

FAQ - Latest Stamp Duty Exemption Order

Q : What are the latest stamp duty exemption orders?

A : Stamp Duty (Exemption) Order 2021 (P.U.(A) 53/2021)(as attached) in relation to stamp duty exemption on instrument of transfer for purchase of residential property and Stamp Duty (Exemption) Order (No. 2) 2021 (P.U.(A) 54/2021)(as attached) in relation to stamp duty exemption on loan agreement financing the purchase of residential property.

Q : What are the requirements?

A : (i) purchase of residential property which market value not more than RM500,000.00

(ii) the individual (i.e. purchaser or co-purchaser of the residential property which is Malaysian citizen) has never owned any residential property, including residential property obtained by way of inheritance or gift, whether individually or jointly

(iii) the sale and purchase agreement for the purchase of residential property is executed on or after 1st January 2021 but not later than 31 December 2025

Q : What is residential property?

A : As pursuant to Stamp Duty (Exemption) Order 2021 (P.U.(A) 53/2021), residential property means a house, a condominium unit, an apartment or a flat obtained or purchased solely for the use as dwelling house. However, do take note that as pursuant to the Statutory Declaration in relation to the application of stamp duty exemption, residential property does not include small office home office (SOHO), small office flexible office (SOFO), small office virtual office (SOVO) and service apartment.

Q : How can I know the market value of the residential property?

A : After the instrument of transfer being submitted to Inland Revenue Board for adjudication, the market value will be ascertained by Valuation and Property Services Department of Malaysia (Jabatan Penilaian Dan Perkhidmatan Harta

Malaysia (JPPH Malaysia)) and a Notice of Assessment will be issued by Inland Revenue Board stating the market value of the property and the exact amount of the stamp duty payable. If the market value of the residential property is more than RM500,000.00, then, stamp duty exemption is not applicable.

Q : I have owned a residential property by way of inheritance and the same has been sold few years ago. I have not purchased any other property before. Now, I wish to buy a condominium unit which purchase price is RM400,000.00 for the very first time. Am I eligible for stamp duty exemption?

A : No, you are not eligible for stamp duty exemption as you have owned a residential property by way of inheritance, even if it is sold.

Q : I am purchasing a double storey in joint name. I am not eligible for the stamp duty exemption but my co-purchaser has never owned any residential property before, is she eligible to apply for stamp duty exemption?

A : If the co-purchaser has never owned any residential property, she is eligible to apply for stamp duty exemption for her half undivided share of the property.

Q : I would like to purchase a service apartment (purchase price RM350,000.00). This is my first time purchasing a property and I have never owned any residential property. Am I eligible for stamp duty exemption?

A : In the Statutory Declaration in relation to the stamp duty exemption application, it states that residential property does not include service apartment, and this Statutory Declaration has to be submitted together with the stamp duty exemption application after it has been executed by the individual and affirmed by Commissioner for Oath. As such, even if the Stamp Duty (Exemption) Order 2021 (P.U.(A) 53/2021) does not specifically state that service apartment is not a residential property, the Statutory Declaration has clearly stated so. As such, if one proceed with the stamp duty exemption application, the Inland Revenue Board has sole discretion to disapprove the application.

For more information or in-depth legal advice, please contact our legal team.

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10 Februari 2021
10 February 2021
P.U. (A) 53

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERINTAH DUTI SETEM (PENGEQUALIAN) 2021

STAMP DUTY (EXEMPTION) ORDER 2021

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA SETEM 1949

PERINTAH DUTI SETEM (PENGECUALIAN) 2021

PADA menjalankan kuasa yang diberikan oleh subseksyen 80(1) Akta Setem 1949 [*Akta 378*], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Duti Setem (Pengecualian) 2021**.

(2) Perintah ini disifatkan telah mula berkuat kuasa pada 1 Januari 2021.

Pengecualian

2. (1) Menteri mengecualikan semua surat cara pindah milik bagi pembelian satu unit harta kediaman sahaja yang bernilai tidak melebihi lima ratus ribu ringgit (RM500,000.00) yang disempurnakan oleh seseorang individu daripada duti setem sekiranya—

(a) perjanjian jual beli bagi pembelian harta kediaman disempurnakan pada atau selepas 1 Januari 2021 tetapi tidak lewat daripada 31 Disember 2025; dan

(b) individu itu tidak pernah memiliki apa-apa harta kediaman termasuk harta kediaman yang diperolehi secara pewarisan atau pemberian, yang dipegang sama ada secara individu atau bersama.

(2) Bagi maksud subperenggan (1), nilai harta kediaman itu hendaklah berdasarkan nilai pasaran.

