


# BELIZE

# STAMP DUTIES ACT
# CHAPTER 64

## REVISED EDITION 2020

SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Acts No. 22 of 2005, No. 49 of 2005, No. 6 of 2006, No. 30 of 2017, No. 42 of 2017, No. 25 of 2018 and No. 18 of 2019.




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# CHAPTER 64

## STAMP DUTIES

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# CHAPTER 64

## STAMP DUTIES

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9 of 1966.
8 of 1978.
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19 of 1996.
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49 of 2005
6 of 2006.
30 of 2017
42 of 2017
25 of 2018

*[1st August, 1917]*

### PART I

*Preliminary*

Short title.

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

Interpretation.

**2.** In this Act, unless the context otherwise requires–



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"agreement" includes memorandum of agreement, whether it is the actual contract or is only evidence of the contract, and whether it does or does not contain all the terms of the contract;

"conveyance" includes every instrument and every decree or order of court whereby any property or right is transferred to or vested in any person, or whereby any property or right not previously in existence is created;

"executed" and "execution", with reference to instruments not under seal, mean signed and signature;

"impressed stamp", with reference to instruments and material, means a stamp impressed by means of a die, or an adhesive stamp cancelled by the Commissioners after it has been affixed to the instrument or material by or under the authority of the Commissioners, or, in the case of bills of exchange and foreign exchange permits, any printed device approved by the Commissioners under section 16; 8 of 1978. 1 of 1984.

"instrument" includes every written document, except a will, however the words are represented or reproduced;

"land" includes hereditaments, and, for greater certainty, strata lots comprised in a duly registered strata plan within the meaning of the Strata Titles Registration Act and tenements, whether corporeal or incorporeal, houses, buildings, or any interests therein; 42 of 2017. CAP. 196.

"marketable security" means a security of such a description as to be capable of being sold in a stock market;

"material" includes every sort of material upon which words or figures can be expressed;

"prescribed" means prescribed by regulations made under this Act;

8 of 1978.



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"stamp" includes a stamp impressed by means of a die or a printed device approved by the Commissioners under section 16;

"stamp duties" includes all duties for the time being chargeable by law as stamp duties, and all fees which are for the time being directed to be collected or received by means of stamps; and

"stock" includes the stocks, funds, shares, or securities of any Government or State, or of any public, municipal, or local body or authority, or of any corporation or company.

## PART II

### *Management of Stamp Duties*

Constitution and duties of Commissioners of stamps. 40 of 1963.

**3.-**(1) All stamp duties shall be under the care and management of one or more persons in this Act called "the Commissioners" to be appointed from time to time by the Minister.

(2) The Commissioners may sue and be sued by the name of the Commissioners of Stamps, and may for all purposes be described by that name.

(3) The Commissioners may, with the approval of the Minister from time to time, by Order published in the Gazette, make regulations with respect to any matter which, under this Act, may or is required to be prescribed, and generally for carrying this Act into effect, and may, with such approval as aforesaid, from time to time delegate any power or duty to any person.

(4) Subject to this Act, the Minister may from time to time give general or special directions to the Commissioners with respect to any matter or thing which the Commissioners are required or empowered to do, whether discretionary or otherwise, and such directions shall be observed by the Commissioners accordingly.



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Licence to deal in stamps.

**4.** The Commissioners may grant a licence to any person to deal in stamps, subject to such conditions as the Commissioners think fit.

Discount on sale of stamps to licensees. 40 of 1963.

**5.** The Commissioners shall allow such discount on the sale of stamps to a licensed dealer in stamps as the Minister directs.

Recovery of money received for duty.

**6.** Every person who, having received money as or for any stamp duty, does not apply the money to the due payment of that duty or improperly withholds or detains it, shall be accountable for the amount thereof, and it shall be a debt from him to the State, and recoverable as such by the Commissioners.

Allowance for spoiled stamps.

**7.** Subject to the prescribed regulations and to the payment of the prescribed fee if any, and to the production of such evidence by statutory declaration which shall be exempt from stamp duty or otherwise as the Commissioners may require, allowance shall be made by the Commissioners for stamps spoiled in the following circumstances–

*(a)* where the stamp on material which is inadvertently and undesignedly spoiled, obliterated, or by any means rendered unfit for the purpose intended before it is signed by any person or an instrument written thereon is executed by any person;

*(b)* where the adhesive stamp which has been inadvertently and undesignedly spoiled or rendered unfit for use, and has not, in the opinion of the Commissioners, been affixed to any material;

*(c)* where the adhesive stamp representing a fee capable of being collected by means thereof which has been affixed to material if it is certified by the officer responsible for collecting the fee that the stamp should be allowed;



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*(d)* where the stamp on a bill of exchange signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance;

*(e)* where the stamp on a promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands;

*(f)* where the stamp on a bill of exchange or promissory note which from an omission or error is spoiled or rendered useless, although it, being a bill of exchange, has been accepted or endorsed, or, being a promissory note, has been delivered to the payee, if another completed and duly stamped bill of exchange or promissory note is produced identical in every particular, except in the correction of the error or omission, with the spoiled bill or note;

*(g)* where the stamp on an instrument executed by a party thereto, but afterwards found to be absolutely void from the beginning;

*(h)* where the stamp on an instrument executed by a party thereto, but afterwards found unfit, by reason of an error or mistake therein, for the purpose originally intended;

*(i)* where the stamp on an instrument executed by a party thereto which has not been made use of for any purpose whatever, and which by reason of the inability or refusal of some necessary party to execute it or to complete the transaction according to the instrument, is



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incomplete and insufficient for the purpose for which it was intended;

*(j)* where an instrument executed by a party thereto, which by reason of the refusal of any person to act under it, or for want of enrolment or registration within the time required by law, wholly fails of the intended purpose or becomes void; and

*(k)* where an instrument executed by a party thereto which is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped, or which becomes useless in consequence of the transaction intended to be thereby effected being effected by some other duly stamped instrument,

Provided that–

*(i)* the application for relief is made within two years after the stamp has been spoiled or become useless, or, in the case of an executed instrument, after the date of the instrument, or, if it is not dated, within two years after the execution thereof by the person by whom it was first or alone executed; or

*(ii)* in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence, and that the instrument is given up to be cancelled.



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Allowance for misused stamps.

**8.** Where any person has inadvertently used for an instrument liable to a stamp duty a stamp of greater value than was necessary, or has inadvertently used a stamp for an instrument not liable to any stamp duty, the Commissioners may, on application made within two years after the date of the instrument, or, if it is not dated, within two years after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if liable to duty, being stamped with the proper duty, cancel and allow as spoiled the stamp so misused.

Allowance in stamps or money.

40 of 1963.

**9.** The Commissioners may give as allowance for spoiled or misused stamps other stamps of the same denomination and value or, if required, and they think fit, stamps of another denomination to the same amount in value, or, if they think fit, the same value in money, deducting therefrom such discount, if any, as the Minister may from time to time direct.

Re-purchase of stamps by Commissioners.

**10.** The Commissioners may, if they think fit, re-purchase any stamp at its face value less such discount, if any, as the Minister may from time to time direct.

Forgery of dies or stamps.

**11.**-(1) Any person who, with intent to defraud, counterfeits or forges any die or stamp, or imports or exports or has in his possession, power or control any counterfeited or forged die or stamp, commits an offence and is liable to imprisonment for a term not exceeding fourteen years.

CAP. 101.

(2) This section shall have effect as if it formed part of the Criminal Code, (Forgery).

Penalty for duties frauds.

**12.** Any person who practices or is concerned in any fraudulent act, contrivance, or device, not specially provided for by law, with intent to defraud the State of any stamp duty, commits a misdemeanour punishable summarily or on indictment, but so that the punishment on summary conviction shall not exceed six months imprisonment.



