

New Zealand.



ANALYSIS.

Title.

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1925, No. 32.

AN ACT to amend the Death Duties Act, 1921.

[29th September, 1925.]

Title.

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

1. This Act may be cited as the Death Duties Amendment Act, 1925, and shall be read together with and deemed part of the Death Duties Act, 1921 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) From the final balance of any estate, computed in accordance with the provisions of the principal Act, there shall, in addition to any other deduction authorized to be made therefrom, be deducted the value of any policy or policies of life insurance comprised in the estate of the deceased (whether or not the deceased was the person insured thereunder), not exceeding in any case the sum of one thousand pounds, and estate duty shall be payable only on the residue after all such deductions have been made.

Exemption of insurance-moneys up to £1,000 from estate duty.

(2.) The rate of estate duty so payable on the residue shall nevertheless be determined by the total amount of the final balance without any such deduction as aforesaid.

(3.) Section thirteen and section eighty-four of the principal Act, in so far as they provide for payment of estate duty on the residue after the making of the deductions authorized by those sections respectively, shall be read subject to the provisions of this section.

As to method of apportioning estate duty among successors.

3. (1.) Section thirty of the principal Act is hereby amended as follows:—

(a.) By inserting, after the words “the value of his succession,” the words “less the amount of any deduction made from the final balance of the estate in respect of such succession pursuant to section thirteen or to section eighty-four hereof”; and

(b.) By adding, after the words “all the successions,” the words “less the aggregate amount of all deductions made from the final balance pursuant to the aforesaid sections.”

(2.) Subsection four of section thirty-one of the principal Act is hereby amended as follows:—

(a.) By inserting, after the words “the value of that succession,” the words “less the amount of any deduction made from the final balance of the estate in respect of such succession pursuant to section thirteen or to section eighty-four hereof”; and

(b.) By adding, after the words “all the successions,” the words “less the aggregate amount of all deductions made from the final balance pursuant to the aforesaid sections.”

4. Section forty-two of the principal Act is hereby amended by omitting from subsection two the words “section forty-one,” and substituting the words “section forty.”

5. (1.) Section sixty-two of the principal Act is hereby amended as follows:—

(a.) By inserting, after the words “in point of law” wherever they occur in subsection one, the words “or of fact”; and

(b.) By omitting from subsection two the words “setting forth the facts, the question of law to be decided,” and substituting the words “setting forth the questions of law or fact in issue”; and

(c.) By omitting from subsection four and also from subsection five the word “question,” and in each case substituting the words “questions of law or fact.”

(2.) Any appeal under section sixty-two of the principal Act may, if and so far as it relates to a question of law, be removed by the Supreme Court into the Court of Appeal for determination there.

(3.) If and so far as any such appeal relates to a question of fact, the Supreme Court may make such order as it thinks fit as to the trial of that issue and as to the reception of evidence by affidavit or otherwise.

(4.) Any allegations of fact comprised in a case stated by the Commissioner pursuant to the aforesaid section sixty-two of the principal Act may be disputed by the appellant on the hearing of the appeal, but, in the absence of sufficient evidence adduced by the appellant to the contrary, all such allegations shall be presumed to be correct.

(5.) The right of appeal in point of fact provided for by section sixty-two of the principal Act as amended by the foregoing provisions of this section shall apply in the case of assessments made before the commencement of this Act (whether such assessments have been made under the principal Act or any Act thereby repealed, and whether notice of appeal has been given before the commencement of this Act

Correction of reference in section 42 of principal Act.

Extension of right of appeal from assessments made by Commissioner for purposes of principal Act.
Cf. 1923, No. 26, secs. 38, 42, 44, 45

Right of appeal in respect of past assessments.

or not) in the same manner as it applies with respect to assessments that may hereafter be made, subject to the following limitations, namely :—

- (a.) No appeal shall lie in any case if the questions of fact in issue have heretofore been determined on an appeal under section sixty-two of the principal Act, or the corresponding provisions of the Death Duties Act, 1909, or have heretofore been determined in any action for the recovery of duty or for the refund of duty.
- (b.) Save in the case of appeals of which notice has been given before the commencement of this Act, and which have not been determined, no appeal shall lie in any case where the duty to which the appeal relates has been paid more than three years before the commencement of this Act, but in any case where an appeal lies effect may be given to the determination thereof notwithstanding that the time limited by section seventy-five of the principal Act for refunds of duty paid in excess may have expired.
- (c.) Save in the case of appeals of which notice has been given before the commencement of this Act, and which have not been determined, notice of any appeal to which this subsection relates must be given within two months after the commencement of this Act.

6. (1.) Where any property that is within the meaning of the term "land" in its proper legal sense is excluded from the definition of that term as used in section seventy of the principal Act, the value of such property for the purposes of the principal Act shall be ascertained in the manner prescribed by section seventy-one thereof.

Removing doubt as to proper construction of section 70 of principal Act.

(2.) This section shall be deemed to be declaratory of the law heretofore in force, and not an alteration thereof.