



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ESTATE DUTY ACT

(CHAPTER 96)

(ORIGINAL ENACTMENT: ORDINANCE 11 OF 1929)

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Estate Duty Act

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An Act to provide for the levy of estate duty payable in respect of the estates of deceased persons.

[1st July 1929]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Estate Duty Act.

Interpretation

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

“accountable person” means an executor or any other person upon whom there is imposed under the provisions of this Act any duty or liability to deliver to the Commissioner an estate duty return or an estate duty account or to pay any estate duty or to make any other payment leviable in consequence of the death of any person, or from whom any payment under this Act is leviable;

“Commissioner” means the Commissioner of Estate Duties appointed under section 4(1) and includes a Deputy Commissioner of Estate Duties;

“disposition” includes any trust, covenant, agreement or arrangement;

“encumbrances” includes mortgages and terminable charges;

“estate duty” means estate duty leviable under this Act;

“estate duty return” means the return, together with the accounts annexed thereto, determined under section 35;

“executor” means the executor or administrator of a deceased person, and includes, as regards any obligation under this Act —

- (a) any person who takes possession of or intermeddles with the property of a deceased person; and
- (b) any person who has applied or is entitled to apply to any court for the grant or resealing of probate or letters of administration in respect of the estate of a deceased person;

“interest in expectancy” includes an estate in remainder or reversion and every other future interest whether vested or contingent, but does not include reversions expectant upon the determination of leases;

“notice of assessment” means a notice determined under section 37;

“property” includes movable and immovable property of any kind situate or being in Singapore and the proceeds of sale thereof respectively, and any money or investment for the time being representing the proceeds of sale; and, in the case of a deceased person who was at the time of his death domiciled in Singapore, includes movable property wherever it may be;

“property passing on the death” includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation; and “on the death” includes at a period ascertainable only by reference to the death;

“settled”, when applied to property, means property comprised in a settlement;

“settlement” means any deed, will, agreement for a settlement, or other instrument or any number of instruments, under which any property or any interest therein stands for the time being limited to or in trust for any person or persons by way of succession, and includes any interest in remainder or

reversion not disposed of by the settlement and reverting to the settlor;

“will” includes any testamentary instrument.

[42/98; 30/2000]

Application

2A. This Act shall apply only in relation to persons dying before 15th February 2008.

[13/2008 wef 15/02/2008]

Presumptions

3. For the purpose of this Act —

- (a) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were sui juris, enable him to dispose of the property; and “general power” includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument inter vivos or by will, or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee;
- (b) a disposition taking effect out of the interest of the deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required; and
- (c) money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose.

Appointment of Commissioner, etc.

4.—(1) The Minister may, by notification in the *Gazette*, appoint an officer to carry out the provisions of this Act, to be called the Commissioner of Estate Duties and such number of Deputy Commissioners of Estate Duties as he thinks fit.

(2) A Deputy Commissioner of Estate Duties shall have all the powers conferred by this Act on the Commissioner.

(3) The Commissioner shall be responsible for the recovery of all estate duty, interest and penalties payable under the provisions of this Act and shall pay all amounts collected in respect thereof into the Consolidated Fund.

(4) The Commissioner may, by notification in the *Gazette* or in writing, authorise any officer to perform or to assist in the performance of any duty imposed or to exercise any power conferred upon the Commissioner by this Act.

[30/2000]

PART II

ESTATE DUTY

Estate duty imposed

5. Except as expressly provided in this Act, there shall be levied and paid upon the principal value, ascertained as provided in this Act, of all property settled or not settled which passes on the death of any person a duty, called estate duty, at the following rates:

- (a) in the case of any person dying on or after 1st April 1974 and before 1st April 1977 — at the graduated rates set out in the First Schedule;
- (b) in the case of any person dying on or after 1st April 1977 and before 1st April 1979 — at the graduated rates set out in the Second Schedule;
- (c) in the case of any person dying on or after 1st April 1979 and before 1st April 1984 — at the graduated rates set out in the Third Schedule;
- (d) in the case of any person dying on or after 1st April 1984 and before 28th February 1996 — at the rates specified in the Fourth Schedule;

- (e) in the case of any person dying on or after 28th February 1996 and before 15th February 2008 — at the rates specified in the Fifth Schedule.

[16/74; 12/78; 10/80; 14/84; 27/96]

[13/2008 wef 15/02/2008]

Remission of estate duty

6.—(1) Where the principal value, as ascertained in accordance with the provisions of this Act, of all property which passes on the death of a person on or after 8th March 1972 and before 1st April 1974, is —

- (a) \$25,000 or less, the estate duty payable in respect of that property shall be remitted in full; and
- (b) more than \$25,000, that part of the estate duty payable in respect of such property which is in excess of the amount equivalent to the difference between the principal value of such property and the amount of \$25,000 shall be remitted as in the following formula:

$$A - B = C$$

where A is the amount of the estate duty payable on the principal value of the property;

B is the amount by which the value of the estate exceeds \$25,000; and

C is the amount of the estate duty to be remitted.

[12/78]

(2) Where the principal value, as ascertained in accordance with the provisions of this Act, of all property which passes on the death of a person on or after 1st April 1974 and before 1st April 1977 exceeds \$50,000, there shall be allowed in respect of that excess a remission of estate duty at the rates set out in the Seventh Schedule.

[12/78]

(3) There shall be allowed in respect of the principal value, as ascertained in accordance with the provisions of this Act, of all property which passes on the death of a person on or after 1st April

1977 and before 1st April 1984 a remission of estate duty at the rates set out in the Eighth Schedule.

[10/80; 14/84]

Property deemed to pass

7.—(1) Property passing on the death of the deceased shall be deemed to include the following property:

- (a) property of which the deceased was at the time of his death competent to dispose;
- (b) property in which the deceased or any other person had an interest ceasing on the death of the deceased, to the extent to which a benefit accrues or arises by the cesser of such interest; inclusive of property the estate or interest in which has been surrendered, assured, divested or otherwise disposed of, whether for value or not, to or for the benefit of any person entitled to an estate or interest in remainder or reversion in such property, unless that surrender, assurance, divesting or disposition was bona fide made or effected 5 years before the death of the deceased, and bona fide possession and enjoyment of the property was assumed thereunder immediately upon the surrender, assurance, divesting or disposition, and thenceforward retained to the entire exclusion of the person who had the estate or interest limited to cease as aforesaid, and of any benefit to him by contract or otherwise; but exclusive of property the interest in which of the deceased or other person was only an interest as holder of an office or as recipient of the benefits of a charity or as a corporation sole;
- (c) property taken as a donatio mortis causa made by the deceased or taken under a disposition made by him, purporting to operate as an immediate gift inter vivos, whether by way of transfer, delivery, declaration of trust, or otherwise, which shall not have been bona fide made 5 years before his death, or taken under any gift, whenever made, of which bona fide possession and enjoyment shall not have been assumed by the donee immediately upon the

gift and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise, subject to the following provisions:

- (i) in the case of any gift inter vivos made for public or charitable purposes, the words “5 years” in this paragraph shall be read as “12 months”;
- (ii) nothing in this paragraph shall apply to gifts inter vivos which are made in consideration of marriage, or which are made to the Government or any institution of a public character within the meaning of the Charities Act (Cap. 37), or which are proved to the satisfaction of the Commissioner to have been part of the normal expenditure of the deceased and to have been reasonable having regard to the amount of his income or to the circumstances, or which in the case of any donee do not exceed in the aggregate \$1,000 in value or amount;

[10/2007 wef 01/03/2007]

- (d) property which the deceased, having been absolutely entitled thereto, has caused to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, including also any purchase or investment effected by the deceased alone or in concert or by arrangement with any other person, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person;
- (e) property passing under any past or future settlement made by the deceased by deed or any other instrument not taking effect as a will, whereby an interest in such property, or the proceeds of sale thereof, for life or any other period determinable by reference to death is reserved, either expressly or by implication, to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof;

- (f) money received under a policy of assurance effected by the deceased on his life where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by the deceased for such benefit;
- (g) any annuity or other interest purchased or provided by the deceased either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

[42/98]

(2) Where an annuity or other interest referred to in subsection (1)(g) has been purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, the extent of any beneficial interest therein accruing or arising by survivorship or otherwise on the death of the deceased shall be ascertained, and shall be deemed always to be ascertainable without regard to any interest in expectancy the beneficiary may have had therein before the death.

Property not deemed to pass

8.—(1) Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person, under a disposition not made by the deceased or under a disposition made by the deceased more than 5 years before his death where possession and enjoyment of the property was bona fide assumed by the beneficiary immediately upon the creation of the trust and thenceforward retained to the entire exclusion of the deceased or of any benefit to him by contract or otherwise.

(2) In the case of a disposition made for public or charitable purposes, the words “5 years” in subsection (1) shall be read as “12 months”.

(3) In the case of settled property, where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and subsequent limitations under

the settlement continue to subsist, the property shall not be deemed to pass on his death.

(4) Where by a disposition of any property an interest is conferred on any person other than the disponent for the life of that person or determinable on his death, and that person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disponent or of any benefit to him by contract or otherwise, and the only benefit which the disponent retains in the property is subject to such life or determinable interest, and no other interest is created by that disposition, then, on the death of that person, the property shall not be deemed to pass by reason only of its reverter to the disponent in his lifetime.

(5) Where, by a disposition of any property, the interest mentioned in subsection (4) is conferred on 2 or more persons, either severally or jointly, or in succession, that subsection shall apply in like manner as where the interest is conferred on one person.

(6) Subsections (4) and (5) shall not apply where such person or persons taking such life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of such property.

Transactions for money consideration

9.—(1) Estate duty shall not be payable in respect of —

- (a) property passing on the death of the deceased by reason only of a bona fide purchase from the person under whose disposition the property passes;
- (b) the falling into possession of the reversion on any lease for lives; or
- (c) the determination of any annuity for lives,

where the purchase was made, or the lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease for the use or benefit of any person for whom the grantor was a trustee.

(2) Where such purchase was made, or such lease or annuity granted, for partial consideration in money or money's worth paid to

the vendor or grantor for his own use or benefit, or in the case of a lease, for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

Duty not payable in respect of small annuities and widows' and orphans' pensions

10.—(1) Estate duty shall not be payable in respect of a single annuity not exceeding \$200 purchased or provided by the deceased either by himself alone or in concert or arrangement with any other person for the life of himself and of some other person and the survivor of them, or to arise on his own death in favour of some other person.

(2) If in any case there is more than one such annuity, the annuity first granted shall alone be entitled to the exemption granted under subsection (1).

