

BELIZE:

STAMP DUTIES (AMENDMENT) BILL, 2024

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of section 59.
3. Amendment of section 64.
4. Repeal and replacement of section 69.
5. Amendment of section 72.
6. Commencement.

BILL

For

AN ACT to amend the Stamp Duties Act, Chapter 64 of the Substantive Laws of Belize, Revised Edition 2020; to exempt certain instruments from stamp duty; to make clarifying amendments, and to provide for matters connected therewith and incidental thereto.

(Gazetted, 2024)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

STAMP DUTIES (AMENDMENT) ACT, 2024,

and shall be read and construed as one with the Stamp Duties Act, which, as amended is hereinafter referred to as the principal Act.

2. The principal Act is amended in section 59 by repealing sub-section (1) and replacing it with the following—

“(1) There shall be paid stamp duty at the following rates on the value or amount secured, or which may at any time be secured, by the following instruments—

Type of Instrument	Value of Sum Secured	Rate of Stamp Duty
Mortgage for payment or transfer of money or money’s worth, assignment or transfer of mortgage, reconveyance, release, cancellation, discharge or surrender of any	Not exceeding \$100,000.00	0%

Short title.

CAP. 64.
Act No. 18 of 2021.
Act No. 23 of 2021.

Amendment of section 59.

mortgage		
Mortgage for the payment or transfer of money or money's worth	Greater than \$100,000.00	1.5% on the sum in excess of \$100,000.00
Assignment or transfer of mortgage,	Greater than \$100,000.00	0.6% on the sum in excess of \$100,000.00 (including interest in arrear)
Reconveyance, release, cancellation, discharge or surrender of any mortgage	Greater than \$100,000.00	0.6% on the sum in excess of \$100,000.00 (excluding interest in arrear which has not been capitalized)

”.

3. The principal Act is amended in section 64–

Amendment of section 64.

- (a) in sub-section (2), by inserting after the words “transfer of land,” the words “stock or shares,”; and
- (b) by inserting after sub-section (11), the following new subsection–

“(12) There shall be paid stamp duty at the following rates on the value or consideration of the stock or shares, whichever is greater, in respect of a conveyance or transfer of stock or shares, whether by sale, exchange or gift, including joint tenancy conveyances or transfers for the portion of interest transferred to a party other than the transferor–

Type of shares	Rate of Stamp Duty
Shares in companies incorporated in Belize	5%
Shares in companies incorporated outside Belize	7%

”.

4. The principal Act is amended by repealing section 69 and replacing it with the following–

Repeal and replacement of section 69.

“Instruments exempted from stamp duty.

69. Notwithstanding any other provision in this Act, the following instruments shall be exempt from stamp duty—

- (a) the conveyance of any property or interest therein to the Government of Belize;
- (b) a lease by the Crown or the Government of Belize;
- (c) the conveyance of any land as a site for any church or chapel of any religious denomination;
- (d) the conveyance or an agreement for conveyance operating as a voluntary disposition of property if such conveyance is in favour of any charitable organisation or of the trustees of a trust established for charitable purposes only or where the total value of all the properties so conveyed by the transferor in the twelve months ending on the date of the conveyance concerned is not more than twenty-five thousand dollars;
- (e) the conveyance of any property or interest therein between spouses, common law spouses, siblings children and parents;
- (f) the conveyance of property in Belize by way of a testamentary disposition or devolution on intestacy;
- (g) any conveyance or other instrument involving—
 - (i) the conveyance or transfer of property, whether freehold or leasehold; or
 - (ii) the transfer, assignment, cancellation or discharge of mortgages or other security interest in respect of property,

to or from a real estate fund, with a paid up capital of no less than \$10 million, duly licensed or registered as the case may be under the Securities Industry Act; or

- (h) any agricultural or residential lease for any definite or limited term that is less than two years and in respect of which the applicable rent is less than \$2,000 per month.”.

-
5. The principal Act is amended in section 72–
- Amendment of
section 72.
- (a) in sub-section (1), by inserting after the word “gift,” the words “including joint tenancy conveyances or transfers for the portion of interest transferred to a party other than the transferor,”;
- (b) in sub-section (2), by deleting paragraph (b) and substituting the following–
- “(b) a transfer of property by a company (“transferor company”) to a purchaser, successor, surviving or consolidated company (“transferee company”), whether by way of sale, voluntary disposition, acquisition, merger, consolidation or otherwise,
- Provided that, in the event that the beneficial owner of the transferor company and the transferee company are the same, stamp duty shall not be payable;”; and
- (c) by inserting after sub-section (5), the following new sub-section–
- “(6) For purposes of sub-section (2)(b), the term “beneficial owner” shall have the same meaning assigned to it under section 2(1) of the Money Laundering and Terrorism (Prevention) Act.”.
- CAP. 104.
6. This Act shall come into force on the 1st day of January, 2025. Commencement.

EXPLANATORY MEMORANDUM

OVERVIEW

The Stamp Duties (Amendment) Bill seeks to amend the Stamp Duties Act to provide for different rates of stamp duty for mortgages based on the value of the sum secured by the mortgage and the rates of stamp duty for stocks and shares of a company. Additionally, this Bill expands the types of instruments that are exempted from the payment of stamp duty.

PROVISIONS OF THE BILL

- 1.** Clause 2 of the Bill amends section 59 of the Act to provide for varying rates of stamp duty that shall be paid for mortgages, based on the value of the sum secured by the mortgage.
- 2.** Clause 3 of the Bill amends section 64 of the Act to provide for the rate of stamp duty that shall be paid for stocks or shares for companies incorporated in and outside of Belize.
- 3.** Clause 4 of the Bill repeals and replaces section 69 of the Act to provide for additional instruments that are exempted from the payment of stamp duty.
- 4.** Clause 5 of the Bill amends section 72 of the Act to clarify that stamp duty payable on the transfer of land also includes joint tenancy conveyances and transfers and the transfer of property by a company to a purchaser, successor or a surviving or consolidated company.
- 5.** Clause 6 of the Bill provides for the Bill to come into force on January 1, 2025.