**L.N. 384 of 2016**

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

### Exemption of Duty in terms of article 23 (Amendment) Order, 2016

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

Citation.

**1.** The title of this Order is the Exemption of Duty in terms of article 23 (Amendment) Order, 2016, 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.** In article 3 of the principal Order, for the words "on or after the 5th November 2013 but before the 1st January 2017" there shall be substituted the words "on or after the 5th November 2013 but before the 1st January 2018".

Adds new article 4 to the principal Order.

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

"Exemption of duty on acquisition of residential property in Gozo. Cap. 364.

4. (1) In the case of a transfer *inter vivos* of residential property situated in Gozo, the duty otherwise chargeable in terms of the Duty on Documents and Transfers Act shall be chargeable at the rate of two euro (€2.00) for every one hundred euro (€100.00) or part thereof of the amount or value of the consideration for the transfer of the property or the value of the property, whichever is the higher.

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

(a) The notice of the promise of sale agreement in relation to such transfer is given to the Commissioner for Revenue on or after the 18th October 2016 but before the 1st January 2018;

(b) Notice of the final deed in relation to such transfer is given to the Commissioner for Revenue by the 31st December 2018;

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(c) No relief is claimed under article 32C of the Duty on Documents and Transfers Act;

Provided also that this article shall not apply to acquisitions of property made for the purpose of demolition and the construction of more than one unit, or to acquisitions of property in the course of a trade or business:

Provided also that this article shall not apply to acquisitions made by a body of persons:

Provided also that where a notice of a promise of sale or transfer relating to a property given to the Commissioner in accordance with the provisions of article 3(6) of the Duty on Documents and Transfers Act or of rules made under that Act before the 18th October 2016 is either cancelled after the said date or expired and, either the said property is transferred to the same person or persons appearing on the said promise of sale which has been cancelled or expired or, another property forming part of the same project or situated within the same building is transferred to the same person or persons appearing on the said promise of sale which has been cancelled or has expired, any of such transfers shall for the purpose of this article be deemed to be transfers in respect of which a notice of a promise of sale or transfer has been given to the Commissioner in accordance with the provisions of article 3(6) of the Duty on Documents and Transfers Act or of rules made under that Act before the 18th October 2016.

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(2) For the purposes of this article, 'residential property' includes a garage attached to or underlying such residence or a garage situated in the same block of residential apartments of which the residence forms part or a garage of not more than thirty (30) square metres situated within five hundred (500) metres of such residence or block of apartments, and acquired together with such residence on the same deed.

(3) In the case of a transfer of land, the relief granted under this article shall only apply if one residential unit is to be built thereon, and such relief shall be forfeited in the case of a breach of this condition.".

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