(3) Permohonan bagi pengecualian di bawah subperenggan (1) hendaklah disertakan dengan surat akuan berkanun di bawah Akta Akuan Berkanun 1960 [*Akta 783*] oleh individu yang disebut dalam subperenggan (1) yang mengesahkan

bahawa individu itu tidak pernah memiliki apa-apa harta kediaman termasuk suatu harta kediaman yang diperoleh secara pewarisan atau pemberian, yang dipegang sama ada secara individu atau bersama.

(4) Dalam perenggan ini—

- (a) “harta kediaman” ertinya suatu rumah, suatu unit kondominium, suatu pangsapuri atau suatu rumah pangsa, yang dibeli atau diperoleh semata-mata untuk digunakan sebagai suatu rumah kediaman; dan
- (b) “individu” ertinya seorang pembeli suatu harta kediaman yang merupakan seorang warganegara Malaysia atau pembeli bersama suatu harta kediaman yang merupakan warganegara Malaysia.

Dibuat 4 Januari 2021

[Perb.MOF.TAX(S)700-3/2/174; LHDN.AY.600-12/1/7(29)-78; PN(PU2)159/XXXIV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Menteri Kewangan

STAMP ACT 1949

STAMP DUTY (EXEMPTION) ORDER 2021

IN exercise of the powers conferred by subsection 80(1) of the Stamp Act 1949 [Act 378], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Stamp Duty (Exemption) Order 2021**.

(2) This Order is deemed to have come into operation on 1 January 2021.

Exemption

2. (1) The Minister exempts all instrument of transfer for the purchase of only one unit of residential property the value of which is not more than five hundred thousand ringgit (RM500,000.00) executed by an individual from stamp duty if—

(a) the sale and purchase agreement for the purchase of the residential property is executed on or after 1 January 2021 but not later than 31 December 2025; and

(b) the individual has never owned any residential property including a residential property which is obtained by way of inheritance or gift, which is held either individually or jointly.

(2) For the purpose of subparagraph (1), the value of the residential property shall be based on the market value.

(3) The application for the exemption under subparagraph (1) shall be accompanied by a statutory declaration under the Statutory Declarations Act 1960 [Act 783] by the individual referred to in subparagraph (1) confirming that the individual

has never owned any residential property including a residential property which is obtained by way of inheritance or gift, which is held either individually or jointly.

(4) In this paragraph—

(a) “residential property” means a house, a condominium unit, an apartment or a flat purchased or obtained solely to be used as a dwelling house; and

(b) “individual” means a purchaser of a residential property who is a Malaysian citizen or co-purchaser of a residential property who is a Malaysian citizen.

Made 4 January 2021

[Perb.MOF.TAX(S)700-3/2/174; LHDN.AY.600-12/1/7(29)-78; PN(PU2)159/XXXIV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Minister of Finance

AKUAN BERKANUN DIBUAT BERHUBUNG PERMOHONAN PENGECUALIAN DUTI SETEM, PERINTAH DUTI SETEM (PENGECUALIAN) 2021 – [P.U.(A) 53/2021] AKTA SETEM 1949 BAGI SURAT CARA PINDAH MILIK HARTA TANAH

[PEMBELIAN HARTA KEDIAMAN BERHARGA TIDAK MELEBIHI RM500,000.00 PADA ATAU SELEPAS 01/01/2021 TETAPI TIDAK LEWAT DARIPADA 31/12/2025]

Saya/Kami.....
(No.K.P)dan beralamat di
.....
.....
dengan sesungguhnya dan sebenarnya mengaku bahawa :-

1. Pernyataan yang dinyatakan di bawah adalah benar;
2. Saya/Kami adalah pembeli yang menandatangani perjanjian jual beli harta kediaman yang dipegang di bawah H.S. (D)..... Lot No Mukim
Negeri bertarih di antara
..... (penjual) dan (pembeli);
3. Saya/Kami mengesahkan bahawa harga belian bagi pembelian harta kediaman yang disebut dalam perkara (2) tersebut adalah tidak melebihi RM500,000.00 iaitu RM ;
4. Saya/Kami mengesahkan harta kediaman yang tersebut tidak termasuk small office home office (SOHO), small office flexible office (SOFO), small office virtual office (SOVO) dan *service apartment*;
5. Saya/Kami tidak pernah memiliki apa-apa harta kediaman termasuk harta kediaman yang diperolehi secara pewarisan atau pemberian, yang dipegang sama ada secara individu atau berse sama dan belum pernah diluluskan permohonan pengecualian duti setem di bawah pengecualian ini;
6. Saya/Kami faham sekiranya terbukti bahawa maklumat yang diberikan tidak benar, pengecualian yang telah diberikan akan ditarik balik dan duti serta penalti di bawah Seksyen 47A Akta Setem 1949 boleh dikenakan jika berkenaan; dan
7. Saya/Kami membuat pengakuan ini dengan penuh kesedaran dan kepercayaan bahawa semua fakta yang diberi adalah benar menurut kehendak peruntukan Akta Akuan Berkanun 1960.