(3) Estate duty shall not be payable in respect of any pension granted under the Widows' and Orphans' Pension Act (Cap. 350) nor in respect of any pension or annuity payable by the government of any part of the Commonwealth to the widow or child of any deceased officer of that government, notwithstanding that the deceased contributed during his lifetime to any fund out of which that pension or annuity is paid.

Duty not payable for person not domiciled or resident in respect of certain property

11.—(1) Estate duty shall not be payable in respect of the following property in Singapore passing on the death of any person dying on or after 1st April 1982 and before 1st January 2002 who at the time of his death was neither domiciled nor resident in Singapore:

- (a) deposits and balances with Asian Currency Units of approved banks;
- (b) negotiable certificates of deposits issued by Asian Currency Units of approved banks;
- (c) Asian Dollar Bonds which have been approved by the Minister for exemption from estate duty;

- (d) bonds, stocks and securities issued by the Government which have been approved by the Minister for exemption from estate duty;
- (e) gold in whatever state or form deposited with approved banks;
- (f) deposits and balances in gold savings account with approved banks;
- (g) gold certificates issued by approved banks; and
- (h) deposits and balances with futures members of the Singapore Exchange where such deposits and balances are in respect of transactions which qualify for the concessionary rate of tax under section 43D of the Income Tax Act (Cap. 134).

[19/76; 2/83; 14/84; 32/2002]

(2) Estate duty shall not be payable in respect of any movable property passing on the death of any person dying on or after 1st January 2002 who at the time of his death was not domiciled in Singapore.

[32/2002]

(3) For the purposes of this section —

- (a) “approved banks” means approved banks within the meaning of section 13(16) of the Income Tax Act; and
- (b) a deceased person shall be treated as resident in Singapore if during the period of 12 months ending on the date of his death he had —
 - (i) resided in Singapore notwithstanding any temporary absences abroad; or
 - (ii) spent in the aggregate 183 days in Singapore.

Bequests to Government or institutions of public character

12.—(1) No estate duty shall be payable in respect of the amount of a bequest to the Government or any institution of a public character within the meaning of the Charities Act (Cap. 37) and the value of the property passing on the death of the donor of the bequest shall be

deemed not to include the amount thereof for the purpose of assessing the rate of estate duty.

[12/78; 42/98]

[10/2007 wef 01/03/2007]

(2) No estate duty shall be payable in respect of any monument that is the subject of a preservation order made under section 8 of the Preservation of Monuments Act (Cap. 239).

Gifts to Government or institutions of public character

12A.—(1) No estate duty shall be payable in respect of any gift of any property passing on the death of a person to the Government or any institution of a public character within the meaning of the Charities Act (Cap. 37) where the gift —

- (a) is made on or after 1st January 2002 but before the issue of a notice of assessment by the Commissioner under section 37;
- (b) is not any property which is deemed as property passing on the death of the person under section 7(1)(c); and
- (c) has been accepted by the Government or the institution of a public character, as the case may be,

and the value of the property passing on the death of the person shall be deemed not to include the value of the gift for the purpose of assessing the rate of estate duty.

[32/2002]

[10/2007 wef 01/03/2007]

(2) For the purpose of subsection (1), the value of any gift of any property passing on the death of a person shall be the market value of the gift at the time of the death of the person.

[32/2002]

Gifts to approved museum

13.—(1) No estate duty shall be payable in respect of any gift *inter vivos* of —

- (a) money; or
- (b) any other approved gift,

made on or after 1st April 1987 to any approved museum.

[32/2002]

(2) In this section, “approved” means approved by the Minister or such person as he may appoint.

[32/2002]

Dwelling-houses and all other property

14.—(1) Subject to this section, estate duty shall not be payable, in the case of a person dying on or after 1st April 1979 and before 1st April 1982, to the extent of —

- (a) the amount prescribed of the aggregate value of the deceased’s interest in a dwelling-house or dwelling-houses, whether occupied by the deceased or not; and
- (b) \$100,000 of the aggregate value of all other property, including any dwelling-house which does not qualify for relief under paragraph (a),

and the amount thereof shall not form part of the principal value of the estate chargeable with estate duty of any deceased person.

[10/80; 11/81; 2/83; 3/87]

(2) Subject to this section, estate duty shall not be payable, in the case of a person dying on or after 1st April 1982 and before 1st April 1984, to the extent of —

- (a) the amount prescribed of the aggregate value of the deceased’s interest in a dwelling-house or dwelling-houses or, where the deceased has an interest in any dwelling-house which exceeds the amount prescribed, the value of that interest, whether the dwelling-house was occupied by the deceased or not;
- (b) \$100,000 of the aggregate value of all other property, including any interest in any dwelling-house which does not qualify for relief under paragraph (a); and
- (c) the excess over \$100,000, if any, of the aggregate amount standing to the credit of the deceased at the time of his death in the Central Provident Fund and in any designated pension or provident fund, except that no contributions, and the interest thereon, made by the deceased on or after

1st April 1982 to the Central Provident Fund or to any designated pension or provident fund shall qualify for relief under this paragraph unless the contributions were deductible by the deceased under section 39(2)(g) of the Income Tax Act (Cap. 134),

and the amount thereof shall not form part of the principal value of the estate chargeable with estate duty of any deceased person.

[2/83; 14/84]

(3) Subject to this section, estate duty shall not be payable, in the case of a person dying on or after 1st April 1984 and before 28th February 1996, to the extent of —

- (a) the amount prescribed of the aggregate value of the deceased's interest in a dwelling-house or dwelling-houses, whether occupied by the deceased or not;
- (b) \$500,000 of the aggregate value of all other property, including any interest in any dwelling-house which does not qualify for relief under paragraph (a); and
- (c) the excess over \$500,000, if any, of the aggregate amount standing to the credit of the deceased at the time of his death in the Central Provident Fund or in any designated pension or provident fund except that no contributions (and the interest thereon) made by the deceased —
 - (i) on or after 1st April 1982 to the Central Provident Fund or to any designated pension or provident fund;
or
 - (ii) on or after 1st August 1986 to the Central Provident Fund on his own account while carrying on a trade, business, profession or vocation,

shall qualify for relief under this paragraph unless the contributions were deductible by the deceased under section 39(2)(g) or (h) of the Income Tax Act (Cap. 134),

and the amount thereof shall not form part of the principal value of the estate chargeable with estate duty of any deceased person.

[27/87; 27/96]

(4) Subject to this section, estate duty shall not be payable, in the case of a person dying on or after 28th February 1996, to the extent of —

- (a) the amount prescribed of the aggregate value of the deceased's interest in a dwelling-house or dwelling-houses, whether occupied by the deceased or not;
- (b) \$600,000 of the aggregate value of all other property, including any interest in any dwelling-house which does not qualify for relief under paragraph (a); and
- (c) the excess over \$600,000, if any, of the aggregate amount standing to the credit of the deceased at the time of his death in the Central Provident Fund or in any designated pension or provident fund except that no contributions (and the interest thereon) made by the deceased —
 - (i) on or after 1st April 1982 to the Central Provident Fund or to any designated pension or provident fund; or
 - (ii) on or after 1st August 1986 to the Central Provident Fund on his own account while carrying on a trade, business, profession or vocation,

shall qualify for relief under this paragraph unless the contributions were deductible by the deceased under section 39(2)(g) or (h) of the Income Tax Act (Cap. 134),

and the amount thereof shall not form part of the principal value of the estate chargeable with estate duty of any deceased person.

[27/96]

(5) Where the value of the interest in any dwelling-house or dwelling-houses which qualifies for relief under subsection (1)(a), (2)(a), (3)(a) or (4)(a) exceeds the amount prescribed, the excess value shall not qualify for relief under subsection (1)(b), (2)(b), (3)(b) or (4)(b).

[14/84; 27/96]

(6) Any dwelling-house —

- (a) used wholly or partly for the purposes of any trade, business, profession or vocation by any person at the time of death of the deceased; or
- (b) passing on the death of the deceased by virtue of section 7(1)(c), shall not qualify for relief under subsection (1)(a), (2)(a), (3)(a) or (4)(a).

[14/84; 27/96]

(7) In the case of a person dying on or after 25th February 2000, subsection (6)(a) shall not apply to any dwelling-house which at the time of his death was used by any person partly for the purposes of any trade, business, profession or vocation —

- (a) approved under the Home Office Scheme by the Urban Redevelopment Authority or the Housing and Development Board; or
- (b) allowed under the small business guidelines of the Urban Redevelopment Authority or the Housing and Development Board.

[30/2000; 51/2004]

(8) In this section —

“amount prescribed” —

- (a) in relation to a person dying on or after 1st April 1979 and before 1st January 1981, is \$200,000;
- (b) in relation to a person dying on or after 1st January 1981 and before 1st April 1984, is \$600,000;
- (c) in relation to a person dying on or after 1st April 1984 and before 28th February 1996, is \$3 million;
- (d) in relation to a person dying on or after 28th February 1996, is \$9 million;

“Central Provident Fund” means the Central Provident Fund established under the Central Provident Fund Act (Cap. 36);

“designated pension or provident fund” means designated pension or provident fund within the meaning of section 39(2)(g) of the Income Tax Act (Cap. 134);

“dwelling-house” includes any building or tenement, or any part thereof, which is used, constructed or adapted to be used for human habitation; but does not include any dwelling-house used wholly or partly as a hostel or quarters or for such other purpose as may be prescribed.

[11/81; 2/83; 14/84; 27/96; 30/2000]

(9) For the purposes of this section where the deceased has 2 or more dwelling-houses the value of each of which exceeds the amount prescribed, the greater value shall qualify for the relief under subsection (2)(a).

Property of national, scientific, etc., interest given for public purposes

15.—(1) The Commissioner may remit the estate duty in respect of such pictures, books, prints, manuscripts, works of art or scientific collection as appear to him to be of national, scientific, artistic or historic interest and to be given or bequeathed for national purposes or to any university.

(2) No property, the duty in respect of which is so remitted, shall be aggregated with any other property for the purpose of fixing the rate of estate duty.

Property on enlargement of settlor’s interests

16. Where property is settled by a person on himself for life, and after his death on any other persons with an ultimate reversion of an absolute interest or absolute power of disposition to the settlor, the property shall not be deemed to pass to the settlor on the death of any such other person by reason only that the settlor, being then in possession of the property as tenant for life, becomes in consequence of the death entitled to the immediate reversion or acquires an absolute power to dispose of the whole property.

