Content

Title：	Deed Tax Act Ch
Date：	2010.05.05
Legislative：	1.Full text (17 articles) promulgated on 18 December 1940 by Nationalist Government. 2.Full-text amendments (22 articles) promulgated on 25 May 1942 by National Government. 3.Full-text amendments (25 articles) promulgated on 15 May 1943 by National Government. 4.Amendment to Article 16 promulgated on 17 April 1945 by National Government. 5.Amendment to Article 3 promulgated on 29 June 1946 by National Government. 6.Amendment to Article 13 promulgated on 27 October 1950 by Presidential Decree. 7.Amendments to Articles 2, 13, 17 and 24 promulgated on 27 November 1953 by Presidential Decree. 8.Full-text amendments (33 articles) promulgated on 30 December 1967 by Presidential Decree. 9.Amendment to Article 14 promulgated on 30 August 1973 by Presidential Decree. 10.Deletion of Article 31 promulgated on 30 July 1993 by Presidential Decree. 11.Amendment to Article 3 promulgated on 27 January 1999 by Presidential Decree No. 8800019740. 12.Amendments to Articles 2, 3, 12, 14, 16, 19, 23, and 25, and deletion of Articles 20, 21, 22, 27, and 28 promulgated on 15 July 1999 by Presidential Decree No. 8800162080. 13.Addition of Articles 7-1 and 14-1, and amendment to Article 33 promulgated on 13 June 2001 by Presidential Decree No. 9000115810 (and implemented on 1 July 2001 as approved by the Executive Yuan). 14.Amendment to Article 24 promulgated on 30 December 2009 by Presidential Decree No. 09800323271. 15.Amendments to Article 4,5 and 13 promulgated on 5 May 2010 by Presidential Decree No. 09900110341.
Content：	**Article 1** Deed tax shall be levied in accordance with the provisions of the Act herein. **Article 2** Anyone who acquires ownership of real estate through purchase, setting the right of Dien, exchange, bestowal or donation, partition, or possession, shall file tax return and pay deed tax. However, land in areas where land value increment tax is levied is exempt from deed tax. **Article 3** The deed tax rates are as follows: 1. Deed tax for sale is 6 percent of the value of a deed. 2. Deed tax for setting Dien right is 4 percent of the value of a deed. 3. Deed tax for exchange is 2 percent of the value of a deed. 4. Deed tax for bestowal or donation is 6 percent of the value of a deed. 5. Deed tax for partition is 2 percent of the value of a deed.

6. Deed tax for acquisition through possession is 6 percent of the value of a deed.

Article 4
Deed tax for sales shall be filed and paid by the purchaser.

Article 5
Deed tax for setting the right of Dien shall be filed and paid by the Dien-holder.

Article 6
Deed tax for exchange shall be assessed based on the valuation determined by the exchangers, and tax shall be filed and paid for each respective portion received.
In the event that there is a value difference paid in the exchange, such value difference shall be subject to tax at the rate applicable to the deed tax for sale.

Article 7
The value of a deed for bestowal or donation shall be appraised by the donee, who shall establish a deed, file the tax return, and pay the deed tax.

Article 7-1
When real estate is held as trust property, if the trustee transfers the trust property to a beneficiary other than the settlor in accordance with the purpose of the trust, the beneficiary shall appraise the value of a deed, establish a deed, file a tax return and pay the deed tax in accordance with the rate applicable to bestowal or donation within the time limit specified in Article 16.

Article 8
The value of a deed of a partition shall be appraised by the person dividing the property, who shall establish a deed based on the value, file tax return, and pay the deed tax.

Article 9
The value of a deed for acquisitions through possession shall be appraised by the person who legally acquires ownership of the real estate through possession and who shall establish a deed based on the value, file tax return, and pay the deed tax.

Article 10
If the property is set Dien right before it is sold, the original amount paid for the deed tax for Dien right may be used to offset the amount owed for the deed tax for sale. However, this is limited to cases where the holder of Dien right and the buyer are the same person.

Article 11
Those who legally purchase government-owned properties through direct

purchase or auction, as well as those who purchase real estate through court auctions, are still required to file tax return and pay deed tax.

Article 12

Those who acquire ownership of real estate through indirect means such as relocation or compensation, shall file tax return and pay deed tax in accordance with the rate applicable to sale. Those who obtain the right to use real estate through indirect means such as mortgage or borrowing in lieu of setting Dien right shall file tax return and pay deed taxes in accordance with the rate applicable to the Dien right.

Before the construction of a building is completed, if ownership is transferred through sale, exchange, or bestowal or donation and the recipient’s name is original listed on the construction license, or the name on the construction license is changed midway, and the license of permit is obtained, taxes shall be filed and paid by the builder named on the license of permit.

Article 13

The term 'the value of a deed' as mentioned in Article 3 shall be based on the standard value determined by the real estate assessment committee. However, if the transfer price of the real estate obtained according to Article 11 is lower than the assessed standard price, the transfer price shall prevail.

The organization of the real estate assessment committee shall be prescribed by the Ministry of Finance.

