

**88A. Instruments held outside Western Australia that become securities**

Where —

- (a) section 88(1) does not extend and apply to an instrument held in some place outside Western Australia because the instrument does not necessarily relate to property situate in Western Australia or to any matter or thing to be done in Western Australia; but
- (b) the instrument becomes an instrument of security, or evidence of the terms of a security, on —
  - (i) the deposit (in Western Australia or elsewhere) of title deeds to property situate in Western Australia; or
  - (ii) the doing of any matter or thing in Western Australia,

this Part applies and extends to the instrument as an instrument of security for the payment or repayment of money and the instrument is chargeable with duty under item 13 of the Second Schedule as an instrument of that kind as if it had been first executed on the day on which it became an instrument of security.

*[Section 88A inserted by No. 52 of 1991 s. 6; amended by No. 2 of 2003 s. 109; No. 66 of 2003 s. 107(6).]*