Relief in respect of certain life interests

17. Where estate duty has been paid under this Act or under any previous written law relating to estate duty in respect of any settled property, since the date of the settlement, upon the death of one of the parties to a marriage, no further estate duty shall be levied in respect of that property upon the death of the other party to the marriage, unless such other party was at the time of his death, or had been during the continuance of the settlement, competent to dispose of that property.

PART III
COMPANIES

Interpretation of this Part

18. In this Part —

“company to which this Part applies” means any body corporate wherever incorporated, which either —

- (a) is so constituted as not to be controlled by its shareholders or by any class thereof; or
- (b) has not issued to the public, or in the case of a company which is about to make an issue of shares to the public, will not, when it has made that issue, have issued to the public, more than half of the shares by the holders whereof it is controlled;

“share” includes any interest in a company, by whatsoever name it is called, analogous to a share, and “shareholder” shall be construed accordingly;

“preference share” means a share the holder of which is entitled to a dividend at a fixed rate only;

“value of the total assets of the company” means the principal value, ascertained in accordance with section 24, of all the assets of the company as a going concern, including goodwill, after deducting therefrom —

- (a) the principal value so ascertained of any debentures, debenture stock and preference shares of the company;
- (b) all debts of the company incurred or created bona fide for consideration in money or money's worth;
- (c) such sum as on a just and fair computation represents any future or contingent liabilities thereof which are uncertain in amount; and
- (d) the amount of any reserve fund separately invested which is bona fide intended to be applied in payment of pensions to employees or otherwise for the benefit of them or their dependants or relatives, and in no other manner.

Transfer of assets to certain companies

19.—(1) On the death after 22nd April 1940 of any person who has at any time after 1st January 1925 —

- (a) made to a company to which this Part applies, directly or indirectly, any such transfer as is specified in subsection (2); and
- (b) received within the prescribed period out of the resources or at the expense of the company, directly or indirectly any such benefit as is so specified,

there shall be computed for each accounting year falling wholly or partly within the prescribed period the proportion which the total value of the benefits so received in the accounting year bears to the total income of the company in the accounting year, and, if the average of the proportions so computed exceeds 50%, there shall, for the purposes of estate duty, be deemed to pass on the death (over and above any other property which passes or is deemed to pass thereon), such sum of money, not exceeding the value of the total assets of the company, as bears to that value the same proportion as that average proportion.

(2) The sum computed under subsection (1) shall be reduced by the amount, if any, by which the principal value at the date of death —

- (a) of the subject of the transfer; or
- (b) if the subject of the transfer has been sold or exchanged by the company either of the subject of the transfer or of the property in the hands of the company which is or represents the proceeds of the sale or exchange,

is shown to the satisfaction of the Commissioner to fall short of that sum.

(3) Notwithstanding anything in this section, the value of any property or any interest in property shall not be taken into account, directly or indirectly, for the purpose of assessment of estate duty more than once on the same death.

(4) If the total assets of the company comprise any property which is by virtue of section 20 deemed to pass on the death, there shall, in computing those proportions and ascertaining the sum of money, if any, which is deemed to pass by virtue of this section, be subtracted —

- (a) from the value of the total assets of the company, the value of that property as ascertained for the purposes of section 20; and
- (b) from the total income of the company in every accounting year and also from the total value of the benefits received by the deceased therein, a sum equal to so much of that total income as is ascribable to —
 - (i) that property; or
 - (ii) in a case where that property is deemed to pass as being or representing the proceeds of any other property, that other property or the proceeds thereof or any property representing those proceeds.

(5) The transfers referred to in subsection (1) are transfers, whether made for consideration or not, of property (being property which, if it had been in the disposition of the deceased at his death, would have been property in respect of which estate duty would have been payable on the death) or any interest in any such property, other than —

- (a) transfers on bona fide sales where the consideration for the sale was received or receivable wholly by the deceased for his own use or benefit and was satisfied or to be satisfied in one or more of the following manners, that is to say, by a capital sum of a fixed amount or by shares in or debentures of the company;
 - (b) transfers of or incidental to the transfer of a business, not being a business which substantially consists in holding, managing, developing or dealing in land situate in Singapore;
 - (c) transfers of, or of any interest in, property which by virtue of section 20 is deemed to pass on the death;
 - (d) transfers of patents or copyrights, or of any movable tangible property except money and securities; and
 - (e) transfers where either the deceased or the company is acting in the capacity of trustee, factor, agent, receiver or manager.
- (6) The benefits referred to in subsection (1) are —
- (a) any payments made, whether for consideration or not, to or for the benefit of the deceased, other than the following payments:
 - (i) dividends in respect of shares in the company;
 - (ii) interest on, and repayments in respect of, money lent to the company;
 - (iii) payments of or on account of purchase money under a bona fide sale, where that purchase money is a capital sum of a fixed amount; and
 - (iv) payments of or on account of royalties, not being royalties limited to cease at the death of the deceased; and
 - (b) any right in or enjoyment of any land.
- (7) In ascertaining for the purposes of this section the value of a benefit —

- (a) in the case of a benefit consisting of a payment, a deduction shall be made in respect of any tax already paid or borne by the deceased in respect of that payment; and
- (b) the value of a benefit consisting of any right in or enjoyment of land shall be computed by reference to the annual value of that land, due allowance being made in respect of any rent paid by the deceased.

(8) In ascertaining for the purposes of this section the total income for any accounting year of a company, the income of the company from any source shall be computed and the computation shall be made by reference to the actual income for the accounting year and not by reference to the income for any other period subject to the following provisions:

- (a) no deduction shall be made in respect of any payment made to or for the benefit of, or any other benefit accorded to, the deceased, except dividends on preference shares and interest on money lent to the company; and
- (b) subject to paragraph (a), deductions shall be made for —
 - (i) taxes paid or borne by the company;
 - (ii) interest on money lent to the company;
 - (iii) dividends on preference shares; and
 - (iv) rents, royalties and other payments by the company.

(9) Where the accounting years falling wholly or partly within the prescribed period do not coincide with the periods for which the accounts of the company are made up, the Commissioner may, for the purpose of ascertaining the total income of the company for an accounting year, divide any of those periods and make such apportionments and aggregations of the income of the company as may be necessary, so, however, that any apportionments so made shall be made in proportion to the number of months or fractions of months in the respective periods for which the apportionment is made.

(10) In this section —

“accounting year” —

- (a) in relation to a company which at the time of the death of the deceased person has made up accounts for a period of 12 months ending on a date within the 12 months next preceding the death, means a period of 12 months ending either on that date, or on the same day of the year in any previous year; and
- (b) in relation to any other company, means a period of 12 months ending on such date within the 12 months next preceding the death as may be determined by the Commissioner or on the same day of the year in any previous year;

“prescribed period” means the period which —

- (a) ends on the date on which the last accounting year ends; and
- (b) begins 3 years before that date, or, if the company in question was not then in existence, on the day on which the company came into existence.

Transfer of settled property to certain companies

20.—(1) Where, at any time before the death of a person dying after 22nd April 1940, any property in which the deceased had an estate or interest limited to cease at his death was transferred by the deceased and the person interested in the remainder or reversion, directly or indirectly and by one or more transactions, to or for the benefit of a company to which this Part applies, then unless —

- (a) the transfer was made before 1st January 1925;
- (b) the property was settled property and the interest of the deceased would in any case have failed by reason of his death before it would have become an interest in possession;
- (c) the share of the consideration payable to the deceased in respect of the transfer was satisfied otherwise than by an

allotment of shares in the company or the grant to him by the company of an annuity or other right to receive periodical payments, not being payments on account of purchase money being a capital sum of fixed amount; or

- (d) the deceased had at least 5 years before his death relinquished all interest in the property and had not at any time within those 5 years the possession or enjoyment (otherwise than under a lease or agreement for a lease at a rack rent) of any part thereof or of any benefit secured to him, whether by contract or otherwise, in relation to the relinquishment of his interest therein, and was not at any time within that period in receipt of or entitled to any payment from the company, otherwise than in respect or on account of debentures or loans or purchase money being a capital sum of a fixed amount,

the property shall be deemed for the purposes of estate duty to pass on the death in like manner as if the estate or interest of the deceased therein had continued until the death.

(2) Where the property or any part thereof has been bona fide sold or exchanged by the company during the deceased's lifetime for full consideration in money or money's worth, the property or so much thereof as has been so sold or exchanged shall not be deemed to pass on the death, but in lieu thereof the proceeds of the sale or exchange, or, as the case may be, the property which, at the time of death, represents those proceeds shall be deemed so to pass.

(3) In determining the value of any property deemed to pass under this section, there shall be deducted from the principal value thereof —

- (a) so much of any sum borrowed by the company as has been applied by the company in the improvement of the property, and has not at the death been repaid by the company;
- (b) a sum equal to the capital sum of money paid to the deceased as part of the consideration for the transfer; and

- (c) where estate duty is payable in connection with the death on any shares of or debentures in the company, a sum equal to the principal value of such of those shares or debentures as were transferred or allotted to the deceased in consideration of the transfer of the property.

Liability of companies to account for duty

21.—(1) The estate duty payable in respect of any property which is, by virtue of sections 19 and 20, deemed to pass on the death of any person shall be a debt due from the company concerned to the Government.

(2) The company concerned shall be accountable for any such duty and shall, for the purpose of raising and paying that duty, have all the powers conferred on accountable persons by this Act and, if the duty or any part thereof is paid by the executor of the deceased, it shall be repaid to him by the company.

(3) Where on the death of any person a claim for duty arises by virtue of any of the provisions of sections 19 and 20, the company concerned shall notify the Commissioner of the death of that person, and any company wilfully failing to give such a notification shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) The Commissioner may, for the purposes of carrying sections 19, 20 and 22 into effect, require any company to which this Part applies to furnish to him within 2 months copies of such of the balance-sheets and profit and loss or income and expenditure accounts, and such other particulars, as the Commissioner may reasonably require.

(5) If any company fails to comply with subsection (4) —

- (a) the company shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and every director, manager, secretary or other officer of the company who knowingly and wilfully authorises or permits the failure shall be liable to the like penalty; and

- (b) an order may be made against all or any of the directors of the company requiring them to comply with the requirements of the Commissioner.

Valuation by reference to assets

22.—(1) Where there pass on the death of any person dying after 22nd April 1940 any shares (not being preference shares) in any company to which this Part applies, then if either —

- (a) there is deemed by virtue of the provisions of this Part to pass on the death a sum of money computed by reference to the value of the total assets of the company; or
- (b) the control of the company was immediately before the death in the hands of the deceased,

the principal value of those shares for the purposes of estate duty shall not be ascertained in the manner provided by section 24, but shall be ascertained by reference to the value of the total assets of the company.

