

**KOMPILASI SOALAN DAN JAWAPAN
HASIL-CTIM TAX FORUM 2026
6 MEI 2025**

SESSION 4: SELF-ASSESSMENT OF STAMP DUTY

BIL.	QUESTION	ANSWER
1.	For engagement letter, the stamp duty is RM10 based on the estamp system. As for audit engagement letter, there is a separate selection for this instrument, it is 0.1% of the audit fee. How to differentiate for these 2 instruments?	Duty rate will be based on the substance of the instrument not just the subject. If the instrument include the term and contract for services, it falls under security
2.	Dear Sir/Madam, could you advise how to differentiate whether a service agreement falls under Item 22(1) or Item 4? For cases: (i) tax engagement with RM5,000 per YA; (ii) accounting service with RM500 monthly fee; (iii) similar agreement without a specified fee. If under Item 22(1), please confirm if the responsibility of stamping lies with the service recipient. Thank you.	Service agreement normally have a service to be given and involve consideration. General agreement that is item 4 is just like an understanding between party a and b
3.	If the quotation has detailed terms and conditions attached, signed by customer for acceptance, and there are no other formal contracts. Is this subject to stamping?	Yes
4.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider face any exposure during a stamp duty audit? Does the service provider have any responsibility to ensure that the recipient duly stamps the document, even though the service provider is not legally liable for the duty?	Not necessary. But you must do it right in order to avoid legal implication in future.
5.	Employment contract with income less than RM3000 is exempted. Do we still need to lodge into the system? Or totally no need to do?	You can lodge into the system for exemption certificate.
6.	A letter between landlord and tenants agreeing to continue the existing tenancy agreement for another 3 years , signed by both tenants and landlord shall be stamped under which instrument ? (Can it be stamped under general contract , since is only a letter ?	Under Rental as is continuing the year. The calculation is based on rent duration.
7.	Do I need to stamp a purchase order when issuing it?	It depends on the substance of the purchase order (PO). If the PO contains detailed contractual obligations, operates as a binding agreement between parties, or includes elements similar to a service agreement or contract agreement, yes, it need to be stamped.
8.	As there is no "stamp duty agent", can anyone who register as firm/company submit stamp duty for other company or people? Is this legal or allowable?	No
9.	Is that necessary to stamped the inter company transaction ? We never done before , in this case does any penalty will be issue?	Yes. However, it must be endorsed for a remission.

BIL.	QUESTION	ANSWER
10.	Is SVDP still available for taxpayers under Stamp Duty audit? E.g I stamped all the documents under SVDP before the field audit visit	Yes
11.	Does Purchase Order (PO) as a purchasing instrument, subject to stamp duty? What if the PO is not stamped / acknowledged receipt by the counter party, Is it considered liable for stamp duty?	It has to fulfill the characteristic of term & conditions of the instrument. If yes, it will be subjected to stamping.
12.	Is appointment letter required to be stamped? Eg. Tax agent appointment letter. This appointment letter act as a notification to inform LHDN that the clients are represented for tax compliance or tax audit cases.	If there is a due diligence existed, it is eligible for stamping.
13.	What are the most common non-compliance issues LHDN encounters during stamp duty audits?	The most common non compliance issues : <ul style="list-style-type: none"> • Non-stamping • Understamped
14.	A dutypayer has experienced stamping a engagement letter without fee stated under General Stamping (Item 4) but got rejected and was asked to stamp under Securities (item 22 or 27). How is it possible to do so when there is no consideration stated in the engagement letter?	Its depend on the substance of the letter, if there service given, it should be using item 22 or 27
15.	For tax agent appointment letter, is it subject to stamping since there is no value and it is merely a notification letter to inform LHDN that the clients are being represented by licensed tax agent for tax compliance or tax audit cases?	If the due diligence existed then i will be subjected to a contract that probably stamp under a contract.
16.	Is there any tax implication for unstamped inter company agreements within Group of Legal Entities set aside its enforceability?	In general, the primary implication of an unstamped instrument is that the document may not be admissible as evidence in court unless it is duly stamped together with the applicable penalty, pursuant to section 52 of the Stamp Act 1949.
17.	What would be the applicable stamp duty rate for engagement letters (security instruments), as we have encountered inconsistent treatment where similar documents were assessed at RM10 in some cases and on an ad valorem basis in others. As the duty is assessed by the officer and reflected in the system via the notice of assessment, will we be penalise if found wrong during audit?	Depend on the substance of the letter. If there is service given it is 22 or 27. If its merely understanding between 2 parties or more it is 4
18.	In the stamp duty return form, 1st party should be the supplier and 2nd party should be the recipient. For an employment contract, 1st party should be employer and 2nd party is the employee. However in this case, it is the employee (2nd party) that receives the notice of assessment, but the person liable to pay is the employer. Can we fix this issue?	Our system has been set with second parties name in the notice assesment. Anyone can pay the duty without hesitations.
19.	For professional services such as audit, tax, transfer pricing, secretarial, advisory, etc., who is responsible for stamping the agreement and paying the stamp duty - the service provider or the service recipient?	The one obliged to pay for the service given
20.	Any penalty waiver for late stamping of documents executed in 2021 & 2022? IRB	The penalty can be appeal in eDS menu and be approved depend on the reason given.

