

Act No. 53, 1899.

An Act to provide for the registration of the offices of certain companies, and to impose duties on the death of shareholders of those companies. [29th December, 1899.]

COMPANIES
(DEATH DUTIES).

BE it 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:—

Registration of offices of companies.

1. Where any company incorporated according to the laws of some country, possession, or place, other than New South Wales, carries on the business—

Application for
registration.

- (a) of mining for any minerals in New South Wales; or
- (b) of pastoral or agricultural production or timber-getting in New South Wales.

Such company shall make application in the form prescribed to the Registrar that an office of the company in New South Wales situated as stated in the application be registered as the registered office of the company for the purposes of this Act.

The application may be made by the company by the hand of an agent or attorney or any person conducting the business of the company in New South Wales.

(2) Where the company carries on any such business as aforesaid at the commencement of this Act the application shall be made before the expiration of a period of three months after such commencement, and where the company commences to carry on any such business as aforesaid after the commencement of this Act the application shall be made before the expiration of a period of three months after the company commences to carry on the business as aforesaid.

Time for making
application.

(3) If any such company fails to make such application before the expiration of the period appointed in this section, it shall be liable to a penalty not exceeding fifty pounds nor less than twenty pounds, and to a further penalty not exceeding two pounds, for every day during which the company has carried on any such business as aforesaid after the expiration of such period.

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Registration of office. **2.** On the receipt of any such application, it shall be the duty of the Registrar to register the said office of the company in a book to be kept for the purpose, and to issue to the company by posting the same addressed to the company at such registered office a certificate of registration.

A copy of each certificate so issued shall be published in the Gazette.

Change of registered office. **3.** Where the situation of the registered office of any such company is changed, notice in writing of such change shall forthwith be given by the company to the Registrar, who shall enter the same on the register and, upon the certificate of registration being presented to him for that purpose, upon such certificate, and shall publish a copy of such notice in the Gazette.

If any such company fails to give the notice required by this section it shall be liable to a penalty not exceeding twenty pounds.

List to be kept registered office. **4.** (1) Every such company shall cause to be kept at its registered office a list, in the form prescribed, of the names and last known addresses of the members of the company, and of the number and description of shares and the amount of stock of the company held by such members respectively. Such list shall also show all transmissions or transfers of such shares and stock made, applied for, or lodged on the death of any such members.

Such list shall be open to the inspection of the Commissioner of Stamps, or of any officer of the Treasury appointed in that behalf by the Colonial Treasurer.

Penalty. (2) If by the neglect or wilful act or default of any such company, or of any officer, agent, attorney, or servant of the company, the said list is not kept as aforesaid, or does not contain the name and last-known address of any member of the company, or the number or description of shares, or the amount of stock of the company held by any such member, or does not show any transmission or transfer of such shares or stock made, applied for, or lodged on the death of any such member, the company shall be liable to a penalty not exceeding fifty pounds.

Service of writ or process. **5.** Any writ or other process issued in pursuance of this Act or the regulations against any such company, may be served by being left at the registered office of the company with some person there, or, if there is no registered office or no person is found at the registered office, by being affixed at the office of the Prothonotary of the Supreme Court, or registrar of any other court from which the writ or process has issued.

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6. Production of the Gazette purporting to contain the copy of a certificate of registration issued under the provisions of this Act shall for the purpose of proceedings in any court of justice, or for any other purpose, be evidence that the office of such company has been duly registered under this Act and is situated as mentioned in the certificate. Evidence of registration and of change of office.

Production of the Gazette purporting to contain the copy of a notice of the change of the situation of a registered office shall for the purposes aforesaid be evidence that the registered office of the company mentioned therein has been so changed.

Duty on death of shareholder.

7. (1) Where a company, incorporated according to the laws of some country possession or place other than New South Wales, carries on the business— Duty on death of members.

- (a) of mining for any mineral in New South Wales, or
- (b) of pastoral or agricultural production or timber-getting in New South Wales.

and a member of such company dies after the commencement of this Act, wheresoever such member may have been domiciled, there shall be charged, levied, collected, and paid under and subject to the provisions of the Stamp Duties Act, 1898, and any Act amending the same (so far as they are applicable), for the use of Her Majesty and to form part of the Consolidated Revenue Fund, and, except as hereinafter provided, without any exemption or deduction whatsoever a duty at the rate mentioned in the Schedule to this Act on the value of the shares and stock in the company held by or on behalf of or in trust for such member at the time of his death :

Provided that—

Provisoes.

