

LAND DEVELOPMENT DUTY ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.
3. Power of Minister to declare special development area.
4. Administration.

PART II. *Duty on Capital Gains*

5. Imposition of capital gains duty.
6. Ascertainment of capital gain.
7. Deduction of capital gains duty on payment of income tax.
8. Collection and recovery of duty.

PART III. *Betterment Charges*

9. Imposition of betterment charges.
10. Determination of betterment charges.
11. Ascertainment of increase in value.
12. Percentage chargeable for betterment.
13. Date of payment of betterment charge.
14. Persons liable to betterment charge.
15. Joint and several liability of persons in possession.
16. Collection of betterment charge.
17. Procedure against land for annual payment of betterment charge.

PART IV. *Appeals*

18. Appeals.
19. Capital gains duty and betterment charge payable pending further appeal.
20. Provisions relating to appeals to Revenue Court.

*LAND DEVELOPMENT DUTY**PART V. General*

21. Determination of value of consideration.
22. Valuations to be made by Commissioner of Valuations.
23. Duty of public officer to furnish information.
24. Information as to names of owners of land.
25. Duty of person served with notice to make return, to attend before Commissioner and to produce documents.
26. Notices.
27. Penalties for false statements, etc.
28. Penalty for offences for which no specific penalty otherwise provided.
29. Proceedings to be in the name of the Commissioner.

PART VI. Miscellaneous

30. Power of Minister to remit duty or betterment charge.
31. Regulations.
32. Power of Minister to exempt categories of persons or categories of lands.

LAND DEVELOPMENT DUTY ACT

[18th June, 1958.]

Law
4 of 1958.
Acts
42 of 1969
3rd Sch.,
29 of 1971
2nd Sch.

PART I. *Preliminary*

1. This Act may be cited as the Land Development Duty Act. Short title.

2. In this Act, unless the context otherwise requires— Interpreta-
tion.

“Commissioner” means the Commissioner of Taxpayer Audit and Assessment appointed under section 11E of the Revenue Administration Act; L.N.
165/1999.

“Commissioner of Valuations” means the Commissioner of Valuations appointed in accordance with the Land Valuation Act, and includes any person to whom he may delegate his powers under that Act;

“development date” means, in relation to each order made under section 3, such day as may be stated in the order to be the development date;

“encumbrance” includes a mortgage in fee or for a less estate and a lien, and a charge of a portion, annuity, or any capital or annual sum;

“fee simple” means the estate in fee simple in possession:

Provided that, for the purpose of determining the value of any land or for determining the value of any consideration for the transfer of land, the expression “fee simple” shall be deemed to mean

the estate in fee simple in possession in the land free from any lesser estates or interests therein or any encumbrances thereon or any rights or immunities conferred upon a tenant under the Rent Restriction Act and free also from any restrictive covenants and conditions other than restrictive covenants and conditions created by a Crown grant or by law;

“improved value” means, in relation to land, the capital sum which the fee simple of the land might be expected to realize if offered for sale at the time on such reasonable terms and conditions as a *bona fide* seller would require;

“land” includes all tenements and hereditaments and also all messuages, houses, buildings or other construction whether the property of any corporation, or of any private individual, and all trees growing or standing thereon:

Provided that, for the purpose of determining the value of any land or for determining the value of the consideration for the transfer of any land, there shall not be included in such value—

- (a) the value of growing crops; or
- (b) the value of trees, other than fruit trees, that have been planted for any purpose; or
- (c) the value of trees that have been preserved as shelter or for ornamental purposes;

“parcel of land” means land which is separately held by any owner, or land which under the Land Valuation Act, may be valued as a separate parcel of land;

“person in possession of land” includes the attorney, overseer or manager or other person having the management of, or the collection, or the receipt of rents, issues, or profits of any land as well as the owner, occupier or person actually in possession of such land;

“return” includes all returns, notices, declarations, statements and information prescribed or required in accordance with the provisions of this Act to be furnished;

