

No. XX.

An Act to amend the "Stamp Duties Act of 1865." [16th May, 1871.]

STAMP DUTIES ACT
AMENDMENT.

WHEREAS by the "Stamp Duties Act of 1865" certain Stamp Preamble. Duties specified and contained in certain Schedules to the said Act annexed were granted and made payable for and in respect of the several instruments matters and things described or mentioned in the said Schedules and whereas the said Act was amended by the Act thirty-one Victoria number twenty-six and as so amended was continued by the Act thirty-four Victoria number thirteen until the thirty-first day of May one thousand eight hundred and seventy-one and whereas it is expedient to amend the said firstly recited Act hereinafter styled the Stamp Duties Act and substitute for portions of the said Schedules certain other Schedules in lieu thereof Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. From and after the thirty-first day of May one thousand eight hundred and seventy-one the several Stamp Duties now payable under and by virtue of any of the said recited Acts for or in respect of the several instruments matters and things described or mentioned (otherwise than by way of exception) in the Schedules to this Act annexed and for or in respect of which other duties are by this Act granted and imposed shall respectively cease and determine and shall be and the same are hereby repealed and in lieu and instead thereof there shall be granted raised levied collected and paid in and throughout the Colony of New South Wales unto and for the use of Her Majesty Her Heirs and Successors for and in respect of the several instruments matters and things described or mentioned in the said Schedules or for or in respect of the vellum parchment paper or other material upon which any of them respectively shall be written the several stamp duties or sums of money set down in figures against the same respectively or otherwise specified or set forth in the said Schedules and the several provisions regulations directions and exemptions in the said Stamp Duties Act contained with respect to the said duties and the instruments matters and things charged therewith or exempted therefrom shall be deemed and taken to be part of this Act and shall be applied observed and put in execution accordingly.

2. All the powers provisions regulations directions allowances and exemptions fines forfeitures pains and penalties contained in or imposed by the said Stamp Duties Act or any Schedule thereto shall respectively be of full force and effect with respect to the duties by this Act granted and to the vellum parchment paper or other material instruments matters and things charged and chargeable therewith and to the persons liable to the payment of the said duties so far as the same are or shall be applicable in all cases not hereby expressly provided for and shall be observed applied allowed enforced and put into execution for and in raising levying collecting and securing the said duties hereby granted and otherwise in relation thereto so far as the same shall not be superseded by and shall be consistent with the provisions

Duties contained in
Schedule granted.Provisions of Stamp
Duties Act to con-
tinue in force.

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provisions of this Act as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted *mutatis mutandis* with reference to the duties by this Act granted.

Penalty for not giving stamped receipt.

3. If any person shall give any receipt liable to duty and not duly stamped or in any case where a receipt would be liable to duty shall refuse to give a receipt duly stamped or upon a payment to the amount of two pounds or upwards shall give a receipt for a sum not amounting to two pounds or shall separate or divide the amount paid with intent to evade the duty he shall forfeit the sum of ten pounds to be recovered in a summary way before any two Justices of the Peace on the complaint of any Commissioner of Stamps Provided that nothing in this clause shall apply to receipts given by Depositors in any Savings or Penny Bank for money paid to them by such bank on account of such deposits.

Policies and instruments of insurance made abroad on behalf of insurers in New South Wales when chargeable with stamp duty.

4. The Stamp Duties chargeable under this or any other Act for the time-being in force upon or in respect of any policy of insurance of any description shall extend to and be deemed to be payable upon and in respect of any policy or other instrument of insurance which shall be made or signed or purport to be made or signed out of the Colony of New South Wales by or on behalf of any person carrying on the business of insurance within the said Colony or by which according to any stipulation agreement or understanding expressed or implied any loss or damage or any sum of money shall be payable or recoverable in the said Colony upon the happening of any contingency whatever and no policy or other instrument of insurance hereafter issued and chargeable with Stamp Duties as aforesaid shall be valid or available in the said Colony for any purpose whatever unless the same shall be duly stamped for denoting the duties chargeable thereon as aforesaid Provided always that if such policy or instrument shall be brought to the said Commissioners for the purpose of being stamped as aforesaid within two calendar months next after the same shall have been received in the said Colony and upon proof of that fact to the satisfaction of the said Commissioners they shall cause such policy or instrument to be duly stamped on payment of the duties chargeable thereon but after the expiration of the said period it shall not be lawful for the said Commissioners to permit the said policy or instrument to be stamped on any pretence whatever.

Policies executed abroad to be brought to be stamped within two months after being received in New South Wales.

Real estate not chargeable with administration duty &c.

