

## New Zealand.



### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Minister of Stamp Duties.</p> <p>3. Commissioner of Stamps.</p> <p>4. References to Commissioner amended.</p> <p>5. Service of notices.</p> <p>6. Transfer of mining shares not on actual sale.</p> <p>7. Costs of appeals.</p>	<p>8. Heading to sections 65 and 66 of principal Act amended.</p> <p>9. Section 99 of principal Act amended.</p> <p>10. Amendments of Third Schedule.</p> <p>11. Amendment as to annual license.</p> <p>12. Annual license to be produced on passing Customs entries for imported goods.</p> <p>13. Valuation of land at death.</p> <p>14. Stamping sets of trade receipts.</p> <p>15. Duty on lease with varying rentals.</p>
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1906, No. 43.

AN ACT to amend "The Stamp Act, 1882."

Title.

[29th October, 1906.]

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

1. The Short Title of this Act is "The Stamp Act Amendment Act, 1906"; and it shall form part of and be read together with "The Stamp Act, 1882" (hereinafter referred to as "the principal Act").

Short Title.

2. (1.) The Governor may from time to time appoint a Minister of the Crown (being a member of the Executive Council) to be Minister of Stamp Duties, who shall be charged with the general administration of the principal Act.

Minister of Stamp Duties.

(2.) The Commissioner of Stamps appointed under the principal Act and in office on the coming into operation of this Act shall be deemed to have been appointed Minister of Stamp Duties under this Act.

3. (1.) There shall be a Commissioner of Stamps appointed from time to time by the Governor in Council, who, under the direction of the Minister, shall have the chief control of all matters relating to stamp duties imposed by the principal Act.

Commissioner of Stamps.

(2.) The Secretary for Stamps in office on the coming into operation of this Act shall be the Commissioner under this Act, and the office of Secretary shall be deemed to have been abolished.

4. (1.) In the construction of the principal Act and all other Acts relating to the Commissioner of Stamps references to the Com-

References to Commissioner amended.

missioner shall be deemed to be references to the Minister, and all references to a Deputy Commissioner shall include the Commissioner under this Act.

(2.) Section two of the principal Act is hereby amended by repealing the definition of "Commissioner," and section eight of the same Act is hereby repealed.

Service of notices.

5. All notices required under the principal Act or "The Deceased Persons' Estates Duties Act, 1881," to be served on the Minister may be served by delivery at the office of the Commissioner or Deputy Commissioner acting in the place where the subject-matter of the notices arises.

Transfer of mining shares not on actual sale.

6. There shall be payable by the transferee on any transfer of shares in a mining company not on actual sale a duty of ten shillings.

Costs of appeals.

7. (1.) In every appeal under section fifty-five of the principal Act the costs of the appeal shall be in the discretion of the Court, having regard to the extent to which the Minister's assessment exceeds the amount admitted by the appellant before the appeal was commenced and the extent to which the Minister's assessment is sustained or otherwise.

(2.) The said section fifty-five is hereby consequentially amended by repealing the words "together with the costs incurred by him in relation to the appeal" in subsection four, and also by repealing all the words of subsection five down to and including "Provided that."

Heading to sections 65 and 66 of principal Act amended.

8. The heading to sections sixty-five and sixty-six of the principal Act is hereby amended by repealing the words "and Awards."

Section 99 of principal Act amended.

9. Section ninety-nine of the principal Act is hereby amended by adding thereto the following subsection:—

"(2.) For the purposes of this section 'real property' includes leaseholds."

Amendments of Third Schedule.

10. The Third Schedule to the principal Act is hereby amended by inserting therein the following:—

Nature of Instrument.	Amount of Duty.
Instrument declaring that a person in whom property is vested as the apparent purchaser thereof is held by him in trust for the person or persons who have actually paid the purchase-money therefor ... ..	£   s.   d. 0   10   0

Amendment as to annual license.

11. The said Third Schedule is hereby further amended by inserting under the heading of "Annual License," after the words "or elsewhere," the following proviso:—

"Provided that in the case of trading companies (other than companies carrying on the business of banking or insurance) incorporated in any part of the British dominions other than New Zealand, and not employing the whole of their subscribed capital in New Zealand, the duty payable shall be sixpence per centum on the nominal capital, but not to exceed a maximum of one hundred pounds and not to be less than a minimum of ten pounds."

Annual license to be produced on passing Customs entries for imported goods.

12. Any Collector of Customs may, if he thinks fit, require any person acting or appearing to act as the representative of any company, before passing entries at the Customs for any goods imported

into New Zealand, to produce the annual license of such company or a certificate under the hand of the Commissioner that the company is exempt from such annual license, and may refuse to pass entries for such goods until such requisition is complied with.

13. (1.) In the assessment of real property for duty under "The Deceased Persons' Estates Duties Act, 1881," the value of such property shall in every case be the value as at the date of the death according to a valuation agreed on by the Minister and the parties assessed or made as at that date by the Valuer-General in accordance with the provisions of section six of "The Government Valuation of Land Act Amendment Act, 1903."

Valuation of land at death.

(2.) The following enactments are hereby repealed:—

(a.) So much of paragraph (d) of section five of "The Deceased Persons' Estates Duties Act, 1881," as conflicts with the foregoing provisions of this section:

(b.) Section eight of "The Deceased Persons' Estates Duties Act 1881 Amendment Act, 1885."

14. (1.) Where pursuant to any custom of trade receipts are given in sets, it shall be sufficient if one only of a set is stamped:

Stamping sets of trade receipts.

Provided that the parts not stamped be clearly and distinctly marked at the time when the receipt is given, showing that they respectively form part of a set.

(2.) Every person is liable to a fine not exceeding fifty pounds who—

(a.) Gives any receipt purporting to be one of a set without seeing that one of such set is duly stamped; or

(b.) Gives any receipt purporting to be one of a set that is not in fact one of a set.

15. (1.) In the case of a lease at a specified rental for a specified period or series of periods, with provision for the rent subsequent to the last such period being fixed by valuation or otherwise, the duty shall be assessed on the highest fixed rental specified in such lease; and if the new rental, when fixed by valuation or otherwise as aforesaid, exceeds the rental upon which duty was originally assessed, duty on the excess shall then be payable, and the instrument of lease shall then be presented for assessment accordingly in like manner and subject to the like provisions as to fine and otherwise as in the case of the original assessment.

Duty on lease with varying rentals.

(2.) Section three of "The Stamp Acts Amendment Act, 1895," shall be construed subject to this section.