

STAMP DUTIES (AMENDMENT) BILL, 1952.

*Schedule of amendments referred to in Legislative Council's Message of  
13th November, 1952.*

No. 1.—Page 9, clause 2, *After line 12 insert—*

Sale or  
mortgages  
of  
reversions.

**102D. Where an interest in remainder or reversion expectant upon the determination of a limited interest has, before the commencement of the Stamp Duties (Amendment) Act, 1952, been—**

- (a) **bona fide sold for full consideration in money or money's worth, no other duty shall be payable by the purchaser when the limited interest falls into possession, than would have been payable had subparagraph (g) of paragraph (2) of section one hundred and two of this Act not been enacted;**
- (b) **bona fide mortgaged for full consideration in money or money's worth, any duty payable in consequence of the provisions of subparagraph (g) of paragraph (2) of section one hundred and two of this Act shall rank as a charge on the property next after that of the mortgagee.**

No. 2.—Page 14, clause 2, line 13. *Omit "in whose favour" insert "for whose life"*

No. 3.—Page 14, clause 2, lines 19 and 20. *Omit "in whose favour" insert "for whose life"*

No. 4.—Page 14, clause 2, line 31. *Omit "in whose favour" insert "for whose life"*

No. 5.—Page 14, clause 2, line 34. *Omit "in whose favour" insert "for whose life"*

No. 6.—Page 15, clause 2, line 1. *Omit "in whose favour" insert "for whose life"*

No. 7.—Page 15, clause 2, line 7. *Omit "in whose favour" insert "for whose life"*

No. 8.—Page 15, clause 2, line 13. *Omit "in whose favour" insert "for whose life"*

No. 9.—Page 15, clause 2, line 19. *Omit "in whose favour" insert "for whose life"*

No. 10.—Page 15, clause 2, line 25. *Omit "in whose favour" insert "for whose life"*

No. 11.—Page 15, clause 2, line 31. *Omit "in whose favour" insert "for whose life"*





*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*  
Legislative Assembly Chamber,  
Sydney, 4 November, 1952.

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. K. CHARLTON,  
*Clerk of the Parliaments.*  
Legislative Council Chamber,  
Sydney, 13th November, 1952.

## New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1952.

An Act to amend the Stamp Duties Act, 1920-1949, in certain respects; and for purposes connected therewith.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Stamp Duties (Amendment) Act, 1952." Short title and citation.

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Act, 1920-1952.

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47—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Stamp Duties (Amendment).*

## 2. The Stamp Duties Act, 1920-1949, is amended—

Amendment  
of Act No.  
47, 1920.

(a) by inserting at the end of section 101b the following new subsection:—

Sec. 101b.

(Death  
duty—

local

domicile—

estates of

persons

dying

after

commence-

ment of

Stamp

Duties

(Amend-

ment) Act,

1939.)

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(4) (a) This subsection shall apply in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales.

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(b) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable.

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(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed does not exceed one thousand pounds, no death duty shall be chargeable.

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(c) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all the foreign assets of the deceased, after deducting therefrom all debts actually due and owing by the deceased at the date of the death of the deceased, other than the debts referred to in subsection two of section one hundred and seven, exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to the widow or widower of the

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deceased



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*Stamp Duties (Amendment).*


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5 deceased or to any children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years, or on any other property which, or the value of which, is included by this Act in such dutiable estate, the beneficial interest in which property was vested in or passed on the death of the deceased to the widow or widower or such child.

10 (ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on  
15 any such property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased or to any children of the deceased who, at the time of such passing, were  
20 under the age of twenty-one years.

(b) (i) by omitting from subparagraph (b) of paragraph (1) of section one hundred and two the words "the next succeeding section" and by inserting in lieu thereof the words "section one hundred and three of this Act";

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Sec. 102.  
(Property subject to duty as part of the estate of deceased person.)

(ii) by inserting at the end of subparagraph (c) of paragraph (2) of the same section the words—

30 "Where, in respect of any property passing under any settlement, trust or other disposition made by the deceased whether before or after the passing of this Act, there was in existence at any time (either before  
35 or after the commencement of the Stamp Duties (Amendment) Act, 1952) within the

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*Stamp Duties (Amendment).*

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5 three years before the death of the deceased  
any such interest, benefit, reservation,  
assurance, contract or right as is referred  
to in the foregoing provisions of this  
subparagraph, the settlement, trust or other  
disposition shall, notwithstanding that such  
interest, benefit, reservation, assurance,  
contract or right had ceased to exist before  
10 the death of the deceased, be read and  
construed for the purposes of this sub-  
paragraph as if such interest, benefit,  
reservation, assurance, contract or right had  
continued in existence until the death of the  
deceased.”

15 (iii) by omitting subparagraph (d) of the same  
paragraph and by inserting in lieu thereof  
the following subparagraph:—

20 (d) Any property comprised in any gift  
made by the deceased at any time,  
whether before or after the passing of  
this Act, unless bona fide possession  
and enjoyment thereof has been  
assumed by the donee not less than  
25 three years before the death of the  
deceased and thenceforth retained to  
the entire exclusion of the deceased,  
or of any benefit to him of whatsoever  
kind or in any way whatsoever  
30 whether enforceable at law or in  
equity or not and whenever the  
deceased died.

(iv) by inserting next after subparagraph (fa)  
of the same paragraph the following new  
subparagraph:—

35 (g) (i) Any property in which the  
deceased or any other person  
had, at any time either before

or



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*Stamp Duties (Amendment).*

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or after the commencement of the Stamp Duties (Amendment) Act, 1952, an estate or interest limited to cease on the death of the deceased or at a time determined by reference to the death of the deceased (in this Act referred to as the "limited interest") to the extent to which a benefit accrues or arises by cesser of the limited interest, whether or not the limited interest has been surrendered, assured, divested or otherwise disposed of, whether for value or not, to or for the benefit of a person entitled to an estate or interest in the property in remainder or reversion expectant upon the determination of the limited interest:

Provided that where the limited interest was so surrendered, assured, divested or disposed of not less than three years before the death of the deceased, and bona fide possession and enjoyment of the property was assumed immediately after the limited interest was so surrendered, assured, divested or disposed of, and thereafter retained to the entire exclusion of the person theretofore entitled to the benefit of the limited interest, and of any benefit to such person, whether enforceable or not, the property shall not be deemed part of the estate.

The



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*Stamp Duties (Amendment).*

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The value of the benefit accruing or arising from the cesser of the limited interest shall—

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(a) if the limited interest extended to the whole of the income or benefits of the property, be the principal value of that property; and

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(b) if the limited interest extended to less than the whole of the income or benefits of the property, be the principal value of an addition to the property equal to the income or benefits to which the limited interest extended.

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In the application of this subparagraph to and in respect of a limited interest which is an annuity the property out of which or out of the income or proceeds of which the annuity is payable shall be deemed to be held for an estate or interest in remainder or reversion expectant upon the determination of the annuity.

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(ii) This subparagraph shall not apply to and in respect of—

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(a) any property the limited interest in which was only an interest as holder of an office, or as recipient of the benefits of a charity, or as a corporation sole;

(b)



*Stamp Duties (Amendment).*

5 (b) any property in respect of  
 which a benefit accrues or  
 arises by cesser of the  
 limited interest where the  
 Commissioner is satisfied  
 that such limited interest  
 was in the nature of an  
 annuity payable out of the  
 funds of a bona fide super-  
 annuation fund or out of  
 10 the funds of a bona fide  
 assurance company, cor-  
 poration or society.

15 (c) by inserting next after section one hundred and two the following new sections:— New secs.  
102A, 102B,  
102c.

20 102A. (1) Where by a disposition of any pro- Reverter of  
property to  
disponer.  
 perty an interest is conferred on any person  
 other than the disponer for the life of such per-  
 son or determinable on his death, and such  
 person enters into possession of the interest and  
 thenceforward retains possession thereof to the  
 entire exclusion of the disponer or of any benefit  
 to him by contract or otherwise, and the only  
 benefit which the disponer retains in the said  
 25 property is subject to such life or determinable  
 interest, and no other interest is created by the  
 said disposition, then, on the death of such per-  
 son, the property shall not be deemed to be  
 included in the estate of any deceased person  
 solely by virtue of the operation of subpara-  
 30 graph (g) of paragraph (2) of section one  
 hundred and two of this Act or of that sub-  
 paragraph as extended in its application by  
 paragraph (2A) of that section by reason only  
 35 of its reverter to the disponer in his lifetime.

(2) Where by a disposition of any pro-  
 perty any such interest as above in this section  
 mentioned is conferred on two or more persons,  
 either



*Stamp Duties (Amendment).*

either severally or jointly, or in succession, this section shall apply in like manner as where the interest is conferred on one person.

5 (3) Subsections one and two of this section shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

10 102B. Where a limited interest which was created under a will or by a settlement fails or determines by reason of the death of the person entitled thereto before it becomes a limited interest in possession, and subsequent limita-  
 15 tions under the will or settlement continue to subsist, no benefit shall be deemed to accrue or arise by the cesser of the limited interest by reason only of the failure or determination of that interest.

Limited interest—failure before it falls into possession.

20 102c. (1) This section shall have effect for the purposes of this Part of this Act in relation to a limited interest in the residue of the estate of a testator or intestate where that interest is limited to cease on the death of a person or at  
 25 a time determined by reference to the death of a person and that person dies before the completion of the administration of the estate.

Limited interest in unascertained residue.

30 (2) Such an interest shall, until the completion of the administration, be deemed to be an interest in the unadministered estate, of the testator or intestate, as for the time being held by his personal representatives subject to outstanding charges on residue and to any adjustments between capital and income remain-  
 35 ing to be made in a due course of administration, and in the property (if any) representing ascertained residue.

(3)



*Stamp Duties (Amendment).*

5 (3) Such an interest shall be deemed to have become an interest in possession on the date as from which the income of the residue would have been attributable to that interest if the residue had been ascertained immediately after the death of the testator or intestate.

10 (4) Where such an interest is an interest in a part only of the residue of an estate, the references in the foregoing provisions of this section to the unadministered estate, to residue and to charges on residue, shall be construed as references to a corresponding part thereof.

15 102D. Where an interest in remainder or reversion expectant upon the determination of a limited interest has, before the commencement of the Stamp Duties (Amendment) Act, 1952, been—

Sale or mortgages of reversions.

20 (a) bona fide sold for full consideration in money or money's worth, no other duty shall be payable by the purchaser when the limited interest falls into possession, than would have been payable had subparagraph (g) of paragraph (2) of section one hundred and two of this Act not been enacted;

25 (b) bona fide mortgaged for full consideration in money or money's worth, any duty payable in consequence of the provisions of subparagraph (g) of paragraph (2) of section one hundred and two of this Act shall rank as a charge on the property next after that of the mortgagee.

30 (d) by inserting at the end of subsection one of section one hundred and five the following proviso:—

Sec. 105.  
(Final balance of estate.)

Provided that where part or parts of the dutiable estate of any person is or are required

by



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*Stamp Duties (Amendment).*

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by section 105A of this Act to be separately assessed the final balance of the estate shall be ascertained separately for that part or each of those parts and for the remainder of the dutiable estate.

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(e) by inserting next after the same section the following new section:—

New sec.  
105A.

105A. (1) Any property which is deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section (in this Act referred to as "non-aggregated property") shall not be aggregated with the balance of the estate of the deceased but shall be separately assessed and shall for that purpose be an estate by itself:

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Property  
which is  
not to be  
aggregated.

Provided that the aggregate of all non-aggregated property included in the dutiable estate consequent upon the cesser of limited interests which were created by the same person shall be separately assessed and shall for that purpose be an estate by itself.

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(2) For the purposes of the separate assessment of non-aggregated property which is included in the estate of the deceased and directed to be separately assessed, the Seventh Schedule to this Act shall be construed as if—

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(a) paragraphs (a) and (b) of the matter appearing in the First Column were omitted and the following paragraph were inserted in lieu thereof:—

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Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased

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in



*Stamp Duties (Amendment).*

5 in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widow or lineal issue of the deceased or to the widow or lineal issue of the person who created the limited interest.

10 (b) paragraphs (a) and (b) of the matter appearing in the Second Column were omitted and the following paragraph were inserted in lieu thereof:—

15 Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widower, lineal ancestor, brother or sister, or issue of a brother or sister of the deceased, or to the widower, lineal ancestor, brother or sister or issue of a brother or sister of the person who created the limited interest.

