

D.R. 25/2016

RANG UNDANG-UNDANG

b e r n a m a

Suatu Akta untuk meminda Akta Setem 1949.

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DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Setem (Pindaan) 2016.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pindaan seksyen 2

2. Akta Setem 1949 [*Akta 378*], yang disebut “Akta ibu” dalam Akta ini, dipinda dalam seksyen 2—

(a) dengan menggantikan takrif “banker” dengan takrif yang berikut:

‘ “banker” means any person licensed under—

(a) the Financial Services Act 2013 [*Act 758*] to carry on a banking business in Malaysia; or

(b) the Islamic Financial Services Act 2013 [Act 759] to carry on an Islamic banking business in Malaysia;’;

(b) dengan menggantikan takrif “duly stamped” dengan takrif yang berikut:

‘ “duly stamped”, as applied to an instrument chargeable with duty, means an instrument having—

(a) an adhesive stamp affixed to it and duly cancelled;

(b) an impressed stamp;

(c) a stamp certificate attached to it; or

(d) an official receipt attached to it,

where the duty on such instrument shall not be less than the proper amount of the stamp in accordance with the law for the time being in force at the time of stamping;’;

(c) dalam takrif “duty”, dengan memotong perkataan “or under any written law”;

(d) dengan menggantikan takrif “insurer” dengan takrif yang berikut:

‘ “insurer” means any person licensed under—

(a) the Financial Services Act 2013 to carry on an insurance business in Malaysia and includes a reinsurer or;

(b) the Islamic Financial Services Act 2013 to carry on a takaful business in Malaysia and includes a retakaful operator;’;

(e) dengan memasukkan selepas takrif “insurer” takrif yang berikut:

‘ “interest” includes gains or profits received *in lieu* of interest in transactions conducted in accordance with the principles of Shariah;’;

- (f) dengan menggantikan takrif “policy of insurance” dengan takrif yang berikut:

‘ “policy of insurance” means a policy which is issued in Malaysia by an insurer consisting of a life policy, a general policy or a reinsurance contract with another insurer and includes takaful certificate; and the expression “insurance” includes “assurance”;

- (g) dengan menggantikan takrif “small and medium enterprise” dengan takrif yang berikut:

‘ “small and medium enterprise” means—

(a) in relation to the manufacturing activities, an enterprise with sales turnover not exceeding fifty million ringgit or full-time employees not exceeding two hundred people; or

(b) in relation to the services, and other sectors, an enterprise with sales turnover not exceeding twenty million ringgit or full-time employees not exceeding seventy-five people;’;

- (h) dengan menggantikan takrif “stamp certificate” dengan takrif yang berikut:

‘ “stamp certificate” means a certificate that is issued electronically in respect of any instrument chargeable with duty denoting—

(a) the amount of duty paid in respect of that instrument; or

(b) the exemption or remission of the duty which would otherwise be chargeable in respect of that instrument;’; and

- (i) dengan memasukkan selepas takrif “stock” takrif yang berikut:

‘ “takaful certificate” means a family takaful certificate, general takaful certificate or retakaful certificate with another takaful operator, which is issued in Malaysia by a licensed takaful operator;’.

Pindaan seksyen 3A**3. Seksyen 3A Akta ibu dipinda—**

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) For the purposes of ascertaining whether an instrument is chargeable with duty under this Act or whether such duty has been paid, the Collector may by notice in writing, require any person—

(a) to produce for examination any instrument, book, account, record or other document within the time specified in the notice; or

(b) to attend personally before him and produce for examination any instrument, book, account, record or other document.”;

(b) dalam subseksyen (2)—

(i) dengan memasukkan selepas perkataan “free access to” perkataan “and may search”; dan

(ii) dengan menggantikan perkataan “books and documents” dan “books or documents” di mana-mana jua terdapat dengan perkataan “instruments, books, accounts, records and other documents” dan “instruments, books, accounts, records or other documents” masing-masing;

(c) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

“(2A) Where the Collector exercises his powers under subsection (2), the owners or occupiers of such lands, buildings and places shall provide the Collector with reasonable facilities and assistance.”;

(d) dalam subseksyen (3), dengan menggantikan perkataan “books or documents” di mana-mana jua terdapat dengan perkataan “instruments, books, accounts, records or other documents”; dan

(e) dengan menggantikan subseksyen (5) dengan subseksyen yang berikut:

“(5) Any person who—

- (a) without reasonable excuse, fails to comply with a notice under subsection (1);
- (b) obstructs or refuses to give access to the Collector into any land, building or place in pursuance of subsection (2);
- (c) obstructs or hinders the Collector, or any valuer duly authorised by the Collector, in the exercise of any of his powers under this Act;
- (d) refuses to produce any instrument, book, account, record or other document in his custody or under his control on being required to do so by the Collector for the purposes of this Act;
- (e) fails to provide reasonable facilities or assistance or both to the Collector in the exercise of his powers under this Act; or
- (f) refuses to comply with any direction given by the Collector or to answer any question lawfully asked of him by the Collector for the purpose of this section,

commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 4

4. Subseksyen 4(1) Akta ibu dipinda—

- (a) dengan memotong perkataan “and in any written law for the time being in force”; dan
- (b) dengan menggantikan perkataan “, from and after the commencement of this Act, be chargeable with the several duties specified in such Schedule” dengan perkataan “be duly stamped with the chargeable duty of the amount specified in that Schedule as the proper duty”.

Pindaan seksyen 4A

5. Subseksyen 4A(3) Akta ibu dipinda dengan menggantikan perkataan “shall be liable to a fine not exceeding two hundred and fifty ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit”.

Pindaan seksyen 6

6. Seksyen 6 Akta ibu dipinda dengan memotong perkataan “or by any other written law”.

Pindaan seksyen 7

7. Subseksyen 7(1) Akta ibu dipinda dengan memasukkan selepas perenggan (a) perenggan yang berikut:

“(aa) means of an impressed stamp;”.

Pindaan seksyen 8

8. Seksyen 8 Akta ibu dipinda—

(a) dengan memasukkan selepas subseksyen (3) subseksyen yang berikut:

“(3A) A person authorized by the Minister under subsection (1) shall frank the instrument within thirty days from the date the instrument is executed.”;

(b) dalam subseksyen (4), dengan memasukkan selepas perkataan “postal franking machine” perkataan “or digital franking machine”;

(c) dalam subseksyen (6), dengan menggantikan perkataan “kept by him” dengan perkataan “kept by the person authorized by the Minister under subsection (1)”;

- (d) dalam subseksyen (7), dengan menggantikan perkataan “authorized person” dengan perkataan “person authorized by the Minister under subsection (1)”; dan
- (e) dengan menggantikan subseksyen (8) dengan subseksyen yang berikut:

“(8) A person authorized by the Minister under subsection (1) who fails to comply with the conditions imposed in the licence issued under subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 9

9. Seksyen 9 Akta ibu dipinda—

- (a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) The Collector may authorize any person including any banker, dealer or insurer, by notification in the *Gazette*, to compound for the payment of duty on unstamped instrument subject to the condition that the instrument be drawn or drawn up and issued on a form to be supplied or adopted by the said person.”;

- (b) dalam subseksyen (3), dengan menggantikan perkataan “two hundred ringgit or ten per centum” dengan perkataan “five hundred ringgit or twenty per centum”;
- (c) dalam subseksyen (6), dengan menggantikan perkataan “as mentioned under paragraph 1(a), (b) or (c)” dengan perkataan “under subsection (1)”; dan
- (d) dalam subseksyen (7), dengan menggantikan perkataan “mentioned in” dan “paragraph 1(a), (b) or (c)” dengan perkataan “authorized under” dan “subsection (1)” masing-masing.

Penggantian seksyen 10

10. Akta ibu dipinda dengan menggantikan seksyen 10 dengan seksyen yang berikut:

“Stamping of instrument

10. Every instrument chargeable with duty shall be so stamped that the stamp shall appear on the face of the instrument, and the stamp cannot be used for or applied to any other instrument.”.

Pindaan seksyen 11

11. Seksyen 11 Akta ibu dipinda—

- (a) dengan menomborkan semula peruntukan sedia ada sebagai subseksyen (1); dan
- (b) dengan memasukkan selepas subseksyen (1) yang dinomborkan semula subseksyen yang berikut:

“(2) This section shall apply to an instrument assessed by the Collector under paragraph 36(1)(a) or (b).

(3) Where a person furnishes a return by an electronic medium pursuant to paragraph 77A(1A)(b), the Collector shall be deemed to assess the first-mentioned instrument referred to in subsection (1) and the payment of the duty for the last-mentioned instrument shall be denoted by indorsement on the stamp certificate.”.

Pindaan seksyen 11A

12. Seksyen 11A Akta ibu dipinda—

- (a) dalam subseksyen (1), dengan memasukkan selepas perkataan “the original instrument to duty” perkataan “has been fully and truly set forth”; dan

(b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) The presentation of the replicate of the instrument under subsection (1) shall be made within six years from the date of execution of such instrument.”.

Seksyen baharu 11B

13. Akta ibu dipinda dengan memasukkan selepas seksyen 11A seksyen yang berikut:

“Loss of stamp certificate

11B. (1) Where, on the loss of a stamp certificate, an application is made to the Collector for the issuance of a substituted stamp certificate, the Collector shall not issue the substituted stamp certificate unless it can be shown to the satisfaction of the Collector that all facts and circumstances affecting the liability of the original instrument to duty has been fully and truly set forth, and the amount of duty chargeable has been paid.

(2) The application for the issuance of a substituted stamp certificate under subsection (1) shall be made within six years from the date of execution of such instrument.

(3) For the purpose of subsection (1), the Collector shall issue the substituted stamp certificate upon payment of a fee of one hundred ringgit for each substituted stamp certificate.”.

Penggantian seksyen 12

14. Akta ibu dipinda dengan menggantikan seksyen 12 dengan seksyen yang berikut:

“Duplicate and counterparts

12. The duplicate or counterpart of an instrument chargeable with duty (except the counterpart of an instrument chargeable as a lease, such counterpart not being executed by or on behalf of any lessor or grantor) shall not be deemed to be duly stamped unless it is shown to the Collector that the original instrument has been stamped with the proper duty.”.

Pindaan seksyen 12A**15. Seksyen 12A Akta ibu dipinda—**

- (a) dengan menggantikan perkataan “Item 32(a)” dengan perkataan “item 1 of Part 1”; dan
- (b) dengan memasukkan selepas perkataan “being” perkataan “sold,”.