The purchase money to be truly set forth in conveyances &c.

No penalty if there be no evasion of duty.

5. No administration duty shall be charged on the real estate of any intestate and no duty shall be charged on the taking out of any second probate or letters of administration if the proper amount of duty has been duly paid on first taking out the same.

6. From and after the passing of this Act in all cases of the sale or transfer of any property the true purchase or consideration money shall be truly set forth in the instrument whereby such property is intended to be conveyed or transferred so that the proper amount of stamp duty may be paid thereon under a penalty not exceeding one hundred pounds to be recovered and enforced from and against each and every party to such instrument of transfer or conveyance and every attorney solicitor or other person employed in or about the preparation of such instrument of transfer or conveyance if such attorney solicitor or other person so employed shall knowingly or wilfully insert or be privy to the insertion of any sum of money other than the true purchase or consideration money in such instrument of transfer or conveyance in the manner hereinbefore directed Provided that no person shall be liable to any such penalty unless the duty actually paid in respect of such instrument or conveyance shall be less than would have been payable for the same in case the full purchase or consideration money had been truly expressed and set forth according to the directions of this Act.

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7. This Act and the Stamp Duties Act of 1865 as amended by the Act 31 Victoria No. 26 and by this Act shall continue and remain in force until the thirty-first day of December one thousand eight hundred and seventy-four.

8. This Act may be cited as the "Stamp Duties Act Amendment Act of 1871." Continuation of Stamp Acts. Short title.

THE SCHEDULE TO WHICH THIS ACT REFERS.*Containing the Duties imposed by this Act.***SCHEDULE I.**

	£ s. d.
BILL OF EXCHANGE DRAFT OR ORDER <i>viz.</i> —	
Draft or order for the payment of any sum of money <i>to the bearer or to order on demand</i>	0 0 1
Inland BILL OF EXCHANGE DRAFT OR ORDER for the payment to the bearer or to order at any time otherwise than on demand of any sum of money not exceeding £50	0 1 0
Exceeding £50 but not exceeding £100	0 2 0
And where the same shall exceed £100 then for every £50 and also for any fractional part of £50	0 1 0
Inland BILL DRAFT OR ORDER for the payment of any sum of money though not made payable to the bearer or to order if the same shall be delivered to the payee or some person on his or her behalf	The same duty as on a Bill of Exchange for the like sum payable to bearer or to order.
And the following instruments are to be deemed and taken to be inland bills drafts or orders for the payment of money chargeable with stamp duty—	
Bills drafts or orders for the payment by any Bank or Banking Company of any sum of money though not made payable to the bearer or to order and whether delivered to the payee or not and all writings or documents entitling any person to the payment by any Bank or Banking Company of any sum of money whether the person to whom payment is to be made shall be named or designated therein or not or whether the same shall be delivered to him or not as if the same had been made payable to bearer or to order.	
Foreign BILL OF EXCHANGE DRAFT OR ORDER drawn in but payable out of the Colony of New South Wales—	
If drawn singly	The same duty as on an Inland Bill of the same amount and tenor
If drawn in sets of two for every Bill of each set where the sum payable thereby shall not exceed £50	0 0 6
And where it shall exceed £50 for every £50 and also any fractional part of £50	0 0 6
If drawn in sets of three or more for every bill of each set where the sum payable thereby shall not exceed £50	0 0 4
And where it shall exceed £50 and not exceed £100	0 0 8
And where the same shall exceed £100 then for every £50 and also any fractional part of £50	0 0 4
Foreign BILL OF EXCHANGE DRAFT OR ORDER drawn out of but payable within the Colony of New South Wales	The same duty as on an inland bill of the same amount and tenor
Foreign BILL OF EXCHANGE DRAFT OR ORDER drawn out of and payable out of the Colony of New South Wales but indorsed or negotiated within the said Colony	The same duty as on an Inland Bill of the same amount and tenor
Provided that drafts or orders commonly called <i>station orders</i> drawn within any of the neighbouring Colonies for the payment to the bearer or to order on demand of any sum of money not exceeding £10 shall be chargeable with the same amount of stamp duty as drafts or orders payable on demand drawn within the Colony of New South Wales.	

Exemptions.

All Debentures and Treasury Bills issued by the Government of New South Wales.

Drafts or orders for the payment of money issued by any duly authorized officer of the Government on account of the Public Service.

