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PUBLISHED BY AUTHORITY

PART C

S1

LEGAL NOTICE NO. 245 OF 2018

THE STAMP DUTIES ACT, 1970
(Act No. 37 of 1970)

THE STAMP DUTIES ACT (REVOCATION OF LEGAL NOTICE NO. 131 OF 2018)
NOTICE 2018
(Under Section 4bis)

In exercise of the powers conferred by Section 4bis of the Stamp Duties Act, 1970, The Minister of Finance issues the following Notice:

Citation and Commencement.

1. (1) This Notice may be cited as The Stamp Duties Act (Revocation of Legal Notice No. 131 of 2018) Notice, 2018.
(2) This Notice Shall come into force on the date of publication in the gazette.

Revocation of Notice.

2. Legal Notice No. 131 of 2018 is revoked.

NEAL RIJKENBERG
MINISTER FOR FINANCE

	<p>(a) an agreement or contract, other than a hire purchase agreement or contract or agreement of lease which relates to the sale, supply or delivery of goods, wares or merchandise including livestock, and agricultural produce;</p> <p>(b) an agreement or contract for the hire of domestic servants, labourers or seamen</p>	
3	<i>Ante nuptial contract</i>	50.00
4	<i>Arbitration or award</i> – every deed of submission and every award.	48.00
5	<i>Authentication certificate</i> given by a public officer in his official capacity or under his official seal testifying to the identity of a person or the authenticity of a signature on an instrument outside Swaziland, irrespective of the number of signatures or seals required to effect the authentication.	50.00
6	<p><i>Bill of exchange or promissory note</i> –</p> <p>Payable</p> <p>(a) on demand..... 0.20</p> <p>(b) otherwise than on demand for every E100 or part thereof of the amount or value..... 0.40</p> <p><i>Exemptions</i> –</p> <p>(a) a traveller's cheque issued outside Swaziland;</p> <p>(b) a draft or order by a banker on another banker, not available for payment or a third person and used solely for settling or clearing accounts between bankers concerned;</p> <p>(c) a coupon or warrant for interest or dividend attached to or issued with a marketable security;</p> <p>(d) a bill or draft by or upon a public account;</p> <p>(e) a promissory note or bills of exchange made in favour of a banker.</p>	
7	<i>Bill of lading</i> for the carriage or transport of any goods by sea – For every bill or copy or duplicate thereof.....	10.00
8	<p><i>Bond:</i></p> <p>(1) A mortgage bond hypothecating immovable property of any interest therein and past before a conveyancer–</p>	

	<p>(a) where the total amount of the debt secured does not exceed E300,000,00: for every E10,000 or part thereof.....</p> <p>(b) where the total amount of the debt secured exceeds E300,000 but does not exceed E1,000,000: for every E10,000 or part thereof.....</p> <p>(c) where the value or consideration exceeds E1,000,000 for every E10,000 part thereof of the value or consideration</p> <p>(2) A bond mentioned in (1) which is executed by way of surety-ship only and is collateral to a duly stamped bond for the same debt or obligation executed by the principal debtor or obligor: for every E10,000 or part thereof of the debt secured or to be secured.....</p> <p>(3) A bond mentioned in (1) which is auxiliary or collateral to or substituted for a previously made and duly stamped bond for the same debt or obligation and which is executed by the same person</p> <p>(4) Cession of bond mentioned in (1) or of any bond substituted therefor -</p> <p>(a) where the amount remaining due exceeds E100,000: for every E10,000 part thereof.....</p> <p>(b) where the amount remaining due exceeds E100,000: for every E10,000 or part thereof.....</p> <p>(5) Cession of an auxiliary or collateral bond mentioned in (2) or (3).</p> <p>(6) Substitution of debtor in respect of a bond mentioned in (1)</p> <p>In determining, for the purpose of this Item, the amount of a debt secured or remaining due under a bond, a sum separately secured by the bond to cover costs incurred in connection with the debt shall be excluded from the amount.</p> <p>Exemptions -</p> <p>(a) a bond given solely in security for any payment due to the public revenue; and</p> <p>(b) a bond given by a public officer in respect of the discharge of his official duties.</p>	<p>85.00</p> <p>95.00</p> <p>100.00</p> <p>50.00</p> <p>A duty at the rates mentioned in (1) but not exceeding E1 000.00</p> <p>50.00</p> <p>70.00</p> <p>The same duty as is chargeable on the bond.</p> <p>The same duty as is chargeable on a cession of the bond.</p>
9	Broker's Note	

