

ST HELENA



STAMP DUTIES ORDINANCE, 1987

STAMP DUTIES ORDER, 2019

In exercise of the powers conferred by section 3(3) of the Stamp Duties Ordinance, 1987, the Governor in Council makes the following Order:

Citation and commencement

1. This Order may be cited as the Stamp Duties Order, 2019, and comes into force on 1 April 2019.

Stamp duties on transfer of land

2. The Schedule to the Stamp Duties Ordinance, 1987, is amended—

(a) by repealing item D and substituting the following:

<p>“D. Transfer of land, or of any interest in land; other than:</p>	<p>Duty calculated <i>ad valorem</i> on whichever is the higher of the consideration for the transfer or the value of the land (including the value of any buildings or other structures erected at the time of purchase), at the following rates:</p>	<p>The transferee(s)”. </p>
<p>(i) a transfer by a personal representative to the person(s) entitled to the property under the deceased’s will or under the law relating to intestate succession; or</p>	<p>(a) For land (excluding the amount of the consideration or value to which paragraph (c) applies):</p>	
	<p>(i) On so much of the consideration or value not exceeding £10,000 0%</p>	
	<p>(ii) On so much of the consideration or value as exceeds £10,000 but not £150,0002.5%</p>	
	<p>(iii) On so much of the consideration or value as exceeds £150,000 but not £500,000 3%</p>	
	<p>(iv) On the consideration or value exceeding £500,000 5%</p>	
<p>(ii) a transfer made within 3 months after the incorporation of a company under the Companies Ordinance 2004, whereby land or an interest in land is transferred to that company by a person who was an incorporator (as defined in the Companies Ordinance 2004) of that company</p>	<p>(b) Residential property transferred to a person who at the time of transfer owns or jointly owns any other residential property on St Helena2.5% on the full consideration or value (which is payable in addition to the duty under paragraph (a))</p>	
<p>(iii) a transfer made to any of the following entities: Enterprise St Helena Bank of St Helena</p>	<p>(c) Residential property transferred to a person who has not previously owned any property, whether on St Helena or elsewhere, and who is acquiring that property</p>	

St Helena Fisheries Corporation	as his or her primary residence, provided that person has been resident on St Helena or Ascension for a period exceeding 300 days out of the 365 days immediately preceding that transfer On so much of the consideration or value as does not exceed £100,0000%	
Connect Saint Helena Ltd		
St Helena Airport Limited		
St Helena Hotel Development Limited		

(b) by adding the following paragraphs after the Schedule:

“(1) In applying item D of this Schedule—

- (a) a person is regarded as owning or having previously owned property, whether in St Helena or elsewhere, if the title of such property is or was registered in the name of that person;
- (b) “**residential property**” means any property which at the relevant time falls within Class C3 of the Use Classes in Schedule 1 to the Land Planning and Development Control General Regulations, 2013.

(2) The additional duty paid in respect of any property under paragraph (b) of Item D must be refunded where the only other residential property owned by that person was his or her primary residence which is sold and transferred to the new owner within 6 months from the date of transfer of the new property in respect of which the additional duty was paid.

(3) Where the consideration or value of the property referred to in paragraph (c) of Item D exceeds £100,000, the rates in paragraph (a)(ii), (iii) and (iv) of Item D apply to the amount exceeding £100,000.

Made by the Governor in Council this day of 2019.

Anthea H. R. Moyce
Clerk of Councils

EXPLANATORY NOTE
(This note is not part of the Order)

This Order revises the stamp duty rates with respect to transfer of land. There is also new provision for an exemption from stamp duties were land is transferred to certain entities owned and/or controlled by the St Helena Government. There is also relief from stamp duty on transfers of residential land to first-time home owners. An additional 2.5% duty is also imposed on existing residential property owners who acquire additional residential property.