

TRANSFER DUTY AMENDMENT ACT

The above Act came into operation on 1 May 2010 and changed the rates at which transfer duty is levied.

Subsection 2(1) of the Transfer Duty Act, 1993 (Act 14 of 1993) was substituted by the following subsection.

- “(1) Subject to the provisions of section 9, there shall be levied for the benefit of the State Revenue Fund a transfer duty on the value of any property acquired by any person on or after the date of commencement of the Transfer Duty Amendment Act, 2010, by way of a transaction or in any other manner, or on the amount by which the value of any property is enhanced by the renunciation, on or after the said date, of an interest in or a restriction upon the use or disposal of that property, at the rate of -
- (a) where the said value or the said amount, as the case maybe
 - (i) does not exceed N\$400 000, nil per cent;
 - (ii) exceeds N\$400 000 but does not exceed N\$800 000, one per cent of such amount of the said value or the said amount, as the case may be, as exceeds N\$400 000;
 - (iii) exceeds N\$800 000 but does not exceed N\$1 500 000, N\$4 000 plus 5 per cent of so much of the said value or the said amount, as the case may be, as exceeds N\$800 000:
 - (iv) exceeds N\$1 500 000, N\$39 000 plus eight per cent of SC) much of the said value or the said amount, as the case may be, as exceeds N\$1 500000,
 - (2) if the property is not agricultural land as contemplated in paragraph (b) and the person by whom the property is acquired or in whose favour or for whose benefit the said interest or restriction is renounced is a natural person, or
 - (b) where the value of agricultural land acquired by a natural person to whom an advance, for the purposes of such acquisition, is made Agribank in accordance with the provisions of section 5(a) or (c) of the Agricultural Bank Act, 2003 (Act No 5 of 2003)
 - (i) does not exceed N\$500 000, nil per cent:
 - (ii) exceeds N\$500 000 but does not exceed N\$1 000 000, one per cent of so much of the value of the agricultural land as exceeds N\$500 000; and
 - (iii) exceeds N\$1 000 000, N\$5 000 plus three per cent of so much of the value of the agricultural land as exceeds N\$1 000 000"

The above Amendment Act repealed but failed to substitute Section 2 (1)(c) of Transfer duty Act 14/1993 which subsection provided for the rate of transfer duty payable by a person other than a natural person in respect of property acquired by him

Until a further amendment act comes into operation there is no prescribed rate of transfer duty payable by persons other than a natural person, e.g close corporations, companies and trusts, obtaining property in terms of an agreement signed during this interim period.