

# STAMP DUTY AMENDMENT BILL 2017

## SAMOA

### Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 4 amended

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2017, No.

### A BILL INTITULED

**AN ACT to amend the Stamp Duty Ordinance 1932 (“principal Act”).**

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title and commencement:**

- (1) This Act may be cited as the Stamp Duty Amendment Act 2017.
- (2) This Act commences on 1 July 2017.

**2. Section 2 amended:**

Section 2 of the principal Act is amended as follows:

- (a) after the definition for “bill of lading” insert:

““capital assets” has the same meaning under the Income Tax Act 2012;

“capital gains” has the same meaning under section 62 of the Income Tax Act 2012;” and

- (b) in the definition of “presented for stamping”, for “Chief Executive Officer” substitute “prescribed Officer”.

**3. Section 4 amended:**

Section 4 of the principal Act is amended as follows:

- (a) for subsection (2) substitute:

“(2) The prescribed officer for:

- (a) instruments relating to the transfer or sale of land, is the Registrar of Land; and
- (b) all other instruments, is the Chief Executive Officer of the Ministry of Finance.”;

- (b) after subsection (2) insert:

“(3) An instrument (to effect a sale or disposal of a capital asset) to which a stamp duty applies, will not be accepted for stamping, until the capital gains tax is paid on capital gains realised from the sale or disposal of the capital asset.

- (4) For the purpose of subsection (3), the person presenting the instrument for stamping must provide written confirmation from the Ministry for Revenue that capital gains tax has been paid.
  - (5) The Registrar of Land or Chief Executive Officer may seek verification from the Ministry for Revenue, of any information or document provided by a person under subsection (4)."
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