(f) by inserting next after section 112b the following new sections:—

New secs.  
112c, 112d,  
112e.

30 112c. (1) Where the amount of the dutiable estate, other than non-aggregated property, of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, when aggregated with the value of the foreign assets of the deceased, does not, after deducting therefrom all debts actually due and owing by the deceased at the time of his death, other than the debts referred to in subsection two of section

Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.



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*Stamp Duties (Amendment).*

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5 one hundred and seven, exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on that portion of the final balance of the estate which consists of property of one or more of the following classes:—

10 (a) property which devolves by the intestacy on or passes under the will of the deceased to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of  
15 twenty-one years;

20 (b) property of any class not falling within paragraph (a) of this subsection, which, or the value of which, is included in the dutiable estate of the deceased, where the beneficial interest in that property on the death of the deceased is vested in or passes to the widow or widower of the deceased or any of the children of the deceased who, at the time of the  
25 death of the deceased, were under the age of twenty-one years.

30 (2) Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed, does not exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the  
35 rate prescribed by this Act on any property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased



*Stamp Duties (Amendment).*

deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

5 (3) The proportions referred to in subsections one and two of this section shall be as follows:—

10 Where the value of that portion of the final balance referred to in subsection one of this section or the value of the property passing to the persons referred to in subsection two of this section does not exceed £3,000, one-half prescribed rate.

Exceeds £3,000 but does not exceed £4,000, six-tenths prescribed rate.

15 Exceeds £4,000 but does not exceed £5,000, seven-tenths prescribed rate.

Exceeds £5,000 but does not exceed £6,000, eighth-tenths prescribed rate.

20 Exceeds £6,000 but does not exceed £7,500, nine-tenths prescribed rate.

(4) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

25 112D. Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed does not exceed seven thousand five hundred pounds and the Commissioner is satisfied that any such property passing on the cesser of the limited interest to the widow, widower, children or grandchildren of the person who created the limited interest was included in the estate of the person who created the limited interest and duty was paid thereon no duty shall be payable on any such property so passing.

Non-aggregated property—exemption from duty in certain cases.

112E,



*Stamp Duties (Amendment).*

112E. Where—

Reduction  
of duty  
in certain  
cases.

- 5 (a) any person who died before the commencement of the Stamp Duties (Amendment) Act, 1952, or who dies after such commencement, has created a limited interest in favour of any person; and
- 10 (b) the Commissioner is satisfied that the property in which the limited interest was so created was included in the dutiable estate of the person who created the limited interest; and
- 15 (c) the person ~~in whose favour~~ **for whose life** the limited interest was created, dies after such commencement and within eleven years after the death of the person who created the limited interest; and
- 20 (d) upon the death of the person ~~in whose favour~~ **for whose life** the limited interest was created such property is deemed to be included in his estate solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section,

30 then the duty payable in respect of such property which is so deemed to be included in the estate of the person ~~in whose favour~~ **for whose life** the limited interest was created shall be reduced as follows:—

35 Where the death of the person ~~in whose favour~~ **for whose life** the limited interest was created occurs within five years after the death of the person who created the limited interest—by one hundred per centum.

Where



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*Stamp Duties (Amendment).*

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5           Where the death of the person ~~in whose favour~~  
**for whose life** the limited interest was created  
occurs after the expiration of five years but  
before the expiration of six years after the death  
of the person who created the limited interest  
—by sixty per centum.

10           Where the death of the person ~~in whose favour~~  
**for whose life** the limited interest was created  
occurs after the expiration of six years but  
before the expiration of seven years after the  
death of the person who created the limited  
interest—by fifty per centum.

15           Where the death of the person ~~in whose favour~~  
**for whose life** the limited interest was created  
occurs after the expiration of seven years but  
before the expiration of eight years after the  
death of the person who created the limited  
interest—by forty per centum.

20           Where the death of the person ~~in whose favour~~  
**for whose life** the limited interest was created  
occurs after the expiration of eight years but  
before the expiration of nine years after the  
death of the person who created the limited  
interest—by thirty per centum.

25           Where the death of the person ~~in whose favour~~  
**for whose life** the limited interest was created  
occurs after the expiration of nine years but  
before the expiration of ten years after the death  
of the person who created the limited interest—  
30           by twenty per centum.

35           Where the death of the person ~~in whose favour~~  
**for whose life** the limited interest was created  
occurs after the expiration of ten years but  
before the expiration of eleven years after the  
death of the person who created the limited  
interest—by ten per centum.

(g)



*Stamp Duties (Amendment).*

- 5 (g) by inserting in subsection one of section one hundred and fourteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 114. (Death duty to be payable by the administrator.)
- (h) by inserting next after the same section the following new section:— New sec. 114A.
- 10 114A. (1) Death duty separately assessed in respect of non-aggregated property shall constitute a debt payable to Her Majesty out of the non-aggregated property and such duty shall be paid accordingly out of the non-aggregated property by the person in whom the non-aggregated property is vested. Payment of death duty on non-aggregated property.
- 15 (2) For the purpose of paying the duty the person in whom the non-aggregated property is vested, if a trustee, may raise the amount of the duty by mortgage or sale of the non-aggregated property.
- 20 (3) The person in whom the non-aggregated property is vested shall not be liable for any duty in excess of the assets constituting the non-aggregated property.
- 25 (i) by inserting in subsection one of section one hundred and fifteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 115. (Death duty to become due on assessment.)
- 30 (j) by inserting next after the same section the following new section:— New sec. 115A.
- 35 115A. (1) Death duty separately assessed in respect of non-aggregated property shall become due and payable on the assessment thereof by the Commissioner, or if not duly so assessed within six months from the death of the deceased then on the expiration of that period of six months. Assessment and charge of death duty on non-aggregated property.



*Stamp Duties (Amendment).*

5 (2) Such duty shall constitute, as from the death of the deceased, a charge upon so much of the non-aggregated property as is situated in New South Wales, but no such charge shall affect the title of a bona fide purchaser for value (whether before or after the death of the deceased) without notice.

10 (3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the non-aggregated property so situated be sold and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

15 (4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

20 (5) Every such vesting order shall have the same effect as if all persons entitled to the property had been free from all disability and had duly executed all proper conveyances, transfers and assignments of the property for such estate or interest as is specified in the order.

- 25 (k) (i) by inserting in subsection one of section one hundred and twenty after the words "payable in respect thereof" the words "(other than death duty separately assessed in respect of non-aggregated property)";
- 30 (ii) by inserting in subsection two of the same section after the words "management of any such property" the words "(including non-aggregated property)";
- 35 (iii) by inserting in subsection three of the same section after the words "pay such duty" the words "(including death duty separately assessed in respect of non-aggregated property)";

Sec. 120.  
(Account  
duty.)



*Stamp Duties (Amendment).*

- (1) (i) by omitting from subsection one of section one hundred and twenty-three the words "The deductions under this subsection in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property";
- (ii) by inserting next after the same subsection the following new subsections:—
- (1A) (a) Where, by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section, the dutiable estate of a deceased person includes any property comprised in any disposition not made by the deceased, there shall be deducted from the death duty assessed in respect of that property any ad valorem duty paid under Part III of this Act on any instrument effecting such disposition in respect of that property, less the sum of one pound for each separate instrument within the meaning of section sixteen of this Act.
- (b) The deductions under this subsection and under subsection one of this section in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property.
- (1B) Where—
- (a) any non-aggregated property has been included in the estate of a deceased person, and death duty has been paid thereon; and
- (b) the person (in this section referred to as the "settlor") who created the limited interest by reason of the
- cesser

Sec. 123.  
(Deduction  
of stamp  
duty from  
death duty  
in certain  
cases.)



*Stamp Duties (Amendment).*

cesser of which such non-aggregated property was included in the estate of the deceased person, dies after the death of such deceased person; and

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(c) the dutiable estate of the settlor includes the property in which such limited interest was created,

there shall be deducted from the death duty payable in the estate of the settlor in respect of the property in which such limited interest was created, a sum equivalent to the difference between the death duty referred to in paragraph (a) of this subsection and the death duty which would have been payable in respect of that non-aggregated property if the deceased person had died on the date of the death of the settlor and the settlor had died on the date of the death of the deceased person calculated according to the value of such property as at the actual date of the death of the deceased person and in accordance with the provisions of this Act in the form in which those provisions existed at that actual date.

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(m) by inserting in subsection one of section one hundred and twenty-four after the word "administrator" wherever occurring the words "or other person"; Sec. 124.  
(Appeal to Supreme Court from assessment of Commissioner.)

30 (n) (i) by inserting in subsection one of section 124A after the word "administrator" wherever occurring the words "or other person"; Sec. 124A.  
(Reference to local land board in certain cases.)

35 (ii) by inserting in subsections four and five of the same section after the word "administrator" wherever occurring the words "or such other person, as the case may be";

(o)



*Stamp Duties (Amendment).*

(o) by inserting in subsection one of section one hundred and twenty-eight after the word "administrator" wherever occurring the words "or other the person liable to pay death duty";

Sec. 128.  
(Further claim may be made in case of payment of too little duty.)

5 (p) by inserting next after section one hundred and forty-four the following new section:—

New sec. 145.

145. (1) The Governor may make regulations requiring that—

Regulations.

10 (a) every instrument (other than a will) executed after the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof is granted after such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall be registered in the office of the Commissioner;

25 (b) every instrument (other than a will) executed before the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof was granted before such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall, unless such person had died



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*Stamp Duties (Amendment).*

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died before such commencement, be registered in the office of the Commissioner.

(2) The Governor may, in and by such regulations,—

- 5
- (a) prescribe the manner in which and the persons by whom any such registration shall be effected;
- 10
- (b) prescribe the period within which any such registration shall be effected;
- 15
- (c) require the production for examination at the office of the Commissioner of the original of any instrument the registration of which is required to be effected pursuant to the regulations made under this section or of a certified copy of the instrument or of an abstract of such part thereof as the Commissioner may specify;
- 20
- (d) provide for the issue by the Commissioner of a certificate of registration in respect of any instrument the registration of which has been effected pursuant to the regulations made under this section;
- 25
- (e) require persons upon whom the obligation of effecting registration of any instrument is imposed by the regulations made under this section to comply with any written notice served, either personally or by post, requesting him to furnish any information or particulars in respect of the property to which the instrument relates, or the persons interested in such property, which the Commissioner may deem necessary to enable him to exercise and discharge his powers, authorities, duties and functions under this Act;

(f).



*Stamp Duties (Amendment).*

- 5 (f) authorise the Commissioner to alter or extend the time within which any matter or thing is required to be done by or under the regulations made under this section;
- (g) impose a penalty not exceeding fifty pounds for any breach of the regulations made under this section, and, where the breach is a continuing one, a penalty not exceeding five pounds for each day during which the breach continues.

15 (3) The provisions of subsections two and three of section nine of this Act shall extend to and in respect of regulations made under this section.

- (q) by omitting the Sixth Schedule and by inserting **Subst. Sixth Schedule.** in lieu thereof the following Schedule:—

SIXTH SCHEDULE.

Sec. 66.

20 RATE OF STAMP DUTY to be paid pursuant to subparagraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth or with a consideration in money or money's worth of less than 25 the unencumbered value of the property conveyed.