Pindaan seksyen 15**16. Seksyen 15 Akta ibu dipinda—**

- (a) dalam subperenggan (1)(c)(ii), dengan menggantikan perkataan “Item 32(a) or (b)” dengan perkataan “item 1 or 2 of Part 1”;
- (b) dalam subseksyen (5)—
 - (i) dalam perenggan (b), dengan menggantikan perkataan “two years” dengan perkataan “three years”;
 - (ii) dalam perenggan (c)—
 - (A) dengan menggantikan perkataan “two years” dengan perkataan “three years”; dan
 - (B) dengan memasukkan selepas perkataan “liquidation” perkataan “or in compliance with Government policy on capital participation in industry”;
- (c) dalam subseksyen (6), dengan menggantikan perkataan “duty paid has been impressed” dengan perkataan “duty has been paid”; dan
- (d) dengan memasukkan selepas subseksyen (6) subseksyen yang berikut:
 - “(6A) Where any claim for exemption from duty under this section has been allowed and any of the circumstances specified under subsection (5) occurs,

each company which was a party to the instrument shall notify the Collector of the circumstances of the occurrence within thirty days from the date of the occurrence.”.

Pindaan seksyen 15A

17. Seksyen 15A Akta ibu dipinda—

(a) dalam subseksyen (1), dengan menggantikan perkataan “Item 32(a) or (b)” dengan perkataan “item 1 or 2 of Part 1”;

(b) dalam subseksyen (4)—

(i) dengan menggantikan koma di hujung perenggan (c) dengan perkataan “; or”; dan

(ii) dengan memasukkan selepas perenggan (c) perenggan yang berikut:

“(d) the transferee company disposes of the asset that it has acquired within three years from the date of the conveyance or transfer of the asset; or

(e) the transferor and the transferee are associated within the meaning of this section for a period of three years from the date of the conveyance or transfer,”; dan

(c) dengan memasukkan selepas subseksyen (4) subseksyen yang berikut:

“(5) Where any claim for exemption from duty under this section has been allowed, it is subsequently found that any declaration or other evidence furnished in support of the claim is untrue, the exemption from duty shall be revoked and duty shall be chargeable, together with interest thereon at the rate of six per centum per annum, from the date on which the duty which the conveyance or transfer ought to be stamped with the proper amount of duty.

(6) Where any claim for exemption from duty under this section has been allowed and any of the circumstances specified under subsection (4) occurs, each company which was a party to the instrument shall notify the Collector in writing of the circumstances of the occurrence within thirty days from the date of the occurrence.”.

Pindaan seksyen 16

18. Seksyen 16 Akta ibu dipinda dengan memotong subseksyen (2).

Pindaan seksyen 17

19. Seksyen 17 Akta ibu dipinda dalam subseksyen (1) dan (2), dengan menggantikan perkataan “Item 32(a)” di mana-mana jua terdapat dengan perkataan “item 1 of Part 1”.

Pindaan seksyen 20

20. Subseksyen 20(4) Akta ibu dipinda dengan menggantikan perkataan “Item 32(a)” dengan perkataan “item 1 of Part 1”.

Pindaan seksyen 20A

21. Seksyen 20A Akta ibu dipinda—

(a) dengan menomborkan semula peruntukan yang sedia ada sebagai subseksyen (1);

(b) dalam subseksyen (1) yang dinomborkan semula—

(i) dengan menggantikan perkataan “any consideration is paid or given, or agreed to be paid or given, for equality” dengan perkataan “with or without consideration”; dan

- (ii) dalam perenggan (a), dengan menggantikan perkataan “same *ad valorem* duty as a conveyance on sale for the consideration, and with that duty only” dengan perkataan “*ad valorem* duty as if it were a conveyance on sale”; dan
- (c) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(2) Notwithstanding subsection (1), where an instrument is chargeable with a duty in respect of an exchange of any real property for any real property or upon the partition or division of any real property, and no consideration is paid or given, or agreed to be paid or given, the instrument shall be chargeable with the duty of ten ringgit only if—

- (a) in such partition or division both transferor and transferee are the original owner of the real property;
- (b) such exchange of real property is between any person and a Ruler of a State or the Government of Malaysia or of any State; or
- (c) such exchange of real property is between husband and wife, parent and child, grandparent and grandchild or among siblings.”.

Pindaan seksyen 20B

22. Seksyen 20B Akta ibu dipinda—

- (a) dalam subseksyen (1), dengan menggantikan perkataan “shall contain an affidavit of the transferee certifying” dengan perkataan “the transferee shall declare in the return”; dan
- (b) dalam subseksyen (2), dengan menggantikan perkataan “Item 32(a)” dengan perkataan “item 1 of Part 1”.

Penggantian seksyen 21

23. Akta ibu dipinda dengan menggantikan seksyen 21 dengan seksyen yang berikut:

“Certain contracts to be chargeable as conveyances on sale

21. (1) Any contract or agreement made in Malaysia for the sale of any—

- (a) equitable estate or interest in any property;
- (b) estate or interest in any property; or
- (c) stock or marketable securities,

shall be charged with the *ad valorem* duty to be paid by the purchaser as conveyance on the sale of the estate, interest in any property, stock or marketable securities contracted or agreed to be sold.

(2) Subsection (1) shall not apply to a transaction where there is no contract or agreement made in Malaysia and the transaction is effected by an instrument whereby any—

- (a) equitable estate or interest in any property;
- (b) estate or interest in any property; or
- (c) stock or marketable securities,

is conveyed or transferred to any person, and such instrument shall be charged with the same *ad valorem* duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest in any property, stock or marketable securities contracted or agreed to be sold.

(3) Any contract or agreement made in Malaysia for the sale of any of the following shall not be deemed as instrument of conveyance on sale:

- (a) property situated outside Malaysia;

(b) goods, wares or merchandise; or

(c) ship or vessel, or part interest, share or property of or in any ship or vessel.

(4) Subject to item 1 of Part 1 of the First Schedule, where the purchaser has paid the *ad valorem* duty under subsection (1) and, before having obtained conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the subsequent contract or agreement shall be charged with *ad valorem* duty in accordance with item 1 of Part 1 of the Schedule as if it were an actual conveyance on sale to the sub-purchaser.

(5) Where any purchaser or sub-purchaser or any other person on his behalf or by his direction, has paid duty according to the value upon any assignment, contract or agreement under subsection (1), the conveyance or transfer made to the purchaser or sub-purchaser, as the case may be, shall be chargeable with a fixed duty of ten ringgit.

(6) Subject to subsection (5), the *ad valorem* duty paid upon any such contract, agreement or assignment may be refunded by the Collector.

(7) The application for refund by the purchaser or sub-purchaser shall be made within twelve months—

(a) after the contract, agreement or assignment has been rescinded, annulled or cancelled; and

(b) the instrument in respect of such contract, agreement or assignment has not been registered in accordance with any written law.

(8) Any reference in this section to the sale of any property shall exclude any sale of property pursuant to a scheme which is in accordance with the principles of Shariah where such sale is strictly required for the purpose of complying with such principles.”.

Pindaan seksyen 22

24. Seksyen 22 Akta ibu dipinda dengan memotong perkataan “warrant of attorney.”.

Pindaan seksyen 26

25. Subseksyen 26(2) Akta ibu dipinda dengan memotong perkataan “rentcharge.”.

Pindaan seksyen 29A

26. Seksyen 29A Akta ibu dipinda dengan menggantikan perkataan “Item 22(1) or Item 27(a)” dengan perkataan “subitem 1(a) of Part 2 or item 1 of Part 3”.

Pindaan seksyen 32

27. Seksyen 32 Akta ibu dipinda—

(a) dalam subseksyen (2), dengan menggantikan perkataan “the note shall be deemed to be as many contract notes as there are descriptions of stocks or securities sold or purchased” dengan perkataan “the note shall be made in respect of each description of stock or marketable security and shall be separately and distinctly charged as a separate instrument for each description of stock or marketable security.”; dan

(b) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

“(3) The “description of stock or marketable security” mentioned in subsection (2) shall refer to each counter of stock or marketable security transacted in the day.

(4) Subsection 40A(2) shall not apply to this section.”.

Pindaan seksyen 33

28. Perenggan 33(a) Akta ibu dipinda dengan menggantikan perkataan “first column” dan “second column” dengan perkataan “second column” dan “fourth column” masing-masing.

Seksyen baharu 33A

29. Akta ibu dipinda dengan memasukkan selepas seksyen 33 seksyen yang berikut:

“Power to appoint agents

33A. (1) The Collector may, if he thinks fit, appoint any person to be the agent of any other person for all or any of the purposes of this Act.

(2) Where any person so appointed under subsection (1) to be the agent of another person he shall be required to pay any duty or penalty due under this Act on behalf of that other person from any moneys including sale proceeds or rents, which may be held by him for or due by him to the other person.

(3) In default of payment by an agent appointed under subsection (1), the duty or penalty due shall be a debt due to the Government.

(4) For the purpose of this section, the Collector may require any person to give him information as to any moneys, funds or other assets which may be held by him for, or of any moneys due by him to, any other person.

(5) Where any person appointed by the Collector to be the agent of any other person under subsection (1) is aggrieved by such appointment, he may, by notice in writing to the Collector within fourteen days after the date of the appointment, or within such further times as the Collector in his discretion may allow, object to the appointment.

(6) The Collector shall examine the objection and may cancel, vary or reconfirm the appointment.”.

Penggantian seksyen 35

30. Akta ibu dipinda dengan menggantikan seksyen 35 dengan seksyen yang berikut:

“Exemptions

35. The duty which would be chargeable under this Act shall not be chargeable on the following instruments and all counterparts of such instruments:

- (a) all instruments made or executed by or on behalf or in favour of a Ruler of a State or the Government of Malaysia or of any State where the Ruler of a State or the Government of Malaysia or of any State would be liable to pay the duty chargeable to the instruments but the exemption shall not extend to—
 - (i) any instrument signed or executed by any officer of Amanah Raya Berhad (or in the case of Sabah, by Administrator General) or by a receiver appointed by the court;
 - (ii) any instrument rendered necessary by any written law or order of court; or
 - (iii) a sale made for the recovery of an arrear of revenue or in satisfaction of a decree or order of court;
- (b) any grant or lease made on behalf of the Government by virtue of the National Land Code [*Act 56 of 1965*], the National Land Code (Penang and Malacca Titles) Act 1963 [*Act 518*], the Land Ordinance of Sabah [*Sabah Cap. 68*] or the Land Ordinance of Sarawak [*Sarawak Cap. 81*];

- (c) any instrument for the sale, transfer or other disposition, either absolutely or by way of a charge or otherwise, of any ship or vessel or any part, interest, share or property of or in any ship or vessel registered or licensed under the Merchant Shipping Ordinance 1952 [*Ord. 70 of 1952*] or under any law for the time being in force in any part of Malaysia;
- (d) any instrument relating exclusively to immovable property situated out of Malaysia or relating exclusively to things done or to be done out of Malaysia;
- (e) any instrument relating solely to the business of any society registered under any written law relating to co-operative societies and the instrument is executed by an officer or member of the society where the duty would be payable by that officer or member; and
- (f) an instrument executed pursuant to a scheme of financing approved as a scheme which is in accordance with the principles of Shariah (where the instrument is an additional instrument strictly required for the purpose of compliance with those principles but which will not be required for any other scheme of financing), by—
 - (i) the Bank Negara Malaysia as defined in subsection 2(1) of the Central Bank of Malaysia Act 2009 [*Act 701*];
 - (ii) the Securities Commission established under section 3 of the Securities Commission Malaysia Act 1993 [*Act 498*];
 - (iii) the Labuan Financial Services Authority established under section 3 of the Labuan Financial Services Authority Act 1996 [*Act 545*]; or
 - (iv) the Malaysia Co-operative Societies Commission established under section 3 of the Malaysia Co-operative Societies Commission Act 2007 [*Act 665*].”.