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Search warrants.

**13.** Any justice of the peace before whom an information on oath is laid reasonable suspicion exists that an offence against this or any other law punishable on indictment, has been committed with respect to any die, or stamp, or stamp duty, may issue his warrant for search of any building or place belonging to, or occupied by, or under the control of the suspected person, and such search may be effected accordingly, and any document or thing there found which appears to be or may be material evidence, and any die or stamp there found, may be seized, and shall be detained and dealt with as an exhibit in proceedings.

## PART III

### *General Regulations as to Stamps on Instruments*

Charge of duties in Part IV.

**14.**-(1) Subject to this Act, there shall be charged as stamp duties for the use of the State in aid of the Consolidated Revenue Fund upon the instruments of the several descriptions specified in Part IV, the duties of the several amounts specified in the said Part.

(2) The charge by this Act of a duty on an instrument shall, unless otherwise provided, be in addition to any fee chargeable in respect of that instrument under any other law, whether the fee is or is not for the time being directed to be collected or received by means of stamps.

(3) Unless otherwise provided, the charge of duty by this Act applies only to instruments relating to property situated in Belize, or to some matter or thing done or omitted or which may or is to be done or omitted in Belize, but applies to such instruments wherever executed.

(4) The stock of a company incorporated outside Belize which has a place of business in Belize or owns land in Belize shall, for the purposes of stamp duty, be deemed to be situated in Belize.

25 of 2018.



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CAP. 270.
18 of 2019.

CAP. 273:01.

(4A) For the purposes of sub-section (3), if a company incorporated under the International Business Companies Act–

*(a)* is not an included entity pursuant to the Economic Substance Act; and

*(b)* does not own land, stock, bonds, or other property in Belize other than stock or other securities in another international business company,

the shares of that company shall not be deemed to be situated in Belize for purposes of stamp duty.

(5) Where an instrument relating to the stock of any such company is executed by the holder of the stock in the country under whose laws the company is incorporated, that stock shall not for the purposes of the stamp duty on that instrument be deemed to be situated in Belize.

Nature of stamps to be used.

**15.**-(1) The Commissioners may prescribe that any stamp duty shall or to be used. may be denoted by adhesive stamps, or by impressed stamps, or partly by adhesive stamps and partly by impressed stamps.

(2) Unless otherwise provided or prescribed, all stamp duties may be denoted by adhesive stamps, whether marked postage or inland revenue.

Use of printed device as a stamp.

CAP. 263.

CAP. 251.

**16.** The Commissioners may approve, under such terms and conditions as the Commissioner may from time to time in writing prescribe the use by a bank licensed under the Banks and Financial Institutions Act, or a bank, as defined in section 74, or an insurance company licensed under the Insurance Act, on policies issued by it, of a printed device for the purpose of denoting the payment of stamp duty chargeable under this Act.



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Manner of writing and stamping instruments.

**17.**-(1) An instrument written upon stamped material shall be so written, and an instrument partly or wholly written before being stamped shall be so stamped, that the stamp appears on the face of the instrument, and cannot be used for or applied to another instrument written upon the same piece of material.

(2) If more than one instrument is written upon the same piece of material, each instrument shall be separately and distinctly stamped with the duty with which it is chargeable.

Separate duty charge for each matter in instrument.

**18.** Unless otherwise provided or prescribed–

*(a)* an instrument containing or relating to more than one matter, shall be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each matter;

*(b)* an instrument made for a consideration in respect whereof it is chargeable with *ad valorem* duty, and also for any other valuable consideration, shall be separately and distinctly charged, as if it were a separate instrument, with duty in respect of each consideration; or

*(c)* an instrument shall not, except as mentioned in paragraphs (a) and (b), be charged with more than one duty in respect of the same matter, but shall, in respect of each matter, be charged with the highest duty applicable thereto.

Statements in instruments of facts affecting duty.

**19.**-(1) All the circumstances affecting the liability of an instrument to duty, or the amount of the duty chargeable thereon, shall be truly set forth in the instrument.

(2) Every person who, with intent to defraud the State–



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*(a)* executes or issues an instrument in which all the circumstances as required by sub-section (1), are not truly set forth; or

*(b)* being employed or concerned in or about the preparation of an instrument, does not truly set forth therein all the said circumstances,

commits a misdemeanour punishable summarily or on indictment, but so that the punishment on summary conviction shall not exceed six months' imprisonment.

Time for stamping instruments. 8 of 1978.

**20.**-(1) Unless otherwise provided or prescribed, an instrument charge-able with stamp duty shall be stamped before or at the time of notification by the Commissioners of the duty chargeable on such instrument,

Provided that the instrument chargeable shall be submitted to the Commissioners within thirty days of the date of the execution thereof, and shall not be stamped after that time except with an impressed stamp on payment of the proper penalty.

(2) An instrument chargeable with an *ad valorem* duty not being a promissory note or bill of exchange may be stamped with an impressed stamp without the payment of a penalty at any time within thirty days after it was first executed.

(3) An instrument which is first executed outside Belize may be stamped without payment of any penalty at any time within thirty days after it is first received in Belize, or within thirty days after the notification by the Commissioners of the duty chargeable on such instrument where the instrument was submitted to the Commissioners under section 73,

Provided that such submission shall be made within thirty days after such instrument was first received in Belize.



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Penalty for stamping after due time.

**21.**-(1) The Commissioners shall stamp with an impressed stamp any instrument after the time when it ought to have been stamped on payment of the unpaid duty and of the proper penalty.

(2) The proper penalty shall be the sum of five dollars for the first week or part of a week, and the sum of ten dollars for each week or part of a week after the first week, which has elapsed since the time when the instrument could have been stamped without the payment of a penalty, with the maximum of fifty-five dollars.

(3) The payment of a penalty payable on stamping shall be denoted on the instrument by the Commissioners.

(4) The Minister may, if he thinks fit, mitigate or remit a penalty payable on stamping.

Use of adhesive stamps.

**22.**-(1) Unless otherwise provided or prescribed, an instrument shall not be stamped with an adhesive stamp after the time when the instrument is first executed.

(2) An instrument is not duly stamped with an adhesive stamp unless, at a time when the instrument can lawfully be so stamped, every adhesive stamp affixed thereto is effectually cancelled so as to be incapable of being used for another instrument or for any postal purpose.

(3) The Commissioners may, if satisfied that failure to cancel an adhesive stamp at the proper time was accidental, themselves cancel the adhesive stamp on payment of the proper penalty for stamping the instrument after execution, and thereupon the instrument shall be deemed duly stamped with that adhesive stamp.

(4) If any person not authorised by the Commissioners affixes an adhesive stamp to an unstamped or insufficiently stamped instrument, or cancels an adhesive stamp on such instrument after the time when the instrument is, by this Act,



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permitted to be stamped with an adhesive stamp, he shall incur a fine of two hundred dollars.

Frauds as to adhesive stamps.

**23.-**(1) Every person who–

*(a)* fraudulently removes, or causes to be removed, from an instrument any adhesive stamp, or affixes to another instrument or uses for any postal purpose, an adhesive stamp which has been so removed, with intent that the stamp may be used again; or

*(b)* sells, or offers or has in his possession for sale, or utters, an adhesive stamp which has to his knowledge been so removed, or utters an instrument having thereon an adhesive stamp which has to his knowledge been so removed as aforesaid,

commits a misdemeanour punishable summarily or on indictment, but so that the punishment on summary conviction shall not exceed six months' imprisonment.

(2) The expression "instrument" in this section includes any postal packet as defined by the Post Office Act, and the cover of any such letter.

CAP. 228.

Appropriated stamps.

