

## **Guidelines on the Acquisition of Residential Property in Gozo**

These guidelines are issued under Article 22A (2) of the Duty on Documents and Transfers Act (Cap. 364). The purpose of these guidelines is to provide an explanation of Article 4 of the *Exemption of Duty in terms of Article 23 Order* (SL 364.12).

In the case of a transfer *inter vivos* of residential property situated in Gozo, the duty otherwise chargeable in terms of the Duty on Documents and Transfers Act (hereinafter referred to as 'DDTA') shall be chargeable at the rate of two euro (€2.00) for every one hundred euro (€100.00) or part thereof of the amount or value of the consideration for the transfer of the property or the value of the property, whichever is the higher.

### **General Terms and Conditions to qualify for the benefit:**

1. The above-mentioned reduced rate of duty applies to a transfer *inter vivos* of residential property in Gozo when:

- a) The notice of the promise of sale agreement in relation to such transfer is registered with the Commissioner for Revenue on or after the 18th October 2016;
- b) The final deed in relation to such transfer is made by the 31<sup>st</sup> December 2021 and notice of the deed is given to the Commissioner by the 28<sup>th</sup> February 2022.
- c) No relief is claimed under article 32C of the DDTA.

2. The benefit granted under this scheme does not apply to acquisitions of property made for the purpose of demolition and the construction of more than one unit, or to acquisitions of property in the course of a trade or business.

3. The benefit granted under this scheme does not apply to acquisitions made by a body of persons.

4. Residential property includes a garage attached to or underlying such residence or a garage situated in the same block of residential apartments of which the residence forms part or a garage of not more than 30 square metres situated within 500 metres of such residence or block of apartments, and acquired together with such residence on the same deed.

5. In the case of a transfer of land, the benefit under this scheme would only apply if one residential unit is to be built thereon. The benefit shall be forfeited in the case of a breach of this condition.

**Promises of Sale made before 18th October 2016**

Where a notice of a promise of sale or transfer relating to a residential property in Gozo has been registered with the Commissioner for Revenue before the 18th October 2016 and is either cancelled or expired after the said date, such notice shall be deemed to have been registered with the Commissioner before the 18th October 2016 if the said property is:

- a) transferred to the same person or persons appearing on the said promise of sale which has been cancelled / expired; or
- b) another property forming part of the same project or situated within the same building is transferred to the same person or persons appearing on the said promise of sale which has been cancelled or has expired.

Link to SL 364.12: <https://legislation.mt/eli/sl/364.12/eng/pdf>  
<https://legislation.mt/eli/sl/364.12/mlt/pdf>

*Last updated: 21<sup>st</sup> October 2020*