Seksyen baharu 35A dan 35B

31. Akta ibu dipinda dengan memasukkan dalam Bahagian V sebelum seksyen 36 seksyen yang berikut:

“Return

35A. (1) Subject to this Act, every person shall furnish to the Collector in accordance with this Act a return in the prescribed form together with the instrument which is executed and chargeable with duty.

(2) This section shall not apply to section 9 and an instrument to be cancelled by the person mentioned in the Second Schedule.

Duty to keep record

35B. Where an instrument has been stamped or ought to be stamped in accordance with this Act, the person who is liable to pay the duty chargeable on such instrument shall keep the instrument and all relevant documents in connection with such instrument for a period of seven years from the date the duty is paid.”.

Penggantian seksyen 36

32. Akta ibu dipinda dengan menggantikan seksyen 36 dengan seksyen yang berikut:

“Adjudication and assessment as to proper stamp

36. (1) The Collector shall assess the duty—

- (a) on the return furnished by any person;
- (b) on the return furnished by any person by an electronic medium and that person has made an option under paragraph 77A(1A)(a); or
- (c) on the instrument listed under the Second Schedule (except an instrument in respect of a cheque referred to under section 47 which cannot be stamped after execution).

(2) For the purposes of subsection (1), the Collector may require any of the following:

- (a) an abstract of the instrument;
- (b) an affidavit setting out all the facts and circumstances affecting the liability of the instrument to chargeable duty or the amount of such chargeable duty; or
- (c) any other evidence which he considers necessary for the adjudication or determination of duty.

(3) The Collector may refuse to assess the duty until such abstract, affidavit or other evidence has been furnished accordingly.

(4) The Collector may make an assessment on the return furnished by a person under subsection (1) and the assessment shall be due and payable within fourteen days from the date of assessment.

(5) Where a person has furnished a return by an electronic medium and has made an option in accordance with paragraph 77A(1A)(b), the Collector shall be deemed to have made on the day on which the return is furnished, an assessment which shall specify the duty or penalty chargeable on the instrument.

(6) For the purposes of this Act, where the Collector is deemed to have made an assessment under subsection (5)—

- (a) the return referred to in that subsection shall be deemed to be an assessment; and
- (b) the assessment which is deemed shall be due and payable within fourteen days from the date the return is furnished.

(7) Where instrument which is chargeable with stamp duty has not been duly stamped, the Collector shall make an assessment of the amount of duty which ought to be assessed on the instrument and the person shall be liable for the payment of the duty so assessed.

(8) Notwithstanding this section, the Collector shall have the power to make an assessment under section 50A and where the Collector makes an assessment under section 50A the duty which is deemed to be the duty payable under subsection (5) shall be disregarded.”.

Pemotongan seksyen 36A, 36AA, 36B dan 36C

33. Akta ibu dipinda dengan memotong seksyen 36A, 36AA, 36B dan 36C.

Pindaan seksyen 37

34. Seksyen 37 Akta ibu dipinda—

(a) dalam subseksyen (1), dengan memotong perkataan “, 36A, 36AA or 36B” dan “initial duty, advanced duty or additional duty, as the case may be.”; dan

(b) dalam perenggan (1)(b), dengan menggantikan perkataan “such sections, as the case may be,” dengan perkataan “such section”.

Pemotongan seksyen 38

35. Akta ibu dipinda dengan memotong seksyen 38.

Pindaan seksyen 38A

36. Seksyen 38A Akta ibu dipinda—

(a) dalam subseksyen (1), (2), (4) dan (8), dengan memotong perkataan “or additional assessment” di mana-mana jua terdapat; dan

(b) dalam subseksyen (6), dengan memotong perkataan “or additionally” dan “or additional” di mana-mana jua terdapat.

Pindaan seksyen 39

37. Seksyen 39 Akta ibu dipinda dalam subseksyen (4) dan (5) dengan memotong perkataan “or additional assessment”.

Pindaan seksyen 40

38. Seksyen 40 Akta ibu dipinda dengan menggantikan perkataan “Where an instrument is brought to the Collector pursuant to subsection 36(1), the” dengan perkataan “An”.

Seksyen baharu 40A

39. Akta ibu dipinda dengan memasukkan selepas seksyen 40 seksyen yang berikut:

“Proper duty

40A. (1) Subject to this Act, the amount of any moneys payable to the Collector whether by way of duties or penalties shall be rounded to the nearest ringgit.

(2) Notwithstanding subsection (1), an amount of ten ringgit is imposed as duty for each instrument where the duty is less than ten ringgit.”.

Pindaan seksyen 42

40. Subseksyen 42(1) Akta ibu dipinda dengan memotong perkataan “or promissory note”.

Pindaan seksyen 43

41. Seksyen 43 Akta ibu dipinda—

(a) dalam nota bahu, dengan menggantikan perkataan “**Bills, cheques or notes**” dengan perkataan “**Cheques**”;

(b) dalam subseksyen (1), dengan menggantikan perkataan “or promissory note drawn or made” dengan perkataan “drawn”;

(c) dalam subseksyen (2) dan (3), dengan memotong perkataan “or note” di mana-mana jua terdapat; dan

(d) dalam subseksyen (5)—

(i) dengan menggantikan perkataan “or promissory note drawn or made” dengan perkataan “drawn”;

(ii) dalam subperenggan (b)(i)—

(A) dengan memotong perkataan “five per centum of”; dan

(B) dengan menggantikan perkataan “three months” dengan perkataan “ninety days”;

(iii) dalam subperenggan (b)(ii)—

(A) dengan menggantikan perkataan “ten per centum” dengan perkataan “two times”;

(B) dengan menggantikan perkataan “three months” dengan perkataan “ninety days”; dan

(C) dengan menggantikan perkataan “six months” dengan perkataan “one hundred and eighty days”; dan

(iv) dalam subperenggan (b)(iii), dengan menggantikan perkataan “twenty per centum” dengan perkataan “four times”.

Pindaan seksyen 44

42. Seksyen 44 Akta ibu dipinda dalam nota bahu dengan menggantikan perkataan “**Bills of exchange and cheques**” dengan perkataan “**Cheques**”.

Pindaan seksyen 45

43. Seksyen 45 Akta ibu dipinda dalam nota bahu dengan memotong perkataan “**bills or**”.

Pindaan seksyen 47

44. Seksyen 47 Akta ibu dipinda—

- (a) dengan memotong perkataan “or any other,”; dan
- (b) dengan menggantikan perkataan “or promissory note drawn or made” dengan perkataan “drawn”.

Pindaan seksyen 47A

45. Seksyen 47A Akta ibu dipinda—

- (a) dalam perenggan (1)—
 - (i) dalam perenggan (a)—
 - (A) dengan memotong perkataan “five per centum of”; dan
 - (B) dengan menggantikan perkataan “3 months” dengan perkataan “ninety days”;
 - (ii) dalam perenggan (b)—
 - (A) dengan menggantikan perkataan “ten per centum” dengan perkataan “two times”;
 - (B) dengan menggantikan perkataan “3 months” dengan perkataan “ninety days”; dan
 - (C) dengan menggantikan perkataan “6 months” dengan perkataan “one hundred and eighty days”; dan
 - (iii) dalam perenggan (c), dengan menggantikan perkataan “twenty per centum” dengan perkataan “four times”; dan
- (b) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

“(3) Where an instrument is not duly stamped in accordance with the First Schedule, the Collector may impose a penalty treble the amount of deficient duty.”.

Pindaan seksyen 48**46.** Seksyen 48 Akta ibu dipinda—

- (a) dengan menomborkan semula peruntukan yang sedia ada sebagai subseksyen (1);
- (b) dalam subseksyen (1) yang dinomborkan semula—
 - (i) dengan menggantikan koma di hujung perenggan (d) dengan noktah; dan
 - (ii) dengan memotong perkataan “and shall be certified by the Collector”; dan
- (c) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(2) Where the payment of penalty is denoted on the instrument by means of an adhesive stamp, the payment shall be certified by the Collector.”.

Pindaan seksyen 50**47.** Seksyen 50 Akta ibu dipinda—

- (a) dengan menomborkan semula peruntukan yang sedia ada sebagai subseksyen (1); dan
- (b) dengan memasukkan selepas subseksyen (1) yang dinomborkan semula subseksyen yang berikut:

“(2) The Collector and any employee of the Inland Revenue Board of Malaysia authorized by the Collector shall be deemed to be a public officer authorized by the Minister under subsection 25(1) of the Government Proceedings Act 1956 [*Act 359*], in respect of all proceedings under this section.

(3) In a suit under this section, the production of a certificate signed by the Collector giving the name and address of the defendant and the amount of the duty or penalty due from him shall be sufficient authority for the court to give judgment for that amount.”.

Seksyen baharu 50B

48. Akta ibu dipinda dengan memasukkan selepas seksyen 50A seksyen yang berikut:

“Relief in respect of error or mistake

50B. If any person who has paid duty for any instrument alleges that the duty relating to that instrument is excessive by reason of some error or mistake made by him, he may within twelve months in the case of executed instrument after the date of the instrument, or, if it is not dated, within twelve months after the execution in accordance with section 47 by the person whom it was first or alone executed, make an application in writing to the Collector for relief.”.

Pindaan seksyen 51

49. Subseksyen 51(1) Akta ibu dipinda dengan menggantikan perkataan “person in charge of a public office” dengan perkataan “public officer including officer of a statutory body”.

Pindaan seksyen 55

50. Seksyen 55 Akta ibu dipinda—

(a) dalam subseksyen (2), dengan memotong perkataan “and a further duty of ten ringgit by way of adjudication fee”; dan

(b) dengan memotong subseksyen (3).

Pindaan seksyen 56

51. Seksyen 56 Akta ibu dipinda dengan memotong perkataan “or of any other written law in force at the time”.

Seksyen baharu 56A

52. Akta ibu dipinda dengan memasukkan selepas seksyen 56 seksyen yang berikut:

“Recovery of duty from executor

56A. (1) Where a person dies and any duty, penalty or sum due from him under this Act has not been paid, the Collector shall recover the duty, penalty or sum so payable from the executor of the estate of the deceased person.

(2) Any duty, penalty or sum shall be payable by the executor of the estate of the deceased person in the like manner and to the like amount as the deceased person would be assessed with the duty if he had not died.

(3) The amount of any duty, penalty or sum payable by the executor of the estate of the deceased person by virtue of this section shall be a debt due from and payable out of the estate of the deceased person.

(4) The executor of the estate of the deceased person shall not distribute any of the assets of the estate unless the executor has made provision (in so far as the executor is able to do so out of those assets) for the payment in full of any duty, penalty or sum which the executor knows or might reasonably expect to be payable by him under this section.

