

*Hon. Mr. Nosworthy.*

## STAMP DUTIES AMENDMENT.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 25 of principal Act (relative to false statements in documents having effect of depriving Crown of revenue) amended.</p> <p>3. Correction of reference to date in section 85 of principal Act.</p>	<p>4. Conveyance duty to be payable in respect of oral intermediate agreements of sale.</p> <p>5. Duty in respect of mortgages hereafter executed. Duty payable on discharge of mortgage. Consequential amendments of principal Act. Consequential amendments of Amendment Act, 1924.</p> <p>6. Instrument of dedication of highway to be wholly exempt from payment of stamp duty.</p>
---	---

### A BILL INTITULED

AN ACT to amend the Stamp Duties Act, 1923.

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. This Act may be cited as the Stamp Duties Amendment Act, 1925, and shall be read together with and deemed part of the Stamp Duties Act, 1923 (hereinafter referred to as the principal Act). Short Title.
- 10    2. (1.) Section twenty-five of the principal Act is hereby amended by omitting the words “defrauds or attempts to defraud,” and substituting the words “deprives or attempts to deprive.” Section 25 of principal Act (relative to false statements in documents having effect of depriving Crown of revenue) amended.
- 15    3. Section eighty-five of the principal Act is hereby amended as from the commencement of that Act by omitting from subsection three the words “October, nineteen hundred and fifteen (being the date of the passing,” and substituting the words “November, nineteen hundred and fifteen (being the date of the commencement of Part IV.” Correction of reference to date in section 85 of principal Act.
- 20    4. (1.) Section eighty-five of the principal Act shall apply, and be deemed at all times heretofore to have applied, in cases where the right to call for a conveyance of any property (whether such right is legally enforceable or not) has been created by or has originated under any oral agreement or other agreement not expressed in an instrument within the meaning of that section: Conveyance duty to be payable in respect of oral intermediate agreements of sale.
- 25    Provided that this section shall not apply with respect to any such agreement that has been entered into before the first day of November, nineteen hundred and fifteen (being the date of the commencement of Part IV of the Finance Act, 1915).

(2.) Where any person who was at any time entitled to call for a conveyance of the property by virtue of any such intermediate agreement as aforesaid is not the person who in fact calls for such conveyance, then, in the absence of any expressed or implied contract to the contrary, the person by whom the duty on the instrument of conveyance is actually paid shall be entitled to recover from such first-mentioned person an amount equal to the amount of duty that would have been payable by him if the oral agreement had been expressed in an instrument of agreement of sale, within the meaning of section eighty-eight of the principal Act. 5 10

Duty in respect of mortgages hereafter executed.

5. (1.) Every mortgage of land executed after the passing of this Act shall be charged with stamp duty (in the principal Act and this Act referred to as mortgage duty), for which the mortgagee shall be the person primarily liable, and which shall be computed as follows:—

(a.) Where the principal sum secured by the mortgage does not exceed *five* hundred pounds, the mortgage duty shall be *five* shillings. 15

(b.) Where the principal sum secured by the mortgage exceeds *five* hundred pounds, the mortgage duty shall be *ten* shillings.

Duty payable on discharge of mortgage.

(2.) Every discharge or partial discharge of a mortgage (whether such mortgage has been executed before or after the passing of this Act) shall be charged with a duty of *five* shillings, where the principal sum to which the discharge relates does not exceed *five* hundred pounds, and of *ten* shillings in every other case. 20

(3.) A general exemption from stamp duties contained in any Act shall be construed subject to the provisions of this section. 25

(4.) Where the same sum or any part of the same sum is secured by a mortgage of land and also by a mortgage of any other property (whether such security is contained in one instrument or in two or more instruments, and whether such instruments are contemporaneous, or are between the same parties or not), the Commissioner or any Assistant Commissioner shall have power to apportion the amount secured, in such proportions as he thinks just, as between the land and the other property; and mortgage duty shall be payable only on the amount apportioned in respect of the land. 30 35

(5.) No further mortgage duty shall be charged in respect of any mortgage executed before the commencement of this Act and in respect of which the mortgage duty chargeable by the law in force at the date of its execution has been paid before or after the commencement of this Act. 40

Consequential amendments of principal Act.

(6.) The principal Act is hereby consequentially amended as follows:—

(a.) By omitting from section one hundred and twelve the words “twelve shillings and sixpence only, unless the mortgage duty would be less than twelve shillings and sixpence, in which case the mortgage duty only shall be payable,” and substituting the words “one shilling only.” 45

(b.) By repealing section one hundred and seventeen thereof.

Consequential amendments of Amendment Act, 1924.

(7.) The Stamp Duties Amendment Act, 1924, is hereby amended by repealing section four thereof. 50

(8.) Section one hundred and eleven of the principal Act, as set out in section five of the Stamp Duties Amendment Act, 1924, is hereby amended as follows:—

5 (a.) By omitting from paragraph (a) of subsection two the words “and the land shall for all purposes, save as provided in subsection four hereof, be deemed to be charged only with the amount in respect whereof mortgage duty has been paid.”

(b.) By repealing subsections three and four thereof.

10 6. (1.) An instrument of dedication of a highway (which is exempt from conveyance duty by virtue of section eighty-one of the principal Act, and from the *ad valorem* duty payable in respect of leases by virtue of section one hundred and thirty-two of that Act), is hereby also exempted from the duty payable under section one hundred and sixty-eight of that Act in respect of deeds not otherwise charged.

Instrument of dedication of highway to be wholly exempt from payment of stamp duty.

15 (2.) The said section one hundred and sixty-eight is hereby consequentially amended by adding to subsection two the following paragraph:—

“(j.) Any instrument of dedication of a highway.”