BIL.	QUESTION	ANSWER
	mentioned yes in recent webinar. But no formal announcement on this. Please clarify.	
21.	In general, liability to pay stamp duty is stated in the Stamp Act. However, who is responsible for stamping the instrument? Kindly provide guidance. Thanks.	It can be responsible by the person/party who first initiate the move of the contract.
22.	Any penalty waiver for late stamping of documents executed in 2021 & 2022? IRB mentioned yes in recent webinar. But no formal announcement on this. Please clarify.	The penalty can be appeal in eDS menu and be approved depend on the reason given.
23.	What is the value to input in stamp system? Annual/monthly/per billing/total value for whole period which covers more than 1 year? How about agreement for example RM500 per service provided but with indefinite period? Or service agreement with no value and no definite period?	Total for the whole value
24.	For employment contracts, is the stamp duty based salary p m or annual salary?	It can be both under mere a contract.
25.	For item exempted under first schedule, i.e. good related instrument, do we still need to submit for stamping for endorsement? How to differentiate which should be submitted for endorsement and what don't need?	Exempted instrument still needed to endorse for the time being.
26.	For stamping employment contract. Example letter offer dated 10 march. Employer sign on 12 March. Employee sign 16 march. Start working on 1 April. So fo 'Tarikh Surat Cara' which date to be used?	The latest date in the agreement (date of agreement or date of signed). 16 March.
27.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider face any exposure during a stamp duty audit? In such a situation, does the service provider have any responsibility to ensure that the recipient properly stamps the document, even though the service provider is not legally liable for the duty?	<p>The liability to pay stamp duty for a service agreement generally falls on the service recipient. Therefore, if the recipient fails to stamp the document, the primary liability will generally rest with the recipient.</p> <p>However, during a stamp duty audit, LHDNM may still review documents held by the service provider. While the service provider is not legally liable for the duty, it is advisable to maintain proper records and ensure, from a governance and compliance perspective, that the agreement is duly stamped by the recipient.</p>
28.	Tax engagement letter and audit engagement letter compulsory to do stamping?if yes,tax engagement letter require do stamping start from which date?	Service agreement normally have a service to be given and involve consideration. General agreement that is item 4 is just like an understanding between party a and b
29.	Rather difficult tasks for ordinary folks to do. Likely once in a long time wasting time & money,and high risk of error. Perhaps irb need to identify specialists available as not all agents would deal in this area of practice, not lucrative.	Its a simple form to fill for general agreement like name, agreement name and so on. If there any difficulties, lhdn staff are happy to assist to fill stamp application form.
30.	For the value to fill in the stamp system, should i use annual value? Or monthly value? Or total value for whole period, i.e. total 36 months billing for tenancy agreement/service agreement with 3 year period? How about service agreement with no specific period? For example, RM500 per	Tenancy - Monthly value service - Total consideration