“special development area” means an area declared by order under section 3 to be a special development area;

“specified base date” means in relation to each order made under section 3, such day as may be stated in the order to be the specified base date;

“transfer” includes conveyance;

“transferor” includes all joint owners who join in a transfer but does not include any persons who join in the execution of the instrument by which the transfer is effected, or agreed to be effected, for the purpose only of conveying any estate vested in them as trustees or encumbrancers, or of acknowledging the receipt of the consideration money, or of giving consent;

“Valuation Board” means the Valuation Board constituted under the provisions of the Land Valuation Act;

“valuation period” means the period elapsing between the specified base date and the development date.

3.—(1) Subject to the provisions of subsection (2) whenever the Government undertakes, or proposes to undertake, in any area, expenditure from public funds which, in the

Power of
Minister
to declare
special
develop-
ment area.

opinion of the Minister, is substantial, it shall be lawful for the Minister, by order—

- (a) to declare any such area to be a special development area under this Act and the provisions of this Act shall apply in relation to land in that area; and
- (b) to specify the specified base date which shall not be more than one year before the publication in the *Gazette* of the order; and
- (c) to specify the development date which shall not be more than seven years after the specified base date.

(2) No order made under this section of this Act shall have effect unless it is approved by resolution of the House of Representatives and the Senate.

Administra-
tion.
L.N.
165/1999.

4.—(1) The administration of this Act is vested in the Commissioner of Taxpayer Audit and Assessment and the provisions of section 4 of the Income Tax Act, (which relate to secrecy), shall apply to the administration of this Act as if this Act formed part of the Income Tax Act.

L.N.
165/1999.

(2) For the purpose of discharging his responsibility for the administration of this Act it shall be lawful for the Commissioner of Taxpayer Audit and Assessment to make use of any document, information, return or assessment list and any copy of such list obtained by him in discharging his responsibility for the administration of the Income Tax Act, and, in like manner, for the purpose of discharging his responsibility for the administration of the Income Tax Act, it shall be lawful for him to make use of any document, information, return or assessment list and any copy of such list obtained by him in discharging his responsibility for the administration of this Act.

PART II. *Duty on Capital Gains*

5.—(1) Subject to the provisions of this Part there shall be charged, levied and paid on the capital gain arising on any occasion specified in subsection (2) a duty, called capital gains duty, at the rate specified in accordance with subsection (3).

Imposition
of capital
gains duty.

(2) Subsection (1) shall apply on the occasion of every transfer on sale of the fee simple of any land in a special development area at any time during a valuation period.

(3) Subject to the provisions of subsection (4) the Minister may, from time to time, having regard to the amount of government expenditure undertaken or proposed in any special development area, by order, determine the percentage, not exceeding twenty-five *per centum*, chargeable under this Act as capital gains duty.

(4) No order under this section shall come into force unless it is approved by resolution of the House of Representatives.

6.—(1) For the purpose of this Part the capital gain made by any person on sale of the fee simple of land in a special development area shall be deemed to be the amount (if any) by which the value of the consideration for the transfer of the land exceeds the sum of—

Ascertain-
ment of
capital gain.

- (a) the improved value of the land at the specified base date; and
- (b) any expenditure of a capital nature on the land by the transferor or his predecessors in title subsequent to the specified base date; and
- (c) an amount equivalent to five *per centum* of the value of the consideration.

(2) Where, in relation to any transaction, the person selling the land had himself purchased the fee simple of the

land subsequent to the specified base date, the specified base date, in relation to that transaction, shall be deemed to be the date of such purchase and the improved value of the land at that date shall be deemed to be the value of the consideration for the transfer of such land to such person.

Deduction of
capital gains
duty on
payment of
income tax.

7. Where a person who has paid capital gains duty on sale of land in a special development area is liable under the Income Tax Act, to pay income tax in respect of profit or gain made on the sale of such land the amount paid by such person as capital gains duty shall, for the purpose of section 13 of the Income Tax Act, be regarded as an expense wholly and exclusively incurred by such person for the purpose of acquiring such profit or gain during the year in which the capital gains duty was paid.

