



This document has been provided by the International Center for Not-for-Profit Law (ICNL).

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

Visit ICNL's **Online Library** at
<http://www.icnl.org/knowledge/library/index.php>
for further resources and research from countries all over the world.

Disclaimers

Content. The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

Translations. Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

Warranty and Limitation of Liability. Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.

81

CHAPTER 126

STAMP DUTIES

AN ACT TO PROVIDE FOR THE IMPOSITION OF STAMP DUTIES

[1st April 1940]

1. This Act may be cited as the Stamp Duties Act.

2. In this Act unless the context otherwise requires —

“Collector” means the Chief Collector of Stamp Duties and every Collector of Stamp Duties appointed under section 5;

“duty” means the stamp duty for the time being chargeable by law;

“executed” and “execution” with reference to documents mean signed and signature by any one or more of the parties thereto, or in the case of a Corporation sealed with its seal;

“insurance business” has the same meaning as that ascribed to it in section 2 of the Insurance Act;

“lease” includes a sub-lease;

“stamp” means either a stamp impressed by means of a die approved by the Chief Collector of Stamp Duties or an adhesive stamp;

“stamped” and “duly stamped” mean that the instrument referred to is stamped with the required and sufficient stamp and that such stamp has been cancelled, if necessary, in accordance with the provisions of this Act;

“transfer on sale” includes every document and every decree, certificate or order of any Court or of any judge whereby any property or any estate or interest in any property upon the sale thereof is transferred to or vested in a purchaser or any other person on his behalf or by his direction.

3. (1) Subject to the exemptions contained in the Schedule hereto, there shall be raised, collected and paid to a Collector upon and in respect of the several documents specified in the

3 of 1940
14 of 1940
8 of 1951
10 of 1952
1 of 1957
21 of 1963
10 of 1972
1 of 1973
LN 46A of
LN 88 of 1
16 of 1988
LN 9 of 15
LN 29 of 1
LN 32 of 1
LN 38 of 1
LN 76 of 1
4 of 1993

Short title

Interpreta
21 of 196
10 of 197
16 of 198
4 of 1993

Cap. 82

Documen
which du
be charg
21 of 196

10 of 1972, s. 3
1 of 1973, s. 2
LN 46A of 1978

said Schedule, the several duties in such Schedule specified, the said duties being denoted by affixing Solomon Islands adhesive stamps to, or impressing a die approved by the Chief Collector of Stamp Duties upon, the said documents.

(2) It shall be lawful for the Minister by order from time to time to add to, alter or amend the duties payable under this Act and such addition, alteration or amendment shall be deemed to be embodied in this Act.

(3) It shall be lawful for the Minister to exempt any document or class or description of documents from the duties payable under this Act and such exemption shall be deemed to be embodied in this Act.

Appointment of
officers
LN 88/1978

4.—(1) There may be appointed—

(a) a Chief Collector of Stamp Duties;

(b) such other officers as may be necessary for the due administration of this Act.

(2) Any appointment under subsection (1) shall, if the person appointed is not a public officer, be made pursuant to the Constitution, but otherwise shall be made by the Minister.

Designation of
Collector
4 of 1993, s. 3

5.—(1) The Chief Collector may for the proper administration of this Act, designate any officer appointed under section 4 to be a Collector of Stamp Duties.

(2) An officer designated as a Collector of Stamp Duties pursuant to subsection (1) shall in exercising, performing or discharging any power, duty or function conferred or imposed on or assigned to the Chief Collector by any provision of this Act be deemed for all purposes to be authorised to exercise, perform or discharge that power, duty or function until the contrary is proved.

Duties, etc.
recoverable at
suit of Collector
21 of 1963, s. 4
LN 46A of 1978

6.—(1) All duties and penalties payable under this Act shall, from and after the day on which they become due and payable, be deemed to be debts due and payable to the Solomon Islands Government by and from every person liable to payment of the same, and may be recovered in any Court of competent jurisdiction at the suit of a Collector.

(2) Every person who with respect to any document mentioned in the Schedule hereto comes within the description specified in the column thereof headed "persons primarily liable" is personally liable for the payment of the duty charge-

able upon such document within two months of the execution thereof.

(3) Nothing herein shall be deemed to exonerate any other person from any liability imposed upon him by this Act, nor to exempt from duty any document liable to the payment of duty under this Act.

