



ANNO VICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1977

No. 28 of 1977

An Act to amend the Stamp Duties Act, 1923-1976.

[Assented to 28th July, 1977]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act, 1977".

(2) The Stamp Duties Act, 1923-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1977".

2. Section 42b of the principal Act is amended—

Amendment of principal Act, s. 42b—
Stamp duty on application for registration or transfer of registration of motor vehicle.

(a) by striking out from paragraph (b) of subsection (1a) the passage "shall be the amount" and inserting in lieu thereof the passage "shall, subject to subsection (1b) of this section, be the amount";

(b) by inserting after subsection (1a) the following subsection:—

(1b) Where—

(a) the registered owner of a motor vehicle makes an application to transfer the registration to himself jointly with his spouse;

or

(b) a motor vehicle is registered in the names of husband and wife and they make an application to transfer the registration to the husband or the wife,

the amount of stamp duty payable upon the application shall be one-half of the amount that would, but for this subsection, have been payable in pursuance of subsection (1a) of this section.;

and

(c) by inserting in subsection (2) after the passage "subsection (1a)" the passage "or subsection (1b)".

Amendment of
principal Act,
s. 66—
Where con-
sideration is
payable in
instalments.

3. Section 66 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:—

(2) 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, the conveyance shall be chargeable with *ad valorem* duty on the value of the property conveyed.

(3) Where the consideration, or any part of the consideration, for a conveyance on sale consists of money payable periodically during any life or lives, the conveyance shall be chargeable with *ad valorem* duty on the value of the property conveyed.

Amendment of
principal Act,
s. 66b—
Valuation.

4. Section 66b of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Where—

(a) *ad valorem* duty is, or may be, payable on the value of property referred to or dealt with in a transfer or conveyance and—

(i) no evidence of the value of the property is furnished;

or

(ii) the evidence of the value of the property is, in the opinion of the Commissioner, unsatisfactory;

or

(b) the consideration in any transfer or conveyance does not, in the opinion of the Commissioner, represent the value of the property referred to or dealt with in the instrument and—

(i) no evidence of the value of the property is furnished;

or

(ii) the evidence of the value of the property is, in the opinion of the Commissioner, unsatisfactory,

the Commissioner may cause a valuation of the property to be made by some person appointed by him and may assess the duty payable on the basis of that valuation.

Amendment of
second schedule
of principal
Act.

5. The second schedule to the principal Act is amended by striking out from the item commencing "Application to Register a Motor Vehicle" the exemption numbered 16 (inserted by a regulation made by the Governor on the fifth day of April, 1973) and inserting in lieu thereof the following exemption:—

16. Any application to register a motor vehicle in or to transfer the registration of a motor vehicle into the name of the East Torrens County Board of Health constituted under the Health Act, 1935-1972.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

W. R. CROCKER, Lieutenant-Governor