Amount or Value.		Rate per centum of Duty
	Not exceeding £1,000	3
	Exceeding £1,000 but not exceeding £2,000	3 $\frac{1}{4}$
30	£2,000	3 $\frac{3}{8}$
	£3,000	4
	£4,000	4 $\frac{1}{4}$
	£5,000	4 $\frac{1}{2}$
	£6,000	4 $\frac{3}{4}$
35	£7,000	5
	£8,000	5 $\frac{1}{4}$
	£9,000	5 $\frac{1}{2}$
	£10,000	5 $\frac{3}{4}$
	£11,000	6
40	£12,000	6 $\frac{1}{4}$
	£13,000	6 $\frac{1}{2}$
	£14,000	6 $\frac{3}{4}$



*Stamp Duties (Amendment).*

Amount or Value.				Rate per centum of Duty.
Exceeding	£14,000	but not exceeding	£15,000	6 $\frac{3}{4}$
"	£15,000	"	£16,000	7
"	£16,000	"	£17,000	7 $\frac{1}{4}$
5	"	"	£18,000	7 $\frac{1}{2}$
"	£17,000	"	£19,000	7 $\frac{3}{4}$
"	£18,000	"	£20,000	8
"	£19,000	"	£21,000	8 $\frac{1}{4}$
"	£20,000	"	£22,000	8 $\frac{1}{2}$
10	"	"	£23,000	8 $\frac{3}{4}$
"	£22,000	"	£24,000	9
"	£23,000	"	£25,000	9 $\frac{1}{4}$
"	£24,000	"	£26,000	9 $\frac{1}{2}$
"	£25,000	"	£27,000	9 $\frac{3}{4}$
15	"	"	£28,000	10
"	£27,000	"	£29,000	10 $\frac{1}{4}$
"	£28,000	"	£30,000	10 $\frac{1}{2}$
"	£29,000	"	£31,000	10 $\frac{3}{4}$
"	£30,000	"	£32,000	11
20	"	"	£33,000	11 $\frac{1}{4}$
"	£31,000	"	£34,000	11 $\frac{1}{2}$
"	£32,000	"	£35,000	11 $\frac{3}{4}$
"	£33,000	"	£36,000	12
"	£34,000	"	£37,000	12 $\frac{1}{4}$
25	"	"	£38,000	12 $\frac{1}{2}$
"	£36,000	"	£39,000	12 $\frac{3}{4}$
"	£37,000	"	£40,000	13
"	£38,000	"	£41,000	13 $\frac{1}{4}$
"	£39,000	"	£42,000	13 $\frac{1}{2}$
30	"	"	£43,000	13 $\frac{3}{4}$
"	£40,000	"	£44,000	14
"	£41,000	"	£45,000	14 $\frac{1}{4}$
"	£42,000	"	£46,000	14 $\frac{1}{2}$
"	£43,000	"	£47,000	14 $\frac{3}{4}$
35	"	"	£48,000	15
"	£44,000	"	£49,000	15 $\frac{1}{4}$
"	£45,000	"	£50,000	15 $\frac{1}{2}$
"	£46,000	"	£51,000	15 $\frac{3}{4}$
"	£47,000	"	£52,000	16
40	"	"	£53,000	16 $\frac{1}{4}$
"	£48,000	"	£54,000	16 $\frac{1}{2}$
"	£49,000	"	£55,000	16 $\frac{3}{4}$
"	£50,000	"	£56,000	17
"	£51,000	"	£57,000	17 $\frac{1}{4}$
45	"	"	£58,000	17 $\frac{1}{2}$
"	£52,000	"	£59,000	17 $\frac{3}{4}$
"	£53,000	"	£60,000	18
"	£54,000	"	£61,000	18 $\frac{1}{4}$
"	£55,000	"	£62,000	18 $\frac{1}{2}$
"	£56,000	"		
"	£57,000	"		
"	£58,000	"		
"	£59,000	"		
"	£60,000	"		
"	£61,000	"		
"	£62,000	"		



*Stamp Duties (Amendment).*

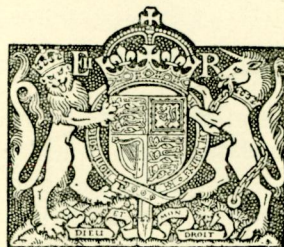
Amount or Value.						Rate per centum of Duty.
Exceeding	£62,000	but not exceeding	£63,000	...	...	18 $\frac{3}{4}$
"	£63,000	"	£64,000	...	...	19
"	£64,000	"	£65,000	...	...	19 $\frac{1}{4}$
5	£65,000	"	£66,000	...	...	19 $\frac{1}{2}$
"	£66,000	"	£67,000	...	...	19 $\frac{3}{4}$
"	£67,000	"	£68,000	...	...	20
"	£68,000	"	£69,000	...	...	20 $\frac{1}{4}$
"	£69,000	"	£70,000	...	...	20 $\frac{1}{2}$
10	£70,000	"	£71,000	...	...	20 $\frac{3}{4}$
"	£71,000	"	£72,000	...	...	21
"	£72,000	"	£73,000	...	...	21 $\frac{1}{4}$
"	£73,000	"	£74,000	...	...	21 $\frac{1}{2}$
"	£74,000	"	£75,000	...	...	21 $\frac{3}{4}$
15	£75,000	"	£76,000	...	...	22
"	£76,000	"	£77,000	...	...	22 $\frac{1}{5}$
"	£77,000	"	£78,000	...	...	22 $\frac{2}{5}$
"	£78,000	"	£79,000	...	...	22 $\frac{3}{5}$
"	£79,000	"	£80,000	...	...	22 $\frac{4}{5}$
20	£80,000	"	£81,000	...	...	23
"	£81,000	"	£82,000	...	...	23 $\frac{1}{5}$
"	£82,000	"	£83,000	...	...	23 $\frac{2}{5}$
"	£83,000	"	£84,000	...	...	23 $\frac{3}{5}$
"	£84,000	"	£85,000	...	...	23 $\frac{4}{5}$
25	£85,000	"	£86,000	...	...	24
"	£86,000	"	£87,000	...	...	24 $\frac{1}{5}$
"	£87,000	"	£88,000	...	...	24 $\frac{2}{5}$
"	£88,000	"	£89,000	...	...	24 $\frac{3}{5}$
"	£89,000	"	£90,000	...	...	24 $\frac{4}{5}$
30	£90,000	"	£91,000	...	...	25
"	£91,000	"	£92,000	...	...	25 $\frac{1}{5}$
"	£92,000	"	£93,000	...	...	25 $\frac{2}{5}$
"	£93,000	"	£94,000	...	...	25 $\frac{3}{5}$
"	£94,000	"	£95,000	...	...	25 $\frac{4}{5}$
35	£95,000	"	£96,000	...	...	26
"	£96,000	"	£97,000	...	...	26 $\frac{1}{5}$
"	£97,000	"	£98,000	...	...	26 $\frac{2}{5}$
"	£98,000	"	£99,000	...	...	26 $\frac{3}{5}$
"	£99,000	"	£100,000	...	...	26 $\frac{4}{5}$
40	£100,000	...	...	...	...	27



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 4 November, 1952.*

## New South Wales.



ANNO PRIMO

## ELIZABETHÆ II REGINÆ

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Act No. , 1952.

An Act to amend the Stamp Duties Act, 1920-1949, in certain respects; and for purposes connected therewith.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

**1.** (1) This Act may be cited as the "Stamp Duties (Amendment) Act, 1952." Short title and citation.

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the  
10 Stamp Duties Act, 1920-1952.



*Stamp Duties (Amendment).*

2. The Stamp Duties Act, 1920-1949, is amended—

Amendment  
of Act No.  
47, 1920.

(a) by inserting at the end of section 101b the following new subsection:—

Sec. 101b.

(Death  
duty—  
local  
domicile—  
estates of  
persons  
dying  
after  
commence-  
ment of  
Stamp  
Duties  
(Amend-  
ment) Act,  
1939.)

5

(4) (a) This subsection shall apply in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales.

10

(b) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable.

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(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed does not exceed one thousand pounds, no death duty shall be chargeable.

25

30

(c) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all the foreign assets of the deceased, after deducting therefrom all debts actually due and owing by the deceased at the date of the death of the deceased, other than the debts referred to in subsection two of section one hundred and seven, exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to the widow or widower of the deceased or to any children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years, or on any other

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*Stamp Duties (Amendment).*

5 other property which, or the value of which, is included by this Act in such dutiable estate, the beneficial interest in which property was vested in or passed on the death of the deceased to the widow or widower or such child.

10 (ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any such property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or  
15 widower of the deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

20 (b) (i) by omitting from subparagraph (b) of paragraph (1) of section one hundred and two the words "the next succeeding section" and by inserting in lieu thereof the words "section one hundred and three of this Act";

Sec. 102.  
(Property subject to duty as part of the estate of deceased person.)

25 (ii) by inserting at the end of subparagraph (c) of paragraph (2) of the same section the words—

30 "Where, in respect of any property passing under any settlement, trust or other disposition made by the deceased whether before or after the passing of this Act, there was in existence at any time (either before or after the commencement of the Stamp Duties (Amendment) Act, 1952) within the  
35 any such interest, benefit, reservation, assurance, contract or right as is referred to in the foregoing provisions of this subparagraph, the settlement, trust or other disposition shall, notwithstanding that such interest,



*Stamp Duties (Amendment).*

5 interest, benefit, reservation, assurance, contract or right had ceased to exist before the death of the deceased, be read and construed for the purposes of this sub-paragraph as if such interest, benefit, reservation, assurance, contract or right had continued in existence until the death of the deceased.”

10 (iii) by omitting subparagraph (d) of the same paragraph and by inserting in lieu thereof the following subparagraph:—

15 (d) Any property comprised in any gift made by the deceased at any time, whether before or after the passing of this Act, unless bona fide possession and enjoyment thereof has been assumed by the donee not less than three years before the death of the deceased and thenceforth retained to the entire exclusion of the deceased, or of any benefit to him of whatsoever kind or in any way whatsoever whether enforceable at law or in equity or not and whenever the deceased died.

20 (iv) by inserting next after subparagraph (fa) of the same paragraph the following new subparagraph:—

30 (g) (i) Any property in which the deceased or any other person had, at any time either before or after the commencement of the Stamp Duties (Amendment) Act, 1952, an estate or interest limited to cease on the death of the deceased or at a time determined by reference to the death of the deceased (in this Act referred to as the “limited interest”)

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*Stamp Duties (Amendment).*

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interest") to the extent to which a benefit accrues or arises by cesser of the limited interest, whether or not the limited interest has been surrendered, assured, divested or otherwise disposed of, whether for value or not, to or for the benefit of a person entitled to an estate or interest in the property in remainder or reversion expectant upon the determination of the limited interest:

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Provided that where the limited interest was so surrendered, assured, divested or disposed of not less than three years before the death of the deceased, and bona fide possession and enjoyment of the property was assumed immediately after the limited interest was so surrendered, assured, divested or disposed of, and thereafter retained to the entire exclusion of the person theretofore entitled to the benefit of the limited interest, and of any benefit to such person, whether enforceable or not, the property shall not be deemed part of the estate.

35

The value of the benefit accruing or arising from the cesser of the limited interest shall—

- (a) if the limited interest extended to the whole of the income or benefits of the



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*Stamp Duties (Amendment).*

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the property, be the principal value of that property; and

5

- (b) if the limited interest extended to less than the whole of the income or benefits of the property, be the principal value of an addition to the property equal to the income or benefits to which the limited interest extended.

10

15

In the application of this subparagraph to and in respect of a limited interest which is an annuity the property out of which or out of the income or proceeds of which the annuity is payable shall be deemed to be held for an estate or interest in remainder or reversion expectant upon the determination of the annuity.

20

25

- (ii) This subparagraph shall not apply to and in respect of—

30

- (a) any property the limited interest in which was only an interest as holder of an office, or as recipient of the benefits of a charity, or as a corporation sole;

35

- (b) any property in respect of which a benefit accrues or arises by cesser of the limited interest where the Commissioner is satisfied that such limited interest was in the nature of an annuity payable out of the funds



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*Stamp Duties (Amendment).*

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funds of a bona fide super-  
annuation fund or out of  
the funds of a bona fide  
assurance company, cor-  
poration or society.

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- (c) by inserting next after section one hundred and two the following new sections :—

New secs.  
102A, 102B,  
102C.

10

102A. (1) Where by a disposition of any property an interest is conferred on any person other than the disponent for the life of such person or determinable on his death, and such person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disponent or of any benefit to him by contract or otherwise, and the only benefit which the disponent retains in the said property is subject to such life or determinable interest, and no other interest is created by the said disposition, then, on the death of such person, the property shall not be deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section by reason only of its reverter to the disponent in his lifetime.

Reverter of  
property to  
disponent.

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(2) Where by a disposition of any property any such interest as above in this section mentioned is conferred on two or more persons, either severally or jointly, or in succession, this section shall apply in like manner as where the interest is conferred on one person.

35

(3) Subsections one and two of this section shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

102B.



*Stamp Duties (Amendment).*

5 102B. Where a limited interest which was  
 created under a will or by a settlement fails or  
 determines by reason of the death of the person  
 entitled thereto before it becomes a limited  
 interest in possession, and subsequent limita-  
 tions under the will or settlement continue to  
 subsist, no benefit shall be deemed to accrue or  
 arise by the cesser of the limited interest by  
 reason only of the failure or determination of  
 that interest.

