

Hon. Mr. Ballance.

STAMP ACTS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;"><i>Steamship Companies' Tickets.</i></p> <p style="padding-left: 40px;">Certain passenger-tickets liable to duty as receipts.</p> <p style="padding-left: 40px;"><i>Totalisator.</i></p> <p>3. Duty on takings of totalisators. Statement of takings to be forwarded to Colonial Secretary. Payment of stamp duty may be made at Bank of New Zealand.</p> <p>4. Penalty on failure to deliver such statement.</p> <p>5. Regulations may be made providing for collection of duty, &c.</p> <p>6. Racing club to include trotting club.</p> <p style="padding-left: 40px;"><i>Deeds of Gift.</i></p> <p>7. Repeal of Sections 9 to 15 of "The Deceased Persons' Estates Duties Act 1881 Amendment Act, 1885." Definition of "deed of gift."</p> | <p>8. Deeds of gift to be charged the same as settlements.</p> <p>9. Duties to be paid in addition to stamp duties within one month after execution of deed. Fine on default.</p> <p>10. Trustees or beneficiaries to be liable for production of deed.</p> <p><i>Amendments in Third Schedule to Principal Act.</i></p> <p>11. Amendments in Third Schedule to principal Act.</p> <p><i>Amendments in "The Stamp Act 1882 Amendment Act, 1885."</i></p> <p>12. No duty chargeable on a lease or license of Native land.</p> <p>13. Conveyance, &c., of Native land chargeable with duty irrespective of any lease, &c., thereon.</p> |
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A BILL INTITULED

AN ACT to amend the Stamp Acts.

Title.

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

5 1. The Short Title of this Act is "The Stamp Acts Amendment Act, 1891." It shall come into operation on the _____ day of _____ next.

Short Title.

Steamship Companies' Tickets.

10 2. Every passenger-ticket given or issued in the colony by any steamship company, association, or owner of any steamship in return for the payment of a sum of money amounting to two pounds or upwards shall be liable to duty in all respects as a receipt, unless a stamped receipt be given in respect of such payment and at the time thereof.

Certain passenger tickets liable to duty as receipts.

Totalisator.

15 3. Upon the gross takings of every totalisator, or other instrument or machine of a like nature and conducted upon the like principle, there shall be payable to Her Majesty the Queen a stamp-duty calculated at the rate of *one and a half* per centum upon such gross takings.

Duty on takings of totalisators.

20 For the purpose of ascertaining the amount of the duty hereby imposed, it shall be the duty of each horse-racing club, racing committee, and racing association to forward to the Colonial

Statement of takings to be forwarded to Colonial Secretary.

Secretary, within *seven* days after the holding of any race-meeting whereat any totalisator shall be used, a full statement in writing showing the total amount of the takings or earnings of each totalisator used at such meeting, and the particulars of such amounts.

Payment of stamp duty may be made at Bank of New Zealand.

Payment of any such stamp duty may be made by depositing the amount thereof at the Bank of New Zealand or branch thereof nearest to the place where such race meeting as aforesaid shall have been held, and such deposit shall be made to the credit of the Public Account. 5

No such payment or deposit shall be deemed to be a discharge for the stamp duty payable by law until a formal receipt thereof shall be given by the Secretary of Stamps, who shall in each case, prior to giving a receipt, satisfy himself that the full amount of duty has been paid. 10

Penalty on failure to deliver such statement.

4. If any racing-club, committee, or association shall neglect to make out and deliver such statement as aforesaid within *fourteen* days after the holding of any such race-meeting as aforesaid, or shall wilfully deliver any false statement, such club, committee, or association, and every officer thereof respectively who shall have taken an active part in the holding or conduct of any such race-meeting, shall be liable to a penalty of *twenty* pounds. 15 20

Regulations may be made providing for collection of duty, &c.

5. The Governor may, by warrant under his hand, make, alter, and revoke regulations for all or any of the following purposes, namely:—

(1.) Providing for the mode of payment and collection of the stamp-duty imposed by this Part of this Act; and for arranging, if necessary, with any metropolitan racing-club for the collection and payment of the stamp-duty payable by any other racing-club, committee, or association in the same provincial district; 25 30

(2.) For prescribing the mode in which any statement or certificate given or required under this Part of this Act shall be verified, and for prescribing the authority or authorities, person or persons, before whom any declaration or affidavit verifying any statement or certificate may be taken or made; 35

(3.) For prescribing the form of any statement, affidavit, declaration, bond, or other instrument required;

and generally any other regulations for facilitating or compelling payment of stamp-duty under this Part of this Act. 40

The Governor may, by any such regulations, impose a penalty not exceeding *one hundred pounds* for the breach of any regulation, and may also prescribe the minimum penalty in respect of such breach. Any penalty so imposed may be recovered in a summary manner before any two or more Justices of the Peace. 45

All such regulations shall be gazetted.