Collection
and
recovery of
duty.
L.N.
165/1999.

8.—(1) On any transfer on sale of the fee simple of any land in a special development area capital gains duty shall be assessed by the Commissioner of Taxpayer Audit and Assessment and paid by the transferor to the prescribed officer.

(2) It shall be the duty of the transferor, on the occasion of any transfer on sale of the fee simple of any land in a special development area, to present to the Commissioner within three months of such transfer, and in accordance with regulations made under section 31, the instrument by means of which the transfer is effected, or agreed to be effected, or reasonable particulars thereof, for the purpose of the assessment of duty thereon.

(3) Any such instrument shall not, for the purposes of the Stamp Duty Act, notwithstanding anything in that Act, be deemed to be duly stamped unless it is stamped by the prescribed officer either—

- (a) with a stamp denoting that the capital gains duty has been assessed by the Commissioner and paid in accordance with the assessment; or

(b) with a stamp denoting that all particulars have been delivered to the Commissioner which, in the opinion of the Commissioner, are necessary for the purpose of enabling him to assess the duty, and that security has been given for the payment of duty in any case where the Commissioner has required security; or

(c) with a stamp denoting that upon the occasion in question no duty is payable,

but where a document is so stamped, it shall, notwithstanding any objection relating to the capital gains duty, be deemed to be duly stamped so far as respects that duty.

(4) Any duty assessed by the Commissioner under this section shall be a debt due to the Government from the transferor of the land and may be sued for and recovered in the Revenue Court, or in a Resident Magistrate's Court by the Commissioner or by a Collector of Taxes acting on the Commissioner's instructions, with costs of suit, from the person charged therewith as a debt due to the Government.

29/1971
2nd Sch.

(5) Where joint owners join in transferring any land the Commissioner or Collector of Taxes may proceed against all or any of them.

(6) In any case where capital gains duty shall have been paid under the provisions of this section, but the transaction in respect of which the duty shall have been paid was subsequently not carried into execution, the duty shall be returned to the transferor on his making application to the Commissioner within two years after the payment of the duty in accordance with the regulations made under this Act.

(7) Where any agreement for a transfer is stamped in accordance with this section it shall not be necessary,

for the purposes of this Act, to stamp any conveyance or assignment made subsequently to and in conformity with the agreement but the Commissioner shall, if application is made to him for the purpose, denote on the conveyance or assignment the amount of duty paid.

(8) If the transferor fails, without reasonable excuse, to comply with the provisions of this section, he shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one thousand dollars and treble the amount of capital gains duty with which he ought to be charged under this Act, or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

(9) Where a company is guilty of a contravention of the provisions of this section, every director, manager, agent and officer of the company in this Island who is knowingly a party to the contravention shall be liable to the penalties specified in subsection (8).

PART III. *Betterment Charges*

Imposition
of better-
ment
charges.

9. Subject to the provisions of this Part, from and after the approval of any order under section 3 declaring any area to be a special development area there shall be paid in respect of the valuation period to which the order relates upon each parcel of land in such area a charge (to be called a betterment charge) as provided in this Part.

Determina-
tion of
betterment
charges.

10. The betterment charge shall be a percentage, at the rate specified in accordance with section 12, of the increase in value of the parcel of land during the valuation period to which the order made under section 3 relates.

11.—(1) For the purpose of this Part the increase in value of any parcel of land during a valuation period shall be deemed to be the amount (if any) by which the improved value of the land at the development date denoting the end of the valuation period exceeds the sum of—

Ascertain-
ment of
increase in
value.

- (a) the improved value of the land at the specified base date; and
- (b) any expenditure of a capital nature on the parcel of land by the person in possession of the land or his predecessors in title subsequent to the specified base date.

