the purposes of the Immovable Property (Acquisition by Non-Residents) Act had the property acquired not been situated in a special designated area."

Part II

Amendments to the Duty on Donations of Marketable Securities and Immovable Property Used for Business (Exemption) Order

6. This Part amends the Duty on Donations of Marketable Securities and Immovable Property Used for Business (Exemption) Order and it shall be read and construed as one with the Duty on Donations of Marketable Securities and Immovable Property Used for Business (Exemption) Order, hereinafter in this Part referred to as "the principal order".

Amendments to the Duty on Donations of Marketable Securities and Immovable Property Used for Business (Exemption) Order.
S.L. 364. 15.

7. In article 3 of the principal order, the words "1st January 2021" shall be substituted by the words "1st January 2022".

Amends article 3 of the principal order.

8. In the proviso to sub-article (1) of article 4 of the principal order, the words "31st December 2020" shall be substituted by the words "31st December 2021".

Amends article 4 of the principal order.

Part III

Amendments to the Duty on Transfers (Exemption No. 2) Order

9. This Part amends the Duty on Transfers (Exemption No. 2) Order and it shall be read and construed as one with the Duty on Transfers (Exemption No. 2) Order, hereinafter in this Part referred to as "the principal order".

Amendments to the Duty on Transfers (Exemption No. 2) Order.
S.L. 364. 16.

10. Article 3 of the principal order shall be amended as follows:

Amends article 3 of the principal order.

(a) in paragraph (a) thereof, the words "1st January

2021" shall be substituted by the words "1st January 2022"; and

(b) in paragraph (d) thereof, the words "28th February 2021" shall be substituted by the words "28th February 2022".

Part IV

Amendments to the Duty on the Acquisition of the Second Immovable Property to be used as Sole Residence (Exemption) Order

Amendments to the Duty on the Acquisition of the Second Immovable Property to be used as Sole Residence (Exemption) Order.
S.L. 364. 17.

11. This Part amends the Duty on the Acquisition of the Second Immovable Property to be used as Sole Residence (Exemption) Order and it shall be read and construed as one with the Duty on the Acquisition of the Second Immovable Property to be used as Sole Residence (Exemption) Order, hereinafter in this Part referred to as "the principal order".

Substitutes article 6 of the principal order.

12. Article 6 of the principal order shall be substituted by the following new article:

Cap. 364.
S.L. 364. 06. "6. The order shall apply to acquisitions affected from the 10th October 2017 up to the 31st December 2021, where the notice required in terms of the Duty on Documents and Transfers Act and the Duty on Documents and Transfers Rules has been submitted to the Commissioner for Revenue on the form or other means provided by the Commissioner on or before the 28th February 2022."