Any

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		£ s. d.
<i>Any letter written by a Banking Company within the Colony of New South Wales to any other Banking Company within the Colony directing the payment of any sum of money the same not being payable to bearer or to order and not being sent or delivered to the person to whom payment is to be made or to any person on his behalf.</i>		
<i>Any warrant voucher or letter of direction which may be used by any Banking Company within the Colony for the purpose of transferring money from one to another of its Branches or Agencies either within or without the Colony the same not being in any manner issued to the public.</i>		
<i>Drafts or orders for the payment of money issued by masters of ships or vessels in favour of seamen commonly called advance notes.</i>		
COMPOSITION Annual to be paid by Banking Companies in lieu of Duties on Promissory Notes payable on demand issued by them—		
For every £100 and also for the fractional part of £100 of the average annual amount of such notes in circulation as certified under 4 Vic. No. 13	2 0 0	
PROMISSORY NOTE issued by any Banking Company within the Colony of New South Wales for the payment of any sum of money <i>to the bearer on demand</i> . See Composition.		
PROMISSORY NOTE for the payment <i>either to the bearer on demand or in any other manner than to the bearer on demand</i> of any sum of money—		
Not exceeding £50	0 1 0	
Exceeding £50 and not exceeding £100	0 2 0	
And where the same shall exceed £100 then for every £50 and also for any fractional part of £50	0 1 0	
Foreign PROMISSORY NOTE made in but payable out of the Colony of New South Wales		The same duty as on a foreign bill of exchange of the same amount and tenor.
Foreign PROMISSORY NOTE made or purporting to be made out of the Colony of New South Wales for the payment within the said Colony of any sum of money.		The same duty as on an inland bill of exchange for the payment otherwise than on demand of the same amount.
Foreign PROMISSORY NOTE made out of and payable out of the Colony of New South Wales but indorsed or negotiated within the said Colony		The same duty as on an inland bill of exchange of the same amount and tenor.
<i>And the following instruments are to be deemed and taken to be Promissory Notes chargeable with ad valorem duty within the intent and meaning of this Act—</i>		
All Debentures hereafter issued by any Public Company Corporation or Society in the Colony of New South Wales—and all Debentures whatsoever issued out of the Colony of New South Wales if negotiated within the Colony of New South Wales.		
POLICY of assurance or insurance or other instrument by whatever name the same shall be called whereby any insurance shall be made of or upon any building goods wares merchandise or other property from loss or damage <i>by fire only</i> —		
For every £100 and also for every fractional part of £100 insured for any term or period exceeding six calendar months	0 0 6	
And not exceeding six months	0 0 3	
On every renewal or continuance of any policy for £100 and for every fractional part of £100 insured for any term	0 0 3	

Exemptions.

*Policy of insurance on Public Hospitals.**Policy of insurance on the tools or implements of work or labour used by any working mechanic artificer handcraftsman or labourer by a separate policy or in a distinct sum.*

POLICY of assurance or insurance or other instrument by whatever name the same shall be called whereby any insurance shall be made upon any *ship or vessel* or upon any *goods* merchandise or other property *on board of any ship or vessel* or upon the freight of any ship or vessel or upon any other interest in or relating to any ship or vessel which may lawfully be insured *for or upon any voyage whatever* the following duties where the whole sum insured shall not exceed £100 and where the whole sum insured shall exceed £100 then for every £100 and also for every fractional part of £100 whereof the same shall consist

0 0 3

Exemptions.

