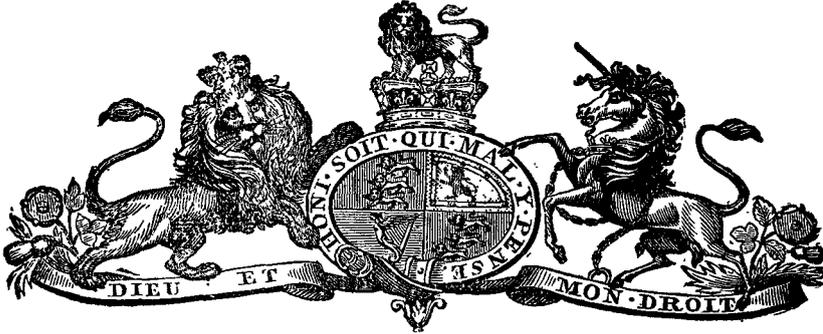


## NEW ZEALAND.



TRICESIMO SEXTO

## VICTORIÆ REGINÆ.

No. XVI.

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## ANALYSIS.

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| <p>Title.</p> <p>1. Short Title. Commencement of Act.</p> <p>2. Construction.</p> <p>3. Provisions of the said Act to apply to this Act.</p> <p>4. Mutual companies liable to annual duty as incorporated companies.</p> <p>5. Certain companies exempted from annual duty.</p> <p>6. Deeds dedicating roads to the public exempt from duty.</p> <p>7. Deeds conveying property for religious educational or charitable purposes exempt from duty.</p> <p>8. Deeds defining the trusts of property conveyed for religious educational or charitable purposes exempt from duty.</p> <p>9. Foregoing provisions to be retrospective.</p> <p>10. How consideration consisting of periodical payments to be charged.</p> <p>11. Commissioners may use adhesive stamps on agreements.</p> <p>12. Duty on receipts for money reduced.</p> <p>13. Meaning of term "receipt."</p> <p>14. Duty on receipts may be denoted by adhesive stamps. Penalty.</p> <p>15. Penalty for offences relating to receipts.</p> <p>16. Commissioners may use adhesive stamps on receipts.</p> <p>17. Repeal of the 15th and 16th sections of "The Stamp Duties Act Amendment Act, 1867."</p> | <p>18. Unstamped receipt inadmissible in evidence until duty and penalty paid.</p> <p>19. How adhesive stamps on drafts orders and cheques to be cancelled in certain cases.</p> <p>20. Duty of twopence on cheques, &amp;c., reduced to one penny.</p> <p>21. Additional allowances to purchasers of stamps. To private purchasers 2½ per cent. To authorized sellers 4 per cent.</p> <p>22. Adhesive stamps on transfer notes of shares in companies to be cancelled.</p> <p>23. If stamp not cancelled, instrument to be void.</p> <p>24. Penalties, for neglecting to affix and cancel stamps.</p> <p>25. Instrument of sale or transfer to be void if name of purchaser or transferee not inserted. Penalty for executing same.</p> <p>26. Agent not entitled to fee if instrument not duly executed stamped &amp;c.</p> <p>27. Manner in which adhesive stamp is to be cancelled.</p> <p>28. Not necessary for both parties to instrument to cancel stamp.</p> <p>29. Deeds executed out of New Zealand valid if stamped in accordance with law of country in which executed. Schedule.</p> |
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AN ACT to amend "The Stamp Duties Act, 1866." Title.  
 [10th October, 1872.]

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

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| <p>1. The Short Title of this Act shall be "The Stamp Duties Act Amendment Act, 1872;" and it shall come into operation on the first day of December, one thousand eight hundred and seventy-two.</p> <p>2. In the construction of this Act, the expression "the said Act" shall mean and include "The Stamp Duties Act, 1866," and also any Act amending or altering the same and now in operation.</p> | <p>Short Title.</p> <p>Commencement of Act.</p> <p>Construction.</p> |
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Provisions of the said Act to apply to this Act.

3. All the provisions clauses regulations directions allowances and exceptions, fines forfeitures pains and penalties, contained in or imposed by the said Act as hereinbefore defined, relating to any duties of the same kind or description heretofore payable in New Zealand and in force at the time of the commencement of this Act, shall respectively be of full force and effect with regard to the duties by this Act granted, and to the vellum parchment paper instruments matters and things charged and chargeable therewith, and to the persons liable to the payment of the said duties, so far as the same are or shall be applicable in all cases not hereby expressly provided for, and shall be observed applied allowed enforced and put in execution for and in the raising levying collecting and recovering of the said duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually, to all intents and purposes, as if the same had been repeated and specially enacted *mutatis mutandis* with reference to duties by this Act granted.