**24.-**(1) Unless otherwise prescribed, a stamp which by any word or words on the face of it is appropriated to instruments of a particular description shall not be used or be available for use on an instrument of another description.

(2) An instrument of the description to which any stamp is so appropriated shall not, unless otherwise prescribed, be deemed duly stamped unless it is stamped with the stamp so appropriated.

*Ad valorem* duties.

**25.** Where an instrument is chargeable with an *ad valorem* duty on money or money's worth which is expressed in any



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manner other than in the currency of Belize, the duty shall be calculated as follows–

*(a)* a duty on money in any currency not being local currency shall be calculated on its value in local currency, at the date of the instrument, according to the current rate of exchange;

*(b)* a duty on stock or on a marketable security shall be calculated on its value, at the date of the instrument, according to the average price thereof;

*(c)* a duty on a debt or on a security, not being a marketable security, shall be calculated on the amount due, at the date of the instrument, for principal and interest; and

*(d)* an instrument which contains a statement of the value of any money or stock, or other property or right, or as to the amount due on a debt or security, and is stamped in accordance with that statement shall, so far as regards the subject matter of the statement, be deemed duly stamped unless it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

Use of several instruments for one transaction.

**26.-**(1) Unless otherwise provided, where several instruments are executed for effecting a transaction chargeable with one *ad valorem* duty, the principal instrument only shall be charged with the advalorem duty, and every other instrument shall be charged with such other duty as it may be liable to, but the last-mentioned duty shall not exceed the *ad valorem* duty charged on the principal instrument.

(2) In such a case the parties may determine for themselves which instrument is to be stamped as the principal instrument.



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Denoting stamps.

**27.** Where the duty with which an instrument is chargeable or any exemption from duty depends in any manner upon the duty paid on another instrument, the payment of the last-mentioned duty shall, upon application to the Commissioners and production of both instruments, be denoted on the first-mentioned instrument in such manner as the Commissioners think fit.

Assessment of duty by Commissioners.

**28.**-(1) Subject to such regulations as may be prescribed, the Commissioners may be required by any person to express their opinion with reference to any executed instrument upon the following questions–

*(a)* whether it is chargeable with any duty; or

*(b)* with what amount of duty it is chargeable.

(2) The Commissioners may require to be furnished with an abstract or copy of the instrument and also with such evidence as they may think necessary in order to show to their satisfaction whether all the facts and circumstances affecting the instrument with regard to duty or the amount of duty chargeable thereon are fully and truly set forth therein.

(3) If the Commissioners are of opinion that the instrument is not chargeable with any duty, it may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(4) If the Commissioners are of opinion that the instrument is chargeable with duty, they shall assess the duty with which it is, in their opinion, chargeable, and when the instrument is stamped in accordance with the assessment it may be stamped with a particular stamp denoting that it is duly stamped.

(5) Every instrument stamped with a particular stamp denoting either that it is not chargeable with any duty, or is duly stamped, shall be admissible in evidence and available for all purposes notwithstanding any objection relating to duty,



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Provided as follows–

*(a)* an instrument upon which the duty has been assessed by the Commissioners shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment; or

*(b)* a statutory declaration made for the purposes of this section shall not be used against any person making it in any proceedings whatever except in an inquiry as to the duty with which the instrument to which it relates is chargeable and every person by whom any such declaration is made,

shall on payment of the duty chargeable upon the instrument to which it relates be relieved from any fine or disability to which he may be liable by reason of the omission to state truly in the instrument any fact or circumstance required by this Act to be stated therein.

Appeals against assessments.

**29.**-(1) Any person who is dissatisfied with the assessment of the Commissioners may within twenty-one days after the date of the assessment and on payment of duty in conformity therewith, appeal against the assessment to the Supreme Court and may for that purpose require the Commissioners to state and sign a case setting forth the question upon which their opinion was required and the assessment made by them and the reasons therefor.

(2) The Commissioners shall thereupon state and sign a case and shall transmit it to the Registrar of the Supreme Court and the case may within fourteen days thereafter be set down for hearing.

(3) Upon the hearing of the case, the court shall determine the question submitted and if the instrument in question is in the



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opinion of the court chargeable with any duty, assess the duty with which it is chargeable.

(4) If it is decided by the court that the assessment of the Commissioners is erroneous, any excess of duty which has been paid in conformity with the erroneous assessment together with any fine or penalty which has been paid in consequence thereof shall be ordered by the court to be paid to the appellant, with or without costs as the court may determine.

(5) If the assessment of the Commissioners is confirmed, the court may make an order for the payment to the Commissioners of the costs incurred by them in relation to the appeal.

Reception of unstamped instruments in evidence.

**30.-**(1) Upon the production of an instrument chargeable with any duty as evidence in any court of civil jurisdiction or before any arbitrator, notice shall be taken by the judge, magistrate or arbitrator of any omission or insufficiency of the stamps thereon, and if the instrument is one which may legally be stamped after the execution thereof, it may, on payment to the officer of the court whose duty it is to receive the instrument, or the arbitrator, of the amount of the unpaid duty, and the penalty payable on stamping the same, and a further penalty of five dollars, be received in evidence, saving all just exceptions on other grounds.

(2) The officer or arbitrator receiving the duty and penalty shall give a receipt for it and shall communicate to the Commissioners the name or title of the cause or proceeding and of the party from whom he received the duty and penalty and the date and description of the instrument and shall pay over to the Commissioners the money received by him for the duty and penalty.

(3) On production to the Commissioners of any instrument in respect of which any duty or penalty has been paid together with the receipt, the payment of the duty and penalty shall be denoted on the instrument.



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(4) The decision of the judge, magistrate or arbitrator as to the necessity or sufficiency of stamp upon any document, or as to the amount payable for stamp duty thereupon, shall be final.

(5) Except as mentioned in sub-section (1), an instrument in any part of Belize, or relating, wherever executed, to any property situate, or to any matter or thing done or to be done, in any part of Belize shall not, except in criminal proceedings, be given in evidence or be available for any purpose whatever, unless it is duly stamped.

Recovery of stamp duties and penalties.

**31.**-(1) If an instrument of a kind specified below and chargeable with *ad valorem* duty is not duly stamped before or at the time after which it cannot be lawfully stamped except on payment of a penalty, the person mentioned in sub-section (2) shall be liable to pay to the Commissioners the amount of the stamp duty on the instrument and the penalty payable on stamping it, and shall in addition incur a fine of fifty dollars.

(2) The instruments to which this section applies and the persons liable as mentioned in sub-section (1) are–

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**Instruments chargeable with duty as ─ Persons liable as aforesaid:**

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*(a)* conveyance on sale ..... the purchaser;

*(b)* a lease .....the lessee;

*(c)* mortgage (except a debenture) .....the mortgagee;

*(d)* debenture.....the company issuing the same;

*(e)* transfer, assignment, or disposition ……. the transferee, assignee or disponee; of a mortgage



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*(f)* re-conveyance, release, or discharge of …….. the person redeeming the security a mortgage

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(3) Nothing in this section shall affect any express or implied agreement as to the incidence of any stamp duty as between the parties.

No penalty where instrument stamped within prescribed period.

**32.** Where a period is prescribed within which an instrument may be stamped after execution without the payment of a penalty, no fine shall, notwithstanding anything contained in this Act, be incurred in respect of such an instrument if it is duly stamped within that period.

Recovery of unpaid stamp duties, penalties and fines.

**33.**-(1) All unpaid stamp duties and penalties for non-payment of stamp duties may be recovered by the State in civil proceedings in any court of competent jurisdiction.

(2) The Commissioners, with the approval of the Minister, may mitigate or remit any penalty for non-payment of a stamp duty imposed by this Act, either before or after judgment, and may compromise any proceedings.