(5) Any executor who fails to comply with subsection (4) commits an offence and shall, on conviction, be liable to pay a penalty equal to the amount of the duty, penalty or sum to which the failure relates, and where there are several executors the executors shall be jointly and severally liable.

(6) For the purpose of this section, “executor” includes the administrator or other person managing the estate of a deceased person.”.

Pindaan seksyen 57

53. Perenggan 57(f) Akta ibu dipinda—

- (a) dalam subperenggan (iv), dengan memasukkan selepas perkataan “any person” perkataan “, not including the person liable to pay the duty,”; dan
- (b) dalam subperenggan (vi), dengan memasukkan selepas perkataan “otherwise not performed” perkataan “by a party, other than the purchaser, to that agreement”.

Pindaan seksyen 59

54. Seksyen 59 Akta ibu dipinda dengan memotong perkataan “, unused”.

Pindaan seksyen 60

55. Seksyen 60 Akta ibu dipinda dengan menggantikan perkataan “shall be liable to a fine not exceeding five hundred ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding six thousand ringgit”.

Pindaan seksyen 61

56. Seksyen 61 Akta ibu dipinda dengan menggantikan perkataan “shall be liable to a fine not exceeding two thousand five hundred ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit”.

Pindaan seksyen 63

57. Seksyen 63 Akta ibu dipinda—

- (a) dalam subseksyen (1), dengan menggantikan perkataan “shall be liable to a fine not exceeding one thousand five hundred ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding six thousand ringgit”;

- (b) dengan memotong subseksyen (3); dan
- (c) dalam subseksyen (4), dengan menggantikan perkataan “*Schedule A*” dengan perkataan “*the First Schedule*”.

Pindaan seksyen 64

58. Seksyen 64 Akta ibu dipinda dengan menggantikan perkataan “shall be liable to a fine not exceeding one thousand five hundred ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding six thousand ringgit”.

Pindaan seksyen 65

59. Seksyen 65 Akta ibu dipinda—

- (a) dalam nota bahu, dengan menggantikan perkataan “**bills**” dengan perkataan “**promissory note**”; dan
- (b) dengan menggantikan perkataan “shall be liable to a fine not exceeding two thousand five hundred ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit”.

Pindaan seksyen 67

60. Perenggan 67(b) Akta ibu dipinda dengan menggantikan perkataan “shall be liable to a fine not exceeding one thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding four thousand ringgit”.

Pindaan seksyen 68

61. Seksyen 68 Akta ibu dipinda—

- (a) dalam subseksyen (1) dan (2), dengan menggantikan perkataan “shall for every such offence be liable to a fine not exceeding one thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding four thousand ringgit”; dan

- (b) dalam subseksyen (3), dengan menggantikan perkataan “shall for such offence, in addition to any other fine or penalty to which he is liable, be liable to a fine not exceeding one thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, in addition to any other fine or penalty to which he is liable, be liable to a fine not exceeding four thousand ringgit”.

Pindaan seksyen 69

62. Seksyen 69 Akta ibu dipinda dalam subseksyen (1) dan (2), dengan menggantikan perkataan “shall be liable to a fine not exceeding one thousand five hundred ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding six thousand ringgit”.

Pindaan seksyen 71

63. Seksyen 71 Akta ibu dipinda dengan menggantikan perkataan “shall, for every such offence, be liable to a fine not exceeding one thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, for every such offence, be liable to a fine not exceeding ten thousand ringgit”.

Pindaan seksyen 72

64. Subseksyen 72(1) Akta ibu dipinda dengan menggantikan perkataan “shall, in addition to any other fine or penalty to which he may be liable, be liable to a fine not exceeding one thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, in addition to any other fine or penalty to which he is liable, be liable to a fine not exceeding ten thousand ringgit”.

Amendment of section 72A

65. Seksyen 72A Akta ibu dipinda dengan menggantikan perkataan “shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit”.

Seksyen baharu 72B dan 72c

66. Akta ibu dipinda dengan memasukkan selepas seksyen 72A seksyen yang berikut:

“Penalty for failure to keep record and other offences

72B. Any person who, without reasonable excuse—

- (a) fails to keep and retain the books, records and documents as required under subsection 9(7);
- (b) fails to keep the instrument and all relevant documents as required under section 35B;
- (c) fails to give the notice required by subsection 15(6A);
- (d) fails to give the notice required by subsection 15A(6);
or
- (e) fails to furnish a return in accordance with section 35A,

commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

Further order by court

72c. Where a person has been convicted of an offence under this Act, the court may make a further order that the person shall comply with the relevant provision of this Act against which the offence has been committed within thirty days, or such other period as the court deems fit, from the date the order is made.”.

Pindaan seksyen 74

67. Seksyen 74 Akta ibu dipinda dengan menggantikan perkataan “shall be liable to a fine of five thousand ringgit” dengan perkataan “commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.”.

Pindaan seksyen 75

68. Seksyen 75 Akta ibu dipinda—

- (a) dengan menomborkan semula subseksyen (1) sebagai seksyen 75; dan
- (b) dengan memotong subseksyen (2) dan (3).

Seksyen baharu 75A

69. Akta ibu dipinda dengan memasukkan selepas seksyen 75 seksyen yang berikut:

“Compounding of offences

75A. (1) The Minister of Finance may make regulations prescribing—

- (a) any offence under this Act or its subsidiary legislation as an offence which may be compounded;
- (b) the criteria for compounding a compoundable offence; and
- (c) the method and procedure for compounding a compoundable offence.

(2) The Collector may, with the consent in writing of the Public Prosecutor, at any time before a charge is being instituted compound any of the offences prescribed in the regulations as an offence which may be compounded by making a written offer to the person reasonably suspected of having committed the offence to compound the offence upon payment to the Collector of a sum of money not exceeding fifty per centum of the amount of maximum fine to which the person would have been liable to if he had been convicted of the offence, within such time as may be specified in his written offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer, or such extended time as the Collector may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (2), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and any document or thing seized in connection with the offence may be released by the Collector, subject to such terms and conditions as he thinks fit.

(5) All sums of moneys received by the Collector under this section shall be paid into and form part of the Federal Consolidated Fund.”.

Seksyen baharu 76A

70. Akta ibu dipinda dengan memasukkan selepas seksyen 76 seksyen yang berikut:

“Identification of officials

76A. (1) Any person exercising the right of access or the right to take possession conferred by section 3A shall carry a warrant in the prescribed form issued by the Collector (or, in the case of a warrant issued to the Collector, by a Deputy Collector) which shall identify the holder and his office and shall be produced by the holder on demand to any person having reasonable grounds to make the demand.

(2) Where a person purporting to be a public officer or an employee of the Inland Revenue Board of Malaysia exercising functions under this Act produces a warrant in the form prescribed under subsection (1) or any written identification or authority, then, until the contrary is proved, the warrant, identification or authority shall be presumed to be genuine and he shall be presumed to be the person referred to therein.”.

Pindaan seksyen 77A

71. Seksyen 77A Akta ibu dipinda—

(a) dalam perenggan (1)(d), dengan memotong perkataan “in a case where section 37 applies”;

(b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

“(1A) Where a registered person has furnished a return by an electronic medium, that person may make an option—

(a) that the return is assessed by the Collector; or

(b) that the return is deemed to be assessed by the Collector based on the information furnished in the return.”; dan

(c) dalam subseksyen (2), dengan memasukkan selepas perkataan “electronic medium” perkataan “under section 77c”.

Seksyen baharu 77C dan 77D

72. Akta ibu dipinda dengan memasukkan selepas seksyen 77B seksyen yang berikut:

“Registered person

77c. (1) Any person may make an application to the Collector to be a registered person to use the electronic medium subject to any terms as the Collector thinks fit.

(2) The registration obtained under subsection (1) shall remain in force until it is cancelled by the Collector.

Forms

77D. The Collector may determine such forms as may be required for the purposes of this Act.”.

Penggantian seksyen 78

73. Akta ibu dipinda dengan menggantikan seksyen 78 dengan seksyen yang berikut:

“Power of Minister to give directions to Collector

78. The Minister may give directions to the Collector which are not contrary to the provisions of this Act and the Collector shall give effect to the directions.”.

Penggantian Jadual Pertama

74. Akta ibu dipinda dengan menggantikan Jadual Pertama dengan Jadual yang berikut:

“FIRST SCHEDULE

[Section 4, subsection 4A(1), paragraph 4A(2)(a), subsection 7(3), subsection 9(2), section 12A, section 15, subsection 15A(1), subsections 17(1) and (2), subsection 20(4), subsection 20B(2), subsection 21(4), section 29A, subsection 30(6), subsection 47A(3), subsection 63(4) and paragraph 82(b)]

INSTRUMENTS CHARGEABLE WITH STAMP DUTY

PART 1

CONVEYANCE, ASSIGNMENT, TRANSFER, ABSOLUTE BILL OF SALE, CONTRACT NOTE, RELEASE OR RENUNCIATION

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
1.	Property (except stock, shares, marketable security and accounts receivables or book debts of the kind mentioned in item 4):	If the consideration or market value of the property (whichever is higher) does not exceed RM100,000
	(a) on sale	If the consideration or market value of the property (whichever is higher) exceeds RM100,000 but not exceeding RM500,000
	(b) by way of gift or <i>hibah</i>	If the consideration or market value of the property (whichever is higher) exceeds RM500,000
	(c) by way of settlement	
	(d) by way of trust	
	(e) on exchange of real property	

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	<p><i>Exception on exchange of real property under subitem (1)(e)</i></p> <p>Where no consideration is paid or given or agreed to be paid or given for equality in the case of:</p> <p>(i) partition or division where both transferor and transferee are the original owners of the property</p> <p>(ii) exchange of real property between any person and a Ruler of a State or the Government of Malaysia or of any State</p> <p>(iii) exchange of real property between husband and wife, parent and child, grandparent and grandchild or siblings</p>	RM10
	<p>(f) By way of security or any security other than a marketable security</p>	RM10
2.	<p>Stock, shares or marketable securities:</p> <p>(a) on sale</p> <p>(b) by way of gift or <i>hibah</i></p> <p>(c) by way of settlement</p> <p>(d) by way of trust</p>	0.3% of the price or value of any stock, shares or marketable securities on the date of transfer, whichever is the greater

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	<i>Exception for Item 2</i>	
	Shares in unquoted companies on Bursa Malaysia	0.1% of the price or value of any shares on the date of transfer, whichever is the greater
3.	Contract note relating to the sale of any stock, shares or marketable securities in companies incorporated in Malaysia or elsewhere	0.1% of the value of any stock, shares or marketable securities on the date of transaction
4.	Accounts receivables or book debts through absolute sale, under a factoring agreement to—	RM10
	(a) a bank or investment bank licensed under the Financial Services Act 2013	
	(b) an Islamic bank licensed under the Islamic Financial Services Act 2013	
	(c) an institution licensed under the Development Financial Institution Act 2002	
	(d) any other institution which carries out factoring business approved by the Minister	
5.	Annuity	RM10

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
6.	Any property—	RM10
	(a) for the purpose of effectuating the appointment of a new trustee or the retirement of a trustee although no new trustee is appointed	
	(b) where the transaction is between trustees and the beneficial interest in the property does not pass	
7.	In any other case	RM10

Exemptions to Part 1

- (a) Transfers on sale of land for the recovery of land revenue;
- (b) Transfers by endorsement—
 - (i) of a bill of exchange, cheque or promissory note
 - (ii) of a bill of lading, warrant for goods or other mercantile document of title to goods
 - (iii) of a policy of insurance other than a policy of life insurance
 - (iv) of charges on rates and taxes authorised by any written law for the time being in force in Malaysia
 - (v) of securities of the Government of Malaysia or of any State
- (c) Transfer of units of a unit trust
- (d) Transfer or assignment on sale of any copyright, trade mark, patent or any similar right
- (e) Transfer of property under a deceased estate to the beneficiaries of that estate
- (f) Renunciation of property under a deceased estate by a beneficiary where he releases his right to the property to another beneficiary from the same estate.

