

STAMP ACT—AMENDMENT.

11° GEO. V., No. XLI.

No. 41 of 1920.

AN ACT to amend the Stamp Act, 1882, and its amendments.

[Assented to 11th January, 1921.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Stamp Act Amendment Act, 1920.*

2. The words added to subsection two of section fifty-nine of the Stamp Act, 1882, by the Stamp Act Amendment Act, 1918, are hereby repealed, and the words following are added to the said subsection in lieu thereof, that is to say—“and such duty may be denoted from time to time as advances are made on the security or in anticipation of them being so made, by adhesive or other stamps affixed, impressed, or embossed to or on the security and any duplicate thereof.

In every case in which advances are made over and above the amount for which the security was originally stamped, such security shall, for the purpose of stamp duty, be deemed to be a new and separate instrument bearing date the day on which the additional advance was made and the additional stamp duty paid, whichever is the earlier date, but not so as to otherwise affect the instrument as a security; and if such

Short title and commencement.

Amendment of section 59.

security shall have been registered under any Act relating to the registration of securities, such registration shall be effective for such additional advances; but subject in the case of a bill of sale to paragraph (4) of section six of the Bills of Sale Act, 1899.

3. Section ten of the Stamp Act Amendment Act, 1905, is hereby amended by the insertion of the words “or acceptance” after the word “payment,” in the fourth line.

Amendment of section 10 of the Act of 1905.

4. The schedule to the Stamp Act Amendment Act, 1918, is hereby amended, as follows:—

Amendment of Schedule to Stamp Act Amendment Act, 1918.

(a) The figures “1924” are hereby substituted for the figures “1921,” in the two places where such latter figures occur under the heading “Conveyance or Transfer”:

(b) In the particulars of the exemptions under the heading of “Receipt,” paragraphs are inserted as follows:—

(3a.) Receipt or acknowledgment for any money, bill of exchange, promissory note, or cheque on the payment or delivery thereof by one banker to another in the ordinary course of banking business, or on the payment or delivery thereof to any person by a banker in the ordinary course of banking business.

(14.) Receipt given for any payment made by or on behalf of His Majesty, by way of gift or compassionate allowance or charitable relief.

(15.) Receipt given to the Colonial Treasurer upon payment of the principal of, or any interest arising from, any Government Inscribed Stock, Debenture, Bond, or Treasury Bill of this State.

(16.) Receipt upon the refund of a deposit lodged by a tenderer.

(c) The following words are added to paragraph (11) of the said particulars:—“or on payment by an employer to his employee of a sum not exceeding five pounds for piecework per week.”

(d) In paragraph (6) of the said particulars, the words “as the result of an appeal” are struck out.

(e) Under the heading “Mortgage” a paragraph is inserted, as follows:—

(3a.) Transfer of mortgage with deed of defeasance, or otherwise by way of security: *ad valorem* mortgage duty.

Receipt duty as
between principal
and agent.

5. Where money has been received by a solicitor or agent on behalf of his client or principal, and a duly stamped receipt has been given by such solicitor or agent to the person by whom the payment was made, the receipt to be given by the client or principal when such money is paid to him or accounted for by such solicitor or agent shall be subject to the stamp duty of one penny and no more.

Receipts for bank
deposits.

6. (1.) If a payment is made by the deposit of money in a bank by any person to the credit of the account of some other person, and the exemption (3) under the heading of "Receipt" in the Schedule to the Stamp Act Amendment Act, 1918, does not apply, the person by whom the money is deposited shall, when making the deposit, affix to a form of acknowledgment by the bank of the receipt of the money a stamp or stamps for the proper receipt duty, and tender such form to an officer of the bank for signature and cancellation of the stamp or stamps.

Penalty: Twenty pounds.

(2.) No acknowledgment by a bank of the receipt of money deposited in a bank as aforesaid shall be admissible in evidence, unless such acknowledgment is duly stamped.

(3.) The stamp duty paid on receipts for money deposited in a bank as aforesaid shall be deemed to have been paid at the request and on behalf of the person to whose credit such money is deposited, and the depositor may deduct the amount of duty from the payment to be made by such deposit as aforesaid, and the acknowledgment shall be an acquittance for the sum expressed to have been received by the bank with the amount of the stamp duty added.

(4.) Section seventy-three of the Stamp Act, 1882, as amended by section ten of the Stamp Act Amendment Act, 1913, shall not apply to a bank or an officer of a bank in respect of moneys paid to or deposited in such bank to be accounted for, whether received or expressed to be received from the person to whom the same is to be accounted for, or any other person.

(5.) In this section the term "money" includes any bill of exchange, promissory note, or cheque for money.

Appeal from assess-
ment of duty.

7. (1.) Any person dissatisfied with the assessment of duty by the Commissioner may, within twenty-one days after the date of the assessment, appeal to the Supreme Court.

(2.) The Commissioner shall thereupon state and sign a case, setting forth the question on which his opinion was required, and the assessment made by him, and deliver the case to the appellant, upon whose application such case may be set down for hearing in the Supreme Court.

(3.) Upon the hearing of such case the Court shall determine the question submitted, and assess the duty, if any, chargeable under this Act.

(4.) If it is decided by the Court that the assessment of the Commissioner is erroneous, any excess of duty which may have been paid in conformity with such erroneous assessment shall be ordered by the Court to be repaid by the Colonial Treasurer to the appellant.

(5.) If the assessment of the Commissioner is confirmed by the Court, the costs incurred by the Commissioner in relation to the appeal may be ordered by the Court to be paid by the appellant to the Commissioner, but if the appeal is allowed, the Commissioner may be ordered to pay the cost of the appeal.

(6.) For the purpose of this section, the jurisdiction of the Court may be exercised by a Judge in chambers.

8. The Colonial Treasurer may, in his discretion, exempt from *ad valorem* duty any deed of gift, conveyance, transfer, settlement, or other instrument operating as a voluntary disposition of property for the purposes of a public park, university, or other institution, or for charitable, patriotic, or other similar public purposes.

Power to exempt gifts for charitable purposes.