	<p>For the purposes of this paragraph a ticket, coupon, notice, bill or other document purporting to be an insurance policy or to give a right to insurance in the event of death, accident, sickness or the like, shall be deemed to be a policy of insurance executed on the date of its sale or issue for consideration and is chargeable with duty under this paragraph.</p> <p>(8) Cession of a policy of insurance or any interest under it.....</p> <p>Provided that the duty on a cession of a policy referred to in paragraph (1) or of any interest under it shall not exceed the duty to which policy which is ceded or under which an interest is ceded would be liable under that paragraph.</p> <p>The maximum duty chargeable under any paragraph of this item is E100.00</p> <p>Exemptions -</p> <p>(a) Interim cover note issued in respect of a policy of insurance to be issued within Eswatini;</p> <p>(b) Policy solely for the purpose of effecting reinsurance by one insurance company or association with another insurance company or association to cover general risks;</p> <p>(c) Funeral policy</p>	<p>payable rounded up to next 5 cents.</p> <p>0.15</p>
<p>20</p>	<p>Power of attorney - Power of attorney or instrument of a like kind or any substitution thereunder: in respect of each grantor -</p> <p>(i) Special.....</p> <p>(ii) General.....</p> <p>Provided that any power of attorney granted by or on behalf of a company or partnership or by persons holding jointly the office of administrator, executor, curator, tutor or trustee and granting the power in any such capacity only, shall be deemed to be given by one grantor.</p> <p>Exemption: Proxy solely to vote at a specified meeting or adjournment thereof.</p> <p>If given in respect of the payment of a sum of money amounting to E10 or more</p>	<p>2.00</p> <p>4.00</p> <p>0.50</p>
<p>21</p>	<p>Security or Suretyship: Any instrument of security or pledge or any act of suretyship, indemnity or guarantee not otherwise chargeable with duty -</p> <p>(1) Where the instrument secures the payment of any money debt and the amount secured is stated in such instrument: for every E100 or part thereof of such amount.....</p>	<p>0.20</p>

	Subject to a minimum of E30.00	
	(2) Where such instrument secures the payment of a money debt and the amount secured is not stated in such instrument.....	30.00
	(3) Where such security, pledge, surety-ship indemnity or guarantee is given in respect of any other matter.....	10.00
	<i>Exemptions -</i>	
	(a) where such instrument relates solely to a payment due to the public revenue;	
	(b) where such instrument constitutes a policy of insurance;	
	(c) any indemnity by any person solely in respect of loss or damage caused by or suffered in consequence of the death of or personal injury to such person or his child or dependant;	
	(d) any indemnity by any person of loss or damage caused by or suffered in consequence of the death of, or personal injury to, a person while being taken up or conveyed in or put down from a vehicle, aircraft, ship or boat owned, operated or hired by the Government or in respect of the loss of, any damage to, property of any such person arising from any accident or other cause while or as a result of being so taken up, conveyed or put down.	
22	<i>Deeds of hypothecation</i> under King-Order-in-Council No. 23 of 1975: Any deed of hypothecation made under the Financial Institutions Act for every E10,000.....	20.00
23	<i>Transfer deed relating to immovable property -</i>	
	(1) Where the value or consideration does not exceed E300,000: for every E10,000 or part thereof of the value or consideration.....	95.00
	(2) Where the value or consideration exceeds E300,000 but does not exceed E1,000,000: for every E10,000 or part thereof.....	100.00
	(3) Where the value or consideration exceeds E1,000 000: for every E10,000 or part thereof of the value or consideration.....	105.00
	(4) Where the amount of the value differs from the amount of the consideration, the duty payable under this Item shall be on the higher amount.	
	<i>Exemptions -</i>	

	(5) Partition transfer, except in respect of consideration paid by one of the parties thereto to another party.	
	(6) Transfers which bring about no alteration in the legal rights in the property transferred.	
24	<i>Warehouse receipt -</i>	
	(2) A warehouse receipt.....	0.50
	(3) Any endorsement of any warehouse receipt or rail surety note by way of security -	
	(a) for every E100 or part thereof of the debt secured.....	0.40
	(b) where the amount of the debt secured is not stated, or is contingent upon the happening of some future event, or is otherwise not ascertainable at the date of the endorsement.....	1.00

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