(2) In cases falling within subsection (1)(a), the value of the total assets of the company shall, for the purposes of this section, be deemed to be reduced by the sum of money therein referred to.

(3) For the purposes of this section, the control of a company shall be deemed to be in the hands of a person if —

- (a) by virtue of the shares which he controls he has control of more than half the voting power of the company;
- (b) he has by virtue of the provisions in the memorandum of association or articles of the company, or other instrument whatsoever constituting or defining the constitution of the company, the powers of a board of directors or of a governing director or the right to nominate a majority of the directors or the power to veto the appointment of a director, or powers of the like nature; or
- (c) he has otherwise the right to receive, or the power to dispose of, more than half of the income of the company.

PART IV

AGGREGATION AND VALUE OF PROPERTY

Aggregation of property to form one estate for purpose of estate duty

23.—(1) For determining the rate of duty to be paid on any property passing on the death of the deceased, all property so passing in respect of which duty is leviable shall be aggregated so as to form one estate, and the duty shall be levied at the proper graduated rate on the principal value thereof.

(2) Any property so passing, in which the deceased never had an interest, shall not be aggregated with any other property, but shall be an estate by itself, and the estate duty shall be levied at the proper graduated rate on the principal value thereof.

(3) Property passing on any death shall not be aggregated more than once, nor shall estate duty in respect thereof be more than once levied in respect of the same death.

Principal value

24.—(1) The principal value of any property shall be estimated to be the price which, in the opinion of the Commissioner, that property would fetch if sold in the open market at the time of the death of the deceased.

(2) In estimating such principal value, the Commissioner shall not make any deduction in the estimate on account of the estimate being made on the assumption that the whole property is to be placed on the market at one and the same time.

(3) Where it is proved to the Commissioner that the value of the property has been depreciated by reason of the death of the deceased, the Commissioner in fixing the price shall take such depreciation into account.

Interests in expectancy

25.—(1) When an estate includes an interest in expectancy, estate duty in respect of that interest shall be paid, at the option of the person

accountable for the duty, either with the duty in respect of the rest of the estate or when the interest falls into possession.

(2) If the duty is not paid with the estate duty in respect of the rest of the estate, then —

- (a) for the purpose of determining the rate of estate duty in respect of the rest of the estate, the value of the interest shall be its value at the date of the death of the deceased; and
- (b) the rate of estate duty in respect of the interest when it falls into possession shall be calculated according to its value when it falls into possession, together with the value of the rest of the estate as previously ascertained.

Value of interests ceasing on death

26. The value of the benefit accruing or arising from the cesser of an interest ceasing on the death of the deceased shall —

- (a) if the interest extended to the whole income of the property, be the principal value of that property; and
- (b) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

Allowance for debts and funeral expenses

27.—(1) In determining the value of an estate for the purpose of estate duty, allowance shall be made for reasonable funeral expenses not exceeding the amount specified in subsection (5), and for debts and encumbrances, but an allowance shall not be made —

- (a) for debts incurred by the deceased or encumbrances created by a disposition made by the deceased, unless those debts or encumbrances were incurred or created bona fide for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest;

- (b) for any debt in respect whereof there is a right to reimbursement from any other estate or person, unless the reimbursement cannot be obtained; or
- (c) more than once for the same debt or encumbrance charged upon different portions of the estate.

[51/2004]

(2) Any debt or encumbrance for which an allowance is made shall be deducted from the value of the property liable thereto.

(3) An allowance shall not be made in the first instance for debts or funeral expenses due to persons resident out of Singapore (unless contracted to be paid in Singapore or charged on property situate within Singapore) except out of the value of any property of the deceased situate out of Singapore in respect of which estate duty is paid.

(4) There shall be no repayment of estate duty in respect of any debts or funeral expenses mentioned in subsection (3) except to the extent to which it is shown to the satisfaction of the Commissioner that the property of the deceased situate in the country in which the person to whom the debts or funeral expenses are due resides is insufficient for their payment.

(5) For the purpose of subsection (1), the amount specified —

- (a) in the case of a person dying before 1st January 2005, is \$1,000 or 5% of the ascertained value of the estate, whichever is the smaller;
- (b) in the case of a person dying on or after 1st January 2005, is \$6,000.

[51/2004]

Deduction of duty paid in other countries

28.—(1) Where the Commissioner is satisfied that in any part of the Commonwealth duty is payable by reason of a death in respect of any property situate in such part of the Commonwealth and passing on such death, he shall allow a sum equal to the amount of that duty to be deducted from the estate duty payable in respect of that property on the same death.

(2) Such deduction shall not exceed the estate duty payable in Singapore on the same property.

(3) No such deduction shall be made until the duty so payable in such part of the Commonwealth has been actually paid, and in the meantime the full amount of the estate duty shall be assessed and payable.

(4) On payment of the duty in such part of the Commonwealth, a refund of the amount thereof shall be made in the same manner as in the case of duty paid in excess.

(5) Where any property passing on the death of the deceased is situate in a country to which subsection (1) does not apply and the Commissioner is satisfied that by reason of such death any duty is payable in that country in respect of that property, he shall make an allowance of the amount of that duty from the value of the property.

(6) This section shall have effect as if “Commonwealth” included the Republic of Ireland.

PART V

LIABILITY FOR ESTATE DUTY

Duty to be first charge

29.—(1) Unless the estate duty is paid as provided in this Act, the estate duty payable in respect of any property passing on the death of a deceased person shall be a first charge on all the immovable property of the deceased coming to an executor or being under his control, so far as the duty payable by such executor is concerned, and on the property passing to any other person, so far as the duty payable by such other person is concerned.

(2) Immovable property or any estate or interest therein, is not, as against a purchaser for valuable consideration or a mortgagee, charged with or liable to estate duty after the expiration of 12 years from the happening of the event which gave rise to an immediate claim to such duty.

(3) Nothing in this Act shall be held to create a charge for estate duty on any property situate outside Singapore, or to authorise the

Commissioner to take any proceedings outside Singapore for the recovery of any estate duty.

Liability of executor, etc.

30.—(1) The executor of the deceased shall pay the estate duty in respect of all property of which the deceased was competent to dispose at his death, on delivering an estate duty return to the Commissioner, and may pay in like manner the estate duty in respect of any other property passing on such death, which by virtue of any testamentary disposition of the deceased is under the control of the executor, or, in the case of property not under his control, if the persons accountable for the duty in respect thereof request him to make such payment.

[30/2000]

(2) An executor shall not be liable for any duty in excess of the assets which he has received as executor or which he might but for his own neglect or default have received.

(3) Where the executor does not know the amount or value of any property which has passed on the death, he may state in the estate duty return that —

- (a) such property exists, but that he does not know the amount or value thereof; and
- (b) he undertakes as soon as the amount and value are ascertained, to bring in an account thereof, and to pay both the duty for which he is or may be liable, and any further duty payable by reason thereof for which he is or may be liable in respect of the other property mentioned in the return.

[30/2000]

(4) Where property passes on the death of the deceased, and his executor is not accountable for the estate duty in respect of that property, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every

person in whom that interest is vested in possession by alienation or other derivative title shall be accountable for the estate duty on the property.

(5) Nothing in this section shall render a person accountable for duty who acts merely as agent or bailiff for another person, that person being within Singapore, in the management of property.

Raising estate duty by sale, mortgage or terminable charge

31.—(1) A person authorised or required to pay the estate duty in respect of any property shall, for the purpose of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not vested in him, to raise the amount of that duty and any interest, penalty and expenses properly paid or incurred by him in respect thereof, by the sale or mortgage of or a terminable charge on that property or any part thereof.

[51/2004]

(2) A person having a limited interest in any property, who pays the estate duty in respect of that property, shall be entitled to the like charge, as if the estate duty in respect of that property had been raised by means of a mortgage to him.

(3) Any money arising from the sale of property comprised in a settlement or held upon trust to lay out upon the trusts of a settlement may be expended in paying any estate duty in respect of property comprised in the settlement and held upon the same trusts.

Payment of duty with Government stock or debentures

32. The Commissioner may accept in payment of any estate duty stock or debentures issued by or under the authority of the Government under any written law for the time being in force in Singapore at the market value of such stock or debentures on the day of payment.

Apportionment of estate duty

33.—(1) In the case of property which does not pass to the executor as such, an amount equal to the proper rateable part of the estate duty may be recovered by the person, who being authorised or required to pay the estate duty in respect of any property has paid such duty, from

the person entitled to any sum charged on such property (whether as capital or as an annuity or otherwise) under a disposition not containing any express provision to the contrary.

(2) Any dispute as to the proportion of estate duty to be borne by any property or person may be determined upon application by way of originating summons in the High Court.

(3) Any person from whom a rateable part of the estate duty can be recovered under this section shall be bound by the accounts and valuations as settled between the person entitled to recover the same and the Commissioner.

Limitation of liability

34.—(1) No claim for estate duty shall be barred by any lapse of time nor shall any rule of evidence or provision of law operate to prevent the Commissioner from claiming any estate duty which is payable and has remained unpaid.

(2) Any estate duty which is payable in consequence of the death of any person and which, 25 years after such death, remains unpaid may, in the discretion of the Minister, be remitted by him.

PART VI

COLLECTION OF ESTATE DUTY

Filing of accounts of property

35.—(1) The executor of every deceased person shall, within 6 months after the date of the death of the deceased, specify to the best of his knowledge and belief, in appropriate accounts annexed to an estate duty return to be delivered to the Commissioner, a full and true statement of particulars relating to all the property of the deceased, including the value thereof, in respect of which estate duty is payable upon the death of the deceased; and together with such estate duty return he shall deliver to the Commissioner a certified copy of the will, if any, of the deceased.

[30/2000]

(2) The estate duty return shall extend to the verification of the accounts annexed thereto and shall be in a form to be determined by the Commissioner.

[42/98; 30/2000]

(3) The accounts annexed to the estate duty return shall include all income accrued upon the property included therein down to and outstanding at the date of the death of the deceased.

[30/2000]

(4) Where the executor is not accountable for estate duty in respect of any property passing on the death of the deceased, the person accountable shall, within 6 months after the date of the death of the deceased, deliver to the Commissioner an account in a form to be determined by the Commissioner containing a full and true statement of the particulars relating to that property, including the value thereof, verified to the best of his knowledge and belief.

[42/98]

(5) The Commissioner may require any estate duty return or any such account to be delivered to him in duplicate.

[30/2000]

(6) The Commissioner may, in his discretion, extend the period prescribed in subsections (1) and (4) for delivering any estate duty return or account relating to any property passing on the death of a deceased person.