7. In any case in which stamp duty is recoverable in the manner provided in section 6, the Chief Collector may, instead of suing for such stamp duty authorise in writing any collector or other person designated for the purpose to distrain upon the goods and chattels of the person liable to payment and the provisions of section 89 of the Income Tax Act shall with such modifications and adaptations as may be necessary be applicable in respect of such recovery of stamp duty.

8.—(1) For the purposes of the collection and recovery of stamp duty due by a person, the Chief Collector may in his discretion by notice in writing to any person declare him to be the agent of the other person.

(2) Where the Chief Collector pursuant to subsection (1), declares a person the agent of another person for the collection and recovery of stamp duty due under this Act, the provisions of section 85 of the Income Tax Act shall with such modifications and adaptations apply to such process of collection and recovery of stamp duty.

9. No document executed in Solomon Islands or relating, wheresoever executed, to any property situate in Solomon Islands or to any matter or thing done or to be done in Solomon Islands, shall, except in criminal proceedings and in civil proceedings by a Collector to recover any duty or penalty under this Act, be pleaded or given in evidence or admitted to be good, useful or available in law or equity unless it is duly stamped in accordance with the law in force at the time when it was first executed.

10.—(1) Every document executed which is chargeable to duty under this Act shall be duly stamped irrespective of whether or not that document is required by law to be registered.

(2) All the facts and circumstances affecting the liability of any instrument to duty or the amount of the duty with which any instrument is chargeable are to be fully and truly set forth in the instrument and the Chief Collector shall refuse to stamp such

Collection of
duty by distraint,
etc
4 of 1993, s. 4

Cap. 123

Power to declare
agent
4 of 1993, s. 4

Documents not
duly stamped
inadmissible
21 of 1963, s. 6
LN 46A of 1978

Every document
chargeable to
duty to be duly
stamped
4 of 1993, s. 5

Schedule of Act to s.3 (b) Any transfer of property to or in trust for any corporation or body of persons associated for religious, charitable or educational purposes; and any instrument for declaring or defining the trust or for appointing new trustees in respect of such property. } 116

GENERAL EXEMPTIONS FROM STAMP DUTY

- (i) Every document in respect of which, but for this exemption, Her Majesty or the Solomon Islands Government would be the sole party liable to pay duty.
- (ii) All bonds to Her Majesty or to the Solomon Islands Government including the bonds of executors and administrators.
- (iii) Every instrument to such extent as expressly exempted under the following Acts —
 - Cap. 117 Local Government Act
 - Cap. 140 Home Finance Corporation Act
 - Cap. 164 Co-operative Societies Act
 - Cap. 41 Livestock Development Authority Act
 - Cap. 118 Provincial Government Act
 - Cap. 109 S.I. National Provident Fund Act
 - Cap. 49 Central Bank of Solomon Islands Act
 - Cap. 143 Investment Corporation of Solomon Islands Act
 - Cap. 50 Development Bank of Solomon Islands Act
- (iv) Every document signed or executed for or on behalf of the Government of Solomon Islands in connection with the raising of loans for or on behalf of the Government.

CHAPTER 126

STAMP DUTIES

Subsidiary Legislation

THE STAMP DUTIES (EXEMPTION) (TRANSFER ON SALE BY CERTAIN COMPANIES) ORDER
(Section 3)

LN 108/1976

[12th November 1976]

1. This Order may be cited as the Stamp Duties (Exemption) (Transfer on Sale by Certain Companies) Order.

Citation

2. (1) There shall be exempted from duty, either wholly or in part as the Minister shall in each particular case decide, every transfer on sale which satisfies the following conditions, that is to say —

Exemption from duties

- (i) the vendor is a company incorporated outside Solomon Islands;
- (ii) the purchaser is a company incorporated in Solomon Islands under the Companies Act;
- (iii) the vendor is a subsidiary of the purchaser, or *vice versa*, or both the vendor and the purchaser are subsidiaries of a third company; and
- (iv) such transfer has been executed in pursuance of a scheme to transfer all or a substantial part of the vendor's assets in Solomon Islands to the purchaser and the Minister is of the opinion that such scheme is in the interests of the economy of Solomon Islands.

Cap. 175

(2) In this paragraph "subsidiary" bears the meaning ascribed to that expression in section 148 of the Companies Act.