PART 2

ASSIGNMENT, BOND, CHARGE OR MORTGAGE, AGREEMENT FOR A CHARGE OR MORTGAGE (INCLUDING THAT IN ACCORDANCE WITH THE PRINCIPLES OF SHARIAH), COVENANT, DEBENTURE, BILL OF SALE, MARKETABLE SECURITY

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
1.	Security instrument—	
	(a) by way of security and being the only or principal or primary security (other than an equitable mortgage or an assignment of receivables or the kind mentioned in subitem (k)) for the payment or repayment of money—	
	(i) where the loan is to a small and medium enterprise or financing is provided to a small and medium enterprise in accordance with the principles of Shariah	For an amount of the aggregate loans or of the aggregate financing in accordance with the principles of Shariah in a calendar year does not exceed RM250,000 For each additional ringgit but not exceeding RM1,000,000 For each additional ringgit exceeding RM1,000,000
		0.05% on the amount of the aggregate loans or of the aggregate financing 0.25% on the amount of the aggregate loans or of the aggregate financing exceeding RM250,000 0.5% on the amount of the aggregate loans or of the aggregate financing exceeding RM1,000,000

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	(ii) where the loan is a foreign currency loan or the financing was made in accordance with the principles of Shariah in currencies other than the ringgit	0.5% of the loan or financing amount but the total duty payable shall not exceed RM1,000
	(iii) other than payment or repayment as mentioned under (i) or (ii)	0.5% of the loan or financing amount
(b)	by way of security and being the only or principal or primary security for the transfer or retransfer of stock	0.5% of the loan or financing amount
(c)	by way of security and being a collateral or auxiliary or additional or substituted security (other than an equitable mortgage) or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped	RM10

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
(d)	by way of security and being a charge or mortgage executed in pursuance of a duly stamped agreement for the same, on production of such agreement to the Collector	RM10
(e)	an equitable mortgage by way of security	One-half of the duty which would be chargeable on a mortgage for the amount secured
(f)	annuity by way of security	0.5% of the amount deemed to be secured thereby
(g)	being a marketable security not transferable by delivery, for or in respect of the money secured	0.5% of the money secured
(h)	being a marketable security transferable by delivery	0.5% of the nominal value of the security
(i)	release or renunciation by way of security	0.5% of the amount released or renounced
(j)	by way of security and being a transfer, assignment or disposition of any charge or mortgage, bond, covenant or debenture (not being a marketable security) or of any money or stock secured by any such instrument	40% of the duty which would be chargeable on a charge or mortgage for the amount transferred

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	Note: Where any further money is added to the money already secured	0.5% of the further money added
(k)	a charge or a mortgage on or an assignment by way of security of accounts receivables to—	RM10
	(i) a bank or investment bank licensed under the Financial Services Act 2013	
	(ii) an Islamic bank licensed under the Islamic Financial Services Act 2013	
	(iii) an institution licensed under the Development Financial Institutions Act 2002	
	(iv) any other institution which carries out a factoring business approved by the Minister	
	under an agreement for discounting invoices or hire purchase receivables	

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	(l) letter of hypothecation	RM10
	(m) trust receipt granted on the occasion of a loan or overdraft on goods, if unattested	RM10
2.	Re-conveyance of charged or mortgaged property, Re-assignment, Release, Discharge, Surrender or Renunciation of any security or of the benefit thereof or of the money thereby secured	RM10
3.	Bond, Charge, Mortgage or Other Instrument executed by way of Indemnity or of Security for the due execution of an office, or the discharge of liabilities, arising out of the execution thereof, or to account for money received by virtue thereof	RM10
	<i>Exemptions</i>	
	(a) bond executed by an officer of the Government or his surety to secure the due execution of an office or the due accounting for money or other payments secured by virtue thereof	
	(b) bonds required to be executed under the provisions of the Criminal Procedure Code	
4.	In any other case	RM10

PART 3

BOND, COVENANT, LICENCE, LOAN, SERVICES, EQUIPMENT LEASE AGREEMENT
OR INSTRUMENT OF ANY KIND WHATSOEVER

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
1.	Being the only or principal or primary security—	
	(a) for any annuity (except upon the original creation thereof by way of sale or security, and except a superannuation annuity)—	
	(i) for a definite or certain period so that the total amount to be ultimately payable can be ascertained; or	0.5% of the annuity
	(ii) for the term of life or any other indefinite period,	1% of the annuity
	(b) for any sum or sums of money, not being interest for any principal sum secured by a duly stamped instrument, nor rent reserved by a lease—	
	(i) for a definite or certain period so that the total amount to be ultimately payable can be ascertained	0.5% of such total amount payable
	(ii) for the term of life or any other indefinite period	1% of such total amount payable

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	(c) for any instrument where the total amount payable cannot be ascertained	RM500
2.	Being a collateral or auxiliary or additional or substituted security for any of the above mentioned purposes where the principal or primary instrument is duly stamped—	
	(a) where the total amount to be ultimately payable can be ascertained	RM10
	(b) in any other case	0.25% of annuity or sum periodically payable
3.	Being a grant or contract for payment of a superannuation annuity, that is to say a deferred life annuity granted or secured to any person in consideration of annual premiums payable until he attains a specified age, and so to commence on his attaining that age	RM10
4.	Being the security for payment or repayment of money made for the purpose of pursuing higher education in a higher educational institution	RM10
5.	Being the security for securing the payment for the provision of services or facilities or other matters or things in connection with the lease of any immovable property	Where the lease is for a period not exceeding one year 0.4% of average rent and other consideration calculated for the whole year Where the lease is for a period exceeding one year but not exceeding three years 0.8% of average rent and other consideration calculated for the whole year

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
		Where the lease is for a period exceeding three years or for any indefinite period
		1.6% of average rent and other consideration calculated for the whole year
6.	Being the security for securing the payment or repayment of money for the purchase of goods (within the meaning given under the First Schedule of the Hire Purchase Act 1967 [Act 212] in accordance with the principles of Shariah	RM10
7.	In any other case	RM10

PART 4

LEASE OR AGREEMENT FOR LEASE

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
1.	Lease or agreement for lease under the principle of Al-Ijarah for the purpose of financing or securing repayment of money	0.5% of total amount of lease payable
2.	Lease or agreement for a lease of any immovable property and for securing the payment for the provision of services or facilities or to other matters or things in connection with such lease:	
(a)	without fine or premium	Where the lease is for a period not exceeding one year
		0.4% of average rent and other consideration calculated for the whole year

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
		Where the lease is for a period exceeding one but not exceeding three years
		0.8% of average rent and other consideration calculated for the whole year
		Where the lease is for a period exceeding three years or for any indefinite period
		1.6% of average rent and other consideration calculated for the whole year
(b)	in consideration of a fine or premium and without rent	If the consideration or market value of the property (whichever is higher) does not exceed RM100,000
		1% on the amount or value of the consideration
		If the consideration or market value of the property (whichever is higher) exceeds RM100,000 but not exceeding RM500,000
		RM1,000 plus 2% on any amount by which the amount or value of the consideration exceeds RM100,000
		If the consideration or market value of the property (whichever is higher) exceeds RM500,000
		RM9,000 plus 3% on any amount by which the amount or value of the consideration exceeds RM500,000
(c)	in consideration of a fine or premium and reserving a rent or other considerations	The same duty as in subitem (a) in respect of the lease for the rent or other considerations, and the same duty as in subitem (b) in respect of the fine or premium
(d)	where a percentage or proportion, or the value of a percentage or proportion, of the produce of the land is reserved or payable to the lessor	RM10

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	(This duty is in addition to any duty which may be chargeable under (a), (b) or (c) above on account of any specified rent, fine or premium)	
(e)	in pursuance of a duly stamped agreement for the same on production of such agreement to the Collector	RM10
(f)	in any other case	RM10

Exemption to Item 2

Agricultural Lease or Agreement for Agricultural Lease for any definite term not exceeding three years when the rent reserved does not exceed two hundred ringgit a year

3.	Surrender of Lease	RM10
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PART 5

MISCELLANEOUS

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
1.	Agreement or Memorandum of Agreement or Contract made under hand only, and not otherwise specially charged with any duty—	

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	(a) for the supply of goods, wares or merchandise whereby the goods in consideration of periodical payments may become the property of the person to whom they are supplied; or	RM10
	(b) whether the same is only evidence of a contract or obligatory on the parties from it being a written instrument	RM10

Exemptions to Item 1

Agreement or Memorandum—

- (a) for or relating to the sale of any goods, wares or merchandise other than a hire-purchase agreement;
 - (b) the matter whereof is of a value of less than RM300;
 - (c) for the reference of any matter to arbitration;
 - (d) for the payment of interest on money deposited in any bank or with any banker;
 - (e) for the repurchase of negotiable certificate of deposit whose issue has been authorized by Bank Negara Malaysia.
2. Appointment of a receiver under a mortgage RM10
 3. Appointment of a new trustee, and appointment in execution of a power, of any property, or of any share or interest in any property, by any instrument not being a will RM10

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
4.	Articles of Association or Constitution of a company	RM100
5.	Assurance or insurance including policy of insurance:	
	(a) policy of sea insurance	RM10
	(i) policy of sea insurance including time policies or policies for covering a vessel or her machinery or fittings whilst under construction or repair or on trial, whether the period exceeds twelve months or not	
	(ii) for policies containing a continuation clause, additional duty	

Note: When a policy of sea insurance is drawn in a set according to the custom of marine insurers and one of the set is duly stamped, the other or others of the set shall, unless issued or in some manner negotiated apart from such duly stamped policy, be exempt from duty; and, upon proof of the loss or destruction of a duly stamped policy forming one of a set, any other policy of the set which has not been issued or in any manner negotiated apart from such lost or destroyed policy may although unstamped, be admitted in evidence to prove the contents of such lost or destroyed policy