Limited  
 interest—  
 failure  
 before it  
 falls into  
 possession.

15 102c. (1) This section shall have effect for  
 the purposes of this Part of this Act in relation  
 to a limited interest in the residue of the estate  
 of a testator or intestate where that interest is  
 limited to cease on the death of a person or at  
 a time determined by reference to the death of a  
 person and that person dies before the comple-  
 tion of the administration of the estate.

Limited  
 interest in  
 unascer-  
 tained  
 residue.

20 (2) Such an interest shall, until the  
 completion of the administration, be deemed to  
 be an interest in the unadministered estate, of  
 the testator or intestate, as for the time being  
 held by his personal representatives subject to  
 outstanding charges on residue and to any  
 adjustments between capital and income remain-  
 ing to be made in a due course of administration,  
 and in the property (if any) representing  
 ascertained residue.

30 (3) Such an interest shall be deemed to  
 have become an interest in possession on the  
 date as from which the income of the residue  
 would have been attributable to that interest  
 if the residue had been ascertained immediately  
 after the death of the testator or intestate.

35 (4) Where such an interest is an  
 interest in a part only of the residue of an estate,  
 the references in the foregoing provisions of this  
 section to the unadministered estate, to residue  
 and to charges on residue, shall be construed as  
 references to a corresponding part thereof.

40

(d)







*Stamp Duties (Amendment).*

5 in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widow or lineal issue of the deceased or to the widow or lineal issue of the person who created the limited interest.

- 10 (b) paragraphs (a) and (b) of the matter appearing in the Second Column were omitted and the following paragraph were inserted in lieu thereof:—

15 Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was  
20 vested in or passed on the death of the deceased to the widower, lineal ancestor, brother or sister, or issue of a brother or sister of the deceased, or  
25 to the widower, lineal ancestor, brother or sister or issue of a brother or sister of the person who created the limited interest.

- (f) by inserting next after section 112B the following new sections:—

30 112c. (1) Where the amount of the dutiable estate, other than non-aggregated property, of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, when aggregated with the value of the foreign assets  
35 of the deceased, does not, after deducting therefrom all debts actually due and owing by the deceased at the time of his death, other than the debts referred to in subsection two of section  
**one**

New secs.  
112c, 112d,  
112e.

Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.



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*Stamp Duties (Amendment).*

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5 one hundred and seven, exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on that portion of the final balance of the estate which consists of property of one or more of the following classes:—

10 (a) property which devolves by the intestacy on or passes under the will of the deceased to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of  
15 twenty-one years;

20 (b) property of any class not falling within paragraph (a) of this subsection, which, or the value of which, is included in the dutiable estate of the deceased, where the beneficial interest in that property on the death of the deceased is vested in or passes to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the  
25 age of twenty-one years.

30 (2) Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed, does not exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on any property  
35 passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased



*Stamp Duties (Amendment).*

deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

5 (3) The proportions referred to in subsections one and two of this section shall be as follows:—

10 Where the value of that portion of the final balance referred to in subsection one of this section or the value of the property passing to the persons referred to in subsection two of this section does not exceed £3,000, one-half prescribed rate.

Exceeds £3,000 but does not exceed £4,000, six-tenths prescribed rate.

15 Exceeds £4,000 but does not exceed £5,000, seven-tenths prescribed rate.

Exceeds £5,000 but does not exceed £6,000, eighth-tenths prescribed rate.

20 Exceeds £6,000 but does not exceed £7,500, nine-tenths prescribed rate.

(4) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

25 112D. Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed does not exceed seven thousand five hundred pounds and the Commissioner is satisfied that any such property passing on the cesser of the limited interest to the widow, widower, children or grandchildren of the person who created the limited interest was included in the estate of the person who created the limited interest and duty was paid thereon no duty shall be payable on any such property so passing.

Non-aggregated property—exemption from duty in certain cases.

112E.



*Stamp Duties (Amendment).*

112E. Where—

Reduction  
of duty  
in certain  
cases.

- 5 (a) any person who died before the commencement of the Stamp Duties (Amendment) Act, 1952, or who dies after such commencement, has created a limited interest in favour of any person; and
- 10 (b) the Commissioner is satisfied that the property in which the limited interest was so created was included in the dutiable estate of the person who created the limited interest; and
- 15 (c) the person in whose favour the limited interest was created dies after such commencement and within eleven years after the death of the person who created the limited interest; and
- 20 (d) upon the death of the person in whose favour the limited interest was created such property is deemed to be included in his estate solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that
- 25 subparagraph as extended in its application by paragraph (2A) of that section,

30 then the duty payable in respect of such property which is so deemed to be included in the estate of the person in whose favour the limited interest was created shall be reduced as follows:—

35 Where the death of the person in whose favour the limited interest was created occurs within five years after the death of the person who created the limited interest—by one hundred per centum.

Where



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*Stamp Duties (Amendment).*

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5           Where the death of the person in whose favour the limited interest was created occurs after the expiration of five years but before the expiration of six years after the death of the person who created the limited interest—by sixty per centum.

10           Where the death of the person in whose favour the limited interest was created occurs after the expiration of six years but before the expiration of seven years after the death of the person who created the limited interest—by fifty per centum.

15           Where the death of the person in whose favour the limited interest was created occurs after the expiration of seven years but before the expiration of eight years after the death of the person who created the limited interest—by forty per centum.

20           Where the death of the person in whose favour the limited interest was created occurs after the expiration of eight years but before the expiration of nine years after the death of the person who created the limited interest—by thirty per centum.

25           Where the death of the person in whose favour the limited interest was created occurs after the expiration of nine years but before the expiration of ten years after the death of the person who created the limited interest—by twenty per centum.

30           Where the death of the person in whose favour the limited interest was created occurs after the expiration of ten years but before the expiration of eleven years after the death of the person who created the limited interest—by ten per centum.

(g)



*Stamp Duties (Amendment).*

- 5 (g) by inserting in subsection one of section one hundred and fourteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 114.  
(Death duty to be payable by the administrator.)
- (h) by inserting next after the same section the following new section:— New sec.  
114A.
- 10 114A. (1) Death duty separately assessed in respect of non-aggregated property shall constitute a debt payable to Her Majesty out of the non-aggregated property and such duty shall be paid accordingly out of the non-aggregated property by the person in whom the non-aggregated property is vested. Payment of death duty on non-aggregated property.
- 15 (2) For the purpose of paying the duty the person in whom the non-aggregated property is vested, if a trustee, may raise the amount of the duty by mortgage or sale of the non-aggregated property.
- 20 (3) The person in whom the non-aggregated property is vested shall not be liable for any duty in excess of the assets constituting the non-aggregated property.
- 25 (i) by inserting in subsection one of section one hundred and fifteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 115.  
(Death duty to become due on assessment.)
- 30 (j) by inserting next after the same section the following new section:— New sec.  
115A.
- 35 115A. (1) Death duty separately assessed in respect of non-aggregated property shall become due and payable on the assessment thereof by the Commissioner, or if not duly so assessed within six months from the death of the deceased then on the expiration of that period of six months. Assessment and charge of death duty on non-aggregated property.



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*Stamp Duties (Amendment).*

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5 (2) Such duty shall constitute, as from the death of the deceased, a charge upon so much of the non-aggregated property as is situated in New South Wales, but no such charge shall affect the title of a bona fide purchaser for value (whether before or after the death of the deceased) without notice.

10 (3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the non-aggregated property so situated be sold and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

15 (4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

20 (5) Every such vesting order shall have the same effect as if all persons entitled to the property had been free from all disability and had duly executed all proper conveyances, transfers and assignments of the property for such estate or interest as is specified in the order.

- 25
- (k) (i) by inserting in subsection one of section one hundred and twenty after the words "pay-  
able in respect thereof" the words "(other than death duty separately assessed in respect of non-aggregated property)";
- 30 (ii) by inserting in subsection two of the same section after the words "management of any such property" the words "(including non-aggregated property)";
- 35 (iii) by inserting in subsection three of the same section after the words "pay such duty" the words "(including death duty separately assessed in respect of non-aggregated property)";

Sec. 120.  
(Account  
duty.)



*Stamp Duties (Amendment).*

- 5 (1) (i) by omitting from subsection one of section one hundred and twenty-three the words "The deductions under this subsection in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property";
- 10 (ii) by inserting next after the same subsection the following new subsections:—
- 15 (1A) (a) Where, by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section, the dutiable estate of a deceased person includes any property comprised in any disposition not made by the deceased, there shall be deducted from the death duty assessed in respect of that property any ad
- 20 valorem duty paid under Part III of this Act on any instrument effecting such disposition in respect of that property, less the sum of one pound for each separate instrument within the meaning of section sixteen of this Act.
- 25 (b) The deductions under this subsection and under subsection one of this section in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property.
- 30 (1B) Where—
- 35 (a) any non-aggregated property has been included in the estate of a deceased person, and death duty has been paid thereon; and
- (b) the person (in this section referred to as the "settlor") who created the limited interest by reason of the
- cesser.

Sec. 123.  
(Deduction  
of stamp  
duty from  
death duty  
in certain  
cases.)



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*Stamp Duties (Amendment).*


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cesser of which such non-aggregated property was included in the estate of the deceased person, dies after the death of such deceased person; and

- (c) the dutiable estate of the settlor includes the property in which such limited interest was created,

there shall be deducted from the death duty payable in the estate of the settlor in respect of the property in which such limited interest was created, a sum equivalent to the difference between the death duty referred to in paragraph (a) of this subsection and the death duty which would have been payable in respect of that non-aggregated property if the deceased person had died on the date of the death of the settlor and the settlor had died on the date of the death of the deceased person calculated according to the value of such property as at the actual date of the death of the deceased person and in accordance with the provisions of this Act in the form in which those provisions existed at that actual date.

- (m) by inserting in subsection one of section one hundred and twenty-four after the word "administrator" wherever occurring the words "or other person";
- Sec. 124.  
(Appeal to Supreme Court from assessment of Commissioner.)

- 30 (n) (i) by inserting in subsection one of section 124A after the word "administrator" wherever occurring the words "or other person";
- Sec. 124A.  
(Reference to local land board in certain cases.)
- (ii) by inserting in subsections four and five of the same section after the word "administrator" wherever occurring the words "or such other person, as the case may be";

(o)



*Stamp Duties (Amendment).*

(o) by inserting in subsection one of section one hundred and twenty-eight after the word "administrator" wherever occurring the words "or other the person liable to pay death duty";

Sec. 128. (Further claim may be made in case of payment of too little duty.)

5 (p) by inserting next after section one hundred and forty-four the following new section:—

New sec. 145.

145. (1) The Governor may make regulations requiring that—

Regulations.

10 (a) every instrument (other than a will) executed after the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof is granted after such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall be registered in the office of the Commissioner;

25 (b) every instrument (other than a will) executed before the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof was granted before such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall, unless such person had died



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*Stamp Duties (Amendment).*

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died before such commencement, be registered in the office of the Commissioner.

5 (2) The Governor may, in and by such regulations,—

- (a) prescribe the manner in which and the persons by whom any such registration shall be effected;
- 10 (b) prescribe the period within which any such registration shall be effected;
- 15 (c) require the production for examination at the office of the Commissioner of the original of any instrument the registration of which is required to be effected pursuant to the regulations made under this section or of a certified copy of the instrument or of an abstract of such part thereof as the Commissioner may specify;
- 20 (d) provide for the issue by the Commissioner of a certificate of registration in respect of any instrument the registration of which has been effected pursuant to the regulations made under this section;
- 25 (e) require persons upon whom the obligation of effecting registration of any instrument is imposed by the regulations made under this section to comply with any written notice served, either personally or by post, requesting him to furnish any information or particulars in respect of the property to which the instrument relates, or the persons interested in such property, which the Commissioner may deem necessary to enable him to exercise and discharge his powers, authorities, duties and functions under this Act;

(f)



*Stamp Duties (Amendment).*

5 (f) authorise the Commissioner to alter or extend the time within which any matter or thing is required to be done by or under the regulations made under this section;

10 (g) impose a penalty not exceeding fifty pounds for any breach of the regulations made under this section, and, where the breach is a continuing one, a penalty not exceeding five pounds for each day during which the breach continues.

15 (3) The provisions of subsections two and three of section nine of this Act shall extend to and in respect of regulations made under this section.

