

THE STAMP DUTIES AMENDMENT ACT, 1917.

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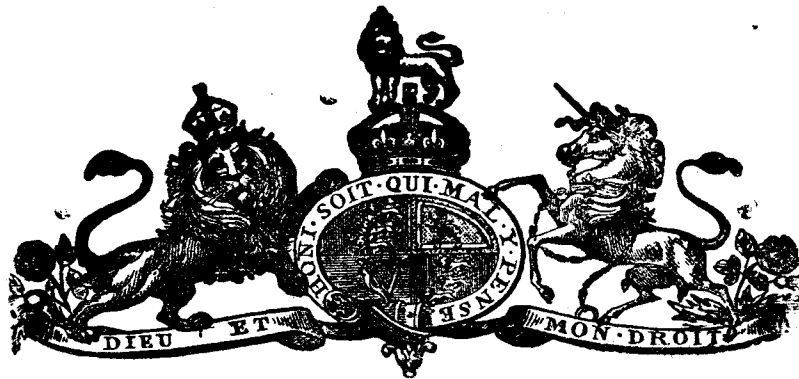
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T A S M A N I A .



1917.

ANNO OCTAVO

GEORGII V. REGIS.

No. 45.



AN ACT to further amend "The Stamp ^{A.D.} 1917.
Duties Act, 1882," and for other purposes.
[13 December, 1917.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PART I.

PRELIMINARY.

1 This Act—

- i. May be cited as "The Stamp Duties Amendment Act, 1917":
- ii. Is hereby incorporated and shall be read and construed as one with "The Stamp Duties Act, 1882" (in this Act referred to as "the Principal Act") and its amendments: and
- iii. Shall come into operation on the First day of January, One thousand nine hundred and eighteen.

Short title and
incorporation with
46 Vict. No. 34.

Stamp Duties Amendment.

A.D. 1917.

Division into parts.

2 This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Stamp Duties.

Part III.—Amendments

Part IV.—General.

Schedule.

Execution of instruments.
No. 3 of 1914,
s. 4 (N.S.W.).**3** For the purposes of the Principal Act and any amendment thereof (including this Act), an instrument is to be deemed First executed the First time that it is signed and sealed, or signed (as the case may be) by any party thereto :

Provided that if the instrument is ineffective by reason of a failure of the necessary parties to execute it, a refund may be made of any money paid for stamping.

Instrument to be charged with separate duty.
Ibid., s. 7.**4** Except where express provision to the contrary is made in the Principal Act or any amendment thereof (including this Act)—

i. An instrument containing or relating to several distinct matters is to be separately and distinctly charged as if it were a separate instrument with duty in respect of each of the matters :

ii. An instrument made for any consideration in respect whereof it is chargeable with *ad valorem* duty, and also for any further or other valuable consideration or considerations is to be separately and distinctly charged as if it were a separate instrument with duty in respect of each of the considerations.**PART II.****STAMP DUTIES.**

Duties specified in Schedule (1) to be levied.

5 On and after the First day of January, One thousand nine hundred and eighteen, there shall be raised, levied, and paid in and throughout this State for and in aid of the Consolidated Revenue for and in respect of the several instruments, matters, and things mentioned in this Part of this Act and in the Schedule hereto, duties of the several amounts and at the several rates therein specified ; and such duties shall be paid by the persons named in the Third column of the said Schedule.*Transfers of Shares.*Transfers of shares not to be registered unless duly stamped.
N.Z., 1908, No. 182, s. 127.**6**—(1) No transfer of any share or shares of or in the stock funds or capital of any corporation, company, or society whatever shall be registered, recorded, or entered in the books of such corporation, company, or society in Tasmania, unless such transfer is duly stamped.

(2) Every person who registers, records, or enters any such transfer contrary to this provision is liable on summary conviction to a penalty not exceeding Twenty Pounds.

Stamp Duties Amendment.

7 No instrument of sale or transfer of any such share or shares shall be valid at law or in equity unless the name of the purchaser or transferee is written therein in ink at the time of or before the execution of the instrument of sale or transfer.

A.D. 1917.

Instrument of sale or transfer to be void if name of purchaser or transferee not inserted.

Ibid., s. 128.

Penalty for executing same.