[30/2000]

(7) The executor shall pay the estate duty in respect of all property of which the deceased was competent to dispose at his death and may pay the estate duty in respect of any other property passing on such death which is under the control of the executor, or in the case of property not under his control if the person liable to pay the duty in respect thereof requests him to make the payment.

(8) An executor shall not be liable for any duty in excess of the assets which he has received as executor or which he might but for his own neglect or default have received.

(9) A person being an executor of a deceased person may, if he is unwilling to accept office as executor, apply in writing to the Commissioner to be exempted from the obligations and liabilities of an executor under this Act.

(10) The Commissioner, if he is satisfied that the applicant referred to in subsection (9) has not taken possession of, or intermeddled with, any property of the deceased, may issue a certificate of exemption accordingly.

(11) Any certificate of exemption issued under subsection (10) may be revoked by the Commissioner at any time —

- (a) if he is of opinion that the certificate was obtained by fraud or misrepresentation, or on an incorrect statement of facts; or
- (b) if the holder of the certificate has at any time after the issue thereof taken possession of, or intermeddled with, the property of the deceased.

Interest payable on estate duty and penalty for late payment

36.—(1) Subject to the provisions of this Act, simple interest at the appropriate rates specified in the Sixth Schedule shall be payable upon all estate duty, and shall be recoverable in the same manner as if it were part of the duty —

- (a) in the case of a person dying before 1st January 2005, from the date of death of the deceased to the date of payment of the duty;
- (b) in the case of a person dying on or after 1st January 2005, from the date of death of the deceased to whichever of the following dates occurs first:
 - (i) the date of receipt by the Commissioner of an estate duty return without omission of assets;
 - (ii) the date of the notice of assessment; or
 - (iii) the date of payment of the duty.

[51/2004]

(2) In the case of a person dying on or after 1st January 2005, if any estate duty or interest thereon is not paid in full on or before the relevant date —

- (a) a penalty equal to 6% per year of the unpaid estate duty shall be added thereto for the first complete month that the duty remains unpaid after the relevant date; and
- (b) an additional penalty of 1% per year of the unpaid estate duty shall be payable for each subsequent complete month that the duty remains unpaid, subject to a maximum of 12% per year of the amount of unpaid duty.

[51/2004]

(3) In subsection (2) —

“relevant date” means the date 30 days after the date of the notice of assessment, or the date 6 months after the date of death of the deceased, whichever is the later;

“unpaid estate duty” includes any interest payable under subsection (1)(b).

[51/2004]

(4) Where double duty is leviable under section 44(1) or (2), interest shall be payable upon the single duty only for the period prior to the date when the liability to double duty attached, and thereafter upon the double duty.

(5) If any person, prior to the delivery to the Commissioner of the estate duty return or of such account as is referred to in section 35(4), deposits a sum of money in the hands of the Commissioner as security for the payment of the estate duty payable in respect of the property of a deceased person or for the payment of such portion thereof as is payable upon an account as aforesaid, interest under subsection (1) shall cease to run as from the date of such deposit, except upon the amount, if any, whereby the estate duty or such portion thereof, as the case may be, and the interest accrued thereon prior to the deposit, exceeds the sum deposited.

[30/2000]

(6) In cases where estate duty is payable when an interest in expectancy falls into possession, interest on the estate duty shall be payable at the appropriate rates specified in the Sixth Schedule —

- (a) in the case of a person dying before 1st January 2005, from the date when such interest falls into possession to the date of payment;
- (b) in the case of a person dying on or after 1st January 2005, from the date when such interest falls into possession to whichever of the following dates occurs first:
 - (i) the date of receipt by the Commissioner of a further estate duty return or further account in relation to such interest which falls into possession;
 - (ii) the date of a further notice of assessment in relation to such interest which falls into possession; or
 - (iii) the date of payment of the duty,

and if the duty or interest thereon, if any, is not paid in full within 30 days from the date of the further notice of assessment, a penalty shall be payable at the rates specified in subsection (2).

[51/2004]

(7) For the purposes of determining the penalty payable under subsection (6)(b), the references in subsection (2) to —

- (a) the relevant date shall be read as the date 30 days after the date of the further notice of assessment, or the date 6 months after the date of death of the deceased, whichever is the later; and
- (b) the unpaid estate duty shall be read as the unpaid estate duty payable on such interest in expectancy which falls into possession, and includes any interest payable under subsection (6)(b).

[51/2004]

(8) The payment of interest shall not relieve any person from any penalty which he may have incurred under this Act.

Commissioner may make assessment

37. The Commissioner may at any time, whether an estate duty return required to be delivered under section 35 has been delivered or not, assess the estate duty payable in respect of the estate of a

deceased person and shall issue to the person or persons whom he considers liable to pay such estate duty a notice of the assessment in a form to be determined by the Commissioner.

[42/98; 30/2000]

Recovery of estate duty

38.—(1) Any sum of money owing by way of estate duty, interest thereon or penalty to the Government, or being forfeited to the Government under the provisions of this Act shall be a debt due to the Government and may be recovered under the Government Proceedings Act (Cap. 121).

[51/2004]

(2) Where any proceeding is instituted for the recovery of estate duty, interest thereon or penalty in respect of any property, the High Court may appoint a receiver of the property and the rents and profits and may order a sale of the property.

[51/2004]

Powers of Commissioner

39.—(1) The Commissioner may summon before him any person —

- (a) accountable for estate duty;
- (b) whom he believes to have taken possession of or administered any part of the estate in respect of which estate duty is leviable or appears to the Commissioner likely to be leviable on the death of the deceased, or of the income of any part of such estate;
- (c) whom he believes to be indebted to the deceased; or
- (d) whom he believes to be capable of giving information as to such estate.

(2) The Commissioner may examine the person with regard to the premises, and may require the person to produce any documents in his custody or control or such other evidence as the Commissioner thinks fit relating to any property which he has reason to suppose may form part of the estate in respect of which duty is leviable on the death of the deceased.

(3) Any such person who fails without any lawful impediment or excuse, to be allowed by the Commissioner, to appear before the Commissioner at the time appointed, or refuses to answer any question lawfully put to him by the Commissioner or fails to produce any such document or other evidence as aforesaid, shall forfeit to the Government the sum of \$1,000.

(4) The Commissioner may apply to the High Court in a summary manner in the matter to which his inquiry relates for an order enforcing compliance with his reasonable requirements.

(5) Subject to the provisions of this Act, the value of any property for the purpose of estate duty shall be ascertained by the Commissioner in such manner and by such means as he thinks fit, and if he authorises a person to inspect any property and report to him the value thereof for the purposes of this Act, the person having the custody or control of that property shall permit the person so authorised to inspect it at such reasonable times as the Commissioner considers necessary.

(6) When the Commissioner requires a valuation to be made by a person named by him, the costs of the valuation shall be defrayed by the Commissioner.

(7) Where any document in the custody of the Commissioner relating to duty charged or chargeable in respect of any property has been lost or destroyed, or has been so defaced or damaged as to be illegible or otherwise useless, the Commissioner may require any person appearing to him to be accountable or to have accounted for that duty to furnish to him to the best of his ability such information, particulars and evidence, including evidence by affidavit, as he may require for replacing that document.

(8) Any person so appearing to be accountable shall be liable to discharge all claims in respect of that duty, unless he proves to the satisfaction of the Commissioner that those claims have already been discharged or that he is not accountable for the duty.

(9) The Commissioner shall have all such powers for the purpose of enforcing any requirement made by him under subsection (7) as he had for enforcing the delivery of the document which is to be replaced, and all statutory provisions in that behalf, including

provisions as to penalties, shall, with the necessary modifications, apply accordingly.

(10) The Commissioner shall pay to any person complying with any reasonable requirement under subsection (7) his reasonable costs of so doing, and if any question arises as to the amount to be paid as costs, the question shall be referred to and determined by the Registrar of the Supreme Court.

Release of estate on which duty is paid

40.—(1) The Commissioner, on being satisfied that the full estate duty has been or will be paid in respect of an estate or any part thereof, shall, if required by the person accounting for the estate duty, give a certificate to that effect, which shall discharge from any further claim for estate duty the property shown by the certificate to form the estate or part thereof, as the case may be.

(2) Where a person accountable for the estate duty in respect of any property passing on a death applies to the Commissioner, and delivers to him and verifies a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Commissioner may determine the rate of the estate duty in respect of the property for which the applicant is accountable, and on payment of the duty at that rate, that property and the applicant, so far as regards that property shall be discharged from any further claim for estate duty, and the Commissioner shall give a certificate of such discharge.

(3) A certificate of the Commissioner under this section shall not discharge any person or property from estate duty in the case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty on such property shall be at such rate as would be payable if the value thereof were added to the value of the property in respect of which duty has been already accounted for.

(4) A certificate purporting to be a discharge of the whole estate duty payable in respect of any property included in the certificate shall exonerate from the estate duty a bona fide purchaser for valuable

consideration without notice, notwithstanding any such fraud or failure.

Probate not to issue until estate duty paid or postponement granted

41.—(1) No grant of representation shall be issued by any court until the Commissioner has certified in a certificate to be filed in court that the estate duty return has been delivered and the estate duty payable in respect of the estate has been paid or that he has allowed payment thereof to be postponed under section 42, and stating the value as assessed by the Commissioner of the property on which estate duty is payable.

[30/2000]

(2) A schedule of the property of a deceased person in respect of which estate duty has been paid in such form as may be prescribed or a certificate that payment of estate duty has been postponed or will be made by instalments authenticated by the signature of the Commissioner shall be annexed to the grant of representation.

(3) Such schedule shall contain a description of all the property passing on the death of a deceased person whether estate duty is leviable on such property or not.

(4) If, after the issue of a grant of representation in respect of a deceased person, it is discovered that any property passing or deemed to pass on his death has not been included in that schedule, then upon payment of all estate duty, if any, in respect of such property the Commissioner shall cause particulars of the property to be entered in that schedule or shall issue a supplementary schedule.

Postponement of payment of estate duty in certain cases

42.—(1) The Commissioner may allow payment of the whole or any part of the estate duty to be postponed until after the issue of probate or letters of administration —

- (a) where the estate duty return contains the statement and undertaking specified in section 30(3);
- (b) where the estate duty due in respect of any property cannot be raised at once without excessive sacrifice;

- (c) where the estate duty due in respect of any property cannot be raised without the sale of assets of the estate;
- (d) where assets of the estate in the form of debts due to, or money held for or on behalf of, the estate cannot be got in until the grant of representation has been obtained; or
- (e) where, in any other case, the Commissioner is satisfied that it is reasonable to allow payment to be postponed.