(q) by omitting the Sixth Schedule and by inserting in lieu thereof the following Schedule:— Subst. Sixth Schedule.

## SIXTH SCHEDULE.

Sec. 66.

20 RATE OF STAMP DUTY to be paid pursuant to subparagraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth or with a consideration in money or money's worth of less than the unencumbered value of the property conveyed.

	Amount or Value.	Rate per centum of Duty
	Not exceeding £1,000	3
	Exceeding £1,000 but not exceeding £2,000	3 $\frac{1}{4}$
30	£2,000	3 $\frac{2}{8}$
	£3,000	4
	£4,000	4 $\frac{1}{4}$
	£5,000	4 $\frac{1}{2}$
	£6,000	4 $\frac{3}{4}$
35	£7,000	5
	£8,000	5 $\frac{1}{4}$
	£9,000	5 $\frac{1}{2}$
	£10,000	5 $\frac{3}{4}$
	£11,000	6
40	£12,000	6 $\frac{1}{4}$
	£13,000	6 $\frac{1}{2}$



*Stamp Duties (Amendment).*

Amount or Value.		Rate per centum of Duty.
Exceeding	£14,000 but not exceeding £15,000	6 $\frac{3}{4}$
"	£15,000 " "	7
"	£16,000 " "	7 $\frac{1}{4}$
5	£17,000 " "	7 $\frac{1}{2}$
"	£18,000 " "	7 $\frac{3}{4}$
"	£19,000 " "	8
"	£20,000 " "	8 $\frac{1}{4}$
"	£21,000 " "	8 $\frac{1}{2}$
10	£22,000 " "	8 $\frac{3}{4}$
"	£23,000 " "	9
"	£24,000 " "	9 $\frac{1}{4}$
"	£25,000 " "	9 $\frac{1}{2}$
"	£26,000 " "	9 $\frac{3}{4}$
15	£27,000 " "	10
"	£28,000 " "	10 $\frac{1}{4}$
"	£29,000 " "	10 $\frac{1}{2}$
"	£30,000 " "	10 $\frac{3}{4}$
"	£31,000 " "	11
20	£32,000 " "	11 $\frac{1}{4}$
"	£33,000 " "	11 $\frac{1}{2}$
"	£34,000 " "	11 $\frac{3}{4}$
"	£35,000 " "	12
"	£36,000 " "	12 $\frac{1}{4}$
25	£37,000 " "	12 $\frac{1}{2}$
"	£38,000 " "	12 $\frac{3}{4}$
"	£39,000 " "	13
"	£40,000 " "	13 $\frac{1}{4}$
"	£41,000 " "	13 $\frac{1}{2}$
30	£42,000 " "	13 $\frac{3}{4}$
"	£43,000 " "	14
"	£44,000 " "	14 $\frac{1}{4}$
"	£45,000 " "	14 $\frac{1}{2}$
"	£46,000 " "	14 $\frac{3}{4}$
35	£47,000 " "	15
"	£48,000 " "	15 $\frac{1}{4}$
"	£49,000 " "	15 $\frac{1}{2}$
"	£50,000 " "	15 $\frac{3}{4}$
"	£51,000 " "	16
40	£52,000 " "	16 $\frac{1}{4}$
"	£53,000 " "	16 $\frac{1}{2}$
"	£54,000 " "	16 $\frac{3}{4}$
"	£55,000 " "	17
"	£56,000 " "	17 $\frac{1}{4}$
45	£57,000 " "	17 $\frac{1}{2}$
"	£58,000 " "	17 $\frac{3}{4}$
"	£59,000 " "	18
"	£60,000 " "	18 $\frac{1}{4}$
"	£61,000 " "	18 $\frac{1}{2}$
"	£62,000 " "	18 $\frac{3}{4}$



*Stamp Duties (Amendment).*

Amount or Value.		Rate per centum of Duty.
Exceeding	£62,000 but not exceeding £63,000	18 $\frac{3}{4}$
"	£63,000 " "	19
"	£64,000 " "	19 $\frac{1}{4}$
5	" £65,000 " "	19 $\frac{1}{2}$
"	£66,000 " "	19 $\frac{3}{4}$
"	£67,000 " "	20
"	£68,000 " "	20 $\frac{1}{4}$
"	£69,000 " "	20 $\frac{1}{2}$
10	" £70,000 " "	20 $\frac{3}{4}$
"	£71,000 " "	21
"	£72,000 " "	21 $\frac{1}{4}$
"	£73,000 " "	21 $\frac{1}{2}$
"	£74,000 " "	21 $\frac{3}{4}$
15	" £75,000 " "	22
"	£76,000 " "	22 $\frac{1}{5}$
"	£77,000 " "	22 $\frac{2}{5}$
"	£78,000 " "	22 $\frac{3}{5}$
"	£79,000 " "	22 $\frac{4}{5}$
20	" £80,000 " "	23
"	£81,000 " "	23 $\frac{1}{5}$
"	£82,000 " "	23 $\frac{2}{5}$
"	£83,000 " "	23 $\frac{3}{5}$
"	£84,000 " "	23 $\frac{4}{5}$
25	" £85,000 " "	24
"	£86,000 " "	24 $\frac{1}{5}$
"	£87,000 " "	24 $\frac{2}{5}$
"	£88,000 " "	24 $\frac{3}{5}$
"	£89,000 " "	24 $\frac{4}{5}$
30	" £90,000 " "	25
"	£91,000 " "	25 $\frac{1}{5}$
"	£92,000 " "	25 $\frac{2}{5}$
"	£93,000 " "	25 $\frac{3}{5}$
"	£94,000 " "	25 $\frac{4}{5}$
35	" £95,000 " "	26
"	£96,000 " "	26 $\frac{1}{5}$
"	£97,000 " "	26 $\frac{2}{5}$
"	£98,000 " "	26 $\frac{3}{5}$
"	£99,000 " "	26 $\frac{4}{5}$
40	" £100,000 ... ..	27



Year	Population	Area	Population	Area
1870	1,000,000	100,000	1,000,000	100,000
1880	1,100,000	110,000	1,100,000	110,000
1890	1,200,000	120,000	1,200,000	120,000
1900	1,300,000	130,000	1,300,000	130,000
1910	1,400,000	140,000	1,400,000	140,000
1920	1,500,000	150,000	1,500,000	150,000
1930	1,600,000	160,000	1,600,000	160,000
1940	1,700,000	170,000	1,700,000	170,000
1950	1,800,000	180,000	1,800,000	180,000
1960	1,900,000	190,000	1,900,000	190,000
1970	2,000,000	200,000	2,000,000	200,000
1980	2,100,000	210,000	2,100,000	210,000
1990	2,200,000	220,000	2,200,000	220,000
2000	2,300,000	230,000	2,300,000	230,000
2010	2,400,000	240,000	2,400,000	240,000
2020	2,500,000	250,000	2,500,000	250,000

Source: U.S. Census Bureau, Historical Statistics of the United States



Stamp Duties (Amendment)

2. The Stamp Duties Act, 1920-1949, is amended—

(a) by inserting at the end of section 101A the following new subsection:—

(1) This subsection shall apply in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales.

(b) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts, liabilities, and owing by the deceased at the date of his death, other than the debts and liabilities specified in section 101A, exceed one thousand pounds, no death duty shall be chargeable.

(ii) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts, liabilities, and owing by the deceased at the date of his death, other than the debts and liabilities specified in section 101A, exceed two thousand pounds, no death duty shall be chargeable.

No. , 1952.

# A BILL

To amend the Stamp Duties Act, 1920-1949, in certain respects; and for purposes connected therewith.

[MR. CAHILL;—29 October, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Stamp Duties (Amendment) Act, 1952." Short title and citation.

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Act, 1920-1952.



*Stamp Duties (Amendment).***2.** The Stamp Duties Act, 1920-1949, is amended—Amendment  
of Act No.  
47, 1920.

(a) by inserting at the end of section 101D the following new subsection:—

Sec. 101D.

(Death  
duty—

local

domicile—

estates of

persons

dying

after

commence-

ment of

Stamp

Duties

(Amend-

ment) Act,

1939.)

5

(4) (a) This subsection shall apply in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales.

10

(b) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable.

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(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed does not exceed one thousand pounds, no death duty shall be chargeable.

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(c) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all the foreign assets of the deceased, after deducting therefrom all debts actually due and owing by the deceased at the date of the death of the deceased, other than the debts referred to in subsection two of section one hundred and seven, exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to the widow or widower of the deceased or to any children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years, or on any other

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*Stamp Duties (Amendment).*

5 other property which, or the value of which, is included by this Act in such dutiable estate, the beneficial interest in which property was vested in or passed on the death of the deceased to the widow or widower or such child.

10 (ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any such property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

20 (b) (i) by omitting from subparagraph (b) of paragraph (1) of section one hundred and two the words "the next succeeding section" and by inserting in lieu thereof the words "section one hundred and three of this Act";

Sec. 102.  
(Property subject to duty as part of the estate of deceased person.)

25 (ii) by inserting at the end of subparagraph (c) of paragraph (2) of the same section the words—

30 "Where, in respect of any property passing under any settlement, trust or other disposition made by the deceased whether before or after the passing of this Act, there was in existence at any time (either before or after the commencement of the Stamp Duties (Amendment) Act, 1952) within the three years before the death of the deceased

35 any such interest, benefit, reservation, assurance, contract or right as is referred to in the foregoing provisions of this subparagraph, the settlement, trust or other disposition shall, notwithstanding that such interest,



*Stamp Duties (Amendment)*

5 interest, benefit, reservation, assurance, contract or right had ceased to exist before the death of the deceased, be read and construed for the purposes of this subparagraph as if such interest, benefit, reservation, assurance, contract or right had continued in existence until the death of the deceased."

10 (iii) by omitting subparagraph (d) of the same paragraph and by inserting in lieu thereof the following subparagraph:—

15 (d) Any property comprised in any gift made by the deceased at any time, whether before or after the passing of this Act, unless bona fide possession and enjoyment thereof has been assumed by the donee not less than three years before the death of the deceased and thenceforth retained to the entire exclusion of the deceased, or of any benefit to him of whatsoever kind or in any way whatsoever whether enforceable at law or in equity or not and whenever the deceased died.

20 (iv) by inserting next after subparagraph (fa) of the same paragraph the following new subparagraph:—

30 (g) (i) Any property in which the deceased or any other person had, at any time either before or after the commencement of the Stamp Duties (Amendment) Act, 1952, an estate or interest limited to cease on the death of the deceased or at a time determined by reference to the death of the deceased (in this Act referred to as the "limited interest")

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*Stamp Duties (Amendment).*

5 interest") to the extent to which  
 a benefit accrues or arises by  
 10 cesser of the limited interest,  
 whether or not the limited  
 interest has been surrendered,  
 assured, divested or otherwise  
 disposed of, whether for value  
 or not, to or for the benefit of a  
 person entitled to an estate or  
 interest in the property in  
 remainder or reversion expectant  
 upon the determination of the  
 limited interest:

15 Provided that where the  
 limited interest was so surren-  
 dered, assured, divested or  
 20 disposed of not less than three  
 years before the death of the  
 deceased, and bona fide posses-  
 sion and enjoyment of the  
 property was assumed immedi-  
 25 ately after the limited interest  
 was so surrendered, assured,  
 divested or disposed of, and  
 thereafter retained to the entire  
 30 exclusion of the person thereto-  
 fore entitled to the benefit of the  
 limited interest, and of any  
 benefit to such person, whether  
 enforceable or not, the property  
 shall not be deemed part of the  
 estate.

35 The value of the benefit  
 accruing or arising from the  
 cesser of the limited interest  
 shall—

(a) if the limited interest  
 extended to the whole of  
 the income or benefits of  
 the



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*Stamp Duties (Amendment).*

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the property, be the principal value of that property; and

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- (b) if the limited interest extended to less than the whole of the income or benefits of the property, be the principal value of an addition to the property equal to the income or benefits to which the limited interest extended.

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In the application of this subparagraph to and in respect of a limited interest which is an annuity the property out of which or out of the income or proceeds of which the annuity is payable shall be deemed to be held for an estate or interest in remainder or reversion expectant upon the determination of the annuity.