(3) All fines imposed by this Act may be recoverable under the Summary Jurisdiction (Offences) Act, and Summary Jurisdiction (Procedure) Act.

CAP. 98.
CAP. 99.

(4) The court may, if satisfied that there was no intention of evading the payment of duty, reduce, mitigate or remit the fine.

(5) Nothing in this Act shall affect any power of the Minister to mitigate or remit any fine.

Avoidance of conditions and agreement as to absence of stamps.

**34.** A condition of sale framed with the view of precluding objection or requisition on the ground of absence or insufficiency of the stamp on an instrument, and every contract, arrangement, or undertaking for assuming the liability on account of the absence or insufficiency of the stamp on an



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instrument or indemnifying against such liability, absence or insufficiency, shall be void.

Registration of unstamped instruments.

**35.** If any person whose office or duty it is to record, enrol, register, or enter in or upon any rolls, books or records, an instrument chargeable with stamp duty, knowingly records, enrols, registers, or enters any such instrument not being duly stamped, he shall incur a fine of two hundred dollars.

Void instruments.

**36.** If, with intent to evade the payment of duty under this Act, a consideration or sum of money shall be expressed to be paid on any instrument less than the amount actually paid or agreed to be paid, every such instrument shall be void.

## PART IV

### *Duties on Particular Instruments*

Affidavits. 8 of 1978. CAP. 130.

**37.-**(1) On every affidavit and on every declaration made under section 17 or 18 of the Oaths Act, there shall be paid a duty of one dollar and fifty cents.

(2) The following instruments are exempt from the duty charged by this section–

*(a)* an affidavit made for the immediate purpose of being filed and used in any proceedings in any court;

*(b)* an affidavit or declaration required by any customs or excise law;

*(c)* a declaration required as a condition of accepting any employment or office under Government;



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*(d)* a declaration made by or at the request of any Government official solely for the purposes of Government business;

*(e)* a declaration required to be made by any law or Act with a view to marriage;

CAP. 253.

*(f)* a declaration required to accompany an application for a patent under the Patents Act; or

*(g)* an affidavit or statutory declaration required to be made by any Act.

(3) Every person who takes, swears, or makes any affidavit or declaration which is chargeable with duty under this section and is not duly stamped shall incur a fine of fifty dollars.

Agreements.

**38.**-(1) There shall be paid on every agreement of a kind not otherwise charged with duty,

8 of 1978.

*(a)* if not under seal, a duty of ..... $0.75 or

*(b)* if under seal, a duty of ..... $12.00

(2) An agreement not under seal the matter whereof is not of the value of twenty-five dollars shall be exempt from all duties charged by this Act.

(3) An agreement not under seal for the hire of any labourer, artificer, artisan, or domestic servant is exempt from all duties charged by this Act.

Agency documents.

**39.**-(1) There shall be paid on every instrument appointing an agent or an attorney–



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*(a)* if not under seal, and for the sole purpose of appointing one or more proxies to vote at one meeting, a duty of ……..... $0.15

*(b)* in the case of the appointment of a receiver by a mortgagee, a duty of ..... $15.00 or 8 of 1978.

*(c)* in every other case, if under seal, a duty ……..…..... $15.00

(2) An instrument not under seal appointing a proxy to vote at a meeting shall name the date of the meeting, and shall be available only at the meeting and any adjournment thereof.

(3) A vote at a meeting given under the authority of an instrument which is not duly stamped shall be void.

Airline Ticket. 5 of 1993.

**40.** A duty shall be paid on every ticket issued in Belize for transportation by air to and from Belize or any place outside Belize, where the fare–

*(a)* does not exceed $250.00..... $25.00 or

*(b)* exceeds $250.00..... $30.00

Provided that no duty shall be payable on tickets issued to any person exempt from the payment of departure tax under the Departure Tax Act. CAP. 50.

Apprenticeship.

**41.**-(1) There shall be paid on every instrument of apprenticeship–

*(a)* if not under seal, a duty of ..... $0.50 or 8 of 1959.

*(b)* if under seal, a duty of ..... $4.00 8 of 1959.



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(2) An instrument of apprenticeship to the sea service is exempt from all stamp duties charged by this Act.

(3) Every person who executes an instrument which is chargeable with duty under this section and is not duly stamped shall incur a fine of fifty dollars.

Articles of clerkship.

**42.**-(1) On any article of clerkship whereby any person becomes bound to serve as a clerk with a view to his admission as a Solicitor of the Supreme Court, there shall be paid–

*(a)* on the first occasion..... $100.00
or

8 of 1978.

*(b)* on every subsequent occasion ..... $10.00

(2) Any person who executes any such articles which are not duly stamped shall incur a fine of fifty dollars.

Bankruptcy.

**43.** The following instruments are exempt from the stamp duties imposed by this Act–

*(a)* every instrument required for or relating solely to proceedings under the Bankruptcy Act, whether before or after adjudication, and whether an adjudication is made or not; or

CAP. 244.

*(b)* every instrument relating solely to the property of a bankrupt where the property, after the execution of the instrument, remains the estate of the bankrupt or of his trustee in bankruptcy.

Bills of lading.

**44.**-(1) There shall be paid on every bill of lading for goods to be exported, a duty of ..... $0.75

8 of 1978.

(2) For the purposes of stamp duty, "bill of lading" includes every document signed by the ship-owner, or master, or by an



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agent of the ship-owner or master acknowledging the receipt of goods, whether already shipped or for shipment.

(3) Every person who executes or issues such a bill of lading which is not duly stamped shall incur a fine of fifty dollars.

Bonds.

**45.**-(1) There shall be paid on every fifty dollars or part of fifty dollars of the amount of the penalty of every bond, not otherwise chargeable with duty under this Act, a duty of …….. $0.30

8 of 1978.

Provided that the maximum duty chargeable shall not exceed twelve dollars.

(2) A bail bond and a bond for obtaining probate or letters of administration and a security given with a view to an appeal from an Inferior Court to the Supreme Court under Part IX of the Supreme Court of Judicature Act, are exempt from all stamp duties charged by this Act.

CAP. 91.

Building Societies. CAP. 310.

**46.** The following instruments relating to Building Societies duly established under the Building Societies Act, are exempt from all stamp duties imposed by this Ac–

*(a)* a statutory declaration required by section 15 of the said Act on the occasion of the rescission or alteration of, or the addition to, any rule of the society;

*(b)* a bond or other security given by an officer in accordance with section 19 of the said Act;

*(c)* a receipt for money paid to the society by a member;

*(d)* a receipt for money lawfully paid to a member or his agent or next of kin, or personal representative, by a society;



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*(e)* a transfer of a share in the society;

*(f)* an appointment by the society of an agent; or

*(g)* a mortgage by a member to the society, and every instrument executed by the society having the effect of a re-conveyance or release of any such mortgage.

Charter-parties

**47.** A charter-party not under seal is exempt from any stamp duty.

Certificates, etc. 8 of 1978.

**48.**-(1) There shall be paid the stamp duty enumerated in Column II of the Schedule in respect of the corresponding professional certificate, licence or commission set out in Column I of that Schedule.

(2) The Minister may, by Order published in the *Gazette*, add to the Schedule any profession or vocation the licence or certificate to practice which has to be recorded or in respect of which a certificate of registration must be issued and prescribe the duty therefor, or may by such Order remove any profession or vocation from that Schedule.

Produce licences. CAP. 213.

**49.** There shall be paid on every instrument operating as a licence to cut, collect, prepare, use or remove forest produce as defined in section 2 of the Forests Act, where the value of such produce exceeds twenty dollars–

*(a)* if not under seal, a duty of ..... $0.75 or

*(b)* if under seal, a duty of ..... $12.00

Company winding up.