[30/2000]

(2) The onus of proving any of the circumstances mentioned in subsection (1) shall rest on the accountable person, and postponement of payment shall be subject to such conditions, including the payment of interest, and to the giving of such security and undertakings, as the Commissioner may think fit.

Duties of company and life assurance company

43.—(1) No dealings with shares standing in the name of a deceased person shall be registered unless such shares are included in the schedule referred to in section 41 or in a certificate issued under subsection (4).

(2) No sum payable on a policy of life assurance, upon which estate duty is leviable in Singapore, shall be paid by or on behalf of any life assurance company unless the sum secured by the policy is included in the schedule referred to in section 41 or in a certificate issued under subsection (4).

(3) Any person who fails without reasonable excuse, to be allowed by the Commissioner, to comply with this section shall be liable to pay such sum not exceeding \$500 as the Commissioner may determine, and the same shall be a debt due to the Government and may be recovered under the Government Proceedings Act (Cap. 121).

(4) Upon the application of any person interested in any shares standing in the name of a deceased person or in any policy of assurance upon the life of a deceased person the Commissioner shall issue a certificate under his hand according to the circumstances —

- (a) that estate duty has been paid in respect of those shares or the sum payable on that policy; or

(b) that those shares or that sum are not liable to estate duty.

(5) Subsection (1) shall not apply to —

(a) shares standing in the name of a deceased person in his securities account with the Central Depository (Pte) Limited where the aggregate market value of the shares, as at the date of his death, does not exceed \$50,000; or

(b) shares standing in the name of a deceased person in his CPF Investment Account under the Central Provident Fund Act (Cap. 36) where the aggregate market value of the shares, as at the date of his death, does not exceed \$50,000.

[42/98]

Penalties for delay and intermeddling

44.—(1) An accountable person who wilfully fails to comply with section 35(1) or (4) shall be liable to pay to the Government double the amount of the estate duty for which he is accountable.

(2) Except as provided under section 43(5), if any person takes possession of or in any way administers any part of an estate of a deceased person in respect of which estate duty is leviable or of the income of any part of that estate without obtaining probate or letters of administration of that estate within 6 months after the death of the deceased or within 2 months after the termination of any action or proceeding respecting the will or the right to letters of administration, if there is any such action or proceeding which has not ended within 4 months after such death, he shall forfeit to the Government the sum of \$1,000 and shall also be liable to pay to the Government double the amount of duty leviable.

[42/98]

Return of duty overpaid

45. If the value of any property in respect of which estate duty has been paid is, within 3 years after such payment (or within such further period as the Commissioner may, in special circumstances, allow), proved to the satisfaction of the Commissioner to exceed the value of the property subject to estate duty on the death of the deceased, the

Commissioner shall return the amount of duty, interest thereon and penalty, if any, which has been overpaid.

[51/2004]

Payment of additional duty

46.—(1) If at any time it is brought to the notice of any executor or other person accountable for estate duty that the property subject to estate duty on the death of the deceased was of greater value than that on which estate duty was actually computed, such executor or person, as the case may be, shall —

- (a) within one month after such notice, or within such further time as the Commissioner may allow, deliver a further estate duty return or further account;
- (b) pay the difference between the duty leviable according to the true value of the estate and the duty already paid;
- (c) at the same time pay to the Commissioner interest upon such difference at the appropriate rates specified in the Sixth Schedule from the date of the death, or from such subsequent date as the Commissioner may in the circumstances think proper —
 - (i) in the case of a person dying before 1st January 2005, to the date of payment;
 - (ii) in the case of a person dying on or after 1st January 2005, to whichever of the following dates occurs first:
 - (A) the date of receipt by the Commissioner of the further estate duty return or further account required under paragraph (a) without omission of assets;
 - (B) the date of the notice of assessment of the difference; or
 - (C) the date of payment; and
- (d) in the case of a person dying on or after 1st January 2005, if the difference or interest thereon, if any, is not paid in full within 30 days from the date of the notice of assessment of

the difference, pay to the Commissioner a penalty at the rates specified in section 36(2).

[30/2000; 51/2004]

(2) For the purposes of determining the penalty payable under subsection (1)(d), the references in section 36(2) to —

- (a) the relevant date shall be read as the date 30 days after the date of the notice of assessment of the difference, or the date 6 months after the date of death of the deceased, whichever is the later; and
- (b) the unpaid estate duty shall be read as the unpaid difference, and includes any interest payable under subsection (1)(c).

[51/2004]

(3) If any person, who ought to deliver a further return or account as mentioned in subsection (1), neglects to do so within the prescribed period, he shall forfeit to the Government the sum of \$1,000 and shall also be liable to pay to the Government double the amount of additional duty leviable.

[30/2000]

(4) If an application has been made under section 47(1) in respect of a notice of assessment, no claim shall be made for the return of excess duty or for the payment of additional duty except on the ground that the particulars of the property passing on the death of the deceased, or the general expenses, debts or encumbrances for which allowance was made, were not correctly stated in the return or account.

[42/98; 30/2000]

Application to court

47.—(1) An executor or other accountable person aggrieved by —

- (a) any claim by a notice of assessment by the Commissioner for payment of estate duty, interest thereon or penalty; or
- (b) the refusal of the Commissioner to return any estate duty, interest thereon or penalty alleged to have been overpaid,

may, on payment of, or giving security under subsection (5) for, the amount claimed by the Commissioner or such portion of it as is then

payable by him, apply to the High Court within 3 months from the date of the claim or refusal, as the case may be.

[42/98; 51/2004]

(2) The amount of the duty, interest and penalty shall be determined by the High Court, and if the duty, interest and penalty as determined is less than that paid to the Commissioner the excess shall be repaid.

[51/2004]

(3) No appeal shall be allowed from any order, direction, determination or decision of the High Court upon any application under this section except with the leave of the High Court or the Court of Appeal.

(4) The costs of the application shall be in the discretion of the Court, and the Court, where it appears to the Court just, may order the Commissioner to pay on any excess of duty, interest or penalty repaid by him interest at the rate of 6% per annum for such period as appears to the Court just.

[51/2004]

(5) The High Court, if satisfied that it would impose hardship to require the applicant, as a condition of the application, to pay the whole or, as the case may be, any part of the duty claimed by the Commissioner or of such portion of it as is then payable by him, may allow the application to be brought without payment of duty, or of such part only of the duty as to the Court seems reasonable, and on security to the satisfaction of the Court being given for the duty, or so much of the duty as is not so paid, but in such case the Court may order interest at the rate of 6% per annum to be paid on the unpaid duty so far as it becomes payable under the decision of the Court.

PART VII

MISCELLANEOUS PROVISIONS

Inspection of records, etc.

48. Every public officer having in his custody any register, book, record, paper, document or proceeding, the inspection of which may tend to secure any estate duty, or to prove or lead to the discovery of any fraud or omission in relation to any estate duty, shall at all reasonable times permit any person authorised in writing by the

Commissioner to inspect for such purpose the register, book, record, paper, document and proceeding, and to take such notes and extracts as he may consider necessary without fee or charge.

Remission of estate duty

49. The Minister may, by rule or order published in the *Gazette*, remit wholly or in part the estate duty payable in respect of any particular class of deceased persons or of any particular deceased person.

Waiver of small duty and interest

50. Where it appears to the Commissioner that the amount of any estate duty or additional duty or interest thereon to which any person is liable does not exceed —

- (a) in the case of estate duty or additional duty, \$10; and
- (b) in the case of interest thereon, \$5,

he may waive the payment of the duty or interest, as the case may be.
[10/80]

Reduction of penalties

51.—(1) The Commissioner may reduce any penalty to which any person is liable under this Act or under any other Act relating to estate duty.

(2) The court in any proceedings for the recovery of any penalty to which any person is liable under this Act or under any other Act relating to estate duty may reduce such penalty.

Persons exempt from liability

52. Nothing in this Act shall be deemed to subject to any liability any person who is entitled under any Act to deliver or order to be delivered property of a deceased person without letters of administration being taken out or any person to whom property is delivered by or by the order of such person.

Composition of duties

53.—(1) Where, by reason of the number of deaths on which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of estate duty payable in respect of any property or any interest therein, or so to ascertain the amount without undue expense in proportion to the value of the property or interest, the Commissioner may —

- (a) on the application of any person accountable for any duty thereon, and upon his giving to the Commissioner all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, by way of composition for all or any of the estate duties payable in respect of the property or interest and the various interests therein or any of them, assess such sum on the value of the property or interest as having regard to the circumstances appears proper; and
- (b) accept payment of the sum so assessed in full discharge of all claims for estate duties in respect of that property or interest and shall give a certificate of discharge accordingly.

(2) The certificate shall not discharge any person from any duty in the case of fraud or failure to disclose material facts.

Penalty for false statement or false representation

54. If any person for the purpose of obtaining any allowance, reduction, rebate or repayment in respect of any duty under this Act, either for himself or for any other person, or, in any return, affidavit or other document made with reference to or in connection with any duty under this Act, knowingly makes any false statement or false representation, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 2 years or to both.

Interest of deceased person in business to be notified

55.—(1) Where a deceased person had any interest in any business carried on within Singapore either —

- (a) as a partner in the business; or
- (b) as a member of a Hindu joint family or families or of any co-parcenary owning or having an interest in the business,

the surviving partner or partners or the manager, agent, attorney or other person or persons having for the time being the management of the business shall notify the Commissioner of the nature and extent of the interest of the deceased therein.

(2) Every person who fails without reasonable excuse to comply with this section shall be liable to pay to the Government such penalty not exceeding \$1,000 as the Commissioner or, in the case of dispute or neglect to pay, the court may determine.

(3) For the purpose of recovering such penalty, execution may be levied against the property of that person or against any property situate within Singapore of such business or against the property of any partner or co-parcener therein.

(4) In this section —

“business” includes every profession, and every form of trade, commerce, banking, insurance, moneylending, habitual letting of premises, rent collecting, craftsmanship and other occupation or activity carried on by one or more persons for the purpose of gain; and

“business carried on within Singapore” includes any branch, agency or associated business carried on within Singapore of any business established, carried on or owned wholly or in part by any person or persons outside Singapore.

Intervention by Commissioner in pending suits

56.—(1) In every suit or proceeding, the court may have regard to the estate duty that may be payable on property passing on the death of any person and may, if the court considers it necessary for securing

the payment of any estate duty, cause notice to be served on the Commissioner.

(2) The Commissioner may thereupon or at any time thereafter intervene in such suit or proceeding and may with leave of the court be joined as a party thereto.