BIL.	QUESTION	ANSWER
	submission with no specific number of submission. What should be the value to be input when doing stamping?	
31.	Security contracts should be under self assessment effective 1 Jan 2026. Based on my recent submission (a service contract), it appeared that it was still a formal assessment and it took almost a month for IRB to issue the Notice of Assessment despite multiple follow ups. I am now confused what type of instruments are really self assessment	If the security document have remission or exemption, still the document will go through formal assessment
32.	We noticed that different assessing officers have different position when it comes to stamping. We have agreements assessed under item 4 before and sometimes another officer will disagree even though the agreements are the same. What can irb do about such inconsistency? It's burdensome to taxpayers.	To promote consistency, IRBM provides internal guidelines, training, and regular discussions among assessing officers on stamp duty treatment. However, each instrument is assessed based on its specific terms and legal effect, and any differences in the document may result in a different stamp duty treatment.
33.	Can a foreign entity authorise a person from the local related company to be an admin / agent to file SD return ?	Yes with appointed letter by company.
34.	What is the applicable stamp duty rate for a management service agreement with an indefinite term and no fixed consideration, where fees are determined using a cost-plus (transfer pricing) method? Would this be subject to the nominal RM10 stamp duty? Meanwhile, how would stamp duty be treated if a supplemental agreement is later executed due to changes in the scope of work or other terms? RM10?	Depend on the changes done on the supplemental document especially on the consideration
35.	Tax agent engagement letter compulsory to do stamping?if yes, tax engagement letter dated start from 1 Jan 2026 require do stamping?	Yes
36.	If the agreement covers the period from year 2022 to 2026, do we still need to do stamping?	Yes
37.	A dutypayer has this experience: An engagement letter without fee has been signed. The instrument is submitted under General Stamping (Item 4) but got rejected and was asked to submit under Securities (Item 22 or 27). As there is no consideration stated in the instrument, how to stamp under Securities?	Service agreement normally have a service to be given and involve consideration. General agreement that is item 4 is just like an understanding between party a and b
38.	How to determine who is the person by whom the instrument is first executed?	By date of signing
39.	Given that the Stamp Act 1949 defines "executed" as signed or signature, where an instrument is issued and signed by Party A only, and the counterparty (Party B) does not sign—or is not contractually required to sign the instrument—can HASIL nevertheless contend that the instrument has been "executed" by relying on the parties' subsequent conduct, implementation of the arrangement and impose duty	Yes
40.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider	The liability to pay stamp duty for a service agreement generally falls on the service recipient. Therefore, if the recipient fails to

BIL.	QUESTION	ANSWER
	face any exposure during a stamp duty audit? In such a situation, does the service provider have any responsibility to ensure that the recipient properly stamps the document, even though the service provider is not legally liable for the duty?	stamp the document, the primary liability will generally rest with the recipient. However, during a stamp duty audit, LHDNM may still review documents held by the service provider. While the service provider is not legally liable for the duty, it is advisable to maintain proper records and ensure, from a governance and compliance perspective, that the agreement is duly stamped by the recipient.
41.	when the system will be available for english?	Soon in the new system. For this meantime, you can using web translate.
42.	The numbers/particulars in certificate printed out is no clear. The shaded background is too dark. Can this be rectified?	Thank you for your suggestion, we will look forward.
43.	Is an instrument that is exempt from stamp duty still required to be submitted for stamping? If it is not required, will the IRB issue any guidelines or official announcement/memo to clarify this?	It is requieed to be stamp through eDS.
44.	As we have registered as an individual, can we now register one user as the admin and appoint an agent?	Yes. You can appoint an agent.
45.	We have encountered inconsistent treatment and position for similar agreement nature when presented for stamping to the IRB. Item 4 sometimes being ask to stamp as securities. What can irb do to provide more certainty. This uncertainty is burdensome to taxpayers.	Duty payers can always appeal within 30 days for the assesssment done
46.	Based on recent stamp duty webinar conducted by IRB, the IRB officer said that there are no penalties for late stamping even beyond 3 years under SVDP, I.e. 2021 & 2022. However there is no formal announcement on this. We tested in system for document executed in 2022, penalties are auto imposed. Kindly clarify.	Penalty can be appeal through eDS menu and be approved depend on the reason given
47.	After upload the documents, is it need to wait the respond from Stamp Duty officer then only can make payment? Is there any IBG payment method for this stamp duty payment?	Payment can be done through FPX
48.	Under Penyeteman Am for employment, is it required to do stamping for annual increment letters?	Depend on the sibstance of the aggreemnt to be if there is aggreemnt or only one way instruction or only just information
49.	If the purchase agreement only mentioned the minimum order quantity (eg. 800kg) and the purchase price is determined by a pricing formula on a monthly basis, is this considered a fixed duty agreement?	Please send the executed document to be assessed by IRB thoroughly
50.	Under e-Duti, there is a list of instruments title being provided for taxpayer to select from, and the system will determine the duty based on that input. In cases where the instrument title matched to the IRB list, but the duty rates differs (i.e. system denote RM10, but taxpayer assessed that instrument to be ad-valorem) due to the substance of the instrument, how to go about it in the system.	You can key in by manual.