Ibid., s. 129.

8—(1) Every person who executes an instrument of sale or transfer of any such share or shares, in any manner or for any purpose whatsoever, unless the name of the purchaser is written therein in ink at the time or before the execution thereof, is liable on summary conviction to a penalty not exceeding Twenty Pounds.

Instruments to be absolutely void.

(2) Every such instrument so made or signed is wholly and absolutely void and inoperative, and shall in no case be made available by the subsequent insertion of a name or of any other particulars.

(3) The person who sells or transfers such share or shares shall not be divested of his interest therein, but shall remain liable thereon as if he had never sold or disposed of the same.

Interest to remain in seller.

9 No sharebroker, auctioneer, commission agent, or any other person shall be entitled to any brokerage, commission, or any other fee or reward in respect of the sale or transfer of any such share or shares unless the instrument of sale or transfer is filled up with all necessary particulars to make it a complete instrument, and is duly stamped.

Agent not entitled to fee if instrument not duly executed and stamped.

Ibid., s. 130.

10 Sections Six to Nine hereof do not apply to shares in mining companies.

Foregoing provisions do not apply to mining companies.



PART III.

AMENDMENTS.

11—(1) Section Three of the Principal Act is hereby amended by inserting after the definition "duty" the following definition:—

Amendment of Section 3 of Principal Act.

"Executed" and "execution" with reference to instruments, means signed and signature by any one or more of the parties thereto, or, in the case of a corporation, sealed with its seal.

(2) The expression "instrument" as defined by Section Three of the Principal Act shall include any deed, writing, or document, and any matter or thing enumerated or set forth in any amendment of the Principal Act (including this Act), or in any schedule thereto, as liable to stamp duty, and shall include any matter or thing written or endorsed upon any instrument if the same is of such a nature as to be liable to any duty, although the duty upon such lastmentioned instrument may have been paid.

Stamp Duties Amendment.

A.D. 1917.

Repeal and re-enactment of Sections 17 and 18 of Principal Act.

Terms upon which instruments may be stamped after execution. No. 182, 1908, s. 41, N.Z.

On presentation of instrument amount of duty to be tendered. *Ibid.*, s. 42 (N.Z.).

Amendment of Section 21 of Principal Act.

Amendments of Schedule (1), Principal Act.

Stamp duty on powers of attorney remitted when executed by person engaged on war service. 6 Geo. V. No. 36. Cf. No. 7, 1916, s. 52 N.Z.

12 Sections Seventeen and Eighteen of the Principal Act are hereby repealed, and the following sections are hereby substituted therefor.

“**17** Except where express provision to the contrary is made by this or any other Act, any unstamped or insufficiently stamped instrument may be stamped or further stamped by a collector after the first execution thereof, on payment of the unpaid duty and penalty in addition to the duty, as follows :—

- i. Where such instrument is presented to be stamped more than Thirty days and not more than Sixty days after execution, a penalty of Twenty-five per centum on the amount of duty payable :
- ii. Where such instrument is presented to be stamped more than Sixty days after execution, a penalty of One hundred per centum on the amount of the duty payable ; but in no case shall the lastmentioned penalty be less than Five Pounds.

“ Provided that any unstamped or insufficiently stamped instrument which has been first executed at any place out of Tasmania may be stamped at any time within Sixty days after it has been first received in Tasmania on payment of the unpaid duty only.”

“**18**—(1) No instrument shall be deemed presented to be stamped when tendered to a collector unless the duty payable on it is capable of being at once assessed, and until the amount of duty so assessed is paid.

“(2) But in special cases where the collector’s assessment is disputed, a sum on account of duty as fixed by the collector may be paid to him, and no penalty shall accrue in respect of such instrument until after such dispute has been settled in the manner provided by this Act and the amendments thereto.”

13 Section Twenty-one of the Principal Act is hereby amended by omitting therefrom the words “ a penalty of Five Pounds ” wherever occurring, and substituting therefor the following words : “ By way of penalty, the same sum as is payable by way of penalty under Section Seventeen.”

14 Schedule (1) to the Principal Act is hereby amended—

By omitting the duty of Five Shillings set down in figures against the instrument described as “ Deed—For every deed, where not subject to *ad valorem* duty under this Act,” and substituting therefor the duty of Ten Shillings in figures.