(3) The Commissioner may of his own motion intervene and be heard, either personally or by counsel in any pending suit or proceeding by which the right to claim or receive estate duty is or is likely to be affected.

(4) The costs of or occasioned by the intervention of the Commissioner shall be in the discretion of the court.

Facts stated in Commissioner's certificate need not be proved

57. Any statement made in any certificate issued by the Commissioner shall be presumed to be correct until the contrary is proved and, in the absence of proof to the contrary, a court shall act on any such statement without requiring further proof thereof.

Signature and service of notices

58.—(1) Every notice given by the Commissioner, a Deputy Commissioner or an officer authorised by the Commissioner under section 4(4) shall bear the name of the Commissioner, Deputy Commissioner or officer, as the case may be, and every such notice shall, if the name of the Commissioner, Deputy Commissioner or officer is duly printed or stamped thereon, be as valid and effectual as if it were signed by the Commissioner, Deputy Commissioner or officer, as the case may be.

[51/2004]

(2) Every notice, given by virtue of this Act, may be served on a person either personally or by being delivered at, or sent by post to, an address furnished by him for the purpose of service of notices, or his last known address or place of residence or to any place at which he is or has been carrying on business.

(3) In proving service by post, it shall be sufficient to prove that the letter containing the notice was duly addressed and posted.

(4) Every notice required under this Act to be served on a person who is not resident in Singapore may be served on his agent in Singapore.

Rules

59. The Minister may make rules to carry out generally the purposes of this Act.

FIRST SCHEDULE

Section 5(a)

RATES OF ESTATE DUTY IN THE CASE OF
PERSONS DYING ON OR AFTER
1ST APRIL 1974 AND BEFORE 1ST APRIL 1977

Principal value of the estate	Rate of duty
For every dollar of the first \$50,000	Nil
For every dollar of the next \$15,000	5%
For every dollar of the next \$25,000	7½%
For every dollar of the next \$25,000	10%
For every dollar of the next \$25,000	12½%
For every dollar of the next \$50,000	15%
For every dollar of the next \$50,000	20%
For every dollar of the next \$100,000	25%
For every dollar of the next \$100,000	30%
For every dollar of the next \$100,000	35%
For every dollar of the next \$250,000	40%
For every dollar of the next \$250,000	45%
For every dollar of the next \$1,000,000	50%
For every dollar of the next \$2,000,000	55%
For every dollar exceeding \$4,040,000	60%

[16/75; 12/78]

SECOND SCHEDULE

Section 5(b)

RATES OF ESTATE DUTY IN THE CASE OF
PERSONS DYING ON OR AFTER
1ST APRIL 1977 AND BEFORE 1ST APRIL 1979

Principal value of the estate	Rate of duty
For every dollar of the first \$100,000	Nil
For every dollar of the next \$15,000	5%
For every dollar of the next \$25,000	7½%
For every dollar of the next \$25,000	10%
For every dollar of the next \$25,000	12½%
For every dollar of the next \$50,000	15%
For every dollar of the next \$50,000	20%
For every dollar of the next \$100,000	25%
For every dollar of the next \$100,000	30%
For every dollar of the next \$100,000	35%
For every dollar of the next \$250,000	40%
For every dollar of the next \$250,000	45%
For every dollar of the next \$1,000,000	50%
For every dollar of the next \$2,000,000	55%
For every dollar exceeding \$4,090,000	60%

[12/78; 10/80]

THIRD SCHEDULE

Section 5(c)

RATES OF ESTATE DUTY IN THE CASE OF
PERSONS DYING ON OR AFTER
1ST APRIL 1979 AND BEFORE 1ST APRIL 1984

Principal value of the estate	Rate of duty
For every dollar of the first \$15,000	5%
For every dollar of the next \$25,000	7½%

THIRD SCHEDULE — *continued*

For every dollar of the next \$25,000	10%
For every dollar of the next \$25,000	12½%
For every dollar of the next \$50,000	15%
For every dollar of the next \$50,000	20%
For every dollar of the next \$100,000	25%
For every dollar of the next \$100,000	30%
For every dollar of the next \$100,000	35%
For every dollar of the next \$250,000	40%
For every dollar of the next \$250,000	45%
For every dollar of the next \$1,000,000	50%
For every dollar of the next \$2,000,000	55%
For every dollar exceeding \$3,990,000	60%

[10/80; 14/84]

FOURTH SCHEDULE

Section 5(d)

RATES OF ESTATE DUTY IN THE CASE OF
PERSONS DYING ON OR AFTER
1ST APRIL 1984 AND BEFORE 28TH FEBRUARY 1996

Principal value of the estate	Rate of duty
For every dollar of the first \$10,000,000	5%
For every dollar exceeding \$10,000,000	10%

FIFTH SCHEDULE

Section 5(e)

RATES OF ESTATE DUTY IN THE CASE OF
PERSONS DYING ON OR AFTER
28TH FEBRUARY 1996
AND BEFORE 15TH FEBRUARY 2008

Principal value of the estate	Rate of duty
For every dollar of the first \$12,000,000	5%

FIFTH SCHEDULE — *continued*

For every dollar exceeding \$12,000,000	10%
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[13/2008 wef 15/02/2008]

SIXTH SCHEDULE

Sections 36(1) and (6) and 46(1)

RATES OF INTEREST

<i>Person dying</i>	<i>Period</i>	<i>Rate of Interest</i>
Before 1st January 1965	From the date of death to the date of payment of the estate duty	4% per year on the amount of the unpaid estate duty.
On or after 1st January 1965 and before 1st January 2005	1. From the date of death to the date of payment of the estate duty or the expiration of 6 months from the date of death, whichever first occurs.	3% per year on the amount of the unpaid estate duty except that the Commissioner shall reduce the rate to zero if he is satisfied that the estate duty return received within 6 months after the date of death is complete and without omission of assets.
	2. If any part of the estate duty is not paid within 6 months from the date of death, from the expiration of those 6 months to the date of payment of that part of the estate duty or the expiration of 18 months from the date of death, whichever first occurs.	6% per year on the amount of the unpaid estate duty except that the Commissioner shall reduce the rate to 3% per year if he is satisfied that there was reasonable cause for the delay in payment or furnishing information to the Commissioner.
	3. If any part of the estate duty is not paid within 18 months from the date of death, from the expiration of those 18 months to the	12% per year on the amount of the unpaid estate duty except that the Commissioner shall reduce the rate to 6% per

SIXTH SCHEDULE — *continued*

<i>Person dying</i>	<i>Period</i>	<i>Rate of Interest</i>
	date of payment of that part of the estate duty.	year if he is satisfied that there was reasonable cause for the delay in payment or furnishing information to the Commissioner.
On or after 1st January 2005	1. For the first 6 months after the date of death	0%.
	2. From the date 6 months after the date of death to the — (a) date of receipt of an estate duty return without omission of assets; (b) date of notice of assessment; (c) date of full payment of the estate duty; or (d) expiration of 18 months from the date of death, whichever first occurs.	6% per year on the amount of the unpaid estate duty except that if the Commissioner is satisfied that there was reasonable cause for not filing an estate duty return without omission of assets, or for the delay in filing the estate duty return or furnishing information, he may reduce the rate charged to a rate not less than the prevailing prime lending rate of banks in Singapore.
	3. From the date 18 months after the date of death to the — (a) date of receipt of an estate duty return without omission of assets; (b) date of notice of assessment; or (c) date of full payment of the estate duty, whichever first occurs.	12% per year on the amount of the unpaid estate duty except that if the Commissioner is satisfied that there was reasonable cause for not filing an estate duty return without omission of assets, or for the delay in filing the estate duty return or furnishing information, he may reduce the rate charged to a rate not less than the

SIXTH SCHEDULE — *continued*

<i>Person dying</i>	<i>Period</i>	<i>Rate of Interest</i>
		prevailing prime lending rate of banks in Singapore.

[51/2004]

SEVENTH SCHEDULE

Section 6(2)

RATES OF REMISSION OF ESTATE DUTY
IN THE CASE OF PERSONS DYING ON OR AFTER
1ST APRIL 1974 AND BEFORE 1ST APRIL 1977

Principal value of the estate in excess of \$50,000	Rates of remission of the estate duty payable
For every dollar of the first \$20,000	90%
For every dollar of the next \$20,000	80%
For every dollar of the next \$20,000	70%
For every dollar of the next \$20,000	60%
For every dollar of the next \$20,000	50%
For every dollar of the next \$20,000	40%
For every dollar of the next \$20,000	30%
For every dollar of the next \$20,000	20%
For every dollar of the next \$20,000	10%

[12/78]

EIGHTH SCHEDULE

Section 6(3)

RATES OF REMISSION OF ESTATE DUTY
IN THE CASE OF PERSONS DYING ON OR AFTER
1ST APRIL 1977 AND BEFORE 1ST APRIL 1984

Principal value of the estate	Rates of remission of the estate duty payable

EIGHTH SCHEDULE — *continued*

For every dollar of the first \$20,000	90%
For every dollar of the next \$20,000	80%
For every dollar of the next \$20,000	70%
For every dollar of the next \$20,000	60%
For every dollar of the next \$20,000	50%
For every dollar of the next \$20,000	40%
For every dollar of the next \$20,000	30%
For every dollar of the next \$20,000	20%
For every dollar of the next \$20,000	10%

[12/78; 10/80]

LEGISLATIVE SOURCE KEY
ESTATE DUTY ACT
(CHAPTER 96)

Notes:—Unless otherwise stated, the abbreviations used in the references to other Acts and statutory provisions are references to the following Acts and statutory provisions. The references are provided for convenience and are not part of the Act:

UK Customs and Inland Revenue 1881	:	UK Customs and Inland Revenue Act 1881 (c. 12)
UK Customs and Inland Revenue 1889	:	UK Customs and Inland Revenue Act 1889 (c. 7)
UK Finance 1894	:	UK Finance Act 1894 (c. 30)
UK Finance 1896	:	UK Finance Act 1896 (c. 28)
UK Finance 1900	:	UK Finance Act 1900 (c. 7)
UK Finance 1910	:	UK Finance Act 1910 (c. 8)

LEGISLATIVE HISTORY
ESTATE DUTY ACT
(CHAPTER 96)

This Legislative History is provided for the convenience of users of the Estate Duty Act. It is not part of the Act.