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
(b)	fire policy	RM10
	For all policies and renewals irrespective of the sum insured or the term	
(c)	accident policy and policy of insurance for any payment agreed to be made during the sickness of the insured person, or his incapacity from personal injury, or by way of indemnity against loss or damage of or to any property of the insured person	RM10
(d)	life policy	RM10
	<i>Exemption</i>	
	Where the sum insured does not exceed RM10,000	
(e)	re-insurance by an insurance company which has granted a Policy of Sea Insurance or a Policy of Fire Insurance with another Company by way of indemnity or guarantee, against the payment on the original insurance of a certain part of the sum insured thereby irrespective of the sum insured or the term	RM10

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
	(f) third party policy:	RM10
	(i) covering liability of the insured towards others	
	(ii) workmen's compensation (Employer's liability): policy covering the liability of the insured to pay compensation to a workman or employee in regard to sickness or personal injury	
	(g) comprehensive policy	RM10
	Combining any two or more of the following risks: fire, personal injury, or sickness of the insured, damage, loss, theft and third party claims	
	(h) any other insurance policy not specifically provided for	RM10

General Exemption

Letter of cover or engagement to issue a policy of insurance:

Provided that unless such letter or engagement bears the stamp prescribed by this Act for such policy nothing shall be claimable under it, nor shall it be available for any purpose except to compel the delivery of the policy mentioned in it

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
6.	Cheque	15 sen for each cheque
7.	Counterpart or duplicate of any instrument chargeable with duty, and in respect of which the proper duty has been paid	RM10
8.	Covenant: Any separate instrument or deed of covenant (not being an instrument or deed chargeable with <i>ad valorem</i> duty as a conveyance or charge or mortgage) made on the sale, charge or mortgage of any property, or of any right or interest in it, and relating solely to the conveyance or enjoyment of or the title to the property sold, charged or mortgaged, or to the production of the documents of title relating to it, or to all or any of the said matters	RM10
9.	Declaration of any use or trust of or concerning any property by any writing, not being a will, or an instrument chargeable with duty as a settlement	RM10
10.	Letter of allotment and letter of renunciation or any document having the effect of a letter of allotment of shares in any company or proposed company or in respect of any loan raised or proposed to be raised by any company or proposed company	RM10

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
11.	Letter of guarantee	RM10
12.	Memorandum of Association or Constitution of a company	RM100
13.	Partnership:	RM10
	(a) instrument of	
	(b) dissolution of	
14.	Power or letter of attorney:	RM10
	(a) instrument of	
	<i>Exemption</i>	
	For the sole purpose of appointment or authorizing any person to vote as proxy at a meeting of a Company or Association	
	(b) revocation of	
	(c) substitution under or by virtue of a power of attorney and any such instrument cancelling or varying any such substitution	
15.	Promissory Note:	RM10
	(a) instrument of	
	(b) protest of note (any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonor of a promissory note)	

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Item</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
16.	Revocation of any use or trust of any property by any writing not being a will	RM10
17.	Share Warrant or Stock Certificate to bearer	1% of the nominal value of the shares or stock specified in the warrant
18.	Of any kind not otherwise specially charged with duty	RM10".

Penggantian Jadual Kedua

75. Akta ibu dipinda dengan menggantikan Jadual Kedua dengan Jadual yang berikut:

“SECOND SCHEDULE

[Subsections 7(3), (4) and (7), subsection 35A(2) and paragraph 36(1)(c)]

PERSONS REQUIRED TO CANCEL ADHESIVE STAMPS

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
<i>Item</i>	<i>Nature of instrument</i>	<i>In the First Schedule</i>	<i>Person required to cancel the adhesive stamp</i>
		<i>Item - Part</i>	
1.	Agreement	1 Part 5	The person by whom the instrument is first executed
2.	Any Bond furnished to the Director General of Immigration in connection with the grant of any pass or permit issued under the Immigration Act 1959/63	7 Part 3	An Immigration officer

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
<i>Item</i>	<i>Nature of instrument</i>	<i>In the First Schedule</i> <i>Item - Part</i>	<i>Person required to cancel the adhesive stamp</i>
3.	Articles of Association or Constitution of a company (unless compounded for)	4 Part 5	The Registrar of Companies
4.	Cheque (unless compounded for):		
	(a) when drawn or made out of Malaysia	6 Part 5	The first holder in Malaysia
	(b) when drawn or made in Malaysia		The drawer
5.	Contract Note (unless compounded for)	3 Part 1	The person by whom the note is executed
6.	Declaration of any use or trust of or concerning any property by any writing, not being a will, or an instrument chargeable with duty as a settlement executed with Amanah Raya Berhad	9 Part 5	Manager or Trust Executive of Amanah Raya Berhad
7.	Employment Contract issued to the Immigration Department for the purpose of securing a pass	1 Part 5	An Immigration officer
8.	Letter of allotment	10 Part 5	The person by whom the letter is signed
9.	Letter of renunciation	10 Part 5	The person in whose favour the letter is executed
10.	Memorandum of Association or Constitution of a company (unless compounded for)	12 Part 5	The Registrar of Companies
11.	Memorandum of Sale	1 Part 5	Registrar of High Court

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
<i>Item</i>	<i>Nature of instrument</i>	<i>In the First Schedule</i>	<i>Person required to cancel the adhesive stamp</i>
		<i>Item - Part</i>	
12.	Policy of Insurance when issued out of Malaysia	5 Part 5	The first holder in Malaysia
13.	Protest of Note	15(a) Part 5	The Notary
14.	Revocation of Power of Attorney	14(b) Part 5	The person by whom the instrument is executed
15.	Student Loan Agreement for the purpose of pursuing higher education in a college or university	4 Part 3	The lender”.

Penggantian Jadual Ketiga

76. Akta ibu dipinda dengan menggantikan Jadual Ketiga dengan Jadual yang berikut:

“THIRD SCHEDULE

[Paragraph 33(a)]

DUTY BY WHOM PAYABLE

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
<i>Item</i>	<i>Nature of instrument</i>	<i>In the First Schedule</i>	<i>Person liable to pay duty</i>
		<i>Item - Part</i>	
1.	Agreement or Memorandum of Agreement or Contract	1 Part 5	The person by whom the instrument is first executed
2.	Bond	1 or 3 Part 2; 1 or 7 Part 3	The obligor or other person giving the security
3.	Charge or mortgage	1 Part 2	The charger, mortgagor or obligor

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
<i>Item</i>	<i>Nature of instrument</i>	<i>In the First Schedule</i>	<i>Person liable to pay duty</i>
		<i>Item - Part</i>	
4.	Contract	1 Part 5	The person by whom the instrument is first executed
5.	Contract Note	3 Part 1	The person on whose account the purchaser or sale is made
6.	Conveyance	1 Part 1	The grantee or transferee
7.	Exchange of real property	1(e) Part 1	The transferee
8.	Lease or Agreement for lease:	2 Part 4	
	(a) lease or agreement		The lessee
	(b) counterpart		The lessor
9.	Re-conveyance	2 Part 2	The transferee or assignee or the person redeeming the security".

Penggantian Jadual Kelima

77. Akta ibu dipinda dengan menggantikan Jadual Kelima dengan Jadual yang berikut:

“FIFTH SCHEDULE

[Subsection 8(1)]

LIST OF INSTRUMENTS ON WHICH DUTY IS PAYABLE BY MEANS OF POSTAL FRANKING MACHINE OR DIGITAL FRANKING MACHINE

1. Transfer of shares in public companies listed on Bursa Malaysia
2. Hire-Purchase Agreement and guarantee relating to it
3. Letter of indemnity
4. Letter of guarantee
5. Letter of allotment
6. Student loan agreement
7. Articles of Association or Constitution of a company
8. Memorandum of Association or Constitution of a company”.

Kecualian dan peralihan

78. Akta ini tidaklah menyentuh—

- (a) apa-apa surat cara yang disempurnakan sebelum tarikh permulaan kuat kuasa Akta ini;
- (b) apa-apa surat cara yang disempurnakan selepas tarikh permulaan kuat kuasa Akta ini yang melaksanakan penjualan di bawah perjanjian yang disetemkan dengan sempurna bagi penjualan dan pembelian yang disempurnakan sebelum tarikh permulaan kuat kuasa Akta ini;
- (c) apa-apa tanggungan untuk membayar duti setem yang diperuntukkan di bawah mana-mana peruntukan dalam mana-mana undang-undang bertulis sehingga peruntukan berkenaan dimansuhkan;
- (d) apa-apa pengecualian daripada membayar duti setem yang diperuntukkan di bawah mana-mana peruntukan dalam mana-mana undang-undang bertulis sehingga peruntukan itu dimansuhkan di bawah Akta Pembatalan Pengecualian Daripada Bayaran Duti-Duti Setem 1992 [Akta 478];
- (e) apa-apa tanggungan yang dilakukan, duti, penalti atau wang lain yang kena dibayar sebelum tarikh permulaan kuat kuasa Akta ini; dan
- (f) apa-apa bantahan atau rayuan yang dibuat oleh mana-mana orang bagi taksiran yang dibangkitkan sebelum permulaan kuat kuasa Akta ini, dan bantahan atau rayuan itu hendaklah diuruskan di bawah Akta itu seolah-olah Akta itu tidak dipinda.

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Setem 1949 (“Akta 378”).

2. *Fasal 1* mengandungi tajuk ringkas dan peruntukan permulaan kuat kuasa Akta yang dicadangkan.

3. *Fasal 2* bertujuan untuk meminda seksyen 2 Akta 378 untuk meminda takrif tertentu sedia ada dan memasukkan takrif baharu.

