

# COMPANIES (DEATH DUTIES) AMENDMENT ACT.

Act No. 24, 1944.

George VI.  
No. 24, 1944.

An Act to amend in certain respects the Companies (Death Duties) Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 14th November, 1944.]

**B**E it enacted by the King'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:—

Short title  
and  
citation.

1. (1) This Act may be cited as the "Companies (Death Duties) Amendment Act, 1944."

(2) The Companies (Death Duties) Act, 1901, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Companies (Death Duties) Act, 1901, as amended by subsequent Acts and by this Act, may be cited as the Companies (Death Duties) Act, 1901-1944.

Amendment of  
Act No. 30,  
1901.

Sec. 3.  
(Defini-  
tions.)

Repeal of  
ss. 4-6, 8  
and 9.

2. The Principal Act is amended—

(a) by omitting from section three all words following the word "association";

(b) by omitting sections four, five, six, eight and nine;

(c)

- (c) by omitting from section seven the words “member of any such company” and by inserting in lieu thereof the words “company incorporated according to the laws of some country, possession or place other than New South Wales, carries on the business—
- No. 24, 1944.  
Sec. 7.  
(Consequential amendment.)
- (a) of mining for gold or other minerals as defined in the Mining Act, 1906, in New South Wales, or of treating any such minerals;
- (b) of pastoral or agricultural production or timber-getting in New South Wales, and a member of such company”;
- (d) (i) by inserting in subsection one of section ten after the words “value of the said shares and stock” the words “where such member has died or dies after the passing of the Stamp Duties (Amendment) Act, 1931, and at the rate set out in the Third Schedule to the Stamp Duties Act, 1920-1931, for an estate the final balance of which is equal to the value of the said shares and stock where such member has died after the passing of the Stamp Duties Act, 1920, and before the passing of the Stamp Duties (Amendment) Act, 1931”;
- Sec. 10.  
(Duty on death of members.)
- (ii) by inserting in subsection two of the same section after the words “Commissioner of Stamp Duties” the words “or the Attorney-General”;
- (iii) by inserting next after the same subsection the following new subsection:—
- (2A) Any duty under this section payable before this subsection comes into operation and any duty under the Acts repealed by this Act shall be deemed to have been and to be recoverable by the Attorney-General or by the Commissioner appointed under the Stamp Duties Act, 1898, until the repeal of such Act or by the Commissioner appointed under the Stamp Duties Act, 1920, after the repeal of the Stamp Duties Act, 1898.

(e)

**Auctioneers, Stock and Station and Real Estate  
Agents (Amendment) Act.**

No. 24, 1944.

Sec. 11.

(Duty  
deemed to  
be paid by  
company on  
behalf of  
member.)

(e) by inserting at the end of section eleven the following new subsection:—

(2) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected.

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