

No. X.

An Act to amend the "Stamp Duties Act of 1880." [27th August, 1886.]

STAMP DUTIES ACT
AMENDMENT
(No. 3).

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in this present Parliament assembled and by the authority of the same as follows:—

1. This Act which may for all purposes be cited as the "Stamp Duties Act Amendment Act of 1886" shall take effect on and after the thirty-first day of August one thousand eight hundred and eighty-six. In this Act the expression "Principal Act" means the "Stamp Duties Act of 1880."

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Repeal of certain
portions of Principal
Act.

2. The forty-third forty-sixth and forty-ninth sections of the Principal Act together with that portion of the First Schedule thereto contained in the words and figures following—

“BILL OF EXCHANGE OR PROMISSORY NOTE.

For every £50 and also for any fractional part £ s. d.
of £50 0 0 6”

and also the Second Schedule to the said Act are hereby repealed And in lieu of the portion of Schedule I so repealed the words and figures contained in Schedule A hereto shall be substituted And in lieu of the words and figures contained in Schedule II so repealed the words and figures contained in Schedule B hereto shall be substituted but such repeal shall be without prejudice to the past operation of any of the said repealed sections or Schedules.

Interpretation of
term “receipt” in
lieu of section 43 of
Principal Act.

3. The term “receipt” whenever used in this or the Principal Act shall mean and include any stamp mark impression indication as well as any note memorandum or writing whatsoever whereby any money amounting to two pounds or upwards shall be deposited for any fixed period or shall be acknowledged or expressed to have been received or paid in satisfaction of any debt or whereby any debt or demand or any part of a debt or demand of the amount of two pounds or upwards shall be acknowledged to have been settled satisfied or discharged or which shall signify or import any such acknowledgment and whether the same shall or shall not be signed with the name of any person.

Penalty for giving
unstamped receipt in
lieu of section 46 of
said Act.

4. If any person shall—

- (i) Give any receipt liable to duty and not duly stamped—
- (ii) Refuse to give a receipt duly stamped in any case where a receipt would be liable to duty—
- (iii) Upon a payment to the amount of two pounds or upwards give a receipt for a sum not amounting to two pounds or separate or divide the amount paid with intent to evade the duty

he shall incur a penalty of not less than two pounds nor more than ten pounds Provided that a demand for any such receipt shall not in any way affect the validity of a tender otherwise legal.

Affidavit of value to
be lodged by appli-
cants for probate or
letters of adminis-
tration in lieu of
section 49 of said
Act.

5. No probate of the will or letters of administration of the goods chattels and effects of any person deceased shall be granted after the commencement of this Act unless the applicant for such probate or letters shall lodge with his application an affidavit stating that to the best of his knowledge and belief the estate of the deceased exclusive of what he was possessed of or entitled to as a Trustee but including all his real estate and all estates for years are under the value of a certain sum to be specified in such affidavit and shall at the same time deliver with such affidavit an inventory setting forth a full and true account of the estate of the deceased and the value thereof and all such particulars as shall be necessary or proper for enabling the Commissioner of Stamp Duties fully and correctly to ascertain the duties payable in respect of such estate And the Prothonotary of the Supreme Court shall transmit to the Commissioner every such affidavit and inventory together with a copy of the will or letters of administration to which they relate within thirty days from the granting of any probate or letters of administration under a penalty not exceeding fifty pounds for any neglect therein and the Commissioner if satisfied with such account and inventory or with any amendment that may be made therein upon his requisition may assess the duty on the footing of such account and inventory (after deducting the debts actually due and owing by the deceased upon the sum specified in such affidavit) according to the rates set forth in the Schedule B hereto and such probate or letters may be stamped

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stamped accordingly. But if the Commissioner is dissatisfied with such account and inventory he may cause an account and inventory to be taken by any person to be appointed by him for that purpose and he may assess the duty on the footing of such last-mentioned account and inventory subject to appeal therefrom in accordance with the provisions of section sixteen of the Principal Act and if the duty shall exceed the duty assessable according to the return made to the Commissioner and with which he shall have been dissatisfied and if there shall be no appeal against such assessment then it shall be in the discretion of the Commissioner having regard to the merits of the case to charge the whole or any part of the expenses incident to the taking of such last-mentioned account and inventory against the estate of the said deceased and to recover the same accordingly and if there shall be an appeal against such last-mentioned assessment then the payment of such expenses shall be in the discretion of the Court. Provided that no such account or inventory as last-mentioned shall be taken by such Commissioner or by any person appointed by him without the previous approval of the Colonial Treasurer for the time being. And the Commissioner may lodge with the Registrar-General a caveat against the issue of any certificate of title by transmission where the land advertised by him does not clearly appear to have been included in any affidavit or inventory lodged with the Commissioner in connection with the estate of any deceased person upon which probate or administration duty has been assessed or where the will of any deceased proprietor has not been proved in or letters of administration granted by the Supreme Court. And every such caveat shall be dealt with in all respects as if it were a caveat filed by the Registrar-General except that the Commissioner shall be considered as the caveator.

6. The power to appoint officers conferred by the fourth section of the Principal Act shall extend to the appointment of either a Deputy or an Assistant Commissioner of Stamps who shall perform such duties and exercise such powers as the Governor with the like advice may from time to time prescribe.

And may lodge
caveat with
Registrar-General.

SCHEDULE A.

BILL OF EXCHANGE OR PROMISSORY NOTE—	£	s.	d.
For every £25 and also for any fractional part of £25	0	0	6

SCHEDULE B.

DUTIES ON THE ESTATES OF DECEASED PERSONS.

PART I.

1. On the Probates or Letters of Administration to be granted in respect of any estate real and personal of deceased persons—

Where the value of such estate is under £5,000	1 per cent.
Where the value is £5,000 and under £12,500	2 per cent.
Where the value is £12,500 and under £25,000	3 per cent.
Where the value is £25,000 and under £50,000	4 per cent.
Where the value is £50,000 and over that amount	5 per cent.

PART II.

2. Settlement of property taking effect after death of settlor—Same duties as under Part I.