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1996, No. 60

An Act to amend the Stamp and Cheque Duties Act 1971

[26 July 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title, application, and commencement—

(1) This Act may be cited as the Stamp and Cheque Duties Amendment Act 1996, and shall be read together with and deemed part of the Stamp and Cheque Duties Act 1971 (in this Act referred to as the principal Act).

(2) Except as provided in subsections (3) and (4) of this section, the provisions of this Act shall apply with respect to tax obligations, liabilities, and rights that are to be performed under or arise in respect of—

- (a) Every instrument of conveyance executed; and
- (b) Every bill of exchange made, drawn, or prepaid under section 81 or section 82 or section 83 of the principal Act; and
- (c) Every liable transaction entered into,—
on or after the 1st day of April 1997.

(3) Except as provided in subsection (4) of this section, sections 6, 13, and 14 of this Act come into force on the 1st day of October 1996.

(4) Where—

- (a) A provision of this Act amends, inserts, or repeals a provision (“the relevant provision”) of the principal Act; and
- (b) The relevant provision is referred to in, or necessary for the purposes of, another provision (“the other provision”) of the principal Act; and
- (c) The other provision—

- (i) Is amended, inserted, or repealed by this Act; and

- (ii) Has an application date that is not the same as the general application date for the relevant provision,—

the relevant provision shall, for all purposes in regard to the other provision, have the same application date as the other provision.

2. Interpretation—Section 2 of the principal Act is amended by inserting, after the definition of “partnership”, the following definition:

“ ‘Penalty’ means a penalty payable under this Act or the Tax Administration Act 1994 in respect of a breach of any provision of this Act:”.

3. Conveyance by direction of intermediary—(1) Section 16 of the principal Act is amended by repealing subsection (4).

(2) Section 5 of the Stamp and Cheque Duties Amendment Act 1977 is consequentially repealed.

4. Time for presentation—Section 50 of the principal Act is amended—

- (a) By repealing subsection (2) (c);
- (b) By repealing subsection (3).

5. Requirement that instrument be presented for stamping—Section 53 of the principal Act is amended by repealing subsection (2).

6. Assessment conclusive—Section 56 of the principal Act is amended by inserting, after the words “this Act”, the words “and Part VIIIA of the Tax Administration Act 1994”.

7. Penalty for late presentation—Section 57 of the principal Act is repealed.

8. Due date for payment of stamp duty—The principal Act is amended by repealing section 58, and substituting the following section:

“58. (1) The due date for payment of stamp duty in respect of an instrument executed—

“(a) In New Zealand, is 6 months after the date of execution of the instrument; and

“(b) Outside New Zealand, is 6 months after the date of its first receipt in New Zealand after execution.”

9. Penalty proportionately reduced on reduction of duty—Section 59 of the principal Act is repealed.

10. Remission of penalties—Section 60 of the principal Act is repealed.

11. Refund of duty or penalty on application—Section 68 of the principal Act is amended by repealing subsection (1).

12. Unstamped instruments ineligible for registration—Section 70 of the principal Act is amended by repealing subsection (3).

13. Application of Parts IVA and VIIIA of Tax Administration Act 1994—The principal Act is amended by inserting, after section 71, the following section:

“71A. (1) Parts IVA and VIIIA of the Tax Administration Act 1994 apply with respect to every notice of assessment or reassessment issued by the Commissioner under this Act on or after the 1st day of October 1996 and to any assessment or reassessment of the Commissioner to which section 124A (2)(a) of the Tax Administration Act 1994 applies.

“(2) Subsection (1) does not apply to any notice of reassessment issued by the Commissioner under this Act on or

after the 1st day of October 1996, if, before that date, the person who has been reassessed has made a competent objection to a notice of assessment that precedes the notice of reassessment.”

14. Repeal of Part V—objections to assessments—
(1) Part V of the principal Act is repealed.

(2) Notwithstanding subsection (1) of this section, Part V of the principal Act continues to apply, as if it had not been repealed, to every notice of assessment or reassessment—

(a) That is issued by the Commissioner under the principal Act before the 1st day of October 1996; or

(b) That is referred to in section 71A (2) of the principal Act (as inserted by section 13 of this Act).

(3) The Commissioner may, with the written agreement of a person who has been assessed for a tax liability under this Act, specify that a notice of assessment or reassessment —

(a) Issued before the 1st day of October 1996, is to be treated as if it had been issued after that date (in which case the provisions of Parts IVA and VIIIA of the Tax Administration Act 1994 are to apply to the notice):

(b) Issued on or after the 1st day of October 1996, is to be treated as if it had been issued before that date (in which case the provisions of Part V of the principal Act continue to apply to the notice).

15. Cheque duty payable by licensed banks—Section 81 of the principal Act is amended by repealing subsection (6).

16. Cheque duty payable by licensed printers—Section 82 of the principal Act is amended by repealing subsection (6).

17. Cheque duty payable by other licensees—Section 83 of the principal Act is amended by repealing subsection (4).

18. Cheque duty payable otherwise than under a licence—Section 84 of the principal Act is amended by repealing subsection (9).

19. Payment of credit card transaction duty—Section 86D of the principal Act (as inserted by section 7 of the Stamp and Cheque Duties Amendment Act 1981) is amended by repealing subsection (4).

20. Interest on unpaid credit card transaction duty—Section 86E of the principal Act (as also so inserted) is repealed.

21. Offence to give false information—Section 86N of the principal Act (as inserted by section 2 of the Stamp and Cheque Duties Amendment Act (No. 2) 1991) is repealed.

22. Repeal of miscellaneous provisions in Part VII—(1) Sections 87, 88, 89, 90 (2), 91 (3), 92A, 93, and 94 of the principal Act are repealed.

(2) Section 6 (1) of the Stamp and Cheque Duties Amendment Act 1977 is consequentially repealed.

23. Evidence inconsistent with instrument not applicable to reduce stamp duty—Section 95 of the principal Act is repealed.

24. Application of Part IX of Tax Administration Act 1994—The principal Act is amended by inserting, after section 99, the following section:

“99A. Part IX of the Tax Administration Act 1994 applies with respect to offences committed in relation to this Act on or after the 1st day of April 1997.”

This Act is administered in the Inland Revenue Department.
