



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XVII.

AN ACT to enforce the Payment of Duty on
the Transfer of Land.

[Assented to, 16th July, 1878.]

WHEREAS an Act was passed in the 5th year of the reign of
Her present Majesty and numbered 13; and under the provisions of this Act a duty is imposed upon the Transfer of Land, and such duty is now payable to the Registrar of Deeds, appointed under the provisions of the Ordinance 19th Victoria No. 14, in addition to such fees as are payable upon the registration of deeds and conveyances in his office; And whereas since the passing of "The Transfer of Land Act, 1874," it is no longer obligatory on parties to register deeds and conveyances in the Office of the Registrar of Deeds, and the payment of such duty is evaded in all cases of transfer of land brought under the operation of the last-mentioned Act; And whereas it is expedient that such duty should be collected, whether the transfer of land be registered in the afore-said Registrar's Office or in the Office of the Commissioner of Titles: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

42° VICTORIÆ, No. 17.

Land Transfer Duty.

Registrar of Titles to collect Transfer duty.

1 THE Registrar at the "Office of Titles" shall be entitled, and he is hereby required, over and above and in addition to such fees as are or shall be payable by parties upon registering at the "Office of Titles" any transfer of land or of any estate or interest therein, excepting only as in the aforesaid Act 5 Vic. 13 as amended by the Act 38 Vic. 7 is excepted, to charge and receive on each and every such transfer the aforesaid duty or sum of One pound for every One hundred pounds of the consideration for such transfer, and at the like rate where the value of the consideration shall be less than One hundred pounds.

Penalty on Registrar for neglect to collect duty.

2 IF the Registrar of Titles shall register any such transfer as aforesaid without having demanded and received such duty, he shall forfeit and pay the sum of Fifty pounds, and in addition thereto shall pay a fine equal in amount to the duty so chargeable as aforesaid.

Consideration for Transfer to be set forth therein.

3 THE full value of the consideration which shall be directly or indirectly paid or secured or agreed to be paid or secured for any transfer as aforesaid shall be truly expressed and set forth in money, in words at length in the instrument of transfer required to be registered, and if in any such case the purchase money or consideration shall be untruly or fraudulently stated or set forth, the purchaser or purchasers, seller or sellers, shall each forfeit and pay the sum of Fifty pounds, and shall also be chargeable with, and be holden liable to, the payment of five times the amount of the excess of duty which would have been payable in respect of the full purchase or consideration money in case the same had been truly set forth or expressed in the instrument of transfer as aforesaid, beyond the amount of the duty actually paid for the same.

Penalty.

Penalties, how enforced.

4 ALL forfeitures and penalties under this Act shall be enforced in like manner as penalties are directed to be recovered under the 143rd section of the "Transfer of Land Act, 1874," and all sums of money received or recovered under the provisions of this Act shall be dealt with in like manner as is provided by the 126th section of the last-mentioned Act for all sums of money and all penalties received under the provisions of that Act.

Moneys, how to be dealt with.

In the name and on behalf of the Queen I hereby assent to this Act.

H. ST. GEORGE ORD, Governor.