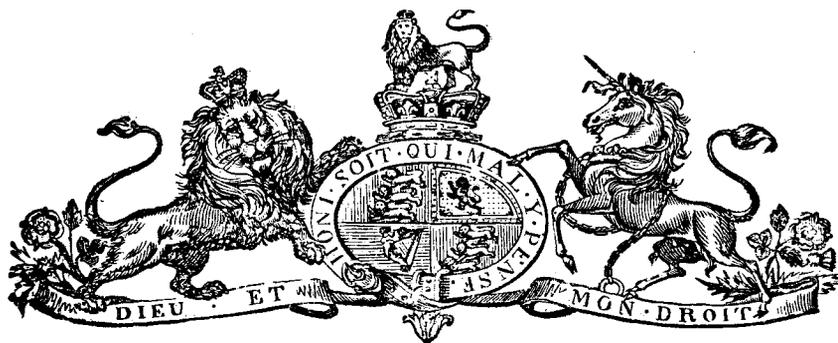


T A S M A N I A.

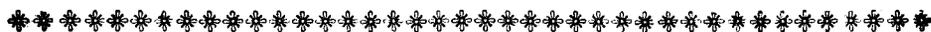


1881.

ANNO QUADRAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 10.



AN ACT to further amend "The Stamp Duties Act, 1870." [8 November, 1881.] A.D. 1881.

WHEREAS it is expedient to further amend "The Stamp Duties Act, 1870:" PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 All Inland Bills of Exchange and Promissory Notes for any sum exceeding Twenty-five Pounds shall be written only upon paper upon which the proper amount of Duty has been impressed ; and every such Bill of Exchange or Promissory Note upon which the proper amount of Duty has not been impressed shall be deemed to be unstamped. Bills of Exchange and Promissory Notes to be written on impressed paper.

If a Collector shall be satisfied that any Bill of Exchange or Promissory Note liable to Duty has, by accident and without intent to evade payment of Duty, been written upon paper not having any Duty or not having the proper amount of Duty impressed thereon, he may (if he sees fit) upon payment of the proper Duty or of the difference between the amount of Duty impressed thereon and the Duty which ought to have been impressed thereon, cause such Bill of Exchange or Promissory Note to be impressed with the proper Duty or with Duty to an amount equal to the difference between the Duty impressed thereon and the Duty which ought to have been impressed thereon.

2 The term of Thirty days mentioned in the Eleventh Section of the said Act is hereby extended to a period of Sixty days. Period for allowance for spoiled Stamps extended.

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Certain deeds not
liable to Stamp
Duty.

3 No deed or other instrument made by, to, or with the Minister of Lands and Works for the time being for the purchase, conveyance, or transfer of any land for any public purpose shall be subject or liable to any Stamp Duty.

Company defined.

4 The term "Company" hereinafter used includes—

Every Company, Association, Partnership or Firm of more than Six persons, whether corporate or unincorporate, and wheresoever and howsoever incorporated, associated, or formed.

Company to pay
sum of money in
respect of capital
of such Company.

5 Every Company liable to be registered in *Tasmania* under any Act of the Legislature of this Colony, which shall not be registered before the commencement of this Act shall, before registration with the Proper Officer, pay to the Colonial Treasurer (in lieu of Stamp Duty upon the Scrip Certificate or transfer of any Share in such Company) a sum of One Penny for every Pound of the nominal capital of such Company; and such Company shall not be registered or otherwise enabled to carry on business in this Colony unless such sum shall be duly paid.

Registrar, &c.,
not to register
Company unless
money paid.

6 No Registrar, Commissioner, or other officer charged with the duty of registering Companies in this Colony, shall register any such Company as is hereinbefore mentioned unless and until the person applying to register such Company shall produce and deliver to such Registrar, Commissioner, or other officer as aforesaid, the receipt of the Colonial Treasurer for the payment of the sum of money hereinbefore mentioned, and if such Registrar, Commissioner, or other officer shall register any such Company contrary to this Section he shall be liable to a penalty not exceeding Fifty Pounds.

Company to pay
in respect of
increase of capital.

7 When any Company which shall have paid the sum of money hereinbefore mentioned shall at any time thereafter increase the capital of such Company, such Company shall, from time to time, when and so often as such capital shall be increased pay to the Colonial Treasurer a sum of One penny for every Pound of the nominal amount of such increase, and it shall not be lawful for any Registrar, Commissioner, or other officer to whom notice of such increase of capital is required by law to be given, to receive any such notice unless and until the person giving such notice shall produce and deliver to such Registrar, Commissioner, or other officer as aforesaid, the receipt of the Colonial Treasurer for the payment of the sum hereinbefore required to be paid in respect of such increase of capital, and if such Registrar, Commissioner, or other officer shall receive any such notice contrary to this Section, he shall be liable to a penalty not exceeding Fifty Pounds.

Insurance
Companies to
issue Policy
within 14 days
after premium
paid.

8 Every Company which carries on in this Colony any Life, Fire, Fidelity, Guarantee or Marine Assurance or Insurance business whatever, shall, within fourteen days after effecting any insurance or receiving or giving credit for any first or original premium in respect of any such insurance, issue to the person assured or insured thereby, a Policy or other instrument of assurance or insurance in respect of the same duly stamped, and if any Manager, Director, Agent, or other Officer of any such Company effecting such insurance or receiving or giving credit for any such premium, shall fail, neglect, or refuse to issue any such Policy or instrument duly stamped within the time hereinbefore limited, he shall be liable to a penalty not exceeding Fifty Pounds: Provided

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always, that in any case in which an interim receipt is issued in the first instance it shall be lawful for such Manager, Director, Agent, or other Officer effecting such insurance to affix to such receipt stamps denoting duty to a like amount as the Policy itself would have to bear when issued, and in every such case the Policy when issued shall be free from Stamp Duty, and shall have the words written at the top thereof "Issued after a stamped interim receipt," and the production of such interim receipt duly stamped as aforesaid shall be a sufficient answer to any prosecution for any penalty either under this Section or for issuing a Policy unstamped. A.D. 1881.

9 Where any Mortgage or other like instrument liable to Duty under the said Act, shall be absolutely transferred or assigned by the mortgagee or mortgagees thereof to any other person or persons, the Duty payable on the transfer or assignment of such mortgage shall be estimated upon the true and real consideration money for such transfer or assignment, which shall be correctly stated in every such instrument. Where mortgage transferred, Duty to be estimated upon true and real consideration money.

10 So much of the Acts set forth in the Schedule as is therein specified shall be hereby repealed; but such repeal shall not affect the prosecution of any offence committed thereunder, or the recovery of any penalty incurred before the commencement of this Act; nor shall such repeal affect the liability of any person to pay any amount of Duty payable by such person before the commencement hereof under any enactment hereby repealed. Repeal.

11 "The Stamp Duties Act, 1870," and every Act amending the same, shall, as amended by this Act, and this Act, be read together as one Act. Acts to be read together.

12 This Act may be cited as "The Stamp Duties Amendment Act, No. 3." Short title.

SCHEDULE.**ACTS TO BE REPEALED.**

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
34 Vict. No. 2.	"The Stamp Duties Act, 1870."	Sections 9 and 23; the proviso to Section 26; and so much of Schedule (1) as relates to "Transfers for value of any Share in any Company."
43 Vict. No. 14.	"The Stamp Duties Amendment Act, 1880."	Sections 2, 3, and 4.