**50.** In the case of company winding-up proceedings, the following instruments are exempt from the stamp duties imposed by this Act–



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*(a)* every instrument required for or relating solely to proceedings for winding-up a company by the court, whether before or after the winding-up order is made, and whether such an order is ultimately made or not; or

*(b)* every instrument relating solely to the property of a company being wound up by the court, where the property after the execution of the instrument remains the estate of the company or of the Official Receiver or Liquidator.

Consular residence, etc.

**51.** Documents–

*(a)* relating to the purchase or lease of property by or on behalf of a Foreign Government as a consular residence; and

*(b)* required in connection with the transfer of property to a Foreign Government or State for the use of its agencies (other than diplomatic or consular establishments),

shall be exempt from all stamp duties if the Foreign Government or State accords a similar exemption to the Belizean Government.

Customs documents CAP. 49.

**52.** A bond with a view to the export of warehoused goods under section 39 of the Customs Regulation Act, or by inland carriage or navigation under section 51 of that Act, or with a view to the transfer of warehoused goods to another part of Belize under section 71 of that Act is exempt from all stamp duties charged by this Act.

Deeds. 8 of 1978.

**53.** On every deed not chargeable with *ad valorem* duty, there shall be paid a duty of ..... $12.00

Duplicates.



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**54.-**(1) There shall be paid on every duplicate or counterpart of an instrument chargeable with duty–

*(a)* where such duty is less than $1.00, the same duty as on the original instrument; or

8 of 1978.

*(b)* in every other case, a duty of ..... $3.00

(2) A duplicate or counterpart of an instrument chargeable with stamp duty shall not be deemed duly stamped unless it is stamped as an original instrument, or it is shown that the original instrument is duly and sufficiently stamped.

Friendly Societies. CAP 317.

**55.** The following instruments relating to Friendly Societies duly established under the Friendly Societies Act, are exempt from all stamp duties imposed by this Act–

*(a)* a receipt by the Society for a subscription due from a member;

*(b)* a receipt by a member, or his wife or child, or agent, next of kin, or personal representatives for money paid by the society;

*(c)* an instrument for effecting an appointment of a trustee or of a new trustee or the retirement of a trustee of the society, or for transferring property of the society in pursuance of such an appointment or retirement;

*(d)* a bond by a treasurer or steward of a society given in accordance with the said Act; or

*(e)* any statutory declaration required to be made by the said Act or by the rules of the Society.



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**55A.**–(1) The following instruments relating to international business companies duly established under the International Business Companies Act may not be required to pay stamp duties imposed by this Act– International business companies. CAP. 270. 18 of 2019.

*(a)* in respect of shares pursuant to section 14(4A), international business companies that are considered non-included entities under the Economic Substance Act; CAP. 273:01.

*(b)* in respect of an international business company that is a non-included entity under the Economic Substance Act, if the jurisdiction of its business operations accords an exemption to instrument executed by a company in that jurisdiction; CAP. 273:01.

*(c)* if the international business company is required to pay a stamp duty or an equivalent duty in a jurisdiction of operations in regards to a particular instrument;

*(d)* if the international business company is a regulated entity under the Economic Substance Act, any statutory declaration required to be made by the relevant Act or by the rules of the international business company; or CAP. 273:01.

*(e)* if a matter or thing which may be omitted by an international business company is omitted in Belize by a non-included entity.

(2) For the purpose of determining whether an international business company that is either an included entity or a non-included entity under the Economic Substance Act is liable for stamp duty, an instrument that is executed is deemed to be situated in Belize if– CAP. 273:01.



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*(a)* the instrument relates to land in Belize;

*(b)* is retrieved or accessed by a person in Belize;

*(c)* a copy of it is stored on a device, including a computer, and brought into Belize;

*(d)* an electronic copy of it is stored on a computer in Belize;

*(e)* any party involved or associated with the execution of an instrument is a citizen of Belize, a CARICOM national, or a Belizean company as defined in section 72(4) and (5) respectively; or

*(f)* the instrument is executed by an included entity pursuant to the Economic Substance Act.

CAP. 273:01.

Insurance policies. 11 of 1980.

**56.-**(1) There shall be paid–

*(a)* on every policy of insurance against accident, or for any payment agreed to be made during the sickness of any person or his incapacity from personal injury, or by way of indemnity against loss or damage of or to any property, a duty of..... $0.10

*(b)* on every hundred dollars or part of one hundred dollars of the amount insured under any policy of life insurance, a duty of ..... $0.10

*(c)* on every policy of marine insurance where the premium does not exceed the rate of one-eighth per centum of the sum insured, a duty of ..... $0.10



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*(d)* on every hundred dollars or part of one hundred dollars of the amount insured under any policy of marine insurance, where the insurance is for one voyage, or for any time not exceeding six months, a duty of..... $0.05
or

*(e)* on every hundred dollars or part of one hundred dollars of the amount insured under any policy of marine insurance, where the insurance is for any time exceeding six months, but not exceeding twelve months, a duty of ..... $0.10

(2) A policy of marine insurance for a period exceeding twelve months shall be void.

(3) The charge of duty by this Act on insurance policies extends to all policies executed in Belize, whether so executed by the insurer or by his agent, and to all policies, wherever executed, effected through an agent in Belize of the insurer, or relating to property in Belize, or where the sum insured is to be paid in Belize.

(4) A policy of insurance which is not executed in Belize or effected through an agent in Belize of the insurer and is duly stamped in accordance with the law for the time being in force in the United Kingdom or some British possession shall not by virtue of this Act, be liable to any stamp duty by reason only that it relates to property in Belize or provides that the sum insured shall be paid in Belize.

(5) Where an insurance is effected through an agent in Belize of the insurer, the agent, if he does not himself execute the policy of such insurance, shall within seven days after the receipt of any proposal form signed by or on behalf of the person intending to be insured or the receipt of the first or only premium for the insurance, whichever first happens, cause the proposal



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form or the receipt for the premium, as the case may be, to be duly stamped in the same manner as if it were the actual policy, and, if he fails to do so, shall incur a fine of two hundred dollars,

Provided that where the proposal form or the receipt for the first or only premium in respect of an insurance is duly stamped as a policy of insurance, the policy of such insurance shall not, by virtue of this Act, be chargeable with any stamp duty.

(6) For the purposes of stamp duties, "insurance" includes every contract of insurance, and "policy of insurance" or "insurance policy", includes every instrument whereby an insurance is made or agreed to be made or is evidenced.

(7) No insurance which, if effected by a policy, would give rise to a charge of stamp duty shall be valid, unless it is effected by a duly stamped policy, or, in the case of an insurance effected through an agent in Belize, the proposal form or receipt for the first or only premium in respect thereof is duly stamped as a policy of insurance.

(8) Every person who executes or issues a policy which is liable to stamp duty but which is not duly stamped shall incur a fine of fifty dollars.

Leases.

**57.-**(1) There shall be paid on every letting of land–

*(a)* in the case of a weekly or monthly tenancy, or for any definite and limited term not longer than one year–

*(i)* of a dwelling house or part of a dwelling house at a rent not exceeding the rate of ninety-six dollars per annum, a duty of..... $0.15 or

8 of 1978.



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*(ii)* in every other case-if not under seal, a duty of..... $0.75 if under seal, a duty of ..... $12.00; or

*(b)* in the case of any other tenancy or term–

*(i)* where the consideration or any part of the consideration given or at any time to be given for the lease consists of a premium in money or money's worth not being a rent in respect of such premium, the same duty as on a conveyance on sale for the same amount or value; or

*(ii)* where the consideration or any part of the consideration for the lease is a rent in respect of such consideration, if the rent, whether reserved as a yearly rent or otherwise, is at a rate or average rate *per annum*[1]

8 of 1978.

