



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 10 September 2018 and assented to by the President on 25 September 2018:—

### REPUBLIC OF SINGAPORE

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**No. 37 of 2018.**

I assent.



HALIMAH YACOB,  
*President.*  
25 September 2018.

An Act to amend the Stamp Duties Act (Chapter 312 of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act is the Stamp Duties (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Repeal and re-enactment of section 6B**

2. Section 6B of the Stamp Duties Act (called in this Act the principal Act) is repealed and the following section substituted therefor:

**“E-Stamping system**

**6B.**—(1) The computer service known as the E-Stamping system and established under section 6B as in force immediately before the date of commencement of section 2 of the Stamp Duties (Amendment) Act 2018, may be used for the purposes mentioned in subsection (2).

(2) The purposes are to enable any person, in accordance with the arrangements made under this section —

- (a) to do the following without the need to present the instrument concerned to the Commissioner or a proper officer in charge of the stamp office:
  - (i) obtain an assessment of stamp duty (and any penalty) on an instrument;
  - (ii) pay stamp duty (and any penalty) on the instrument by electronic funds transfer in accordance with the assessment;
  - (iii) stamp the instrument by attaching a stamp certificate to it or (in the case of an electronic instrument within the meaning of section 59) obtaining a stamp certificate for it, which bears an authorisation number issued for the instrument and such other particulars as are determined by the Commissioner; and

- (b) to apply to the Commissioner for the adjudication of an instrument under section 37 and to obtain a certificate of adjudication from the Commissioner under section 38.
- (3) The Commissioner may —
  - (a) determine the information and particulars that may be electronically transmitted under the E-Stamping system, including the form and manner they are to be transmitted;
  - (b) determine the procedure for use of the E-Stamping system, including the procedure in circumstances where there is a breakdown or an interruption in the computer service; and
  - (c) generally do such other things for the better provision of the computer service.”.

#### **Amendment of section 9**

**3.** Section 9(1) of the principal Act is amended —

- (a) by inserting the word “and” at the end of paragraph (b); and
- (b) by deleting paragraph (c).

#### **Amendment of section 15**

**4.** Section 15 of the principal Act is amended —

- (a) by inserting, immediately after the words “section 23” in subsection (1AA), the words “, except where it is executed for the purposes of or in connection with a matter in subsection (1)(c)”;
- (b) by inserting, immediately after subsection (1B), the following subsection:

“(1C) If it is shown to the satisfaction of the Commissioner that the prescribed conditions have been fulfilled, then ad valorem stamp duty under Article 3(bg) in the First Schedule is not chargeable

on any instrument executed on or after 11 March 2017 for the purposes of or in connection with —

- (a) the transfer of the undertaking or shares in respect of a scheme for the reconstruction of any company or companies, or the amalgamation of companies;
- (b) the transfer, conveyance or assignment of any beneficial interest in any asset between such entities that are associated in such manner as may be prescribed;
- (c) the conversion of a firm to a limited liability partnership under section 20 of the Limited Liability Partnerships Act (Cap. 163A); or
- (d) the conversion of a private company to a limited liability partnership under section 21 of the Limited Liability Partnerships Act.”.

### **Amendment of section 37**

**5.** Section 37 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Where —

- (a) any instrument (whether executed or not and whether previously stamped or not) is brought to the Commissioner; or
- (b) a copy of any instrument (whether executed or not and whether previously stamped or not) is sent to the Commissioner using the E-Stamping system or other means approved by the Commissioner,

and the person bringing or sending it applies to the Commissioner for adjudication on whether the instrument is chargeable with duty and (if so) the amount chargeable, the Commissioner must adjudicate and assess the duty with which, in the Commissioner’s judgment, the instrument is chargeable.”.

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**New Part VIIIA**

6. The principal Act is amended by inserting, immediately after section 58, the following Part:

**“PART VIIIA****APPLICATION OF ACT TO ELECTRONIC INSTRUMENTS****Interpretation of this Part**

**59.—**(1) In this Part —

“electronic” and “electronic record” have the meanings given by section 2(1) of the Electronic Transactions Act (Cap. 88);

*Example*

Anything sent by e-mail, SMS or any Internet-based messaging service is an electronic record.

“electronic instrument” means —

(a) an electronic record, or a combination of an electronic record and a physical document, mentioned in section 60A(1)(a) or (b); or

(b) an electronic record mentioned in section 60A(2);

“electronic signature” means any electronic method used to identify a person and to indicate the person’s intention in respect of the information contained in an electronic record.

(2) In this Part, a stamp certificate or certificate of adjudication is duly issued for an electronic instrument if it is issued by the Commissioner for the electronic instrument —

(a) using the E-Stamping system in accordance with the provisions of this Act; or

(b) in such other manner as the Commissioner may determine.