(2) Where, in relation to any valuation period, the person in possession of the land at the development date denoting the end of the period had himself purchased the fee simple of the land during the valuation period, the specified base date in relation to that land shall be deemed to be the date of such purchase and the improved value of the land at that date shall be deemed to be the value of the consideration for the transfer of such land to such person.

12.—(1) Subject to the provisions of subsection (3) the Minister may, from time to time, having regard to the amount of government expenditure undertaken or proposed in any special development area, by order, determine the percentage, not exceeding twenty-five *per centum*, chargeable under this Part, as betterment in each such special development area in respect of each valuation period.

Percentage
chargeable
for better-
ment.

(2) Any order made under this section may specify the date, or dates, on which the charge shall be due and payable.

(3) No order under this section shall come into force unless it is approved by resolution of the House of Representatives.

Date of
payment of
betterment
charge.

13.—(1) Subject to the provisions of section 16, unless any order made under section 12 otherwise provides, betterment charge, when it is imposed, shall be due and payable on the development date denoting the end of the valuation period to which it is applicable.

(2) Every person liable to pay betterment charge shall, within three months from the date when it is due and payable, make a return in such form as may be prescribed to the prescribed officer.

Persons
liable to
betterment
charge.

14.—(1) The betterment charge shall be payable by the person in possession of the parcel of land made liable thereto at the date when the charge, or any instalment thereof, becomes due and shall be paid to the prescribed officer.

(2) Until it is paid the betterment charge shall be a first charge and lien upon the parcel of land liable thereto.

Joint and
several
liability
of persons in
possession.

15. If any parcel of land charged with the betterment charge shall be in the possession of more than one person the prescribed officer may, to enforce payment, proceed against all or any of the persons in possession or distrain on the goods of all or any of them wherever found.

Collection
of better-
ment
charge.

16.—(1) Betterment charge shall be payable in such annual instalments and subject to such conditions as the Minister may prescribe generally for any special development area or specially for each special development area.

(2) Without prejudice to the generality of subsection (1) the Minister may prescribe as a condition for the collection of betterment charge that, if the betterment charge is not paid in annual instalments but is paid in one sum, or, if any annual instalments are commuted to

a lump sum, there shall be a rebate at such rate as may be prescribed not exceeding ten *per centum* of the amount due in respect of the betterment charge.

(3) The provisions of the Tax Collection Act and any enactment amending the same so far as the same are applicable shall apply to any annual instalment of betterment charge as the provisions of that Act apply to the collection of tax and the collection of any annual instalment of betterment charge may be enforced under the powers and provisions of the Tax Collection Act as if such annual instalment were an annual tax to which the provisions of that Act applied.

(4) In addition to any other means of recovery betterment charge may be recovered from the person liable therefor by suit at the instance of the Commissioner or of a Collector of Taxes in the Revenue Court or in a Resident Magistrate's Court with full costs of suit, as a debt due to the Government.

17. In so far as the context will admit, the words "quit rents" in the Quit Rents Act shall include the annual payments in relation to any betterment charge imposed under this Act, and any parcel of land in arrear for the payment of such annual payment, may be proceeded against for forfeiture under the provisions of the Quit Rents Act in exactly the same manner as land would be proceeded against for the non-payment of quit rents.

Procedure
against land
for annual
payment of
betterment
charge.

PART IV. *Appeals*

18.—(1) Except as expressly provided in this Act, any person aggrieved by a decision of the Commissioner may appeal to the Revenue Court within such time and in such manner as may be provided by rules made under section 31 against—

Appeals.

29/1971
2nd Sch.

- (a) the amount of any assessment of capital gains duty or of betterment charge under this Act; or
- (b) a refusal of the Commissioner to make any allowance or to make any allowance claimed where the Commissioner has power to make such an allowance under this Act; or
- (c) any apportionment of capital gains duty or of betterment charge or any assessment or apportionment of any values or any consideration on any transfer made by the Commissioner under this Act; or
- (d) the determination of any other matter which the Commissioner is to determine or may determine under this Act:

Provided that an appeal shall not lie under this section in respect of any matter in connection with a valuation which can, or may, be the subject of an objection or an appeal or further appeal under section 22.