[1]*The table of the rates indicated in this paragraph was prescribed by Act No. 8 of 1978.*



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| | If the term exceeds 1 year but does not exceed 7 years | If the term exceeds 7 years but does not exceed 30 years | If the term exceeds 30 years but does not exceed 99 years | If the term exceeds 99 years or is indefinite |
|---|---|---|---|---|
| Not exceeding $25----------$0.75 | | $2.25 | $4.50 | $3.00 |
| Exceeding $25 but not exceeding $50----------$1.50 | | $4.50 | $3.00 | $6.00 |
| Exceeding $50 for each sum of $50 or part thereof----------$1.50 | | $4.50 | $3.00 | $6.00 |

*(c)* in the case of a tenancy of or permission to occupy land solely for planting or agricultural purposes for a definite and limited term not longer than one year, for which the total amount or value of the consideration given or at any time to be given does not exceed twenty-five dollars, a duty of ..... $0.15; or

8 of 1978.

*(d)* in any case not otherwise chargeable under this section–

*(i)* if not under seal, a duty of ..... $0.75 or

*(ii)* if under seal, a duty of ..... $12.00

(2) A lease by the Crown or the Government is exempt from any stamp duty imposed by this Act.

(3) In this section "lease" includes an agreement for a lease and a permission to occupy land.

Mahogany and logwood licences. 8 of 1978



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**58.** There shall be paid on every instrument operating as a licence to fell, cut, get, or take away mahogany, cedar or logwood–

*(a)* if not under seal, a duty of ..... $0.75
or

*(b)* if under seal, a duty of ..... $12.00

Mortgages.

**59.**-(1) There shall be paid–

*(a)* on every fifty dollars or part of fifty dollars of the amount or value secured, or which may at any time be secured, by any mortgage for the payment or transfer of money or money's worth, a duty of ..... $0.75

8 of 1978.

*(b)* on every fifty dollars or part of fifty dollars of the amount or value transferred, assigned or disposed of (including interest in arrear) by any transferor, assignment or disposition of any mortgage, a duty of .....$0.30; or

and

*(c)* on every fifty dollars or part of fifty dollars of the highest amount or value at any time secured (excluding interest in arrear which has not been capitalised) by the reconveyance, release, discharge or surrender of any mortgage, a duty of…… $0.30

(2) The duties payable in respect of a mortgage transferable by delivery or by any means other than an instrument of transfer shall be three times the amount of the above duties.

(3) For the purposes of stamp duties, the expression "mortgage" means–



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*(a)* a mortgage on any instrument creating a charge or lien on land;

CAP 246.

*(b)* a bill of sale registered or requiring registration under the Bills of Sale Act,; and

*(c)* a debenture issued by a company,

Provided that "mortgage" shall not include–

*(i)* a security by way of pledge or pawn; or

*(ii)* a charge or lien apart from the land on timber or logwood, whether standing, felled, or cut, or thereafter to be felled or cut, or on chicle, whether already bled, or thereafter to be bled, where it is stipulated by the instrument creating the charge or lien that the money secured there-by shall be used exclusively for the purposes of one, some, or all of the following operations, namely, cutting and delivering timber or logwood for, to, or on behalf of the mortgagee, or which is to be sold to the mortgagee, and collecting and delivering chicle for, to, or on behalf of the mortgagee, or which is to be sold to the mortgagee.

(4) Where the total amount or value secured or to be ultimately recoverable is in any way limited, the mortgage shall be deemed a mortgage for the amount or value so limited.

(5) Where such total amount or value is unlimited, the mortgage shall be deemed duly stamped for such an amount or value only as the stamp thereon is sufficient to cover according to the *ad valorem* scale, and if subsequently money or money's worth in excess of that amount or value is advanced or becomes owing, the mortgage shall, as regards that excess, be stamped as



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a new and separate mortgage executed on the date when such excess is advanced or becomes owing.

(6) A transfer of a mortgage, and also a mortgage for money to be added to money previously secured, shall not be charged with any more duty by reason of its containing further security for the money transferred or previously secured, or any new provision in relation thereto or to property comprised in the transferred or previous mortgage.

(7) Mortgagees' costs, charges and expenses, whether expressly secured by the mortgage or not, shall not be subject to an *ad valorem* duty.

(8) The duty on a transfer or assignment of a mortgage on the occasion of the appointment of a new trustee or the retirement of a trustee shall not exceed twelve dollars. 8 of 1978.

**60.-**(1) There shall be paid notarial acts– Notarial acts.

*(a)* on every notarial act, not being a protest of a bill of exchange or promissory note, a duty of ..... $1.50; or

*(b)* on every protest of a bill of exchange, or promissory note, the same duty as on the bill or note, 8 of 1978.

Provided that the maximum duty payable on such protest shall be…….... $1.50

(2) A notary who does or executes any notarial act or protest which is liable to duty but is not duly stamped shall incur a fine of fifty dollars.

**61.** There shall be paid on every instrument operating as an agreement for a partnership– Partnership agreement.



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8 of 1978.

*(a)* if not under seal, a duty of ..... $0.75; or

*(b)* if under seal, a duty of..... $12.00

49 of 2005.

**62.** *Repealed.*

PART V

*Miscellaneous*

Settlement. 8 of 1959.

**63.**-(1) Any deed or any order, or decree, of the Court of Chancery of England, or of Belize or other jurisdiction or authority, or instrument what-ever, whether voluntary or gratuitous, or upon any good or valuable consideration other than a bona fide pecuniary consideration, whereby any certain and definite sum or sums of money (whether charged or chargeable on lands or other hereditaments or not or to be laid out in the purchase of lands or other hereditaments or not and if charged or chargeable on lands or other hereditaments, whether to be raised at all events or not) or whereby any lands, tenements, rents, annuities, or other property, real or personal, or any right, title, interest, or claim into, out of, or upon, any lands, tenements, rents, annuities, or other property, shall be settled, or agreed to be settled upon, or for the benefit of any person or persons, either in possession or reversion, either absolutely or conditionally or contingently, or for life, or other partial interest, or in any other manner whatever, there shall be paid for every fifty dollars or part of fifty dollars of the amount

8 of 1978.

or value of the property settled or agreed to be settled a duty of seventy-five cents.

6 of 2006.

(2) There shall be paid on every fifty dollars or part of fifty dollars of the value of the property or the amount of the consideration given or at any time to be given, whichever is the greater, on every conveyance or other transfer of property, whether by sale, exchange or gift, other than a sale or transfer of land, a duty of two dollars and fifty cents.



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(3) The following are exempt from the provisions of this section–

*(a)* bonds, mortgages, and other securities operating as settlements, if chargeable with the *ad valorem* duties on bonds and mortgages hereinbefore granted;

*(b)* deeds, or instruments of appointment, apportionments, in execution of powers given by any previous settlement, deed or will to, or in favour of persons, specially named or described as the object of such powers;

*(c)* deeds, or instruments merely declaring the trusts of any money, pursuant to any previous settlement (in respect of which *ad valorem* settlement duty has been paid) deed or will, or for securing any gifts or dispositions made by any previous settlement, (in respect of which *ad valorem* settlement duty has been paid) deed or will;

*(d)* wills, testaments, and testamentary instruments and dispositions mortis causa, of every description;

*(e)* where several instruments are executed for effecting the settlement of the same property, and the *ad valorem* duty chargeable in respect of the settlement of the property exceeds two dollars, one only of the instruments is to be charged with the *ad valorem* duties; or

*(f)* where a settlement is made in pursuance of a previous agreement, upon which *ad valorem* settlement duty exceeding two dollars has been paid in respect of any property, the



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settlement is not to be charged with *ad valorem* duty in respect of the same duty.