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- (ii) This subparagraph shall not apply to and in respect of—

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- (a) any property the limited interest in which was only an interest as holder of an office, or as recipient of the benefits of a charity, or as a corporation sole;

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- (b) any property in respect of which a benefit accrues or arises by cesser of the limited interest where the Commissioner is satisfied that such limited interest was in the nature of an annuity payable out of the funds



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*Stamp Duties (Amendment).*


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funds of a bona fide superannuation fund or out of the funds of a bona fide assurance company, corporation or society.

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(c) by inserting next after section one hundred and two the following new sections:—

New secs.  
102A, 102B,  
102C.

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102A. (1) Where by a disposition of any property an interest is conferred on any person other than the disponer for the life of such person or determinable on his death, and such person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disponer or of any benefit to him by contract or otherwise, and the only benefit which the disponer retains in the said property is subject to such life or determinable interest, and no other interest is created by the said disposition, then, on the death of such person, the property shall not be deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section by reason only of its reverter to the disponer in his lifetime.

Reverter of  
property to  
disponer.

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(2) Where by a disposition of any property any such interest as above in this section mentioned is conferred on two or more persons, either severally or jointly, or in succession, this section shall apply in like manner as where the interest is conferred on one person.

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(3) Subsections one and two of this section shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

102B.



Stamp Duties (Amendment).

5 102B. Where a limited interest which was  
 created under a will or by a settlement fails or  
 determines by reason of the death of the person  
 entitled thereto before it becomes a limited  
 interest in possession, and subsequent limita-  
 tions under the will or settlement continue to  
 subsist, no benefit shall be deemed to accrue or  
 arise by the cesser of the limited interest by  
 reason only of the failure or determination of  
 that interest.

Limited interest—failure before it falls into possession.

102c. (1) This section shall have effect for  
 the purposes of this Part of this Act in relation  
 to a limited interest in the residue of the estate  
 of a testator or intestate where that interest is  
 limited to cease on the death of a person or at  
 a time determined by reference to the death of a  
 person and that person dies before the comple-  
 tion of the administration of the estate.

Limited interest in unascertained residue.

(2) Such an interest shall, until the  
 completion of the administration, be deemed to  
 be an interest in the unadministered estate, of  
 the testator or intestate, as for the time being  
 held by his personal representatives subject to  
 outstanding charges on residue and to any  
 adjustments between capital and income remain-  
 ing to be made in a due course of administration,  
 and in the property (if any) representing  
 ascertained residue.

(3) Such an interest shall be deemed to  
 have become an interest in possession on the  
 date as from which the income of the residue  
 would have been attributable to that interest  
 if the residue had been ascertained immediately  
 after the death of the testator or intestate.

(4) Where such an interest is an  
 interest in a part only of the residue of an estate,  
 the references in the foregoing provisions of this  
 section to the unadministered estate, to residue  
 and to charges on residue, shall be construed as  
 references to a corresponding part thereof.

(d)



Stamp Duties (Amendment).

(d) by inserting at the end of subsection one of section one hundred and five the following proviso:—

Sec. 105. (Final balance of estate.)

5

Provided that where part or parts of the dutiable estate of any person is or are required by section 105A of this Act to be separately assessed the final balance of the estate shall be ascertained separately for that part or each of those parts and for the remainder of the dutiable estate.

10

(e) by inserting next after the same section the following new section:—

New sec. 105A.

15

105A. (1) Any property which is deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section (in this Act referred to as "non-aggregated property") shall not be aggregated with the balance of the estate of the deceased but shall be separately assessed and shall for that purpose be an estate by itself:

Property which is not to be aggregated.

20

Provided that the aggregate of all non-aggregated property included in the dutiable estate consequent upon the cesser of limited interests which were created by the same person shall be separately assessed and shall for that purpose be an estate by itself.

25

(2) For the purposes of the separate assessment of non-aggregated property which is included in the estate of the deceased and directed to be separately assessed, the Seventh Schedule to this Act shall be construed as if—

30

(a) paragraphs (a) and (b) of the matter appearing in the First Column were omitted and the following paragraph were inserted in lieu thereof:—

40

Any property directed by this Act to be separately assessed which is included in



*Stamp Duties (Amendment).*

5 in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widow or lineal issue of the deceased or to the widow or lineal issue of the person who created the limited interest.

10 (b) paragraphs (a) and (b) of the matter appearing in the Second Column were omitted and the following paragraph were inserted in lieu thereof:—

15 Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was  
20 vested in or passed on the death of the deceased to the widower, lineal ancestor, brother or sister, or issue of a brother or sister of the deceased, or  
25 to the widower, lineal ancestor, brother or sister or issue of a brother or sister of the person who created the limited interest.

(f) by inserting next after section 112B the following new sections:—

30 112c. (1) Where the amount of the dutiable estate, other than non-aggregated property, of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, when aggregated with the value of the foreign assets  
35 of the deceased, does not, after deducting therefrom all debts actually due and owing by the deceased at the time of his death, other than the debts referred to in subsection two of section

New secs.  
112c, 112d,  
112e.

Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.

one



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*Stamp Duties (Amendment).*

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one hundred and seven, exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on that portion of the final balance of the estate which consists of property of one or more of the following classes:—

5

10

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(a) property which devolves by the intestacy on or passes under the will of the deceased to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years;

(b) property of any class not falling within paragraph (a) of this subsection, which, or the value of which, is included in the dutiable estate of the deceased, where the beneficial interest in that property on the death of the deceased is vested in or passes to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years.

30

35

(2) Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed, does not exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on any property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased



*Stamp Duties (Amendment).*

deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

(3) The proportions referred to in subsections one and two of this section shall be as follows:—

Where the value of that portion of the final balance referred to in subsection one of this section or the value of the property passing to the persons referred to in subsection two of this section does not exceed £3,000, one-half prescribed rate.

Exceeds £3,000 but does not exceed £4,000, six-tenths prescribed rate.

Exceeds £4,000 but does not exceed £5,000, seven-tenths prescribed rate.

Exceeds £5,000 but does not exceed £6,000, eighth-tenths prescribed rate.

Exceeds £6,000 but does not exceed £7,500, nine-tenths prescribed rate.

(4) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

112d. Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed does not exceed seven thousand five hundred pounds and the Commissioner is satisfied that any such property passing on the cesser of the limited interest to the widow, widower, children or grandchildren of the person who created the limited interest was included in the estate of the person who created the limited interest and duty was paid thereon no duty shall be payable on any such property so passing.

Non-aggregated property—exemption from duty in certain cases.



*Stamp Duties (Amendment).*

	112E. Where—	Reduction of duty in certain cases.
5	(a) any person who dies before the commencement of the Stamp Duties (Amendment) Act, 1952, or who dies after such commencement, has created a limited interest in favour of any person; and	8
10	(b) the Commissioner is satisfied that the property in which the limited interest was so created was included in the dutiable estate of the person who created the limited interest; and	10
15	(c) the person in whose favour the limited interest was created dies after such commencement and within eleven years after the death of the person who created the limited interest; and	15
20	(d) upon the death of the person in whose favour the limited interest was created such property is deemed to be included in his estate solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section,	20
25		25
30	then the duty payable in respect of such property which is so deemed to be included in the estate of the person in whose favour the limited interest was created shall be reduced as follows:—	30
35	Where the death of the person in whose favour the limited interest was created occurs within five years after the death of the person who created the limited interest—by one hundred per centum.	35
	(g) Where	



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*Stamp Duties (Amendment).*

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5           Where the death of the person in whose favour the limited interest was created occurs after the expiration of five years but before the expiration of six years after the death of the person who created the limited interest—by sixty per centum.

10           Where the death of the person in whose favour the limited interest was created occurs after the expiration of six years but before the expiration of seven years after the death of the person who created the limited interest—by fifty per centum.

15           Where the death of the person in whose favour the limited interest was created occurs after the expiration of seven years but before the expiration of eight years after the death of the person who created the limited interest—by forty per centum.

20           Where the death of the person in whose favour the limited interest was created occurs after the expiration of eight years but before the expiration of nine years after the death of the person who created the limited interest—by thirty per centum.

25           Where the death of the person in whose favour the limited interest was created occurs after the expiration of nine years but before the expiration of ten years after the death of the person who created the limited interest—by twenty per centum.

30           Where the death of the person in whose favour the limited interest was created occurs after the expiration of ten years but before the expiration of eleven years after the death of the person who created the limited interest—by ten per centum.

(g)



Stamp Duties (Amendment).

- 5 (g) by inserting in subsection one of section one hundred and fourteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 114. (Death duty to be payable by the administrator.)
- (h) by inserting next after the same section the following new section:— New sec. 114A.
- 10 114A. (1) Death duty separately assessed in respect of non-aggregated property shall constitute a debt payable to Her Majesty out of the non-aggregated property and such duty shall be paid accordingly out of the non-aggregated property by the person in whom the non-aggregated property is vested. Payment of death duty on non-aggregated property.
- 15 (2) For the purpose of paying the duty the person in whom the non-aggregated property is vested, if a trustee, may raise the amount of the duty by mortgage or sale of the non-aggregated property.
- 20 (3) The person in whom the non-aggregated property is vested shall not be liable for any duty in excess of the assets constituting the non-aggregated property.
- 25 (i) by inserting in subsection one of section one hundred and fifteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 115. (Death duty to become due on assessment.)
- 30 (j) by inserting next after the same section the following new section:— New sec. 115A.
- 35 115A. (1) Death duty separately assessed in respect of non-aggregated property shall become due and payable on the assessment thereof by the Commissioner, or if not duly so assessed within six months from the death of the deceased then on the expiration of that period of six months. Assessment and charge of death duty on non-aggregated property.

(2)



*Stamp Duties (Amendment).*

5 (2) Such duty shall constitute, as from the death of the deceased, a charge upon so much of the non-aggregated property as is situated in New South Wales, but no such charge shall affect the title of a bona fide purchaser for value (whether before or after the death of the deceased) without notice.

10 (3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the non-aggregated property so situated be sold and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

15 (4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

20 (5) Every such vesting order shall have the same effect as if all persons entitled to the property had been free from all disability and had duly executed all proper conveyances, transfers and assignments of the property for such estate or interest as is specified in the order.

25 (k) (i) by inserting in subsection one of section one hundred and twenty after the words "payable in respect thereof" the words "(other than death duty separately assessed in respect of non-aggregated property)";

Sec. 120.  
(Account  
duty.)

30 (ii) by inserting in subsection two of the same section after the words "management of any such property" the words "(including non-aggregated property)";

35 (iii) by inserting in subsection three of the same section after the words "pay such duty" the words "(including death duty separately assessed in respect of non-aggregated property)";

(3) (1)



*Stamp Duties (Amendment).*

- 5 (1) (i) by omitting from subsection one of section one hundred and twenty-three the words "The deductions under this subsection in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property";
- 10 (ii) by inserting next after the same subsection the following new subsections:—
- 15 (1A) (a) Where, by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section, the dutiable estate of a deceased person includes any property comprised in any disposition not made by the deceased, there shall be deducted from the death duty assessed in respect of that property any ad valorem duty paid under Part III of this Act on any instrument effecting such disposition in respect of that property, less the sum of one pound for each separate instrument within the meaning of section sixteen of this Act.
- 20 (b) The deductions under this subsection and under subsection one of this section in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property.
- 25 (1B) Where—
- 30 (a) any non-aggregated property has been included in the estate of a deceased person, and death duty has been paid thereon; and
- 35 (b) the person (in this section referred to as the "settlor") who created the limited interest by reason of the
- cesser

Sec. 123.  
(Deduction  
of stamp  
duty from  
death duty  
in certain  
cases.)



*Stamp Duties (Amendment).*

cesser of which such non-aggregated property was included in the estate of the deceased person, dies after the death of such deceased person; and

5

(c) the dutiable estate of the settlor includes the property in which such limited interest was created,

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there shall be deducted from the death duty payable in the estate of the settlor in respect of the property in which such limited interest was created, a sum equivalent to the difference between the death duty referred to in paragraph (a) of this subsection and the death duty which would have been payable in respect of that non-aggregated property if the deceased person had died on the date of the death of the settlor and the settlor had died on the date of the death of the deceased person calculated according to the value of such property as at the actual date of the death of the deceased person and in accordance with the provisions of this Act in the form in which those provisions existed at that actual date.

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(m) by inserting in subsection one of section one hundred and twenty-four after the word "administrator" wherever occurring the words "or other person";

Sec. 124.  
(Appeal to  
Supreme  
Court from  
assessment  
of Commis-  
sioner.)