29/1971
2nd Sch.

(2) Upon the hearing of an appeal, the Revenue Court, may affirm, reverse or vary the decision appealed against in such manner as the Court thinks just, and may make such order as to the cost of the appeal, not exceeding in any case forty dollars, as the Court thinks just.

29/1971
2nd Sch.

(3) The onus of proving that any assessment appealed against is excessive shall be on the person aggrieved.

Capital
gains duty
and better-
ment charge
payable
pending
further
appeal.
29/1971
2nd Sch.

19. Notwithstanding any other provisions of this Act, capital gains duty or, as the case may be, betterment charge shall be paid in accordance with the decision of the Revenue Court until, in the event of an appeal being made to the Court of Appeal, the Court of Appeal, having heard the appeal, otherwise orders.

20. On appeal to the Revenue Court the following provisions shall have effect—

Provisions
relating to
appeals to
Revenue
Court.
29/1971
2nd Sch.

- (a) the onus of proving that the assessment complained of is excessive shall be on the person aggrieved;
- (b) any revision of the amount of capital gains duty or of betterment charge as a result of the decision of the Revenue Court shall be dealt with by way of increase or, as the case may be, reduction in the assessment and, subject to any further appeal, the Commissioner shall make such collection, repayment or discharge as may be necessary;
- (c) the costs of the appeal shall be in the discretion of the Judge hearing the appeal and shall be a sum fixed by the Judge;
- (d) the decision of the Judge hearing the appeal shall be final on any question of fact, but an appeal shall lie on any question of law to the Court of Appeal;
- (e) any revision of the amount of capital gains duty or of betterment charge as a result of an appeal to the Court of Appeal shall be dealt with by way of increase or, as the case may be, reduction in the assessment and thereupon the Commissioner shall make such collection, repayment or discharge as may be necessary.

PART V. *General*

21.—(1) Where the value of any consideration for a transfer is to be determined for the purposes of this Act, that value shall, so far as the consideration consists of the payment of a capital sum, be taken to be the amount of that capital sum, and, so far as the consideration consists

Determina-
tion of
value of con-
sideration.

of a periodical money payment, be taken to be such sum as appears to the Commissioner to be the capital value of that payment:

Provided that—

- (a) where the capital sum paid by way of consideration for the sale or the capital sum deemed to be the value of the periodic payment includes the value of any growing crops or trees, which, having regard to the meaning assigned to the expression “land” in section 2, should not, for the purpose of this Act, be included in the value of any consideration, there shall be deducted from the consideration for the sale in order to ascertain the value of that consideration for the purposes of this section such sum as appears to the Commissioner to be the value of such growing crops or trees; and
- (b) where the capital sum paid by way of consideration for the sale or the capital sum deemed to be the value of the periodic payment has been reduced by reason of the fact that the fee simple of the land sold was subject to—
 - (i) any lesser estate or interest; or
 - (ii) any encumbrance; or
 - (iii) any right or immunity under the Rent Restriction Act; or
 - (iv) any restrictive covenant or condition other than a restrictive covenant or condition created by the Crown or by law,there shall be added to the consideration for the sale in order to ascertain the value of that consideration for the purposes of this section such sum as appears to the Commissioner to be the

value of such estate, interest, encumbrance, right immunity, covenant or condition by which the consideration for the sale has been so reduced.

(2) If the Commissioner is satisfied that any covenant or undertaking or liability to discharge any encumbrance has formed part of the consideration, the Commissioner shall regard, or, as the case may be, allow such sum as he thinks just in respect thereof as an addition to the value of the consideration.

(3) Where it is necessary, for the purposes of this Act, to apportion any values or any consideration as between properties or between parts of properties, such values or such consideration shall be apportioned by the Commissioner in such manner as he may determine.