(4) On the instruments not chargeable with *ad valorem* duty under sub-section (3) (e) and (f), there shall be paid the duty of one dollar.

Sales.

**64.-**(1) There shall be paid–

*(a)* on every agreement for the sale of property passing by delivery, or of an equitable interest in property, or for the sale of property where no conveyance is necessary to complete the sale, or having the effect of a conveyance on sale, the same *ad valorem* duty as on a conveyance on sale of that property or interest; and

*(b)* on every other agreement for sale–

*(i)* if not under seal, a duty of..... $0.75; or

8 of 1978.

*(ii)* if under seal, a duty of ..... $12.00

6 of 2006.

(2) There shall be paid on every fifty dollars or part of fifty dollars of the amount or value of the property or the amount of the consideration given or at any time to be given, whichever is the greater on every conveyance or other transfer of property, other than a sale or transfer of land, a duty of two dollars and fifty cents.

42 of 2017.

(3) Where the consideration or any part of the consideration for a sale is payable or transferable periodically for a definite period not exceeding twenty years, so that the total amount or value to be paid or transferred can be previously ascertained, the conveyance shall be charged in respect of that consideration with *ad valorem* duty on such total amount or value.



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(4) Where the consideration or any part of the consideration for a sale is payable or transferable periodically for a definite period exceeding twenty years, or in perpetuity, or for any indefinite period not terminable with life, the conveyance shall be charged in respect of that consideration with *ad valorem* duty on the total amount or value which will or may, according to the terms of sale, be payable or transferable during the period of twenty years next after the day of the date of the instrument.

(5) Where the consideration or any part of the consideration for a sale is payable or transferable periodically during any life or lives, the conveyance shall be charged in respect of that consideration with *ad valorem* duty on the amount or value which will or may, according to the terms of sale, be payable or transferable during the period of twelve years next after the day of the date of the instrument.

(6) No conveyance on sale chargeable with *ad valorem* duty in respect of any periodical payments or transfers, and containing also provisions for securing the payments or transfers shall be charged with any duty in respect of such provision, and no separate instrument made in that case for securing the payments or transfers shall be chargeable with any higher duty than twelve dollars. 8 of 1978.

(7) A conveyance completing an agreement stamped *ad valorem* as a conveyance on sale shall, as regard the consideration for which it is so stamped, be subject to a duty of seventy-five cents only. 8 of 1978.

(8) Where property agreed to be sold is re-sold before completion of the original sale, the *ad valorem* duty shall not be charged in respect of more than one sale, but shall be charged in respect of that consideration which is the largest.

(9) The Commissioners, if satisfied that an agreement stamped *ad valorem* as a conveyance on sale is rescinded or for any reason cannot substantially be carried into effect, shall return the whole or such part of the duty as they think just.



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(10) Sales of goods, wares, and merchandise and of timber and produce severed from the land or of property of the value of less than twenty-five dollars are exempt from any stamp duty charged by this Act.

8 of 1978.

(11) An agreement for sale required to be stamped as a conveyance shall, if stamped with the duty of twelve dollars in the case of an agreement under seal or of seventy-five cents in the case of any agreement not under seal, be deemed duly stamped for the mere purpose of proceedings to enforce specific performance or to recover damages for the breach thereof.

Share warrants. 8 of 1978.

**65.**-(1) There shall be paid on every fifty dollars or part of fifty dollars of the nominal value of every share warrant to bearer by a company registered in Belize a duty of …..……. $2.25.

(2) If any such warrant is issued without being duly stamped, the company issuing it, and also every person who at the time when it is issued is the managing director or secretary of the company, and also every person who is knowingly a party to such issue or who accepts the warrant, shall be jointly and severally liable to pay to the Commissioners the amount of the stamp duty chargeable thereon and the penalty payable on stamping it, and in addition shall each incur a fine of two hundred and fifty dollars.

Ships.

**66.** The following instruments are exempt from the stamp duties imposed by this Act–

*(a)* every instrument for the sale, transfer, or other disposition, either absolutely or by way of mortgage, or otherwise, of any ship or share or interest therein;

*(b)* every instrument which is by the Merchant Shipping Act 1894, 57 &b58bVict. C. 68, as amended by any subsequent enactment, exempt from imperial stamp duties;



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*(c)* every instrument operating as a contract with a passenger for his conveyance by a ship, vessel, or boat, whether by sea or inland navigation; and

*(d)* a receipt by a seaman employed in a ship for his wages.

Appointment and retirement of trustees. 8 of 1978.

**67.**-(1) On every instrument for effecting an appointment of a new trustee and on every instrument for effecting the retirement of a trustee when a new trustee is not appointed in his place, there shall be paid a duty of $12.00.

(2) On every conveyance of property, not being a transfer of a mortgage, solely for giving effect to the appointment of a new trustee or the retirement of a trustee, there shall be paid a duty of ……..... $12.00.

(3) Where on the conveyance of property or the transfer of a mortgage the stamp duty, if payable *ad valorem*, would exceed twelve dollars, a person who for valuable consideration takes or deals, or proposes or intends to take or deal with the property or mortgage or the property comprised in the mortgage shall not, by reason only of the stamp duty on the conveyance or transfer being twelve dollars, whether assessed by the Commissioners or not, be deemed to have or to have had notice of any trust, or that the conveyance or transfer was made for giving effect to the appointment of a new trustee, or the retirement of a trustee.

Warrant of Attorney. 8 of 1978.

**68.** On every warrant of attorney not chargeable as a mortgage, there shall be paid a duty of ..... $12.00.

Conveyances etc., exempted from duty.

**69.** Every instrument for–

*(a)* the conveyance of any property or interest therein to the State; or



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*(b)* the conveyance of any land as a site for any church or chapel of any religious denomination,

shall be exempt from duty under this Act.

Repeal and savings.

**70.** With effect from 1st April, 1996, the stamp duty on customs warrants chargeable under section 70 of the Stamp Duties Act, Chapter 45 of the Laws of Belize, Revised Edition 1980-90, including all exemption orders made under the said section, are repealed, but not withstanding such repeal, the stamp duty on customs warrants for goods imported into or exported from Belize before the aforesaid 1st April, 1996 shall remain payable and may be levied and collected as if the above repeal had not been passed, and for this purpose the exemption orders referred to above shall continue to apply.

Voluntary disposition dutiable as sale. 8 of 1978.

**71.-**(1) Stamp duty shall be payable on the value of the property conveyed by any conveyance or transfer operating as a voluntary disposition inter vivos as if it were a conveyance on sale.

(2) Notwithstanding sub-section (1), a conveyance or transfer or an agreement for conveyance or transfer operating as a voluntary disposition of property shall not be chargeable with any duty 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.

(3) Where any instrument is chargeable with duty both as a conveyance or transfer under this section and as a settlement under section 63 the instrument shall be charged with duty as a conveyance or transfer under this section and not as a settlement.

22 of 2005.

(4) Any declaration of trust or other instrument of what ever kind, used to pass legal title or equitable interest to land or to



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give a person some interest in land shall be chargeable with *ad valorem* stamp duty.

Stamp duty on transfer of land. 6 of 2006. 42 of 2017.