Diperbuat dan dengan sesungguhnya diakui oleh)
yang tersebut namanya di atas)
.....)
di.....)
di Negeri)
pada....., 20)

Di hadapan saya,

.....
(Hakim Mahkamah Sesyen/Majistret
/Pesuruhjaya Sumpah)



10 Februari 2021
10 February 2021
P.U. (A) 54

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERINTAH DUTI SETEM (PENGEQUALIAN)
(NO. 2) 2021

STAMP DUTY (EXEMPTION) (NO. 2) ORDER 2021

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA SETEM 1949

PERINTAH DUTI SETEM (PENGECUALIAN) (NO. 2) 2021

PADA menjalankan kuasa yang diberikan oleh subseksyen 80(1) Akta Setem 1949 [*Akta 378*], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Duti Setem (Pengecualian) (No. 2) 2021**.

(2) Perintah ini disifatkan telah mula berkuat kuasa pada 1 Januari 2021.

Pengecualian

2. (1) Menteri mengecualikan daripada duti setem mana-mana perjanjian pinjaman untuk membiayai pembelian satu unit harta kediaman sahaja yang bernilai tidak melebihi lima ratus ribu ringgit (RM500,000.00) yang disempurnakan antara seorang individu yang dinamakan dalam perjanjian jual beli dengan—

(a) suatu bank berlesen di bawah Akta Perkhidmatan Kewangan 2013 [*Akta 758*];

(b) suatu bank Islam berlesen di bawah Akta Perkhidmatan Kewangan Islam 2013 [*Akta 759*];

(c) suatu institusi kewangan pembangunan yang ditetapkan di bawah Akta Institusi Kewangan Pembangunan 2002 [*Akta 618*];

(d) suatu penanggung insurans berlesen di bawah Akta Perkhidmatan Kewangan 2013;

(e) suatu pengendali takaful berlesen di bawah Akta Perkhidmatan Kewangan Islam 2013;

- (f) suatu koperasi yang didaftarkan di bawah Akta Koperasi 1993 [*Akta 502*];
- (g) mana-mana majikan yang menyediakan suatu skim pinjaman perumahan pekerja;
- (h) Borneo Housing Mortgage Finance Berhad (Nombor Pendaftaran Syarikat: 25457-V) yang diperbadankan di bawah Akta Syarikat 2016 [*Akta 777*]; atau
- (i) Mutiara Mortgage and Credit Sdn. Bhd. (Nombor Pendaftaran Syarikat: 257663-T) yang diperbadankan di bawah Akta Syarikat 2016.

(2) Pengecualian duti setem di bawah subperenggan (1) hendaklah hanya terpakai sekiranya—

- (a) perjanjian jual beli bagi pembelian harta kediaman itu disempurnakan pada atau selepas 1 Januari 2021 tetapi tidak lewat daripada 31 Disember 2025; dan
- (b) individu itu tidak pernah memiliki apa-apa harta kediaman termasuk suatu harta kediaman yang diperoleh secara pewarisan atau pemberian, yang dipegang sama ada secara individu atau bersama.

(3) Permohonan bagi pengecualian duti setem hendaklah disertakan dengan surat akuan berkanun di bawah Akta Akuan Berkanun 1960 [*Akta 783*] oleh individu yang disebut dalam subperenggan (1) yang mengesahkan bahawa individu itu tidak pernah memiliki apa-apa harta kediaman termasuk suatu harta kediaman yang diperoleh secara pewarisan atau pemberian, yang dipegang sama ada secara individu atau bersama.

(4) Dalam perenggan ini—

(a) “harta kediaman” ertinya suatu rumah, suatu unit kondominium, suatu pangsapuri atau suatu rumah pangsa, yang dibeli atau diperoleh semata-mata untuk digunakan sebagai suatu rumah kediaman; dan

(b) “individu” ertinya seorang pembeli suatu harta kediaman yang merupakan seorang warganegara Malaysia atau pembeli bersama suatu harta kediaman yang merupakan warganegara Malaysia.

Dibuat 4 Januari 2021

[Perb.MOF.TAX(S)700-3/2/174; LHDN.AY.600-12/1/7(29)-78; PN(PU2)159/XXXIV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Menteri Kewangan

STAMP ACT 1949

STAMP DUTY (EXEMPTION) (NO. 2) ORDER 2021

IN exercise of the powers conferred by subsection 80(1) of the Stamp Act 1949 [*Act 378*], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Stamp Duty (Exemption) (No. 2) Order 2021**.

(2) This Order is deemed to have come into operation on 1 January 2021.