BIL.	QUESTION	ANSWER
51.	Can agreement that is not original be submit for stamping? For example : we send the agreement to client for signature and client return in pdf format, can this document with softcopy signature be used for stamping? No original copy available in our file/record. Is this ok? How if the document returned is not complete, only scanned signature page is returned. Or page scanned is misalign.	The pdf image can be attached to eDS for stamping purpose. The stamp cert must be attached to original document
52.	Now that there is CGT/CKM, is this under the same SD & RPGT Department in IRB? Or is there a dedicated department in IRB for CGT?	No. Its under Sektor Operasi Cukai.
53.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider face any exposure during a stamp duty audit? In such a situation, does the service provider have any responsibility to ensure that the recipient properly stamps the document, even though the service provider is not legally liable for the duty?	<p>The liability to pay stamp duty for a service agreement generally falls on the service recipient. Therefore, if the recipient fails to stamp the document, the primary liability will generally rest with the recipient.</p> <p>However, during a stamp duty audit, LHDNM may still review documents held by the service provider. While the service provider is not legally liable for the duty, it is advisable to maintain proper records and ensure, from a governance and compliance perspective, that the agreement is duly stamped by the recipient.</p>
54.	Any penalty waiver for late stamping of documents executed in 2021 & 2022? IRB mentioned yes in recent webinar. But no formal announcement on this. Please clarify.	The penalty can be appeal in eDS menu and be approved depend on the reason given.
55.	Any penalty waiver for late stamping of documents executed in 2021 & 2022? IRB mentioned yes in recent webinar. But no formal announcement on this. Please clarify	Penalty waiver are only for instruments executed between 2023 & 2025 under the SVDP Stamp Duty Program. What is mentioned should be penalty waiver could be appeal for late stamping of documents executed in 2021 & 2022. Approval is subject to consideration based on the grounds of appeal.
56.	If no PDF copy of stamp duty certificate saved, certificate not successfully print, is there a way to re-print stamp duty certificate for which stamp duty is paid?	Yes. You may officially request by via email to IRBM.
57.	Effective 1 January 2026, employment contracts in Malaysia with monthly wages of RM3,000 or below are exempt from stamp duty. In such cases, is it still necessary to submit the employment contract for stamping? Thanks	Yes. Still have to do stamping until further official notice by IRBM.
58.	For stamp duty, stamp and pay.Lets say tax payer want to appeal and can't afford to pay the duty due to some.reasonable and factual reason. Can it be done thru installment.	There is no installment payment in duty stamp.
59.	If a service agreement is entered between malaysian service provider with their overseas customers, and the services may be rendered outside of Malaysia, does this agreement need to be stamped?	It may be subjected for stamping.
60.	I paid rm10 for an inter-company loan agreement where there is no loan amount being stated there on. Also no relevant email / memo has stated	Yes it can.

BIL.	QUESTION	ANSWER
	such amount will be loaned or paid by both parties. The agreement was executed offshore, will this be treated as under-stamped?	
61.	For factoring agreement, the ad valorem stamp duty should be computed based on service fees or amount of receivables?	Amount receivable and services fee are both subjected to stamp duty.
62.	For the SVDP that cover 2023 - 2025, if the company only selected few instruments to go for stamping, will LHDN still go back to these years to pursue for stamp duty audit?	If the company only selected few instruments to go for stamping under SVDP period. Only these selected few instruments will not be audited. Other unstamped instruments executed during 2023-2025 that has not participated in the SVDP can still be subject to audit.
63.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider face any exposure during a stamp duty audit? In such circumstances, does the service provider have any responsibility to ensure that the recipient duly stamps the document, notwithstanding that the service provider is not legally liable for the duty?	<p>The liability to pay stamp duty for a service agreement generally falls on the service recipient. Therefore, if the recipient fails to stamp the document, the primary liability will generally rest with the recipient.</p> <p>However, during a stamp duty audit, LHDNM may still review documents held by the service provider. While the service provider is not legally liable for the duty, it is advisable to maintain proper records and ensure, from a governance and compliance perspective, that the agreement is duly stamped by the recipient.</p>
64.	Interco loan agreement can be eligible for remission order at stamp duty rate of 0.1% if it has no maturity period or repayable on demand and unsecured loan. Is there any other conditions to fulfill in order to get this remission order? As for repayable on demand term, does it only look at loan principal or interest as well?	If there is, will be official updated.
65.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider face any exposure during a stamp duty audit? Does the service provider have any responsibility to ensure that the recipient duly stamps the document, notwithstanding that the service provider is not legally liable for the duty?	Not necessary. But you must do it right in order to avoid legal implication in future.
66.	Does Purchase Order (PO) as a purchasing instrument, subject to stamp duty? What if the PO is not stamped / acknowledged receipt by the counter party, is it still considered liable for stamp duty?	It depends on the substance of the purchase order (PO). If the PO contains detailed contractual obligations, operates as a binding agreement between parties, or includes elements similar to a service agreement or contract agreement, yes, it need to be stamped.
67.	As stamp duty only applicable to dutiable instrument, what constitute an instrument? For eg, transfer of shares will be subject to stamp duty on the Section 105 form of transfer of securities, what if there is no Section 105 form to effect the transfer of shares. Does it mean no stamp duty require as there is no dutiable instrument.	<p>Under the Stamp Act 1949, stamp duty is imposed on instruments, meaning any written document that creates, transfers, limits, extends, extinguishes or records rights or obligations.</p> <p>The imposition of stamp duty does not depend on the name of the instrument, but on the</p>