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<i>Exemptions.</i>	<i>£ s. d.</i>
<i>All insurance policies or policies whereby any Insurance Company or Underwriter or Association of Underwriters may effect the insurances or transactions the original policies representing which may have already contributed to the revenue. Provided that the fact of such policy being a re-insurance policy shall be expressed on the face thereof.</i>	
POLICY of assurance or insurance or other instrument by whatever name the same shall be called whereby any insurance shall be made upon <i>any ship or vessel</i> or upon any goods merchandise or other property on board of any ship or vessel or upon the freight of any ship or vessel or upon any other interest in or relating to any ship or vessel—	
When the same shall be made for any term or period whatever for every £100 and for every fractional part of £100 ...	0 0 6
Provided that where any such insurance as aforesaid is renewed or continued on the payment of further premium the receipt given for such premium shall for the purposes of this Act be deemed the policy and be chargeable with duty accordingly.	
<i>Exemptions.</i>	
<i>All insurance policies or policies whereby any Insurance Company or Underwriter or Association of Underwriters may effect the insurances or transactions the original policies representing which may have already contributed to the Revenue. Provided that the fact of such Policy being a Re-insurance Policy shall be expressed on the face thereof.</i>	
<i>No progressive duty shall be charged on any Policy of Insurance.</i>	
POLICY of Assurance or Insurance not before charged—	
For every £100 and for every fractional part of £100 insured ...	0 1 0
SCHEDULE II.	
LEGACY AND RESIDUARY DUTIES—	
For EVERY LEGACY specific or pecuniary or of any other description of the amount or value of £20 or upwards given by any will or testamentary instrument of any person either out of his or her personal estate or out of or charged upon his or her real estate or out of any money to arise by sale mortgage or other disposition of his or her real estate or any part thereof and which shall be paid delivered retained satisfied or discharged after the passing of this Act.	
Also for the CLEAR RESIDUE (when devolving to one person) and for every share of the clear residue (when devolving to two or more persons) of the personal estate of any person who shall have died after the passing of this Act (after deducting debts funeral expenses legacies and other charges first payable thereout) whether the title to such residue or any share thereof shall accrue by virtue of any testamentary disposition or upon a partial or total intestacy where such residue or share of residue shall be of the amount or value of £20 or upwards and where the same shall be paid delivered retained satisfied or discharged after the passing of this Act.	
And also for the clear residue (when given to one person) and for every share of the clear residue (when given to two or more persons) of the moneys to arise from the sale mortgage or other disposition of any real estate directed to be sold mortgaged or otherwise disposed of by any will or testamentary instrument of any person who shall have died after the passing of this Act (after deducting debts funeral expenses legacies and other charges first made payable thereout if any) where such residue or share of residue shall amount to £20 or upwards and where the same shall be paid retained or discharged after the passing of this Act.	
Where any such legacy or residue or any share of such residue shall have been given or have devolved to or for the benefit of <i>a child of the deceased or any descendant of a child of the deceased</i> or to or for the benefit of <i>the father and mother or any lineal ancestor of the deceased</i> a duty at and after the rate of one pound per centum on the amount or value thereof.....	£1 0 centum
Where any such legacy or residue or any share of such residue shall have been given or have devolved to or for the benefit of <i>a brother or sister of the deceased or any descendant of a brother or sister of the deceased</i> a duty at and after the rate of two pounds per centum on the amount or value thereof.....	£2 0 centum
	Where

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Where any such legacy or residue or any share of such residue shall have been given or have devolved to or for the benefit of a brother or sister of the father or mother of the deceased or any descendant of a brother or sister of the father or mother of the deceased a duty at and after the rate of three pounds per centum on the amount or value thereof	£3 ɻ centum
Where any such legacy or residue or any share of such residue shall have been given or have devolved to or for the benefit of a brother or sister of a grandfather or grandmother of the deceased or any descendant of a brother or sister of a grandfather or grandmother of the deceased a duty at and after the rate of five pounds per centum on the amount or value thereof	£5 ɻ centum
And where any such legacy or residue or any share of such residue shall have been given or have devolved to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described or to or for the benefit of any stranger in blood to the deceased a duty at and after the rate of six pounds per centum on the amount or value thereof	£6 ɻ centum
All gifts of annuities or by way of annuity or of any other partial benefit or interest out of any such estate or effects as aforesaid shall be deemed legacies within the intent and meaning of this Schedule.	
And where any legatee shall take two or more distinct legacies or benefits under any will or testamentary instrument which shall together be of the amount or value of £20 each shall be charged with duty though each or either may be separately under that amount or value	

Exemptions.

Legacies and residues or share of residue of any such estate or effects as aforesaid given or devolving to or for the benefit of the husband or wife of any person who shall have died or who shall die subsequently to the first day of July one thousand eight hundred and sixty-five.
Legacies given for religious educational or charitable purposes.

SCHEDULE III.**SUCCESSION DUTIES—**

Where the successor shall be the lineal issue or lineal ancestor of the predecessor a duty upon the value of the succession at the rate of £1 ɻ centum	£1 ɻ centum
Where the successor shall be a brother or sister or a descendant of a brother or sister of the predecessor a duty upon the value of the succession of	£2 ɻ centum
Where the successor shall be a brother or sister of the father or mother or the descendant of a brother or sister of the father or mother of the predecessor a duty upon the value of the succession of	£3 ɻ centum
Where the successor shall be a brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the predecessor a duty upon the value of the succession of	£5 ɻ centum
Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described or shall be a stranger in blood to him a duty upon the value of the succession of	£6 ɻ centum

Exemptions.

Where the whole succession or successions derived from the same predecessor and passing upon any death to any person or persons shall not amount in money or principal value to £100 no duty shall be payable and no duty shall be payable upon any successions which as estimated according to the provisions of this Act shall be of less value than £20 in the whole or by any person in respect of a succession who if the same were a legacy bequeathed to him by the predecessor would be exempted from the payment of duty in respect thereof by Schedule II.

All successions acquired in trust for religious educational or charitable purposes.