**72.**-(1) Subject to sub-section (3), there shall be paid a duty at the following rates on the value of the land or of the amount of the consideration, whichever is the greater, in respect of a transfer of land, whether by sale, exchange or gift, or pursuant to testamentary disposition or devolution on intestacy,

| **Value of land** | **Rate of Stamp Duty** |
|---|---|
| Not exceeding $20,000 on a amount in excess of $20,000, | 0% (EXEMPT) |
| *(a)* where the transferee of land, being a natural person, is a citizen of Belize | 5% |
| *(b)* where the transferee of land is a Belizean company | 5% |
| *(c)* where the transferee of land is a CARICOM national, acting for purposes directly related to the exercise by that national of a right of establishment or the right to provide a service in Belize | 5% |
| *(d)* in the case of any person not | |



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| | |
|---|---|
| specified in paragraph *(a), (b)* or *(c)* | 8% |

(2) Stamp duty at the applicable rate specified in sub-section (1) is payable in respect of–

*(a)* a settlement of land or other trust arrangement facilitating the participation by any person as a beneficiary under a trust, in any interest in land, whether or not the trust involves other property which is not land and notwithstanding anything in the Trusts Act, and the beneficiary is not a citizen of Belize;

*(b)* an instrument transferring land as part of a company's assets to a successor company, whether by way of acquisition, merger or otherwise; or

*(c)* an instrument that involves the transfer of an equitable or beneficial interest in land or an agreement to transfer an equitable or beneficial interest in land, to a transferee that is neither a citizen of Belize nor a Belizean company, as the case may be.

(3) A transfer of land to a citizen of Belize or to a Belizean company, by way of testamentary disposition or devolution on intestacy, or settlement or other arrangement specified in sub-section (2) (a), is exempt from the payment of duty under this section.

18 of 2019.

(4) In this section and section 55A(2)(d)–

"CARICOM national" means a person who–



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*(a)* is a citizen of a Member State;

*(b)* has a connection with a Member State of a kind which entitles that person to be regarded as belonging to or, if it be so expressed, as being a native or resident of such a Member State for the purposes of the laws thereof relating to immigration; or

*(c)* is a company or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it, provided that such company or other legal entity has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity within the Caribbean Community and is substantially owned and effectively controlled by persons mentioned in paragraphs (a) and (b);

"right of establishment" includes the right to–

*(a)* engage in any non-wageearning activity of a commercial, industrial, agricultural, professional or artisan nature; or

*(b)* create and manage an economic enterprise;

"service" means a service provided against remuneration other than wages in any sector duly approved for the purposes of the supply of services between Member States, and "provide a service" means to supply a service—

*(a)* from the territory of a Member State into the territory of another Member State;

*(b)* in the territory of one Member State to a service consumer of another Member State;



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*(c)* as carried out by a service supplier of one Member State through commercial presence in the territory of another Member State; or

*(d)* as carried out by a service supplier of one Member State through the presence of a natural person of a Member State in the territory of another Member State.

18 of 2019.

(5) For the purposes of this section and section 55A(2)(d)–

*(a)* a company is a Belizean company if it has been formed and registered under the Companies Act or formed under another enactment of Belize, and is neither a foreign controlled company nor a company to which section 14(4A) refers; or

42 of 2017.

*(b)* a company is a foreign-controlled company, if (regardless of where it has been formed) –

*(i)* one half or more of its shareholders or directors are not citizens of Belize;

*(ii)* one half or more of its issued share capital is held by or for and on behalf of persons who are not citizens of Belize; or

*(iii)* one half or more of the votes exercisable at any meeting of the company is held by or for and on behalf of persons who are not citizens of Belize.

All instruments to be submitted for the Commissioners' opinion.

**73.** Any instrument purporting to be a conveyance or a transfer under section 71 or 72 shall be submitted to the Commissioners by the person liable to pay the duty for their opinion in terms of section 28, and the Commissioners shall express their opinion accordingly.



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Stamp duty on other dealings in or affecting land. 42 of 2017.

**73A.**-(1) There shall be paid by a purchaser or occupier of land under an agreement for the sale, exchange or gift of land whether or not the agreement includes a clause giving the purchaser or occupier a right of possession or occupation to the land, stamp duty at the applicable rate specified in section 72, of the value of the land or the amount of consideration, for the land, whichever is greater.

(2) Sub-section (1) shall apply only where the land has not been transferred as provided in section 72(1).

(3) Where a company– 6 of 2006.

*(a)* owns lands; and

*(b)* sells the shares in the land, or in any development carried out on the land to any person and the person who purchases the shares or an interest in the development carried out on the land possesses special rights as a result of such purchase which may include–

*(i)* the right to possession or occupation of a piece or the whole of the land;

*(ii)* the right of access to the common areas of the land; or

*(iii)* other customary rights of share-holder,

there shall be paid by the company, on the issuance of such shares or interest which create the special rights referred to in paragraph(b), stamp duty at the applicable rates specified in section 72, of the value of the land or the development, as the case may be. 6 of 2006. 42 of 2017.



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(4) Sub-section (3), shall apply to a person, a group of persons, an entity or an unincorporated group of persons, so that–

42 of 2017.

*(a)* references to a "Company" in that sub-section and section 72 shall be read and construed as references to the person, group of persons, entity or unincorporated group of persons; and

42 of 2017.

*(b)* references to "shares" in that sub-section and section 72shall be read and construed as references to some other mechanisms used to create the special rights specified in sub-section(3)(b).

(5) An agreement, instrument, deed or share referred to in sub-section (1) or (3), or in section 71(4) shall, unless the stamp duties payable therefor have duly been paid–

*(a)* be incapable of creating or transferring any legal rights or interests; and

*(b)* have no effect unless and until registered.

Stamp duty on foreign exchange permit.
CAP. 52.
1 of 1984.
30 of 2017.

**74.**-(1) On every permit issued by a bank for the purchase of foreign currency under the Exchange Control Regulation Act, or regulations made thereunder, there shall be paid by the applicant therefor a stamp duty of 1.75 per-centum of the price of the foreign exchange or of the value in Belize dollars of the transaction, whichever is the greater,

Provided however, that this provision shall not apply to any foreign exchange transaction of one hundred dollars or less.

(2) For the purposes of this section,

"bank" means the Central Bank of Belize, a bank or financial institution for the time being authorised under the Exchange Control Regulations Act to act as an authorised dealer in relation



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to foreign currency for the purposes of the Act and includes the General Post Office and branches thereof;

"foreign currency" means any currency of a country other than Belize, or any cheque, draft, letter of credit, money order, postal order and any other negotiable instrument denominated in currency other than Belizean currency;

"transaction" means any foreign exchange transaction conducted under the Exchange Control Regulations Act and regulations made thereunder.

(3) A refund of stamp duty may be made by the Central Bank of Belize for any unused portion of a permit.

(4) Notwithstanding anything to the contrary contained the Minister may, by order in writing, exempt certain categories of persons from the payment of stamp duty on foreign exchange permits.

Stamp duty on temporary employment permits.
19 of 1996.
CAP. 156.

**75.** There shall be paid for the processing of a temporary employment permit pursuant to its issue as provided by section 16 of the Immigration Act, a stamp duty of twenty dollars.

Power of Minister to waive stamp duty.
3 of 1998.

**76.** The Minister may by Order published in the Gazette waive the payment of stamp duty chargeable under this Act in any of the following cases–

*(a)* on a transfer of land to any trust or other organization which holds such land in trust for the people and Government of Belize; or

*(b)* on a transfer of bonds issued or guaranteed by the Government of Belize.



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SCHEDULE

STAMP DUTIES ACT

Certificates Fees

*[Section 48]*

| **Column I** | **Column II** |
|---|---|
| *(a)* on every certificate of registration as a dentist a duty of | $100.00 |
| *(b)* on every certificate to practice as a solicitor a duty of | $100.00 |
| *(c)* on every certificate of registration as a medical practitioner a duty of | $1000.00 |
| *(d)* on every certificate of registration as a land surveyor a duty of | $100.00 |
| *(e)* on every licence to act as a licensed measurer of wood a duty of | $100.00 |
| *(f)* on every commission or licence to practice as a notary public a duty of | $100.00 |
| *(g)* on every certificate of registration as an optician a duty of | $100.00 |

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