Exemption

2. (1) The Minister exempts from stamp duty any loan agreement to finance the purchase of only one unit of residential property the value of which is not more than five hundred thousand ringgit (RM500,000.00) executed between an individual named in the sale and purchase agreement and—

- (a) a licensed bank under the Financial Services Act 2013 [*Act 758*];
- (b) a licensed Islamic bank under the Islamic Financial Services Act 2013 [*Act 759*];
- (c) a development financial institution prescribed under the Development Financial Institutions Act 2002 [*Act 618*];
- (d) a licensed insurer under the Financial Services Act 2013;
- (e) a licensed takaful operator under the Islamic Financial Services Act 2013;
- (f) a co-operative society registered under the Co-operative Societies Act 1993 [*Act 502*];

- (g) any employer who provides an employee housing loan scheme;
- (h) the Borneo Housing Mortgage Finance Berhad (Company Registration Number: 25457-V) incorporated under the Companies Act 2016 [Act 777]; or
- (i) the Mutiara Mortgage and Credit Sdn. Bhd. (Company Registration Number: 257663-T) incorporated under the Companies Act 2016.

(2) The stamp duty exemption under subparagraph (1) shall only apply if—

- (a) the sale and purchase agreement for the purchase of the residential property is executed on or after 1 January 2021 but not later than 31 December 2025; and
- (b) the individual has never owned any residential property including a residential property which is obtained by way of inheritance or gift, which is held either individually or jointly.

(3) The application for the exemption of the stamp duty shall be accompanied by a statutory declaration under the Statutory Declarations Act 1960 [Act 783] by the individual referred to in subparagraph (1) confirming that the individual has never owned any residential property including a residential property which is obtained by way of inheritance or gift, which is held either individually or jointly.

(4) In this paragraph—

- (a) “residential property” means a house, a condominium unit, an apartment or a flat purchased or obtained solely to be used as a dwelling house; and

(b) “individual” means a purchaser of a residential property who is a Malaysian citizen or co-purchaser of a residential property who is a Malaysian citizen.

Made 4 January 2021

[Perb.MOF.TAX(S)700-3/2/174; LHDN.AY.600-12/1/7(29)-78; PN(PU2)159/XXXIV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Minister of Finance

AKUAN BERKANUN DIBUAT BERHUBUNG PERMOHONAN PENGECUALIAN DUTI SETEM, PERINTAH DUTI SETEM (PENGECUALIAN) (NO. 2) 2021 – [P.U.(A) 54/2021] AKTA SETEM 1949 BAGI SURAT CARA PINJAMAN

[PEMBELIAN HARTA KEDIAMAN BERHARGA TIDAK MELEBIHI RM500,000.00 PADA ATAU SELEPAS 01/01/2021 TETAPI TIDAK LEWAT DARIPADA 31/12/2025]

Saya/Kami
(No.K.P)
dan beralamat di
..... dengan sesungguhnya dan
sebenarnya mengaku bahawa :-

- 1. Pernyataan yang dinyatakan di bawah adalah benar;
- 2. Saya/Kami adalah pembeli yang menandatangani perjanjian jual beli harta kediaman yang dipegang di bawah H.S. (D)..... Lot No Mukim Negeri bertarikh di antara (penjual) dan (pembeli);
- 3. Saya/Kami mengesahkan bahawa harga belian bagi pembelian harta kediaman yang disebut dalam perkara (2) tersebut adalah tidak melebihi RM500,000.00 iaitu RM ;
- 4. Saya/Kami mengesahkan harta kediaman yang tersebut tidak termasuk small office home office (SOHO), small office flexible office (SOFO), small office virtual office (SOVO) dan *service apartment*;
- 5. Saya/Kami tidak pernah memiliki apa-apa harta kediaman termasuk harta kediaman yang diperolehi secara pewarisan atau pemberian, yang dipegang sama ada secara individu atau bersesama dan belum pernah diluluskan permohonan pengecualian duti setem di bawah pengecualian ini;
- 6. Saya/Kami faham sekiranya terbukti bahawa maklumat yang diberikan tidak benar, pengecualian yang telah diberikan akan ditarik balik dan duti serta penalti di bawah Seksyen 47A Akta Setem 1949 boleh dikenakan jika berkenaan; dan
- 7. Saya/Kami membuat pengakuan ini dengan penuh kesedaran dan kepercayaan bahawa semua fakta yang diberi adalah benar menurut kehendak peruntukan Akta Akuan Berkanun 1960.

Diperbuat dan dengan sesungguhnya diakui oleh)
yang tersebut namanya di atas)
.....)
di.....)
di Negeri)
pada....., 20)

Di hadapan saya,

.....
(Hakim Mahkamah Sesyen/Majistret
/Pesuruhjaya Sumpah)