15—(1) Notwithstanding anything in the Principal Act no stamp duty shall be payable on any power of attorney executed by any person who is engaged on war service within the meaning of Section Two of “ The Crown Lands Provisions Suspensory Act, 1915.”

(2) This section shall apply to powers of attorney executed either before or after the passing of this Act, but nothing in this section shall be deemed to authorise the refund of any duty heretofore paid,

Stamp Duties Amendment.

16 Schedule (2) to "The Stamp Duties Amendment Act, 1904," A.D. 1917.
is hereby amended—

- i. By omitting therefrom the provision under the heading "For every Receipt," except the exemptions thereto, and substituting therefor the following:—

"For every Receipt—

	£	s.	d.
Where the sum received amounts to Two Pounds or upwards, but does not exceed Five Pounds	0	0	1
Where the sum received exceeds Five Pounds, but does not exceed Fifteen Pounds	0	0	2
Where the sum received exceeds Fifteen Pounds, but does not exceed Twenty-five Pounds	0	0	3
Where the sum received exceeds Twenty-five Pounds, but does not exceed Fifty Pounds	0	0	4
Where the sum received exceeds Fifty Pounds, but does not exceed One hundred Pounds	0	0	5
Where the sum received exceeds One hundred Pounds—			
For the first One hundred Pounds	0	0	5
And for every additional One hundred Pounds or fraction thereof	0	0	6

By the person signing or giving the same.

- ii. By inserting the word "pension" after the word "salary" occurring in the exemption in respect of receipts for salary or wages, and by substituting the words "One hundred and seventy-five Pounds" for "One hundred and fifty" in the same exemption.

PART IV.

GENERAL.

17 Where any instrument is produced to, or otherwise lawfully comes into the possession of, a collector, and such instrument is chargeable with stamp duty, but is unstamped or insufficiently stamped, the collector may retain possession of the instrument until it is duly stamped.

Collector may retain possession of instrument until duly stamped.

Ibid., s. 38 (N.S.W.).

18 The stamp duty chargeable upon any instrument shall be calculated according to the rates in force at the time when such instrument is produced to a collector for the purpose of being stamped.

Duty in force when instrument produced for stamping to apply.

No. 1216 of 1915, s. 10 (S.A.).

19 The duty chargeable on a transfer of any share or shares in the stock, funds, or capital of any corporation, company, or society, may be denoted by an adhesive stamp, which shall be cancelled by the person by whom such transfer is first executed, before he delivers it out of his hands, custody, or power.

Duty on transfer of shares.

Ibid., s. 13 (S.A.).

Stamp Duties Amendment.

A. D. 1917.

Provisions as to scrip certificate. 54 and 55 Vict. c. 39, s. 79. No. 3 of 1914, s. 30 (N.S.W.). Duties, &c., recoverable summarily. No. 182 of 1908, s. 4 (N.Z.).

20 Any person who issues or delivers out any document chargeable with duty as a scrip certificate, or as scrip, before the same is duly stamped shall be liable on summary conviction to a penalty not exceeding Twenty Pounds.

21 All duties and other moneys payable under the Principal Act, or any amendment thereof (including this Act), shall, from and after the day on which the same become due and payable, be deemed to be debts due to His Majesty from every person liable to the payment of the same, and may be recovered summarily by any collector or by any person appointed in that behalf by the Minister.

SCHEDULE.

Instruments.	Duty.	By Whom Paid.
	£ s. d.	
Scrip certificate, scrip, or other document—		} The company or persons issuing or delivering out the same
(1) Entitling any person to become the proprietor of any share, or part of a share, in any company or proposed company	0 0 6	
(2) Issued or delivered in this State, and entitling any person to become the proprietor of any share, or part of a share, in any company or proposed company, registered or established, or proposed to be registered or established, at some place outside this State	0 0 6	
Transfer of shares not being shares in a mining company or syndicate—		
(1) Upon the sale of any share or shares in the funds or capital of any corporation, company, or society whatsoever in this State other than mining companies or mining syndicates: For every Ten pounds of the purchase or consideration money, or fractional part of Ten pounds ...	0 0 6	
(2) Upon every transfer of such shares not on actual sale	0 10 0	