- (a) where the company carries on any business outside the colony of New South Wales the duty payable by that company under this section shall bear the same proportion to the duty mentioned in the said Schedule as the profits derived from any business carried on by such company in New South Wales, and from the sale at any place of the products of any such business bear to the whole profits of such company derived from any business wheresoever carried on, and
- (b) where the company carries on the business of pastoral or agricultural production in New South Wales as mortgagee in possession only, and does not carry on the business of mining for any minerals or timber-getting in New South Wales, no duty under this section shall be payable by that company, and
- (c)

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(e) Where probate of the will or administration of the estate of any member of the company has, in pursuance of the Wills, Probate and Administration Act, 1898, been granted or sealed in New South Wales, and the duty payable in pursuance of the Stamp Duties Act, 1898, or any Act amending the same, on such grant or sealing has been duly paid in respect of all shares and stock in the company held by or on behalf of or in trust for such member at the time of his death, no duty in respect of those shares or that stock shall be payable under this section.

Payment of duties.

(2) Duty under this section shall be payable as aforesaid by the said company, and may be recovered by the Commissioner of Stamps at any time after the expiration of a period of six months from the death of such member as a debt due to Her Majesty.

Supplemental.

Regulations.

8. The Governor may make regulations for carrying out the provisions of this Act and providing the forms to be used, and fixing any penalty not exceeding fifty pounds for any breach of those regulations. Such regulations when published in the Gazette shall have the force of law.

Such regulations shall be laid before both Houses of Parliament forthwith on such publication if Parliament is sitting, and if not then within twenty-one days after the commencement of the next session.

Recovery of penalties.

9. Penalties under this Act or the regulations may be imposed by and recovered before a court of petty sessions.

Definitions.

10. In this Act, unless the context otherwise requires—

“Company” means corporate body or association.

“Registrar” means the person having under the Companies Act the powers of the Registrar of Joint Stock Companies.

“Registered office” means office registered in pursuance of this Act.

Short title.

11. This Act may be cited as the “Companies (Death Duties) Act, 1899.”

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SCHEDULE.

Where the value of the shares and stock in the company exceeds £1,000 and does not exceed £5,000	2 per cent.
..	£5,000	..	..	£6,000...	...	2 "
..	£6,000	..	..	£7,000...	...	3 ¹ "
..	£7,000	..	..	£8,000...	...	3 ² "
..	£8,000	..	..	£9,000 ..	...	3 ³ "
..	£9,000	..	..	£10,000...	...	3 ⁴ "
..	£10,000	..	..	£12,000...	...	4 "
..	£12,000	..	..	£14,000...	...	4 ¹ "
..	£14,000	..	..	£16,000...	...	4 ² "
..	£16,000	..	..	£18,000...	...	4 ³ "
..	£18,000	..	..	£20,000...	...	4 ⁴ "
..	£20,000	..	..	£22,000...	...	5 "
..	£22,000	..	..	£24,000 ..	...	5 ¹ "
..	£24,900	..	..	£26,000...	...	5 ² "
..	£26,000	..	..	£28,000...	...	5 ³ "
..	£28,000	..	..	£30,000...	...	5 ⁴ "
..	£30,000	..	..	£32,000...	...	6 "
..	£32,000	..	..	£34,000 ..	...	6 ¹ "
..	£34,000	..	..	£36,000...	...	6 ² "
..	£36,000	..	..	£38,000 ..	...	6 ³ "
..	£38,000	..	..	£40,000 ..	...	6 ⁴ "
..	£40,000	..	..	£44,000 ..	...	7 "
..	£44,000	..	..	£48,000...	...	7 ¹ "
..	£48,000	..	..	£52,000...	...	7 ² "
..	£52,000	..	..	£56,000...	...	7 ³ "
..	£56,000	..	..	£60,000...	...	7 ⁴ "
..	£60,000	..	..	£64,000...	...	8 "
..	£64,000	..	..	£68,000...	...	8 ¹ "
..	£68,000	..	..	£72,000...	...	8 ² "
..	£72,000	..	..	£76,000...	...	8 ³ "
..	£76,000	..	..	£80,000...	...	8 ⁴ "
..	£80,000	..	..	£84,000...	...	9 "
..	£84,000	..	..	£88,000...	...	9 ¹ "
..	£88,000	..	..	£92,000...	...	9 ² "
..	£92,000	..	..	£96,000 ..	...	9 ³ "
..	£96,000	..	..	£100,000 ..	...	9 ⁴ "
And over the value of £100,000 ...				...	...	10 "