BIL.	QUESTION	ANSWER
		substance and contents of the instrument. Any instrument executed in relation to a transaction will be charged with duty according to its contents and legal effect. Therefore, even if there is no Section 105 Form, stamp duty may still apply if there is any other document or written agreement effecting or evidencing the transfer of shares.
68.	For an intercompany loan transaction that is supported only by a written memo from the parent company (signed solely by the parent's CFO), would this memo be considered a dutiable instrument and therefore required to be stamped within 30 days from the effective date of the loan?	If the structure of the instrument met the criteria of an instruments, it can be subjected to stamping.
69.	If stamp duty is payable by the service recipient under Schedule 3 of the Stamp Act, but the recipient fails to pay it, would the service provider face any exposure during a stamp duty audit? Does the service provider have any responsibility to ensure that the recipient duly stamps the document, even though the service provider is not legally liable for the duty?	Not necessary. But you must do it right in order to avoid legal implication in future.
70.	Why participation in svdp leads to sd audit?	Audit cases selected after the launching of SVDP are based on instruments that do not participated in the SVDP.
71.	A subcontractor contract signed for providing works to customer. However at the time of signing the contract the contract value is undeterminable .it has to assess based on the actual work performed. The contract is mutually agreed at a fixed rate. Eg. RM1 per unit. How do we classify this kind of instrument. Can this be stamped at general documents	Based on substance of the instrument. It falls under security
72.	Regarding bulk stamping, the xml file is prepared by us or any template prepared by lhdn that we can use?	XML file can be prepared by the company, and template can be used also.
73.	I was informed that stamp cert must be attached to original documents only. But this is very impractical now as we normally email client the service agreement for signature and client only return in softcopy. How about electronic documents whereby all are printed copies and no original? What should be the practical ways?	XML format can be prepared by the company itself or by using the IRBM template.
74.	I paid RM10 for the stamping of the intercompany loan agreement. However, no loan amount is stipulated in the agreement, and there is no internal memo or email evidencing the loan amount. Could this be considered as under-stamped?	Yes, it can be stamped at RM10 if the instrument is genuinely chargeable with fixed duty only (i.e. no fixed loan amount stated in the agreement). However, the instrument may still be subject to audit by LHDNM. If it is later found that there is in substance a loan amount chargeable with ad valorem duty, additional duty and penalty for incorrect return under section 72D of the Stamp Act 1949 may be imposed.
75.	During a tax audit, irb officer insisted that because of the executed subscription agreement was not stamped and hence the irb tax audit refuse to accept the agreement, how should tax	Refer to tax audit framework, case law within the same jurisdiction and strictly to the act. Look carefully to the structure of the instruments for an amicable conclusion.

BIL.	QUESTION	ANSWER
	payer handle such arguments with tax audit but not stamp duty officer	
76.	An instrument that requires acceptance is subject to stamp duty, but how about a document that only contains an acknowledgement of the terms and conditions?	It can be stand as a merely contract with due diligence existed.
77.	Is the Provider of services need to file for stamp or receiver of services or both parties	<p>For a Service Agreement, pursuant to the Third Schedule of the Stamp Act 1949, the person liable to pay duty is the obligor or other person giving the security, i.e. the service recipient.</p> <p>However, the submission for stamping may be done by either party to the agreement (the service provider or the service recipient), depending on the arrangement agreed between both parties.</p>
78.	Item 49 (Lease) - every RM250 of annual rent. What does this mean by annual rent? What if I have an agreement for half year tenancy (6 months)	<p>“Annual rent” refers to the total rent payable for 12 months. For tenancy/lease agreements with a term of less than 1 year, the rent will first be annualised for stamp duty calculation purposes.</p> <p>Example:</p> <ul style="list-style-type: none"> • 6-month tenancy at RM2,000 per month • Total 6-month rent = RM12,000 • Annualised rent = RM24,000 <p>Stamp duty under Item 49 will then be calculated based on the annualised rent.</p>
79.	So if the annual increment letters is merely to inform and there is no acknowledgement by the employee, then stamping is NOT require? Am I right?	You may be right.