22.—(1) Where the valuation of any land as at any date or the valuation of an estate, interest or right in, or in relation to, land is necessary for the purposes of this Act, such valuation shall be made by the Commissioner of Valuations and shall be subject to the like objection by a person dissatisfied with the valuation and the like appeal to the Revenue Court or, as the case may be, the like further appeal by such person or by the Commissioner of Valuations, to the Court of Appeal, as a valuation made under the Land Valuation Act.

Valuations
to be made
by Commis-
sioner of
Valuations.

29/1971
2nd Sch.

(2) The Commissioner of Valuations, the Revenue Court and the Court of Appeal shall have, in relation to any valuation made under this section, the like rights, powers and duties as are vested in them, or any of them, in regard to valuations under the Land Valuation Act.

29/1971
2nd Sch.

23. It shall be the duty of every public officer to furnish information required by the Commissioner of Taxpayer Audit and Assessment for the purpose of this Act and which may be in his possession or which he may be able to procure:

Duty of
public officer
to furnish
information.
L.N.
165/1999.

Provided that this section shall not apply to officers who are employed in the Post Office Department or in the Workers Savings and Loan Bank.

Information
as to names
of owners of
land.

24.—(1) Every person who pays rent in respect of any land and every person who, as agent for another person, receives any rent in respect of any land, shall, on being required by the Commissioner, furnish to the Commissioner within thirty days the name and address of the person to whom he pays rent or on behalf of whom he receives rent, as the case may be.

(2) If any person wilfully fails to comply with the provisions of this section, he shall be liable to a penalty not exceeding one hundred dollars to be recoverable in the Resident Magistrate's Court.

(3) Any notice or document which is required to be given or sent to an owner or a person interested in land under this Act by the Commissioner shall be sufficiently given or sent if sent by post to the address of the owner or person interested furnished to the Commissioner under the powers given by this section, or, if the address cannot be so ascertained, by leaving the notice or a copy of the document addressed to the owner or person interested with some occupier of the land, or if there is no occupier, by causing it to be put up in some conspicuous place on the land.

Duty of
person
served with
notice to
make return,
to attend
before
Commission-
er and to
produce
documents.

25.—(1) Every person, whether or not he is liable to pay capital gains duty or betterment charge, upon whom the Commissioner may cause a notice to be served requiring him to make and deliver a return of such particulars as may be specified in the notice, shall, within fifteen days of the service of such notice make and deliver to the Commissioner a return as aforesaid.

(2) The Commissioner may, by not less than fourteen days notice in writing, require any person to attend before him and give evidence with respect to any transaction in relation to land in a special development area.

(3) The Commissioner may require any person to furnish a statement of receipts and expenditure by such person in relation to any land in a special development area and, where the Commissioner is not satisfied with the statement delivered by any such person, he may serve on that person a notice in writing requiring him to do any of the following things, that is to say—

- (a) to deliver to the Commissioner copies of such accounts (including balance sheets) relating to the land as may be specified or described in the notice within such period as may be therein specified, including, where the accounts have been audited, a copy of the auditor's certificate;
- (b) to make available, within such time as may be specified in the notice, for inspection by the Commissioner all such books, accounts and documents in his possession or power as may be specified or described in the notice, being books, accounts and documents which contain information as to transactions in relation to the land.

(4) If any person on whom a notice has been served under this section fails, without reasonable excuse to comply with the requirements of the notice he shall be guilty of an offence against this Act.

26.—(1) Every notice to be given by the Commissioner under this Act shall be signed by the Commissioner or by some person or persons from time to time appointed by him for that purpose, and every such notice shall be valid if

Notices.

the signature of the Commissioner or of such person or persons is duly printed or written thereon:

Provided that any notice in writing under this Act to any person requiring him to furnish particulars to the Commissioner, or any notice under this Act requiring the attendance of any person or witness before the Commissioner shall be personally signed by the Commissioner or by any person duly authorized by him.

(2) A signature attached to any notice and purporting to be the signature of any person so appointed shall be taken to be the signature of that person until the contrary is shown.

