



NEW ZEALAND

ANALYSIS

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| <p style="text-align: center;">Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Gift duty where benefit reserved to donor. | <ol style="list-style-type: none"> 3. Exemption from death duties of pensions to widows of contributors to superannuation funds. 4. Approval of superannuation funds for exemptions from gift duty and stamp duty. |
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1950, No. 70

Title. AN ACT to Amend the Death Duties Act, 1921.
[1st December, 1950]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the Death Duties Amendment Act, 1950, and shall be read together with and deemed part of the Death Duties Act, 1921 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. VII, p. 354

Gift duty where benefit reserved to donor.

2. (1) Section forty-nine of the principal Act is hereby amended by adding the following proviso:—

“ Provided that—

“(a) Notwithstanding the provisions of section fifty-four of this Act, where an instrument is presented to the Commissioner for stamping under the Stamp Duties Act, 1923, and is an instrument creating or evidencing a gift to which this section applies, the Commissioner may permit the instrument to be withdrawn for the purpose

Ibid., p. 402

of cancelling or altering it, if application in writing in that behalf is made to him by the parties to the instrument within six months after the date of the instrument, or within such extended time as he thinks fit to allow:

“(b) On evidence to the satisfaction of the Commissioner being produced of any such cancellation or alteration, the gift shall be deemed not to have been made except to the extent to which the transaction as altered constitutes a gift, and the benefit or advantage shall be deemed not to have been created or reserved except to the extent to which the transaction as altered creates or reserves a benefit or advantage; and the Commissioner shall reassess the gift duty accordingly.”

(2) Where the donor of a gift to which section forty-nine of the principal Act applies (in this subsection referred to as the original gift) makes at any time after the passing of this Act a further gift of the whole or any part of the benefit or advantage created or reserved on the making of the original gift, there shall be deducted from the gift duty which would otherwise be payable in respect of the further gift (so far as that gift duty extends) an amount bearing the same proportion to the gift duty paid on the original gift as the value of the further gift bears to the value of the original gift, and only the residue (if any) of the gift duty on the further gift shall be payable:

Provided that the amount so deducted or, where there are two or more further gifts, the aggregate of the amounts so deducted shall not exceed an amount bearing to the gift duty paid on the original gift the same proportion as the value of the benefit or advantage as originally created or reserved bears to the value of the original gift.

3. (1) For the purposes of this section—

“Contributor”, in relation to any superannuation fund, includes a former contributor:

“Pension” includes any annuity, retiring allowance, or other periodical payment, by whatever name it is called:

Exemption from death duties of widows of contributors to superannuation funds.

See Reprint
of Statutes,
Vol. V, p. 433

“ Superannuation fund ” means any superannuation fund established under the Local Authorities Superannuation Act, 1908; and includes any superannuation fund established for the benefit of the employees of any employer and approved for the time being by the Commissioner of Stamp Duties for the purposes of this section.

(2) Where any contributor to a superannuation fund dies after the passing of this Act, the value of any pension payable from the fund to his widow for the rest of her life or during her widowhood in accordance with the rules of the fund shall not be deemed to form part of his dutiable estate:

Provided that, where any contributor has made an election to surrender the whole or any part of any benefit from the fund in consideration of the payment from the fund after his death of a pension or additional pension to his widow, nothing in this section shall prevent the value of that pension or additional pension from forming part of his dutiable estate.

Approval of
superannuation
funds for
exemptions
from gift
duty and
stamp duty.
1941, No. 4

4. Section fourteen of the Finance Act, 1941, is hereby amended by omitting from the definition of the term “ superannuation fund ” in subsection one the words “ Minister of Finance ”, and substituting the words “ Commissioner of Stamp Duties ”.