4. *Fasal 3* bertujuan untuk meminda seksyen 3A Akta 378. Dengan pengenalan swataksir, kuasa Pemungut diperluaskan bagi maksud pelaksanaan audit. Pemungut boleh menghendaki seseorang hadir secara sendiri di hadapannya dan menggeledah tanah, bangunan dan tempat yang Pemungut mempunyai akses. Halangan atau keengganan untuk membenarkan masuk, keengganan untuk menggemukakan surat cara, buku, akaun, rekod atau dokumen lain dan kegagalan untuk memberikan kemudahan dan bantuan yang munasabah bagi maksud audit menjadi suatu kesalahan. Cadangan pindaan juga bertujuan untuk menaikkan denda maksimum daripada dua ratus lima puluh ringgit kepada sepuluh ribu ringgit untuk mencerminkan keberatan apa-apa ketidakpatuhan.
5. *Fasal 4* bertujuan untuk meminda seksyen 4 Akta 378 untuk memperuntukkan bahawa duti yang kena dibayar dan pengecualian daripada duti setem ke atas surat cara adalah tertakluk kepada Akta ini sahaja. Seksyen ini juga memperuntukkan bahawa semua surat cara yang boleh dikenakan duti hendaklah disetamkan dengan sempurna.
6. *Fasal 5* bertujuan untuk meminda subseksyen 4A(3) Akta 378 untuk menaikkan penalti bagi kesalahan mendaftarkan apa-apa surat cara pindah milik yang tidak disetamkan dengan sempurna mengikut subseksyen 4A(2) Akta 378.
7. *Fasal 6* bertujuan untuk meminda seksyen 6 Akta 378 untuk memperuntukkan bahawa pemakaian seksyen 6 adalah tertakluk kepada Akta 378 sahaja.
8. *Fasal 7* bertujuan untuk meminda seksyen 7 Akta 378 untuk memasukkan kaedah membayar dan menandakan duti dengan cara cap tekanan.
9. *Fasal 8* bertujuan untuk meminda seksyen 8 Akta 378 untuk mengadakan peruntukan bahawa kesan cap yang menunjukkan pembayaran duti yang dibuat oleh mesin frangki digital hendaklah mengandungi tarikh sebenar kesan cap dibuat. Cadangan pindaan juga bertujuan untuk mengadakan peruntukan bagi masa untuk sesuatu surat cara boleh difrangki dan untuk menaikkan penalti bagi kesalahan di bawah seksyen ini.
10. *Fasal 9* bertujuan untuk meminda seksyen 9 Akta 378 untuk memberikan kuasa kepada Pemungut, melalui pemberitahuan dalam *Warta*, untuk mengkompaun bayaran duti ke atas surat cara tertentu mengikut syarat yang ditetapkan di bawah seksyen ini. Cadangan pindaan ini juga bertujuan untuk menaikkan bayaran lanjut di bawah subseksyen (3) daripada dua ratus ringgit atau sepuluh peratus daripada jumlah kena dibayar kepada lima ratus ringgit atau dua puluh peratus daripada jumlah kena dibayar.
11. *Fasal 10* bertujuan untuk meminda seksyen 10 Akta 378 untuk mencerminkan amalan penyetakan semasa yang tidak lagi menggunakan kertas berselem.
12. *Fasal 11* bertujuan untuk meminda seksyen 11 Akta 378 untuk memperuntukkan bahawa duti yang kena dibayar bagi sesuatu surat cara yang bersandar ke atas duti yang dibayar oleh surat cara yang lain hendaklah terpakai bagi surat cara yang ditaksir atau dianggap telah ditaksirkan di bawah perenggan 36(1)(a) atau (b) Akta 378.

13. *Fasal 12* bertujuan untuk meminda seksyen 11A Akta 378 untuk memperuntukkan bahawa replikat sesuatu surat cara tidak boleh disifatkan telah disetemkan dengan sempurna melainkan jika boleh ditunjukkan sehingga memuaskan hati Pemungut bahawa semua fakta dan hal keadaan yang menyentuh liabiliti duti surat cara asal telah dinyatakan sepenuhnya dan sebenarnya. Cadangan pindaan ini juga bertujuan untuk memperuntukkan bahawa penyerahan replikat surat cara hendaklah dibuat dalam tempoh enam tahun dari tarikh penyempurnaan surat cara itu.

14. *Fasal 13* bertujuan untuk memasukkan seksyen baharu 11B ke dalam Akta 378 untuk memperkatakan tentang kehilangan sijil setem yang, setelah permohonan dibuat kepada Pemungut, Pemungut boleh mengeluarkan sijil setem ganti apabila Pemungut berpuas hati bahawa semua fakta dan keadaan yang menyentuh tanggungan surat cara asal kepada duti telah dikemukakan sepenuhnya dan sebenarnya dan amaun duti yang boleh dikenakan telah dibayar.

15. *Fasal 14* bertujuan untuk meminda seksyen 12 Akta 378 untuk memasukkan amalan penyeteman yang baharu yang menurutnya salinan dan kaunterpart surat cara hendaklah dianggap tidak disetemkan dengan sempurna melainkan jika ditunjukkan kepada Pemungut surat cara asal yang telah disetemkan.

16. *Fasal 15, 19, 20 dan 26* bertujuan untuk meminda seksyen 12A, 17, 20 dan 29A Akta 378 berbangkit daripada pindaan kepada Jadual Pertama.

17. *Fasal 16* bertujuan untuk meminda seksyen 15 Akta 378 dengan melanjutkan tempoh yang syarikat hendaklah kekal sebagai pemilik benefisial syer daripada dua tahun kepada tiga tahun bagi membolehkan syarikat itu mendapat pengecualian di bawah seksyen ini. Setiap syarikat yang menjadi pihak kepada surat cara juga dikehendaki untuk memaklumkan kepada Pemungut apa-apa perubahan hal keadaan dalam tempoh tiga puluh hari dari berlakunya perubahan itu.

18. *Fasal 17* bertujuan untuk meminda seksyen 15A Akta 378 untuk memperuntukkan bahawa sesuatu syarikat tidak boleh melupuskan aset yang telah diperoleh oleh syarikat dalam tempoh tiga tahun dari tarikh pemindahhakan atau pindah milik dan hendaklah kekal bersekutu untuk tempoh tiga tahun. Cadangan pindaan juga mensyaratkan bahawa duti setem dan bunga akan dikenakan jika didapati bahawa pengisytiharan atau keterangan yang dikemukakan untuk menyokong tuntutan pengecualian di bawah seksyen ini adalah tidak benar.

19. *Fasal 18* bertujuan untuk meminda seksyen 16 Akta 378 dengan memotong subseksyen (2) untuk mencerminkan amalan penyeteman semasa yang tidak lagi memerlukan pandangan Pemungut.

20. *Fasal 21* bertujuan untuk meminda seksyen 20A Akta 378 untuk mengenakan duti *ad valorem* ke atas pertukaran harta tanah sebagaimana pemindahhakan semasa jualan tanpa mengira sama ada pertukaran itu melibatkan suatu balasan. Pindaan yang dicadangkan juga memperuntukkan bahawa pertukaran harta tanah antara pihak-pihak tertentu tidak tertakluk kepada duti *ad valorem*.

21. *Fasal 22* bertujuan untuk meminda seksyen 20B Akta 378 untuk memperkenalkan amalan penyeteman baharu yang menurutnya keperluan affidavit oleh penerima pindahan digantikan dengan pengisytiharan penerima pindahan yang dibuat dalam penyata.
22. *Fasal 23* bertujuan untuk menggantikan seksyen 21 Akta 378 untuk memperkenalkan pengenaan duti *ad valorem* ke atas apa-apa kontrak atau perjanjian bagi penjualan apa-apa harta termasuk saham atau sekuriti boleh pasar bagi mana-mana estet, estet atau kepentingan di sisi ekuiti dan perkara yang bersampingan dengannya.
23. *Fasal 24* bertujuan untuk meminda seksyen 22 Akta 378 untuk mengeluarkan waran kuasa wakil sebagai surat cara untuk mendapatkan anuiti atau apa-apa hak lain kerana surat cara ini tidak lagi digunakan.
24. *Fasal 25* bertujuan untuk meminda seksyen 26 Akta 378 untuk mengeluarkan jaminan bagi bayaran tanggungan sewa daripada duti kerana surat cara jaminan tidak lagi digunakan.
25. *Fasal 27* bertujuan untuk meminda seksyen 32 Akta 378 untuk memperuntukkan bahawa pengenaan duti minimum sepuluh ringgit tidak terpakai bagi nota kontrak.
26. *Fasal 28* bertujuan untuk meminda seksyen 33 Akta 378 berbangkit daripada pindaan kepada Jadual Ketiga.
27. *Fasal 29* bertujuan untuk memasukkan seksyen baharu 33A ke dalam Akta 378 untuk memberikan kuasa kepada Pemungut untuk melantik mana-mana orang sebagai ejen bagi pembayar duti dan orang itu dikehendaki untuk membayar duti atau penalti yang kena dibayar di bawah Akta ini bagi pihak pembayar duti daripada apa-apa wang termasuk hasil jualan atau sewa. Kegagalan ejen itu untuk membayar duti atau penalti itu akan menyebabkan ia menjadi hutang kena dibayar kepada Kerajaan. Seksyen baharu 33A selanjutnya memperuntukkan bahawa Pemungut boleh menghendaki mana-mana orang untuk memberikan maklumat berkenaan dengan apa-apa wang, dana atau aset lain yang dipegang olehnya, atau apa-apa wang yang kena dibayar olehnya kepada pembayar duti. Jika ejen itu terkilan dengan pelantikan itu, dia boleh membantah pelantikan itu melalui notis bertulis kepada Pemungut dalam tempoh empat belas hari dari tarikh pelantikan.
28. *Fasal 30* bertujuan untuk menggantikan seksyen 35 Akta 378 untuk mengadakan peruntukan bagi surat cara yang dikecualikan daripada duti. Sebelum pindaan, pengecualian diperuntukkan dalam Jadual Pertama.
29. *Fasal 31* bertujuan untuk memasukkan seksyen baharu 35A dan 35B ke dalam Akta 378. Seksyen baharu 35A menghendaki tiap-tiap orang untuk memberikan penyata berkenaan dengan suatu surat cara yang disempurnakan dan boleh dikenakan duti. Seksyen baharu 35B bertujuan untuk menghendaki tiap-tiap orang untuk menyimpan bagi tempoh tujuh tahun surat cara dan dokumen yang berkaitan berhubungan dengan surat cara yang telah disetamkan atau disifatkan telah disetamkan mengikut Akta 378.

30. *Fasal 32* bertujuan untuk menggantikan seksyen 36 Akta 378 untuk memperuntukkan bahawa dalam hal pembayar duit mengemukakan penyata di bawah perenggan 36(1)(a) atau (b), Pemungut hendaklah menaksir duit itu dan duit itu hendaklah menjadi genap masa dan kena dibayar dalam tempoh empat belas hari dari tarikh taksiran. Dalam hal penyata yang pembayar duit memilih untuk membuat taksiran sendiri, penyata itu disifatkan sebagai taksiran oleh Pemungut dan taksiran yang disifatkan hendaklah menjadi genap masa dan kena dibayar dalam tempoh empat belas hari dari tarikh penyata itu dikemukakan. Pindaan yang dicadangkan juga membenarkan Pemungut untuk membuat taksiran jika surat cara yang boleh dikenakan duit tidak disetamkan dengan sempurna. Seksyen ini juga memperuntukkan taksiran yang disifatkan telah ditaksirkan hendaklah tertakluk kepada seksyen 50A Akta 378.
31. *Fasal 33* bertujuan untuk memotong seksyen 36A, 36AA, 36B dan 36C Akta 378 yang menjadi tidak berkaitan selepas pengenalan swataksir.
32. *Fasal 34* bertujuan untuk meminda seksyen 37 Akta 378 berbangkit daripada pemotongan seksyen 36A, 36AA, 36B dan 36C.
33. *Fasal 35* bertujuan untuk memotong seksyen 38 Akta 378 untuk mencerminkan amalan penyeteman semasa iaitu semua surat cara yang boleh dikenakan duit mesti ditaksir.
34. *Fasal 36 dan 37* bertujuan untuk meminda seksyen 38A dan 39 Akta 378 berbangkit daripada pemotongan seksyen 36A, 36AA, 36B dan 36C.
35. *Fasal 38* bertujuan untuk meminda seksyen 40 Akta 378 berbangkit daripada pindaan kepada seksyen 36 yang memberikan pilihan kepada pembayar duit untuk tidak membawa surat cara kepada Pemungut untuk taksiran.
36. *Fasal 39* bertujuan untuk memasukkan seksyen baharu 40A ke dalam Akta 378 bagi memperuntukkan bahawa pengiraan duit atau penalti yang sepatutnya adalah dengan membundarkannya kepada ringgit terdekat dan duit minimum yang dikenakan ialah sepuluh ringgit.
37. *Fasal 40* bertujuan untuk meminda seksyen 42 Akta 378 bagi mengecualikan pemakaian seksyen ini bagi nota janji hutang.
38. *Fasal 41* bertujuan untuk meminda seksyen 43 Akta 378 bagi mengecualikan pemakaian seksyen ini bagi nota janji hutang yang disempurnakan di luar Malaysia.
39. *Fasal 42 dan 43* bertujuan untuk meminda seksyen 44 dan 45 Akta 378 masing-masing berbangkit daripada pengecualian bil pertukaran daripada pemakaian kedua-dua seksyen itu pada tahun 1992.
40. *Fasal 44* bertujuan untuk meminda seksyen 47 Akta 378 bagi membolehkan nota janji hutang disetamkan selepas penyempurnaan.
41. *Fasal 45* bertujuan untuk meminda seksyen 47A Akta 378 untuk menaikkan penalti bagi penyeteman lewat.