Mutual companies liable to annual duty as incorporated companies.

4. Any mutual or co-operative company or association consisting of more than twenty persons, carrying on Life Insurance business in New Zealand, whether in partnership or not, and whether for profit or not, but in such a manner as that the same have not or shall not appear to have any nominal capital in respect of which duty may be assessed as provided by "The Stamp Duties Act Amendment Act, 1871," shall nevertheless be liable to and chargeable with duty at the maximum rate mentioned in the Schedule to that Act, anything therein contained to the contrary notwithstanding.

Certain companies exempted from annual duty.

5. All companies or associations formed for any of the purposes or objects mentioned in the Schedule hereto, and which companies now carry on or may hereafter carry on business in New Zealand, shall be wholly exempt from the provisions of "The Stamp Duties Act Amendment Act, 1871," and this Act, which require such companies or associations to take out a yearly license and to pay duty thereon, as in the said Act and this Act mentioned: And if any question shall be raised whether the purposes or objects for which any company or association is formed falls within the descriptions specified in the Schedules hereto or not, the decision of the Commissioners of Stamp Duties on such questions shall be final and conclusive on all persons and for all purposes.

Deeds dedicating roads to the public exempt from duty.

6. Whenever any person or any corporate body shall, at any time heretofore or at any time hereafter, by any deed or instrument in writing, have dedicated and set apart for the use of the public or of all Her Majesty's subjects a free and perpetual roadway (whether or not the land forming such roadway may or may not have been granted or conveyed to Her Majesty the Queen, or to any body or person or persons as trustees on behalf of the public or otherwise), every such deed or instrument shall be wholly exempt from any duty imposed by the said Act and this Act: Provided that in any case heretofore where any duty imposed by the said Act and this Act may have been paid in respect of any such deed or instrument, the person or corporate body paying the same shall not be entitled to have the same refunded: Provided further that to entitle any person or corporate body to claim the exemption hereby given, such deed or instrument shall be framed only to effect such dedication as aforesaid, unless such deed or instrument would be entitled to exemption from duty under the said Act on any other ground.

Deeds conveying property for religious educational or charitable purposes exempt from duty.

7. From and after the coming into operation of this Act, every conveyance assignment transfer or other assurance of any real or personal property of whatsoever nature made or executed by any

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person or persons to any other person or persons, or to any corporate body on behalf of or in trust for any religious denomination congregation society or body of persons associated or incorporated for religious or charitable purposes, or for the promotion of education, shall be exempt from all Stamp duty whatsoever imposed by the said Act and this Act.

8. Every deed or instrument made or executed for the purpose of declaring or defining the trusts contained in or the powers or purposes for which any such conveyance assignment transfer or other assurance as last aforesaid shall have been made, or for the purpose of conveying assigning or transferring the property comprised therein to any other person or persons as a trustee or as trustees for any such religious denomination congregation society or body of persons associated or incorporated for religious or charitable purposes, or for the promotion of education, shall also be exempt from the Stamp duties imposed by the said Act and this Act.

Deeds defining the trusts of property conveyed for religious educational or charitable purposes exempt from duty.

9. All deeds or instruments made or executed at any time prior to the coming into operation of this Act for all or any of the purposes in the two last preceding sections mentioned, and to the extent therein mentioned, shall also be exempt from Stamp duty imposed by the said Act and this Act as if such deeds or instruments had been executed after the coming into operation of this Act: Provided that where any duty may have been paid in respect of any such deeds or instruments, the person or persons paying the same shall not be entitled to have the same refunded.

Foregoing provisions to be retrospective.

10. Where the consideration or any part of the consideration for a conveyance on sale consists of money payable periodically for a definite period, so that the total amount to be paid can be previously ascertained, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on such total amount.

How consideration consisting of periodical payments to be charged.

Where the consideration or any part of the consideration for a conveyance on sale consists of money payable periodically in perpetuity, or for any indefinite period not terminable with life, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on the total amount which will or may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of such instrument.

Where the consideration or any part of the consideration for a conveyance on sale consists of money payable periodically during any life or lives, such conveyance is to be charged in respect of such consideration with *ad valorem* duty on the amount which will or may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of such instrument.