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(n) (i) by inserting in subsection one of section 124A after the word "administrator" wherever occurring the words "or other person";

Sec. 124A.  
(Reference  
to local  
land board  
in certain  
cases.)

35

(ii) by inserting in subsections four and five of the same section after the word "administrator" wherever occurring the words "or such other person, as the case may be";

(o)



*Stamp Duties (Amendment).*

(o) by inserting in subsection one of section one hundred and twenty-eight after the word "administrator" wherever occurring the words "or other the person liable to pay death duty";

Sec. 128.  
(Further claim may be made in case of payment of too little duty.)

5 (p) by inserting next after section one hundred and forty-four the following new section:—

New sec. 145.

145. (1) The Governor may make regulations requiring that—

Regulations.

10 (a) every instrument (other than a will) executed after the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof is granted after such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall be registered in the office of the Commissioner;

25 (b) every instrument (other than a will) executed before the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof was granted before such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall, unless such person had died

died



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*Stamp Duties (Amendment).*

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died before such commencement, be registered in the office of the Commissioner.

(2) The Governor may, in and by such regulations,—

- 5
- (a) prescribe the manner in which and the persons by whom any such registration shall be effected;
- 10
- (b) prescribe the period within which any such registration shall be effected;
- 15
- (c) require the production for examination at the office of the Commissioner of the original of any instrument the registration of which is required to be effected pursuant to the regulations made under this section or of a certified copy of the instrument or of an abstract of such part thereof as the Commissioner may specify;
- 20
- (d) provide for the issue by the Commissioner of a certificate of registration in respect of any instrument the registration of which has been effected pursuant to the regulations made under this section;
- 25
- (e) require persons upon whom the obligation of effecting registration of any instrument is imposed by the regulations made under this section to comply with any written notice served, either personally or by post, requesting him to furnish any information or particulars in respect of the property to which the instrument relates, or the persons interested in such property, which the Commissioner may deem necessary to enable him to exercise and discharge his powers, authorities, duties and functions under this Act;
- 30
- 35
- (f)



*Stamp Duties (Amendment).*

- 5 (f) authorise the Commissioner to alter or extend the time within which any matter or thing is required to be done by or under the regulations made under this section;
- 10 (g) impose a penalty not exceeding fifty pounds for any breach of the regulations made under this section, and, where the breach is a continuing one, a penalty not exceeding five pounds for each day during which the breach continues.
- 15 (3) The provisions of subsections two and three of section nine of this Act shall extend to and in respect of regulations made under this section.
- (q) by omitting the Sixth Schedule and by inserting in lieu thereof the following Schedule:—

Subst.  
Sixth  
Schedule.

SIXTH SCHEDULE.

Sec. 66.

20 RATE OF STAMP DUTY to be paid pursuant to subparagraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth or with a consideration in money or money's worth of less than

25 the unencumbered value of the property conveyed.

	Amount or Value.				Rate per centum of Duty
	Not exceeding	£1,000	...	...	3
	Exceeding	£1,000 but not exceeding	£2,000	...	3 $\frac{1}{4}$
30	"	£2,000	"	£3,000	3 $\frac{2}{3}$
	"	£3,000	"	£4,000	4
	"	£4,000	"	£5,000	4 $\frac{1}{4}$
	"	£5,000	"	£6,000	4 $\frac{1}{2}$
	"	£6,000	"	£7,000	4 $\frac{3}{4}$
35	"	£7,000	"	£8,000	5
	"	£8,000	"	£9,000	5 $\frac{1}{4}$
	"	£9,000	"	£10,000	5 $\frac{1}{2}$
	"	£10,000	"	£11,000	5 $\frac{3}{4}$
	"	£11,000	"	£12,000	6
40	"	£12,000	"	£13,000	6 $\frac{1}{4}$
	"	£13,000	"	£14,000	6 $\frac{1}{2}$



*Stamp Duties (Amendment).*

Amount or Value.		Rate per centum of Duty.
Exceeding	£14,000 but not exceeding £15,000	6 $\frac{3}{4}$
"	£15,000 " " £16,000	7
"	£16,000 " " £17,000	7 $\frac{1}{4}$
5	£17,000 " " £18,000	7 $\frac{1}{2}$
"	£18,000 " " £19,000	7 $\frac{3}{4}$
"	£19,000 " " £20,000	8
"	£20,000 " " £21,000	8 $\frac{1}{4}$
"	£21,000 " " £22,000	8 $\frac{1}{2}$
10	£22,000 " " £23,000	8 $\frac{3}{4}$
"	£23,000 " " £24,000	9
"	£24,000 " " £25,000	9 $\frac{1}{4}$
"	£25,000 " " £26,000	9 $\frac{1}{2}$
"	£26,000 " " £27,000	9 $\frac{3}{4}$
15	£27,000 " " £28,000	10
"	£28,000 " " £29,000	10 $\frac{1}{4}$
"	£29,000 " " £30,000	10 $\frac{1}{2}$
"	£30,000 " " £31,000	10 $\frac{3}{4}$
"	£31,000 " " £32,000	11
20	£32,000 " " £33,000	11 $\frac{1}{4}$
"	£33,000 " " £34,000	11 $\frac{1}{2}$
"	£34,000 " " £35,000	11 $\frac{3}{4}$
"	£35,000 " " £36,000	12
"	£36,000 " " £37,000	12 $\frac{1}{4}$
25	£37,000 " " £38,000	12 $\frac{1}{2}$
"	£38,000 " " £39,000	12 $\frac{3}{4}$
"	£39,000 " " £40,000	13
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"	£41,000 " " £42,000	13 $\frac{1}{2}$
30	£42,000 " " £43,000	13 $\frac{3}{4}$
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35	£47,000 " " £48,000	15
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*Stamp Duties (Amendment).*

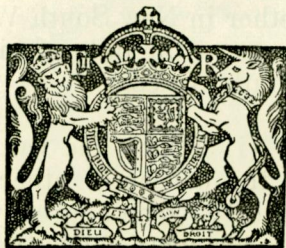
Amount or Value.		Rate per centum of Duty.
Exceeding	£62,000 but not exceeding £63,000	18 $\frac{3}{4}$
"	£63,000 " " £64,000	19
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5	" £65,000 " " £66,000	19 $\frac{1}{2}$
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20	" £80,000 " " £81,000	23
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30	" £90,000 " " £91,000	25
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"	" £94,000 " " £95,000	25 $\frac{4}{5}$
35	" £95,000 " " £96,000	26
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"	" £99,000 " " £100,000	26 $\frac{4}{5}$
40	" £100,000 ... ..	27



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New South Wales.



ANNO PRIMO

ELIZABETHÆ II REGINÆ

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Act No. 41, 1952.

An Act to amend the Stamp Duties Act, 1920-1949, in certain respects; and for purposes connected therewith. [Assented to, 25th November, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Stamp Duties (Amendment) Act, 1952." Short-title and citation.

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Act, 1920-1952.



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*Stamp Duties (Amendment).*

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Amendment  
of Act No.  
47, 1920.

Sec. 101r  
(Death  
duty—  
local  
domicile—  
estates of  
persons  
dying  
after  
commence-  
ment of  
Stamp  
Duties  
(Amend-  
ment) Act,  
1939.)

**2.** The Stamp Duties Act, 1920-1949, is amended—

(a) by inserting at the end of section 101b the following new subsection:—

(4) (a) This subsection shall apply in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales.

(b) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable.

(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed does not exceed one thousand pounds, no death duty shall be chargeable.

(c) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all the foreign assets of the deceased, after deducting therefrom all debts actually due and owing by the deceased at the date of the death of the deceased, other than the debts referred to in subsection two of section one hundred and seven, exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to the widow or widower of the

deceased



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*Stamp Duties (Amendment).*


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deceased or to any children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years, or on any other property which, or the value of which, is included by this Act in such dutiable estate, the beneficial interest in which property was vested in or passed on the death of the deceased to the widow or widower or such child.

(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any such property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

(b) (i) by omitting from subparagraph (b) of paragraph (1) of section one hundred and two the words "the next succeeding section" and by inserting in lieu thereof the words "section one hundred and three of this Act";

Sec. 102.  
(Property subject to duty as part of the estate of deceased person.)

(ii) by inserting at the end of subparagraph (c) of paragraph (2) of the same section the words—

"Where, in respect of any property passing under any settlement, trust or other disposition made by the deceased whether before or after the passing of this Act, there was in existence at any time (either before or after the commencement of the Stamp Duties (Amendment) Act, 1952) within the



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*Stamp Duties (Amendment).*

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three years before the death of the deceased any such interest, benefit, reservation, assurance, contract or right as is referred to in the foregoing provisions of this subparagraph, the settlement, trust or other disposition shall, notwithstanding that such interest, benefit, reservation, assurance, contract or right had ceased to exist before the death of the deceased, be read and construed for the purposes of this subparagraph as if such interest, benefit, reservation, assurance, contract or right had continued in existence until the death of the deceased."

(iii) by omitting subparagraph (d) of the same paragraph and by inserting in lieu thereof the following subparagraph:—

(d) Any property comprised in any gift made by the deceased at any time, whether before or after the passing of this Act, unless bona fide possession and enjoyment thereof has been assumed by the donee not less than three years before the death of the deceased and thenceforth retained to the entire exclusion of the deceased, or of any benefit to him of whatsoever kind or in any way whatsoever whether enforceable at law or in equity or not and whenever the deceased died.

(iv) by inserting next after subparagraph (fa) of the same paragraph the following new subparagraph:—

(g) (i) Any property in which the deceased or any other person had, at any time either before

or



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*Stamp Duties (Amendment).*

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or after the commencement of the Stamp Duties (Amendment) Act, 1952, an estate or interest limited to cease on the death of the deceased or at a time determined by reference to the death of the deceased (in this Act referred to as the "limited interest") to the extent to which a benefit accrues or arises by cesser of the limited interest, whether or not the limited interest has been surrendered, assured, divested or otherwise disposed of, whether for value or not, to or for the benefit of a person entitled to an estate or interest in the property in remainder or reversion expectant upon the determination of the limited interest:

Provided that where the limited interest was so surrendered, assured, divested or disposed of not less than three years before the death of the deceased, and bona fide possession and enjoyment of the property was assumed immediately after the limited interest was so surrendered, assured, divested or disposed of, and thereafter retained to the entire exclusion of the person theretofore entitled to the benefit of the limited interest, and of any benefit to such person, whether enforceable or not, the property shall not be deemed part of the estate.



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*Stamp Duties (Amendment).*

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The value of the benefit accruing or arising from the cesser of the limited interest shall—

- (a) if the limited interest extended to the whole of the income or benefits of the property, be the principal value of that property; and
- (b) if the limited interest extended to less than the whole of the income or benefits of the property, be the principal value of an addition to the property equal to the income or benefits to which the limited interest extended.

In the application of this subparagraph to and in respect of a limited interest which is an annuity the property out of which or out of the income or proceeds of which the annuity is payable shall be deemed to be held for an estate or interest in remainder or reversion expectant upon the determination of the annuity.

(ii) This subparagraph shall not apply to and in respect of—

- (a) any property the limited interest in which was only an interest as holder of an office, or as recipient of the benefits of a charity, or as a corporation sole;

(b)



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*Stamp Duties (Amendment).*


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- (b) any property in respect of which a benefit accrues or arises by cesser of the limited interest where the Commissioner is satisfied that such limited interest was in the nature of an annuity payable out of the funds of a bona fide superannuation fund or out of the funds of a bona fide assurance company, corporation or society.
- (c) by inserting next after section one hundred and two the following new sections:—
- New secs.  
102A, 102B,  
102c.
- 102A. (1) Where by a disposition of any property an interest is conferred on any person other than the disponer for the life of such person or determinable on his death, and such person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disponer or of any benefit to him by contract or otherwise, and the only benefit which the disponer retains in the said property is subject to such life or determinable interest, and no other interest is created by the said disposition, then, on the death of such person, the property shall not be deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section by reason only of its reverter to the disponer in his lifetime.
- Reverter of  
property to  
disponer.
- (2) Where by a disposition of any property any such interest as above in this section mentioned is conferred on two or more persons,
- either



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*Stamp Duties (Amendment).*

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either severally or jointly, or in succession, this section shall apply in like manner as where the interest is conferred on one person.

