



ANALYSIS

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1952, No. 76

AN ACT to amend the Death Duties Act 1921.

Title.

[24 October 1952

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 1952, and shall be read together with and deemed part of the Death Duties Act 1921 (hereinafter referred to as the principal Act).

Short Title.

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

2. (1) In the case of any person dying after the commencement of this section there shall be allowed from the estate duty and the succession duty calculated at the rates prescribed by Part IV of the Finance Act

Rebate of one-fifth from death duty.

1940, No. 6

1940 a rebate of one-fifth thereof, and the balance only shall be payable, and sections thirty-two and sixty and all the other provisions of the principal Act shall be construed accordingly:

1940, No. 6 Provided that no such rebate shall be allowed from any additional succession duty payable under subsection eight of section twenty-seven of the Finance Act 1940.

(2) Section twenty-seven of the Finance Act 1940 is hereby consequentially amended by repealing—

- (a) The proviso to subsection two:
- (b) The proviso to subsection three:
- (c) The first proviso to subsection four:
- (d) The proviso to subsection five:
- (e) The proviso to subsection six:
- (f) The proviso to subsection seven.

(3) This section shall be deemed to have come into force on the eighth day of August, nineteen hundred and fifty-two, and shall apply to the estates of all persons dying on or after that date.

Widow's
exemptions
increased.

3. (1) The Finance Act 1940 is hereby amended by repealing the Second Schedule, and substituting the Second Schedule set out in the Schedule to this Act.

1947, No. 6

(2) Section twenty-one of the Finance Act 1947 is hereby amended as follows:—

- (a) By omitting from subsection one the words “ ten thousand pounds ”, and substituting the words “ twelve thousand pounds ”:
- (b) By omitting from subsection one the words “ five thousand pounds ”, and substituting the words “ six thousand pounds ”:
- (c) By omitting from subsection two the words “ ten thousand pounds ”, and substituting the words “ twelve thousand pounds ”:
- (d) By omitting from subsection three the words “ ten thousand pounds ”, and substituting the words “ twelve thousand pounds ”:
- (e) By adding to subsection five the words “ and shall only be made where it exceeds the deduction allowed by this section ”.

(3) This section shall be deemed to have come into force on the eighth day of August, nineteen hundred and fifty-two, and shall apply to the estates of all persons dying on or after that date.

4. (1) Section eighty-four of the principal Act is hereby extended so as to apply to the estate of any person—

Exemption from death duties of estates of members of emergency forces.

- (a) Who dies or has since the twenty-third day of August, nineteen hundred and fifty, died while on active service with an emergency force, whether within New Zealand or elsewhere; or
- (b) Who dies or has since the day aforesaid died of wounds, accident, or disease suffered or contracted while serving with an emergency force, whether within New Zealand or elsewhere.

(2) Section twenty of the Finance Act (No. 3) 1944 is hereby extended so as to apply to the estate of any such person.

1944, No. 31

(3) The definition of the expression “deceased serviceman” in section nineteen of the Finance Act (No. 3) 1944 is hereby extended so as to include any such person.

(4) For the purposes of this section the expression “emergency force” means any naval, military, or air force raised in New Zealand or any other part of the Commonwealth for fulfilling obligations undertaken in the Charter of the United Nations, and includes any other part of the naval, military, or air forces of New Zealand or any other part of the Commonwealth that may for the time being be declared by the Minister of Defence by notice in the *Gazette* to be an emergency force for the purposes of this section.

(5) Where before the passing of this Act any death duty has been paid in excess of the amount that would have been payable if this section had been in force, the amount overpaid may be refunded under section seventy-five of the principal Act if application for a refund is made in writing at any time within three years after the passing of this Act.

5. (1) Section five of the principal Act is hereby amended by inserting in subsection one, after paragraph (e), the following paragraph:—

Estate to include beneficial interest in property held jointly with another person, if deceased had power of disposal.

- “(ee) Any property vested in the deceased and any other person jointly and situated in New Zealand at the death of the deceased, to the extent to which he had power up to the time

of his death to dispose of his beneficial interest therein, if that interest passes or accrues by survivorship to any person on the death of the deceased:”.

(2) This section shall apply to the estates of all persons dying after the passing of this Act.

Allowance of income tax and social security charge as a debt.

6. In computing the final balance of the estate of any person dying after the passing of this Act an allowance shall be made under section nine of the principal Act for any income tax or social security charge payable by the administrator of the estate in respect of income of the deceased (however arising or derived) for any period before the date of his death, in the same manner and to the same extent as if that income tax or social security charge constituted a debt of the deceased.

Deduction from value of gift of fixed payments secured to donor.

7. (1) The provisions of section forty-nine of the principal Act shall not apply to a gift made after the passing of this Act in consideration of any benefit or advantage to or in favour of a donor by way of any annuity or other payment, whether periodical or not, if and so far as the annuity or payment—

(a) Is of a fixed or ascertainable amount in money payable over a fixed or ascertainable period or at a fixed or ascertainable date or dates or on demand; and

(b) Is secured to the donor under an instrument executed by the beneficiary either creating a mortgage or charge over the property comprised in the gift or being an agreement for the sale and purchase of land comprised in the gift, or is secured to the donor under a deed executed by the beneficiary.

(2) For the purposes of this section the expression “ ascertainable ” means ascertainable as at the date of the gift to the satisfaction of the Commissioner.



SCHEDULE

Schedule.

" SECOND SCHEDULE

Section 3

" SCALE OF RATES OF SUCCESSION DUTY FOR WIFE

Value of Succession.		Rate per Cent.
Exceeding £ 6,000 but not exceeding £ 12,000	...	2 $\frac{1}{3}$ per cent of the amount by which the value of the succession exceeds £6,000, plus an additional $\frac{1}{3}$ per cent of the same amount for every £1,000 or fraction thereof by which the value of the succession exceeds £7,000.
„ 12,000	„ 21,000	4 per cent, plus an additional $\frac{1}{3}$ per cent for every £1,000 or fraction thereof by which the value of the succession exceeds £12,000.
„ 21,000	„ 31,000	7 per cent, plus an additional $\frac{1}{3}$ per cent for every £1,000 or fraction thereof by which the value of the succession exceeds £21,000.
„ 31,000	„ 70,000	9 per cent, plus an additional $\frac{1}{10}$ per cent for every £1,000 or fraction thereof by which the value of the succession exceeds £31,000.
„ 70,000	..	12 $\frac{9}{10}$ per cent.”