42. *Fasal 46* bertujuan untuk meminda seksyen 48 Akta 378 untuk memperuntukkan bahawa Pemungut hanya akan mengendors bayaran penalti jika bayaran disempurnakan melalui cara setem berpelekat.

43. *Fasal 47* bertujuan untuk meminda seksyen 50 Akta 378 untuk membolehkan Kerajaan memungut semua duti, penalti dan jumlah lain yang dikehendaki dibayar di bawah Akta ini melalui prosiding sivil. Seksyen ini selanjutnya memperuntukkan dalam sesuatu guaman di bawah Akta ini, pengemukaan suatu perakuan yang ditandatangani oleh Pemungut yang memberikan nama dan alamat defendan dan amaun duti atau penalti yang genap masa dibayar olehnya hendaklah menjadi autoriti yang mencukupi bagi mahkamah untuk memberikan penghakiman bagi amaun itu.

44. *Fasal 48* bertujuan untuk memasukkan seksyen baharu 50B ke dalam Akta 378 untuk membenarkan pembayar duti yang telah membayar duti setem berlebihan atas sebab kesilapan atau kesalahan untuk membuat permohonan bagi mendapatkan pelepasan daripada Pemungut dalam tempoh masa yang ditetapkan dalam seksyen itu.

45. *Fasal 49* bertujuan untuk meminda seksyen 51 Akta 378 untuk membenarkan pegawai badan berkanun untuk mengimpaun surat cara yang tidak disetamkan dengan sempurna.

46. *Fasal 50* bertujuan untuk meminda seksyen 55 Akta 378 untuk mencerminkan amalan penyeteman semasa yang tidak lagi mengenakan fi adjudikasi.

47. *Fasal 51* bertujuan untuk meminda seksyen 56 Akta 378 untuk memperuntukkan bahawa pemakaian seksyen 56 adalah tertakluk kepada Akta 378 sahaja.

48. *Fasal 52* bertujuan untuk memasukkan seksyen baharu 56A ke dalam Akta 378 untuk membolehkan Pemungut menuntut mana-mana duti, penalti atau jumlah yang genap masa kena dibayar yang tidak dibayar, oleh simati di bawah Akta ini daripada wasi harta pusaka simati. Seksyen yang dicadangkan selanjutnya memperuntukkan bahawa amaun mana-mana duti, penalti atau jumlah yang kena dibayar oleh wasi hendaklah menjadi suatu hutang yang genap masanya dibayar daripada harta pusaka simati. Seksyen ini juga mensyaratkan bahawa wasi tidak boleh membahagi-bahagikan mana-mana aset simati melainkan jika wasi telah membuat peruntukan bagi pembayaran penuh apa-apa duti, penalti atau jumlah yang wasi ketahui atau boleh dengan munasabah menjangkakan kena dibayar oleh wasi di bawah seksyen ini. Jika wasi gagal membuat pengutukan sedemikian, wasi itu bertanggungjawab, secara bersesama dan berasingan dengan wasi yang lain, untuk membayar penalti bersamaan dengan amaun duti, penalti atau jumlah yang kena dibayar.

49. *Fasal 53* bertujuan untuk meminda seksyen 57 Akta 378 untuk menjelaskan bahawa “*any person*” yang disebut dalam subperenggan 57(f)(iv) tidak termasuk pembayar duti. Cadangan pindaan juga bertujuan untuk menjelaskan subperenggan 57(f)(vi) iaitu bahawa elaun boleh dituntut jika perjanjian tidak dilaksanakan oleh satu pihak selain pembeli.

50. *Fasal 54* bertujuan untuk meminda seksyen 59 Akta 378 untuk mengeluarkan elaun bagi setem yang tidak digunakan.
51. *Fasal 55* bertujuan untuk meminda seksyen 60 Akta 378 untuk menaikkan jumlah denda maksimum bagi kegagalan membatalkan setem berpelekat daripada lima ratus ringgit kepada enam ribu ringgit.
52. *Fasal 56* bertujuan untuk meminda seksyen 61 Akta 378 untuk menaikkan jumlah denda maksimum bagi kegagalan mengemukakan semua fakta dan hal keadaan yang dikehendaki di bawah seksyen 5 Akta 378 daripada dua ribu lima ratus ringgit kepada sepuluh ribu ringgit.
53. *Fasal 57* bertujuan untuk meminda seksyen 63 Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan di bawah seksyen ini daripada satu ribu lima ratus ringgit kepada enam ribu ringgit.
54. *Fasal 58* bertujuan untuk meminda seksyen 64 Akta 378 untuk menaikkan jumlah denda maksimum bagi kegagalan untuk menyempurnakan dan menghantar nota kontrak daripada satu ribu lima ratus ringgit kepada enam ribu ringgit.
55. *Fasal 59* bertujuan untuk meminda seksyen 65 Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan yang berhubungan dengan nota janji hutang lepas tarikh daripada dua ribu lima ratus ringgit kepada sepuluh ribu ringgit.
56. *Fasal 60* bertujuan untuk meminda seksyen 67 Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan di bawah seksyen ini daripada satu ribu ringgit kepada empat ribu ringgit.
57. *Fasal 61* bertujuan untuk meminda seksyen 68 Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan di bawah seksyen ini daripada satu ribu ringgit kepada empat ribu ringgit.
58. *Fasal 62* bertujuan untuk meminda seksyen 69 Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan mengeluarkan waran syer atau sijil stok yang tidak disetamkan dengan sempurna daripada satu ribu lima ratus ringgit kepada enam ribu ringgit.
59. *Fasal 63* bertujuan untuk meminda seksyen 71 Akta 378 untuk menaikkan jumlah denda maksimum bagi urus niaga setem tanpa kebenaran daripada satu ribu ringgit kepada sepuluh ribu ringgit.
60. *Fasal 64* bertujuan untuk meminda seksyen 72 Akta 378 untuk menaikkan jumlah denda maksimum bagi setem yang dibawa bagi tujuan untuk dijaja daripada satu ribu ringgit kepada sepuluh ribu ringgit.
61. *Fasal 65* bertujuan untuk meminda seksyen 72A Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan yang berhubungan dengan sijil setem daripada lima ribu ringgit kepada sepuluh ribu ringgit.

62. *Fasal 66* bertujuan untuk memasukkan seksyen baharu 72B dan 72C ke dalam Akta 378. Seksyen baharu 72B mengadakan peruntukan bagi kesalahan dan penalti bagi kegagalan menyimpan rekod menurut subseksyen 9(7) dan seksyen 35B, bagi kegagalan memberikan notis yang dikehendaki di bawah subseksyen 15(6A) atau 15A(6) dan kegagalan untuk mengemukakan penyata mengikut seksyen 35A. Seksyen baharu 72C memberikan kuasa kepada mahkamah untuk mengeluarkan perintah selanjutnya ke atas orang yang telah disabitkan dengan kesalahan di bawah Akta 378.

63. *Fasal 67* bertujuan untuk meminda seksyen 74 Akta 378 untuk menaikkan jumlah denda maksimum bagi kesalahan yang berhubungan dengan fraud, muslihat dan tipu berhubungan dengan duti daripada lima ribu ringgit kepada sepuluh ribu ringgit.

64. *Fasal 69* bertujuan untuk memasukkan seksyen baharu 75A ke dalam Akta 378 untuk menghendaki Pemungut untuk mendapatkan kebenaran bertulis Pendakwa Raya sebelum sesuatu kesalahan boleh dikompaunkan. Seksyen baharu 75A juga memberikan kuasa kepada Menteri untuk membuat peraturan-peraturan untuk menetapkan kesalahan yang boleh dikompaun.

65. *Fasal 70* bertujuan untuk memasukkan seksyen baharu 76A ke dalam Akta 378 untuk memperuntukkan bahawa mana-mana orang yang menjalankan hak untuk mengakses atau hak untuk mengambil milik di bawah seksyen 3A Akta 378 hendaklah membawa waran dalam borang yang ditetapkan oleh Pemungut.

66. *Fasal 71* bertujuan untuk meminda seksyen 77A Akta 378 untuk membenarkan seseorang untuk membayar duti setem dengan menggunakan medium elektronik. Orang itu mesti terlebih dahulu mendaftar dengan Pemungut untuk membolehkan dia menggunakan medium elektronik. Orang itu boleh membayar secara pindahan dana elektronik yang dengannya sijil setem dikeluarkan dan sijil itu mesti dikepilkan pada surat cara itu. Sebagai tambahan, sijil setem juga boleh diperolehi jika orang itu membayar duti yang ditaksirkan di pejabat setem.

67. *Fasal 72* bertujuan untuk memasukkan seksyen baharu 77C ke dalam Akta 378 untuk mengadakan peruntukan bagi permohonan untuk menjadi orang berdaftar bagi menggunakan medium elektronik. *Fasal* ini juga bertujuan untuk memasukkan seksyen baharu 77D ke dalam Akta 378 untuk memberikan kuasa kepada Pemungut untuk menentukan borang yang diperlukan bagi kegunaan Akta ini.

68. *Fasal 73* bertujuan untuk meminda seksyen 78 Akta 378 bagi memberi Menteri kuasa untuk memberikan arahan bersifat am kepada Pemungut dalam pelaksanaan fungsi Pemungut di bawah Akta ini.

69. *Fasal 74, 75, 76 dan 77* masing-masing bertujuan untuk menggantikan Jadual Pertama, Kedua, Ketiga dan Kelima Akta 378.

70. *Fasal 78* bertujuan untuk memperkatakan peruntukan kecualian dan peralihan.

71. Pindaan lain yang tidak diperkatakan secara khusus dalam Huraian ini merupakan pindaan yang kecil atau berbangkit.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini akan melibatkan Kerajaan dalam perbelanjaan wang tambahan yang amaunnya belum dapat ditentukan pada masa ini.

[PN(U2)2984]