1. Ordinance 11 of 1929 — Estate Duty Ordinance 1929

Date of First Reading	:	28 January 1929 (Bill published on 1 January 1929. No Bill number given)
Date of Second and Third Readings	:	13 May 1929
Date of commencement	:	1 July 1929

2. Ordinance 19 of 1931 — Estate Duty (Amendment) Ordinance 1931

Date of First Reading	:	14 October 1931
Date of Second and Third Readings	:	7 December 1931
Date of commencement	:	15 December 1931

3. Ordinance 24 of 1940 — Estate Duty (Amendment) Ordinance 1940

Date of First Reading	:	12 February 1940
Date of Second and Third Readings	:	22 April 1940
Date of commencement	:	11 May 1940

4. Ordinance 53 of 1940 — Estate Duty (Amendment No. 2) Ordinance 1940

Date of First Reading	:	26 August 1940
Date of First, Second and Third Readings	:	14 October 1940
Date of commencement	:	30 November 1940

5. Ordinance 32 of 1941 — Estate Duty (Amendment) Ordinance 1941

Date of First Reading	:	28 April 1941 (Bill published on 25 April 1941. No Bill number given)
Date of Second and Third Readings	:	9 June 1941
Date of commencement	:	1 July 1941

6. Ordinance 30 of 1946 — Estate Duty (Increase of Rates) Ordinance 1946

Date of First Reading	: Date not available
Date of Second and Third Readings	: 13 September 1946
Date of commencement	: 25 September 1946

7. Ordinance 8 of 1955 — Revised Edition of the Laws (Miscellaneous Amendments) Ordinance 1955

Date of First Reading	: 14 December 1954 (Bill No. 45/54 published on 17 December 1954)
Date of Second and Third Readings	: 28 January 1955
Date of commencement	: 4 February 1955

8. Ordinance 31 of 1959 — Estate Duty (Amendment) Ordinance 1959

Date of First Reading	: 3 March 1959 (Bill No. 209/59 published on 7 March 1959)
Date of Second and Third Readings	: 18 March 1959
Date of commencement	: 17 April 1959

9. Ordinance 71 of 1959 — Transfer of Powers Ordinance 1959

Date of First Reading	: 22 September 1959 (Bill No. 30/59 published on 30 September 1959)
Date of Second and Third Readings	: 11 November 1959
Date of commencement	: 20 November 1959

10. Ordinance 60 of 1960 — Transfer of Powers Ordinance 1960

Date of First Reading	: 20 October 1960 (Bill No. 99/60 published on 28 October 1960)
Date of Second and Third Readings	: 16 November 1960
Date of commencement	: 9 December 1960

11. Ordinance 21 of 1965 — Estate Duty (Amendment) Ordinance 1965

Date of First Reading	: 13 December 1965 (Bill No. 53/65 published on 17 December 1965)
Date of Second and Third Readings	: 29 December 1965

Date of commencement : 1 January 1966

12. Malaysian Ordinance 29 of 1965 — Estate Duty (Amendment) Ordinance 1965

(The Third Schedule of this Ordinance makes amendments to the Estate Duty Ordinance of Singapore)

Date of First Reading : Date not available

Date of Second and Third Readings : 24 March 1965

Date of commencement : Malaysia Day (16 September 1963) and 2 other dates

13. Act 48 of 1970 — Statute Law Revision Act 1970

Date of First Reading : 2 September 1970
(Bill No. 36/70 published on 7 September 1970)

Date of Second and Third Readings : 4 November 1970

Date of commencement : 11 December 1970

14. 1970 Revised Edition — Estate Duty Act (Cap. 137)

Date of operation : 30 April 1971

15. Act 16 of 1974 — Estate Duty (Amendment) Act 1974

Date of First Reading : 28 August 1974
(Bill No. 20/74 published on 31 August 1974)

Date of Second and Third Readings : 23 October 1974

Date of commencement : 1 November 1974

16. Act 19 of 1976 — Estate Duty (Amendment) Act 1976

Date of First Reading : 3 September 1976
(Bill No. 15/76 published on 8 September 1976)

Date of Second and Third Readings : 24 November 1976

Date of commencement : 10 December 1976

17. Act 12 of 1978 — Estate Duty (Amendment) Act 1978

Date of First Reading : 13 March 1978
(Bill No. 14/78 published on 14 March 1978)

Date of Second and Third Readings : 23 March 1978

- Date of commencement : 1 April 1977
- 18. G. N. No. S 316/1980 — Estate Duty Act (Amendment of Twelfth Schedule) Order 1980**
- Date of commencement : 8 August 1980
- 19. Act 10 of 1980 — Estate Duty (Amendment) Act 1980**
- Date of First Reading : 26 February 1980
(Bill No. 7/80 published on 29 February 1980))
- Date of Second and Third Readings : 17 March 1980
- Date of commencement : 3 April 1980
- 20. Act 11 of 1981 — Estate Duty (Amendment) Act 1981**
- Date of First Reading : 15 June 1981
(Bill No. 13/81 published on 22 June 1981)
- Date of Second and Third Readings : 21 July 1981
- Date of commencement : 31 July 1981
- 21. Act 2 of 1983 — Estate Duty (Amendment) Act 1983**
- Date of First Reading : 3 December 1982
(Bill No. 24/82 published on 8 December 1982)
- Date of Second and Third Readings : 4 March 1983
- Date of commencement : 18 March 1983
- 22. Act 14 of 1984 — Estate Duty (Amendment) Act 1984**
- Date of First Reading : 29 June 1984
(Bill No. 21/84 published on 9 July 1984)
- Date of Second and Third Readings : 26 July 1984
- Date of commencement : 10 August 1984
- 23. Act 3 of 1987 — Statute Law Revision Act 1987**
- Date of First Reading : 9 December 1986
(Bill No. 28/86 published on 10 December 1986)
- Date of Second and Third Readings : 26 January 1987
- Date of commencement : 20 February 1987

24. 1985 Revised Edition — Estate Duty Act

Date of operation : 30 March 1987

25. Act 27 of 1987 — Estate Duty (Amendment) Act 1987

Date of First Reading : 9 November 1987
(Bill No. 18/87 published on
11 November 1987)

Date of Second and Third Readings : 30 November 1987

Date of commencement : 18 December 1987

26. G. N. No. S 8/1996 — Estate Duty Act (Amendment of Fourteenth Schedule) Order 1996

Date of commencement : 30 November 1995

27. Act 27 of 1996 — Estate Duty (Amendment) Act 1996

Date of First Reading : 12 July 1996
(Bill No. 21/96 published on
13 July 1996)

Date of Second and Third Readings : 27 August 1996

Date of commencement : 6 September 1996

28. G. N. No. S 460/1996 — Estate Duty Act (Amendment Of Fourteenth Schedule) (No. 2) Order 1996

Date of commencement : 18 October 1996

29. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997

Date of First Reading : 11 July 1997
(Bill No. 6/97 published on
12 July 1997)

Date of Second and Third Readings : 25 August 1997

Date of commencement : 1 October 1997 (except
section 3)

30. 1997 Revised Edition — Estate Duty Act

Date of operation : 20 December 1997

31. Act 42 of 1998 — Estate Duty (Amendment) Act 1998

Date of First Reading : 12 October 1998
(Bill No. 44/98 published on
13 October 1998)

Date of Second and Third Readings : 26 November 1998

- Date of commencement : 10 January 1998
1 January 1999
- 32. Act 30 of 2000 — Estate Duty (Amendment) Act 2000**
- Date of First Reading : 9 October 2000
(Bill No. 26/2000 published on
10 October 2000)
- Date of Second and Third Readings : 13 November 2000
- Date of commencement : 18 December 2000
1 January 2001
- 33. 2001 Revised Edition — Estate Duty Act**
- Date of operation : 31 July 2001
- 34. Act 32 of 2002 — Estate Duty (Amendment) Act 2002**
- Date of First Reading : 1 October 2002
(Bill No. 30/2002 published on
2 October 2002)
- Date of Second and Third Readings : 31 October 2002
- Date of commencement : 18 November 2002
- 35. Act 51 of 2004 — Estate Duty (Amendment) Act 2004**
- Date of First Reading : 19 October 2004
(Bill No. 61/2004 published on
20 October 2004)
- Date of Second and Third Readings : 17 November 2004
- Date of commencement : 9 December 2004
- 36. 2005 Revised Edition — Estate Duty Act**
- Date of operation : 31 July 2005
- 37. Act 10 of 2007 — Charities (Amendment) Act 2007**
(Consequential amendments made to Act by)
- Date of First Reading : 8 November 2006
(Bill No. 22/2006 published on
9 November 2006)
- Date of Second and Third Readings : 23 January 2007
- Date of commencement : 1 March 2007

38. Act 13 of 2008 — Estate Duty (Abolition) Act 2008

Date of First Reading	:	21 July 2008 (Bill No. 12/2008 published on 22 July 2008)
Date of Second and Third Readings	:	25 August 2008
Date of commencement	:	15 February 2008

COMPARATIVE TABLE
ESTATE DUTY ACT
(CHAPTER 96)

The following provisions in the 2001 Revised Edition of the Estate Duty Act have been renumbered by the Law Revision Commissioners in this 2005 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Estate Duty Act.

2005 Ed.	2001 Ed.
11—(1)	11—(1)
(2)	(1A)
(3)	(2)
36—(1)	36—(1)
(2)	(1A)
(3)	(1B)
(4)	(2)
(5)	(3)
(6)	(4)
(7)	(4A)
(8)	(5)
46—(1)	46—(1)
(2)	(1A)
(3)	(2)
(4)	(3)

COMPARATIVE TABLE
ESTATE DUTY ACT
(CHAPTER 96)

The following provisions in the 1997 Revised Edition of the Estate Duty Act were renumbered by the Law Revision Commissioners in the 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Estate Duty Act.

2001 Ed.	1997 Ed.
—	5 (<i>Repealed by Act 30/2000</i>)
5	6
6	7
7	8
8	9
9	10
10	11
11	12
12	13
13	13A
14—(4)	14—(3A)
(5)	(4)
(6)	(5)
(7)	(5A)
(8)	(6)
(9)	(7)
28—(5)	28—(6)
(6)	(5)
35—(9) and (10)	35—(9)
(11)	(10)
—	39—(5) (<i>Deleted by Act 30/2000</i>)

2001 Ed.	1997 Ed.
39—(5) to (10)	39—(6) to (11)
—	40 (<i>Repealed by Act 42/98</i>)
40	41
41	42
42	43
43	44
44	45
45	46
46	47
47	48
48	49
49	50
50	51
51	52
52	53
53—(1) and (2)	54—(1) and (2)
<i>Omitted</i>	(3)
54	55
55	56
56	57
57	58
58	59
59	60—(1)
<i>Omitted</i>	(2)
—	Ninth Schedule (<i>Deleted by Act 42/98</i>)