Provided that no conveyance on sale chargeable with *ad valorem* duty in respect of any periodical payments, and containing also provision for securing such periodical payments, is to be charged with any duty whatsoever in respect of such provision; and no separate instrument made in any such case for securing such periodical payments is to be charged with any higher duty than ten shillings.

11. Notwithstanding anything contained in the said Act or this Act, it shall be lawful for the Commissioners of Stamp Duties to denote the duty payable upon agreements liable to duty thereunder or hereunder by adhesive stamps, whether such agreements shall be by deed or under hand only. This provision shall extend to all instruments or documents that may now be liable to duty as agreements under the said Act, and the Minister shall provide stamps for the purposes in this section mentioned.

Commissioners may use adhesive stamps on agreements.

*Stamp Duties Act Amendment.*

Duty on receipts for money reduced.

**12.** Upon all receipts given for or upon the payment of money amounting to two pounds or upwards, there shall be levied and paid the duty of one penny. Such duty shall be levied in lieu of the duty of two-pence granted in respect of such receipts by "The Stamp Duties Act Amendment Act, 1871;" and all exemptions of receipts from duty mentioned or referred to in the Schedule to that Act, or in the said Act or any Schedules thereto, shall apply and be extended to all receipts given under this Act.

Meaning of term "receipt."

**13.** In the said Act and in this Act, the term "receipt" shall mean and include any note memorandum or writing whatsoever whereby any money amounting to two pounds or upwards, or any bill of exchange or promissory note for money, or any cheque draft or order for money (whether drawn upon a bank or banker or upon any person or corporate body, or directed to be paid by any bank or banker or by any person or corporate body), amounting to two pounds or upwards, is acknowledged or expressed to have been received or deposited, or paid or taken, or whereby any debt claim or demand, or any part of any debt claim or demand, of the amount of two pounds or upwards, is acknowledged to have been settled discharged or satisfied, or taken in extinguishment, either wholly or in part, of any such debt claim or demand as aforesaid, or which signifies or imports any such acknowledgment settlement or extinguishment, and whether such receipt is or is not signed with the name of any person.

Duty on receipts may be denoted by adhesive stamps.

**14.** The duty upon a receipt may be denoted by an adhesive stamp, which is to be affixed and cancelled by the person by whom the receipt is given before he delivers the receipt out of his hands; and every person who, from and after the commencement of this Act, shall write or sign, or cause to be written or signed, any receipt liable to duty under the said Act or this Act, without the same being first duly stamped, shall forfeit and pay a sum not exceeding ten pounds.

Penalty for offences relating to receipts.

**15.** If any person in any case where a receipt would be liable to duty refuses to give a receipt duly stamped, or upon payment to the amount of two pounds or upwards gives a receipt for a sum not amounting to two pounds, or separates or divides the amount paid, with intent to evade the duty, he shall forfeit a sum not exceeding ten pounds.

Commissioners may use adhesive stamps on receipts.

**16.** Notwithstanding anything contained in the said Act or this Act, the duty payable on receipts liable to duty may be denoted by the Commissioners by adhesive stamps, and the Minister shall provide the necessary stamps for the purpose: Provided however that a receipt shall only be stamped by the Commissioners upon the terms following, that is to say:—

- (1.) Within one month after such receipt has been given, upon payment of the duty and a penalty of five pounds.
- (2.) After the expiration of one month from the giving of such receipt, on payment of the duty and a penalty of ten pounds.

Repeal of the 15th and 16th sections of "The Stamp Duties Act Amendment Act, 1867."

**17.** The fifteenth and sixteenth sections of "The Stamp Duties Act Amendment Act, 1867," are hereby repealed: Provided that this repeal shall not affect any penalty incurred, or any act or thing done under the said sections hereby repealed, or either of them, but the same may respectively be enforced recovered and completed as if this Act had not been passed.

Unstamped receipt inadmissible in evidence until duty and penalty paid.

**18.** No unstamped receipt liable to duty charged by the said Act or this Act shall be received or receivable in any Court in any action suit or proceeding, not being the trial or examination of any person on a criminal indictment information or charge, unless and until the amount of Stamp duty payable thereon, together with the amount of the

*Stamp Duties Act Amendment.*

penalty herein or by the said Act provided, shall first be paid to the Registrar or Clerk or other proper officer of the Court, in manner provided by the thirty-sixth and thirty-seventh sections of "The Stamp Duties Act, 1866:" Provided that such unstamped receipt shall be liable to the like fine as if the same had been presented to the Commissioners to be stamped with an adhesive stamp under the sixteenth section of this Act.