(3) In the case of a person assessed who is absent from the Island any notice required may be served on the agent of such person and such service shall be deemed to be service on such person.

(4) Notice may be served on a person either personally or by being sent by post to his last known business or private address:

Provided that service by post in the case of a notice, requiring the attendance of any person or witness before the Commissioner shall be by registered post.

(5) Any notice sent by registered post shall be deemed to have been served, in the case of a person resident in the Island not later than the fifteenth day succeeding the day when posted, and in the case of a person not so resident, not later than the thirtieth day succeeding the day on which the notice would have been received in the ordinary course by post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

27.—(1) Any person who for the purpose of obtaining any allowance, reduction, rebate or repayment in respect of capital gains duty or of betterment charge either for himself or for any other person, or who in any return made with reference to capital gains duty or betterment charge, knowingly makes any false statement or false representation, shall, notwithstanding any other provision in this or any other enactment, be liable on conviction on indictment in a Resident Magistrate's Court to a fine not exceeding one thousand dollars and treble the amount of capital gains duty or betterment charge with which he ought to be charged under this Act, or to imprisonment, with or without hard labour, for a term not exceeding twelve months.

Penalties
for false
statements,
etc.

(2) Any person who aids, abets, assists, counsels, incites or induces another person to—

(a) make or deliver any false return or statement under this Act; or

(b) keep or prepare any false account concerning any property chargeable under this Act,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months.

(3) If any person, by himself or by any person in his employ, obstructs, molests or hinders—

(a) an officer or any person employed for any purpose under this Act in the execution of his duty, or of any of the powers or authorities by law given to the officer or person; or

(b) any person acting in the aid of an officer or any person so employed,

he shall be guilty of an offence against this Act.

Penalty for offences for which no specific penalty otherwise provided.

28. Any person guilty of an offence against this Act for which no specific penalty is provided in this Act shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding six months.

Proceedings to be in the name of the Commissioner.

29. Any proceedings for offences under this Act may be taken in the name of the Commissioner or such person as he may authorize in writing.

PART VI. *Miscellaneous*

Power of Minister to remit duty or betterment charge.

30. If the Minister is satisfied that it would be just and equitable to do so, he may remit the whole or any part of the capital gains duty payable by any person or the whole or any part of a betterment charge.

Notice of such remission shall be published in the *Gazette*.

Regulations.

31.—(1) The Minister may make regulations in regard to—

- (a) any matters required by this Act to be prescribed;
- (b) the mode in which any instrument is to be presented to the Commissioner in order to be dealt with under section 8;
- (c) dispensing with the presentation of any instrument, or particulars thereof, in cases where arrangements are made for obtaining those particulars through any registry of lands, duties or title;
- (d) the mode in which any application for a return of duty or of betterment charge is to be made;

- (e) the procedure for the assessment of capital gains duty and of betterment charge including objections to such assessments;
- (f) the payment of any capital gains duty by instalments in the case of any transfer on sale where the consideration is in the form of periodical payment;
- (g) the discounts to be allowed if annual payments of betterment charge are commuted to a lump sum; and
- (h) any other matter or thing whether similar to those abovementioned or not in respect of which, in the opinion of the Minister it may be expedient to make regulations for the purpose of carrying this Act into execution.

(2) The Minister may make rules in regard to—

- (a) methods and procedure to be adopted for denoting documents in relation to capital gains duty;
- (b) all forms which he may deem desirable in connection with capital gains duty or betterment charges.

(3) All regulations and rules made under this section shall be subject to negative resolution of the House of Representatives.

42/1969
3rd Sch.

32.—(1) Subject to the provisions of subsection (2) the Minister may, by order, exempt from all or any of the provisions of this Act such categories of persons or categories of lands as he may deem fit.

Power of
Minister
to exempt
categories
of persons
or categories
of lands.

(2) No order under this section shall have effect unless it is approved by the House of Representatives.