Racing club to include trotting club.

6. The term "racing club," wherever used in this Part of this Act, shall include a trotting club.

Deeds of Gift.

Repeal of sections 9 to 15 of "The Deceased Persons' Estates Duties Act 1881 Amendment Act, 1885."

7. Sections nine to fifteen, both inclusive, of "The Deceased Persons' Estates Duties Act 1881 Amendment Act, 1885," are hereby repealed, and the following provisions are hereby enacted in lieu thereof, namely:— 50

For the purposes of the said Act and this Act,—

Definition of “deed of gift.”

5 “Deed of gift” shall mean and include every deed of gift or instrument by way of gift transferring or purporting to transfer property absolutely, and every conveyance, transfer, or other disposition of property containing trusts or dispositions to take effect during the life of the donor, and not being made before and in consideration of the marriage of the donor, or in favour of a *bonâ fide* purchaser or encumbrancer for valuable consideration in money, and whether or not the property comprised in such deed is subject to any limitation :

“Donor” means the person making any deed of gift.

8. There shall be payable in respect of any property comprised in any deed of gift the same duties as are payable under “The Deceased Persons’ Estates Duties Act, 1881,” and any amendment thereof, in respect of property comprised in any settlement of which the trusts and dispositions take effect after the death of the settlor.

Deeds of gift to be charged the same as settlements.

9. The said duties shall be paid, in addition to any duties that may be payable under any law relating to stamp duties, within one month after the execution of the deed of gift by the donor. And if any such deed is presented for assessment more than one month after such execution thereof there shall be payable thereon a fine (in addition to the duty) at the rate of *twenty-five* pounds per centum on the amount of the duty payable under this Part of this Act, and, if such deed is presented more than *three* months after such execution, a fine (in addition to the duty) at the rate of *one hundred* pounds per centum on the amount of duty so payable. But in no case shall the last-mentioned fine be less than *five* pounds in addition to any other fine or penalty.

Duties to be paid in addition to stamp duties within one month after execution of deed.

Fine on default.

10. For the purpose of assessing the duty hereby made payable, the trustee, or some person acquiring an estate or interest in property under the deed of gift, shall produce such deed to the Commissioner, and shall also deliver to the Commissioner a duly-certified copy of the said deed, together with a statement setting forth particulars of the property comprised therein and the estimated value thereof, and such statement shall be verified by a statutory declaration in the form provided by the Commissioner.

Trustees or beneficiaries to be liable for production of deed.

Amendments in Third Schedule to Principal Act.

11. The Third Schedule to the said Act shall be amended as follows :—

Amendments in Third Schedule to principal Act.

(1.) Under the title “Receipt or Discharge—Exemptions,” add the following exemption, namely :—

(7.) Any receipt given for deposit-moneys returned to a contractor or his agent, on completion of his contract, or returned to an unsuccessful tenderer.

(2.) Under the title “Settlement, Deed of,” in subsection two, after the words “executing the same,” and before the word “shall,” the words “is or” are hereby inserted.

(3.) Under the heading “Transfer of a Run,” the words and figures following shall be omitted, namely : “For £100 and every part of £100, 10s.,” and in lieu thereof the following words shall be inserted, namely, “the same duty as on a Conveyance on Sale.”

Amendments in "The Stamp Act 1882 Amendment Act, 1885."

No duty chargeable
on a lease or license
of Native land.

12. The following amendments are hereby made in "The Stamp Act 1882 Amendment Act, 1885," namely :—

Subsections three and five of section seventeen are hereby repealed, and on and after the date of the commencement of this Act no Native land duty shall be chargeable upon any lease or license of Native land granted or issued after such date. 5

Conveyance, &c., of
Native land
chargeable with
duty irrespective
of any lease, &c.,
thereon.

13. The following proviso shall be added at the end of the said section seventeen :—

Provided always that in assessing any conveyance, transfer, exchange, or other instrument chargeable with the payment of Native land duty under the said Act or any amendment thereof no deduction shall be made from the value of such land by reason only of the existence of any lease, mortgage, or other encumbrance existing thereon, but such duty shall be chargeable on the full value of the land dealt with irrespective of any such lease, mortgage, or encumbrance. 10 15