19. Whenever any adhesive stamps shall be used for denoting the payment of Stamp duty imposed upon drafts or orders liable to the duty of one penny, or the like duty imposed upon cheques by the said Act or any Act for the time being in force, and notwithstanding anything contained in the said Act or this Act, it shall be sufficient for the purposes of the said Act and this Act that the drawer or giver of any such draft order or cheque shall, at the time of the drawing giving or making thereof, cancel the adhesive duty stamp on any such draft order or cheque, by writing with ink on or across the said stamp the initial letters of his name, or the initials of his firm if the draft order or cheque is drawn by a copartnership, together with figures denoting the day of the month, the number or name of the month in the year, and the number of the year in the century of our Lord in which the same shall be so used, so that the stamp may be effectually cancelled and rendered incapable of being used for any other instrument.

How adhesive stamps on drafts orders and cheques to be cancelled in certain cases.

Whenever any such draft order or cheque shall be drawn or given by any corporate body, or by any *quasi*-corporate body, it shall be sufficient that the stamp used be cancelled by impressing or marking the same in ink with the full name of any such body, or the initial letters of such name, or the initial letters of the name of the manager, treasurer, secretary, or other person drawing or giving any such cheque on behalf of such body, together also with figures in the like mode as is hereinbefore provided, so that the stamp may be effectually cancelled and rendered incapable of being used for any other instrument.

20. Upon the coming into operation of this Act, the duty of twopence by "The Stamp Duties Act Amendment Act, 1871," imposed upon drafts or orders, including cheques or orders on bankers, for the payment of any sum of money to a payee named, or to bearer or to order, either on demand or otherwise, not otherwise charged as set forth in the Second Part of Schedule A to that Act, shall be and is hereby reduced to one penny.

Duty of twopence on cheques, &c., reduced to one penny.

21. Notwithstanding anything contained in the said Act, it shall be lawful for the Commissioners of Stamp Duties to make allowances to purchasers of duty stamps at the rates hereinafter mentioned (that is to say)—

Additional allowances to purchasers of stamps.

To any person who at one and the same time shall produce to the said Commissioners any vellum parchment or paper not previously written upon, for the purpose of being stamped with impressed duty stamps to the amount of two pounds and upwards, or who at one and the same time shall purchase any such duty stamps to a like amount as aforesaid, from the Commissioners, or from any person duly authorized under the said Act to sell and distribute stamps, and either impressed stamps or adhesive stamps, but only in respect of one class of such stamps at any one purchase— an allowance at the rate of two pounds ten shillings for every one hundred pounds.

To private purchasers 2½ per cent.

To any person properly authorized to sell and distribute stamps under the provisions of the said Act who at one and the

To authorized sellers 4 per cent.

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same time shall purchase from the said Commissioners any vellum parchment or paper not previously written upon duly stamped with impressed duty stamps to the amount of two pounds or upwards, or on the presentation of any vellum parchment or paper not previously written upon for the purpose of being impressed with duty stamps under any of the provisions of the said Act, or who shall become the purchaser of adhesive duty stamps, or partly of adhesive stamps or partly impressed stamps, to a like amount as aforesaid—an allowance at the rate of four pounds for every one hundred pounds.

Adhesive stamp on transfer notes of shares in companies to be cancelled.

**22.** Whenever any person shall sell or transfer or contract to sell or transfer to any other person, any share or shares in the stock funds or property of any company or corporation whatsoever, incorporated under any Act for the time being in force relating to Joint Stock Companies, or registered or incorporated under "The Mining Companies Limited Liability Act, 1865," or any other Act for the time being in force relating to the incorporation or registration of Mining Companies, then if an adhesive stamp be used on the sale-note transfer contract-note, or by whatever name the instrument of sale or transfer may be called, such stamp shall be cancelled by the vendor or purchaser, or by the transferrer or transferee, as the case may be, in the manner required by the third section of "The Stamp Duties Act Amendment Act, 1870."

If stamp not cancelled, instrument to be void.

**23.** In case of any omission or neglect so to cancel the stamp to be used on any such instrument as lastly hereinbefore mentioned, the instrument of sale or transfer, as the case may be, shall be wholly void and of no effect whatsoever, either at law or in equity.

