

Stamp Duties (Conveyance Directions) (Remission) Rules 2015

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No. S 778

STAMP DUTIES ACT (CHAPTER 312)

STAMP DUTIES (CONVEYANCE DIRECTIONS) (REMISSION) RULES 2015

In exercise of the powers conferred by section 74 of the Stamp Duties Act, the Minister for Finance makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Stamp Duties (Conveyance Directions) (Remission) Rules 2015 and come into operation on 21 December 2015.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“additional buyer’s stamp duty” or “ABSD” means the duty referred to in paragraph (*bf*) or (*bh*) of Article 3 of the First Schedule to the Act;

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“company” has the same meaning as in the Companies Act (Cap. 50).

(2) In these Rules —

- (a) a reference to the amount of unremitted ABSD chargeable on an instrument is a reference to the amount of ABSD that remains chargeable on that instrument after the application of any Rules made under section 74 of the Act besides these Rules; and
- (b) a reference to the amount of unremitted ABSD that would have been chargeable on an instrument in specified circumstances is a reference to the amount of ABSD that would have been chargeable on that instrument in those circumstances after deducting any amount that would have been remitted in those circumstances under any Rules made under section 74 of the Act besides these Rules.

Remission only of duty not remitted by operation of other Rules

3. Where any duty that is chargeable under section 22(4) or 22A of the Act on any conveyance direction may be remitted under these Rules and any other Rules made under section 74 of the Act, these Rules apply only to such part of the duty that remains unremitted under those other Rules (called in these Rules the unremitted duty).

Remission of duty on conveyance direction in favour of company

4.—(1) Where —

- (a) a person (called in this rule the vendor) enters into a contract or agreement (called in this rule the contract) to transfer any immovable property to another person (called in this rule the initial purchaser);
- (b) the initial purchaser, before having obtained a conveyance of the immovable property, by direction in writing (called in this rule the conveyance direction), directs the vendor to convey or transfer that immovable property to a company which is or is to be incorporated by the initial purchaser (called in this rule the ultimate purchaser); and
- (c) the Commissioner is satisfied that —
 - (i) the initial purchaser entered into the contract with the intention

that the property be transferred to the ultimate purchaser;

- (ii) no consideration is paid or agreed to be paid between the initial purchaser and the ultimate purchaser with regard to that property;
- (iii) duty had been duly paid upon the contract;
- (iv) the conveyance direction is made not more than 2 months after the date of the contract; and
- (v) the initial purchaser has and retains a controlling interest in the ultimate purchaser for the entire duration of the relevant period reckoned in accordance with paragraph (5),

there is to be remitted any unremitted duty chargeable on the conveyance direction under sections 22(4) and 22A of the Act, up to the limits specified in paragraphs (2) and (3).

(2) The amount of ABSD remitted under this rule cannot be more than the amount of any unremitted ABSD that is chargeable on the contract to which the conveyance direction relates, and paid.

(3) No ABSD may be remitted under this rule if the purpose or one of the purposes for which the ultimate purchaser is or is to be incorporated is a housing development on the immovable property by the ultimate purchaser.

(4) Paragraph (3) is without prejudice to —

- (a) rule 3 of the Stamp Duties (Housing Developers) (Remission of ABSD) Rules 2013 (G.N. No. S 362/2013); and
- (b) rule 3 of the Stamp Duties (Non-Licensed Housing Developers) (Remission of ABSD) Rules 2015 (G.N. No. S 764/2015).

(5) For the purposes of paragraph (1)(c)(v), the relevant period is to be reckoned as follows:

- (a) if, on the date of the contract, there is a development on the immovable property that has yet to be completed, or there is to be a development by the ultimate purchaser on the immovable property that has yet to commence, the relevant period starts on the material date and ends on —
 - (i) the date of issue of the Temporary Occupation Permit for the building that is the subject of the development; or
 - (ii) if more than one Temporary Occupation Permit is to be issued