Article 14

Exemptions from deed tax are granted under the following circumstances:

1. Real estate acquired for public use by government agencies at all levels, local autonomous bodies, and public schools. However, this exemption does not apply if the property is used for commercial purposes.
2. Real estate acquired for operational use by government-operated postal services.
3. Government exchanges public real estate for official needs, or exchanges real estate to obtain ownership due to land rezoning.
4. Changes in the name of the builder before the completion of construction of a building. However, this exemption does not apply if the tax is required to be filed and paid according to Paragraph 2, Article 12.
5. Changes in the name of the builder before the completion of construction of a building, where the ongoing construction project is transferred to another party to continue construction of the unfinished portion, resulting in a change of the builder's name to the transferee, who obtains the license of permit under the transferee's name as the builder.

Article 14-1

Real estate held as trust property, when transferring ownership among the following parties in the trust relationship, shall be exempt from deed tax:

1. Between the settlor and the trustee upon the establishment of the trust.
2. Between the original trustee and the new trustee when there is a change in trustees during the existence of the trust relationship.

3. Between the trustee and the beneficiary when the trust agreement specifies the settlor as the beneficiary of the trust property and the trust relationship is terminated.
4. Between the trustee and the beneficiary upon the termination of the trust established by will.
5. Between the settlor and the trustee when the trust act is not established, invalid, terminated or revoked.

Article 15
Those who are exempted from tax in accordance with the provisions of the preceding article should fill out an application form for deed tax exemption, submit the deed and related documents, and apply to the competent tax authority for a deed tax exemption certificate to be used to register the transfer of the title right.

Article 16
The taxpayer shall, within thirty days from the date of establishment of a real estate sale, setting Dien right, exchange, bestowal or donation, or partition contract, or within thirty days from the date of application for ownership by occupation in accordance with the law, complete the Deed Tax Declaration Form, a submit the standardized contract and related documents, and file the deed tax return to the local competent tax authority. However, for the first registration of ownership of a building that has not been registered, the buyer and seller shall jointly file the tax.
When disputes arise in real estate transfers, the starting date for filing deed tax shall be based on the date of the court's final judgment.
For purchases or acquisitions of government property, the starting date for filing deed tax shall be the date on which the government agency issues the property transfer certificate.
For real estate acquired through court auctions, the starting date for filing deed tax shall be the date on which the court issues the certificate of transfer of rights.
Before the completion of construction, in cases of sale, exchange, or bestowal or donation of buildings, and the recipient’s name stated on the construction license as original or subsequently changed builder, the starting date for filing of deed tax shall be thirty days after the issuance date of the license of permit issued by the competent construction authority.

Article 17
The competent tax authority upon receipt of the taxpayer's deed tax declaration form with relevant documents shall promptly fill out the receipt list, affix the official seal of the authority and the signature or seal of the handler, and deliver it to the taxpayer for safekeeping.

Article 18
The competent tax authority, upon receiving the taxpayer's deed tax return, shall complete the examination within fifteen days, determine the amount of tax payable, and issue a notice to the taxpayer to pay within the prescribed deadline.

If the tax authority finds any deficiencies or doubts regarding the documents submitted by the taxpayer, it shall notify the taxpayer to rectify or clarify within seven days of receipt.

Article 19
A taxpayer shall pay deed tax in thirty (30) days after receiving the tax payment notice issued by the tax authority.

Article 20
(Deleted).

Article 21
(Deleted).

Article 22
(Deleted).

Article 23
For the registration of ownership related to the sale, setting Dien right, exchange, bestowal or donation, partition, or occupation of real estate, the land administration authority shall require the submission of the deed tax receipt, tax exemption certificate, or consent for transfer certificate to process the registration of the transfer of the title right.

Article 24
If a taxpayer fails to file tax return within the prescribed deadline, a non-reporting surcharge of one percent of the amount of tax payable shall be imposed for every three days overdue, capped at the amount of tax payable. However, it shall not exceed NT$15,000.

Article 25
If a taxpayer fails to pay tax within the prescribed deadline, a belated surcharge of one percent of the amount of tax payable shall be imposed for every two days overdue; if the tax and the belated surcharge or the non-reporting surcharge aforementioned in the previous article remain unpaid for thirty days after the deadline, the case shall be referred to the court for compulsory execution.

Article 26
If a taxpayer evades or under-reports the deed tax payable, upon discovery by the competent tax authority or through verified reports, besides the obligation to make up the tax shortfall, a fine ranging from one to three times the amount of tax payable shall be imposed.

Article 27
(Deleted).

Article 28
(Deleted).

Article 29
The collection of deed tax shall be done by the municipal or county (city) tax authorities, or be delegated to the township, town, city, or district offices for collection.

Article 30
In the prescribed period for filing and payment of deed tax, if a taxpayer is unable to file tax return or pay tax on time due to force majeure, the reasons shall be declared within ten days after the elimination of force majeure, and upon verification to be true, no non-reporting surcharge or belated surcharge shall be imposed.

Article 31
(Deleted).

Article 32
If someone reports or denounces a taxpayer for evasion, concealment, under-reporting, or other improper acts of tax evasion, the tax authority may award the informant twenty percent of the penalty and shall ensure absolute confidentiality.
Regarding the aforementioned rewards for reporting or denouncing, the tax authority shall notify the original informant within three days of receiving the penalty, specifying a deadline for collection.
The provisions of this article regarding rewards shall not apply when public officials act as informants.

Article 33
This Act shall come into effect upon its promulgation.
The effective date of the provisions of this Act amended on May 29th, 2001 shall be determined by the Executive Yuan.

Data Source：Ministry of Finance, R.O.C. Laws and Regulations Retrieving System