Penalties for neglecting to affix and cancel stamps.

**24.** Any vendor or purchaser, or transferrer or transferee, of any share or shares as aforesaid, who shall fail or neglect to affix and cancel any such stamps at the time of executing any such instrument as aforesaid, shall be liable to the like penalties as by the nineteenth section of "The Stamp Duties Act Amendment Act, 1871," are imposed on the sellers or purchasers of shares in the cases therein mentioned.

Instrument of sale or transfer to be void, if name of purchaser or transferee not inserted.

**25.** No instrument of sale or transfer of any share or shares shall be valid, either at law or in equity, unless the name of the purchaser or transferee shall be inserted therein at the time of or before the signing or execution of the instrument of sale or transfer; and if any person shall sign or execute a blank sale-note transfer contract-note or other instrument of sale or transfer, in any manner or for any purpose whatsoever, he shall be liable to a penalty of not less than twenty pounds or more than one hundred pounds; and if any such instrument shall be so made or signed, it shall be wholly and absolutely void and inoperative, and shall in no case be made available by the insertion of a name or of any other particulars afterwards; and the person who shall have sold or transferred such share shall not be divested of his interest in such share, but shall remain liable thereon as if he had never sold or disposed of the same.

Penalty for executing same.

And if such person shall be a licensed sharebroker, his license shall, on any conviction under this section, be absolutely forfeited, and he shall not thereafter be qualified to act as a broker, or to have a fresh license issued to him.

Agent not entitled to fee if instrument not duly executed, stamped, &c.

**26.** No sharebroker auctioneer commission agent or any other person shall be entitled to any brokerage commission or any other fee or reward for or in respect of the sale or transfer of any such share or shares, unless the instrument of sale or transfer shall be filled up with all necessary particulars to make it a complete instrument, and duly

*Stamp Duties Act Amendment.*

stamped in accordance with the said Act or this Act, and the stamp thereon, if adhesive, duly cancelled in accordance with this Act.

27. Whenever by any of the Acts now in force, or that may hereafter be in force, imposing Stamp duty upon any instrument, and on which it is required or permitted that an adhesive stamp may be used, it shall be sufficient if the person required by law to cancel such adhesive stamp cancels the same by writing on or across the stamp his name or initials, or the name or initials of his firm, together with the true date of his so writing, so that the stamp may be effectually cancelled and rendered incapable of being used for any other instrument.

Manner in which adhesive stamp is to be cancelled.

28. Notwithstanding anything to the contrary contained in the ninth section of "The Stamp Duties Act Amendment Act, 1867," it shall be sufficient if either of the parties to the agreement who signs the same at the time of signing cancels the stamp in manner therein provided, and it shall not be necessary that each of the parties signing should write upon or across the stamp his name, or the initials of his name, or the date of writing the same.

Not necessary for both parties to instrument to cancel stamp.

29. No deed or other instrument executed out of New Zealand shall be inadmissible in evidence or unavailable in New Zealand by reason of the same not having been stamped according to the law of the country in which the same shall have been executed, unless it is proved that such deed or other instrument is by the statute law of the country where it is executed expressly made void if made or executed without being stamped.

Deeds executed out of New Zealand valid if stamped in accordance with law of country in which executed.

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SCHEDULE.

Schedule.

EXEMPTION FROM DUTY IMPOSED UPON INCORPORATED COMPANIES BY "THE STAMP DUTIES ACT AMENDMENT ACT, 1871."

For owning and working Manufactories, also Ironworks, Implement and Machine Works, also Flour or Timber Mills or Saw Mills or for Threshing Corn; or for working Mines, or for the cultivation preparation or dressing *Phormium tenax*.

For carrying on Whaling or Sealing.

For carriage of Passengers or Goods by land or water.

For towing Vessels or Barges or landing Cargo or Passengers.

For working Coal Mines or Quarries, and selling Coal Stone or Lime.

For owning and letting or conducting Halls or Buildings for Public Meetings or Entertainments, or for conducting or managing Grounds Buildings or other places of Public Recreation or Amusement.

For owning or working Slips or Docks for building or repairs of Ships.

For preserving Meat, or boiling down Carcases of Animals for Tallow or otherwise.

For the introduction of Immigrants, and settlement of the same.

For carrying on business of Friendly Societies.

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