(3) Subsections one and two of this section shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

Limited interest—failure before it falls into possession.

102B. Where a limited interest which was created under a will or by a settlement fails or determines by reason of the death of the person entitled thereto before it becomes a limited interest in possession, and subsequent limitations under the will or settlement continue to subsist, no benefit shall be deemed to accrue or arise by the cesser of the limited interest by reason only of the failure or determination of that interest.

Limited interest in unascertained residue.

102c. (1) This section shall have effect for the purposes of this Part of this Act in relation to a limited interest in the residue of the estate of a testator or intestate where that interest is limited to cease on the death of a person or at a time determined by reference to the death of a person and that person dies before the completion of the administration of the estate.

(2) Such an interest shall, until the completion of the administration, be deemed to be an interest in the unadministered estate, of the testator or intestate, as for the time being held by his personal representatives subject to outstanding charges on residue and to any adjustments between capital and income remaining to be made in a due course of administration, and in the property (if any) representing ascertained residue.

(3)



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*Stamp Duties (Amendment).*

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(3) Such an interest shall be deemed to have become an interest in possession on the date as from which the income of the residue would have been attributable to that interest if the residue had been ascertained immediately after the death of the testator or intestate.

(4) Where such an interest is an interest in a part only of the residue of an estate, the references in the foregoing provisions of this section to the unadministered estate, to residue and to charges on residue, shall be construed as references to a corresponding part thereof.

102D. Where an interest in remainder or reversion expectant upon the determination of a limited interest has, before the commencement of the Stamp Duties (Amendment) Act, 1952, been—

Sale or mortgages of reversions.

- (a) bona fide sold for full consideration in money or money's worth, no other duty shall be payable by the purchaser when the limited interest falls into possession, than would have been payable had subparagraph (g) of paragraph (2) of section one hundred and two of this Act not been enacted;
- (b) bona fide mortgaged for full consideration in money or money's worth, any duty payable in consequence of the provisions of subparagraph (g) of paragraph (2) of section one hundred and two of this Act shall rank as a charge on the property next after that of the mortgagee.
- (d) by inserting at the end of subsection one of section one hundred and five the following proviso:—

Sec. 105.  
(Final balance of estate.)

Provided that where part or parts of the dutiable estate of any person is or are required by



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*Stamp Duties (Amendment).*

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by section 105A of this Act to be separately assessed the final balance of the estate shall be ascertained separately for that part or each of those parts and for the remainder of the dutiable estate.

New sec.  
105A.

- (e) by inserting next after the same section the following new section:—

Property  
which is  
not to be  
aggregated.

105A. (1) Any property which is deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section (in this Act referred to as “non-aggregated property”) shall not be aggregated with the balance of the estate of the deceased but shall be separately assessed and shall for that purpose be an estate by itself:

Provided that the aggregate of all non-aggregated property included in the dutiable estate consequent upon the cesser of limited interests which were created by the same person shall be separately assessed and shall for that purpose be an estate by itself.

(2) For the purposes of the separate assessment of non-aggregated property which is included in the estate of the deceased and directed to be separately assessed, the Seventh Schedule to this Act shall be construed as if—

- (a) paragraphs (a) and (b) of the matter appearing in the First Column were omitted and the following paragraph were inserted in lieu thereof:—

Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased

in



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*Stamp Duties (Amendment).*


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in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widow or lineal issue of the deceased or to the widow or lineal issue of the person who created the limited interest.

- (b) paragraphs (a) and (b) of the matter appearing in the Second Column were omitted and the following paragraph were inserted in lieu thereof:—

Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widower, lineal ancestor, brother or sister, or issue of a brother or sister of the deceased, or to the widower, lineal ancestor, brother or sister or issue of a brother or sister of the person who created the limited interest.

- (f) by inserting next after section 112b the following new sections:—

New secs.  
112c, 112d,  
112e.

112c. (1) Where the amount of the dutiable estate, other than non-aggregated property, of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, when aggregated with the value of the foreign assets of the deceased, does not, after deducting therefrom all debts actually due and owing by the deceased at the time of his death, other than the debts referred to in subsection two of section

Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.



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*Stamp Duties (Amendment).*

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one hundred and seven, exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on that portion of the final balance of the estate which consists of property of one or more of the following classes:—

(a) property which devolves by the intestacy on or passes under the will of the deceased to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years;

(b) property of any class not falling within paragraph (a) of this subsection, which, or the value of which, is included in the dutiable estate of the deceased, where the beneficial interest in that property on the death of the deceased is vested in or passes to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years.

(2) Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed, does not exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on any property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased



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*Stamp Duties (Amendment).*

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deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

(3) The proportions referred to in subsections one and two of this section shall be as follows:—

Where the value of that portion of the final balance referred to in subsection one of this section or the value of the property passing to the persons referred to in subsection two of this section does not exceed £3,000, one-half prescribed rate.

Exceeds £3,000 but does not exceed £4,000, six-tenths prescribed rate.

Exceeds £4,000 but does not exceed £5,000, seven-tenths prescribed rate.

Exceeds £5,000 but does not exceed £6,000, eighth-tenths prescribed rate.

Exceeds £6,000 but does not exceed £7,500, nine-tenths prescribed rate.

(4) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

112D. Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed does not exceed seven thousand five hundred pounds and the Commissioner is satisfied that any such property passing on the cesser of the limited interest to the widow, widower, children or grandchildren of the person who created the limited interest was included in the estate of the person who created the limited interest and duty was paid thereon no duty shall be payable on any such property so passing.

Non-aggregated property—  
exemption from duty in certain cases.



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*Stamp Duties (Amendment).*


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Reduction  
of duty  
in certain  
cases.

112E. Where—

- (a) any person who died before the commencement of the Stamp Duties (Amendment) Act, 1952, or who dies after such commencement, has created a limited interest in favour of any person; and
- (b) the Commissioner is satisfied that the property in which the limited interest was so created was included in the dutiable estate of the person who created the limited interest; and
- (c) the person for whose life the limited interest was created, dies after such commencement and within eleven years after the death of the person who created the limited interest; and
- (d) upon the death of the person for whose life the limited interest was created such property is deemed to be included in his estate solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section,

then the duty payable in respect of such property which is so deemed to be included in the estate of the person for whose life the limited interest was created shall be reduced as follows:—

Where the death of the person for whose life the limited interest was created occurs within five years after the death of the person who created the limited interest—by one hundred per centum.

Where



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*Stamp Duties (Amendment).*

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Where the death of the person for whose life the limited interest was created occurs after the expiration of five years but before the expiration of six years after the death of the person who created the limited interest—by sixty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of six years but before the expiration of seven years after the death of the person who created the limited interest—by fifty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of seven years but before the expiration of eight years after the death of the person who created the limited interest—by forty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of eight years but before the expiration of nine years after the death of the person who created the limited interest—by thirty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of nine years but before the expiration of ten years after the death of the person who created the limited interest—by twenty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of ten years but before the expiration of eleven years after the death of the person who created the limited interest—by ten per centum.

(g)



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*Stamp Duties (Amendment).*

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Sec. 114.  
(Death duty to be payable by the administrator.)

(g) by inserting in subsection one of section one hundred and fourteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)";

New sec.  
114A.

(h) by inserting next after the same section the following new section:—

Payment of death duty on non-aggregated property.

114A. (1) Death duty separately assessed in respect of non-aggregated property shall constitute a debt payable to Her Majesty out of the non-aggregated property and such duty shall be paid accordingly out of the non-aggregated property by the person in whom the non-aggregated property is vested.

(2) For the purpose of paying the duty the person in whom the non-aggregated property is vested, if a trustee, may raise the amount of the duty by mortgage or sale of the non-aggregated property.

(3) The person in whom the non-aggregated property is vested shall not be liable for any duty in excess of the assets constituting the non-aggregated property.

Sec. 115  
(Death duty to become due on assessment.)

(i) by inserting in subsection one of section one hundred and fifteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)";

New sec.  
115A.

(j) by inserting next after the same section the following new section:—

Assessment and charge of death duty on non-aggregated property.

115A. (1) Death duty separately assessed in respect of non-aggregated property shall become due and payable on the assessment thereof by the Commissioner, or if not duly so assessed within six months from the death of the deceased then on the expiration of that period of six months.

(2)



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*Stamp Duties (Amendment).*

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(2) Such duty shall constitute, as from the death of the deceased, a charge upon so much of the non-aggregated property as is situated in New South Wales, but no such charge shall affect the title of a bona fide purchaser for value (whether before or after the death of the deceased) without notice.

(3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the non-aggregated property so situated be sold and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

(4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

(5) Every such vesting order shall have the same effect as if all persons entitled to the property had been free from all disability and had duly executed all proper conveyances, transfers and assignments of the property for such estate or interest as is specified in the order.

- (k) (i) by inserting in subsection one of section one hundred and twenty after the words "payable in respect thereof" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 120.  
(Account  
duty.)
- (ii) by inserting in subsection two of the same section after the words "management of any such property" the words "(including non-aggregated property)";
- (iii) by inserting in subsection three of the same section after the words "pay such duty" the words "(including death duty separately assessed in respect of non-aggregated property)";



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*Stamp Duties (Amendment).*


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Sec. 123.  
(Deduction  
of stamp  
duty from  
death duty  
in certain  
cases.)

(1) (i) by omitting from subsection one of section one hundred and twenty-three the words “The deductions under this subsection in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property”;

(ii) by inserting next after the same subsection the following new subsections:—

(1A) (a) Where, by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section, the dutiable estate of a deceased person includes any property comprised in any disposition not made by the deceased, there shall be deducted from the death duty assessed in respect of that property any ad valorem duty paid under Part III of this Act on any instrument effecting such disposition in respect of that property, less the sum of one pound for each separate instrument within the meaning of section sixteen of this Act.

(b) The deductions under this subsection and under subsection one of this section in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property.

(1B) Where—

(a) any non-aggregated property has been included in the estate of a deceased person, and death duty has been paid thereon; and

(b) the person (in this section referred to as the “settlor”) who created the limited interest by reason of the

cessor



*Stamp Duties (Amendment).*

cesser of which such non-aggregated property was included in the estate of the deceased person, dies after the death of such deceased person; and

- (c) the dutiable estate of the settlor includes the property in which such limited interest was created,

there shall be deducted from the death duty payable in the estate of the settlor in respect of the property in which such limited interest was created, a sum equivalent to the difference between the death duty referred to in paragraph (a) of this subsection and the death duty which would have been payable in respect of that non-aggregated property if the deceased person had died on the date of the death of the settlor and the settlor had died on the date of the death of the deceased person calculated according to the value of such property as at the actual date of the death of the deceased person and in accordance with the provisions of this Act in the form in which those provisions existed at that actual date.

- (m) by inserting in subsection one of section one hundred and twenty-four after the word "administrator" wherever occurring the words "or other person"; Sec. 124.  
(Appeal to Supreme Court from assessment of Commissioner.)
- (n) (i) by inserting in subsection one of section 124A after the word "administrator" wherever occurring the words "or other person"; Sec. 124A.  
(Reference to local land board in certain cases.)
- (ii) by inserting in subsections four and five of the same section after the word "administrator" wherever occurring the words "or such other person, as the case may be";
- (o)



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*Stamp Duties (Amendment).*

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Sec. 128.  
(Further claim may be made in case of payment of too little duty.)

- (o) by inserting in subsection one of section one hundred and twenty-eight after the word "administrator" wherever occurring the words "or other the person liable to pay death duty";

New sec.  
145.

- (p) by inserting next after section one hundred and forty-four the following new section:—

Regulations.

145. (1) The Governor may make regulations requiring that—

- (a) every instrument (other than a will) executed after the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof is granted after such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall be registered in the office of the Commissioner;
- (b) every instrument (other than a will) executed before the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof was granted before such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall, unless such person had  
died



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*Stamp Duties (Amendment).*

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died before such commencement, be registered in the office of the Commissioner.

(2) The Governor may, in and by such regulations,—

- (a) prescribe the manner in which and the persons by whom any such registration shall be effected;
- (b) prescribe the period within which any such registration shall be effected;
- (c) require the production for examination at the office of the Commissioner of the original of any instrument the registration of which is required to be effected pursuant to the regulations made under this section or of a certified copy of the instrument or of an abstract of such part thereof as the Commissioner may specify;
- (d) provide for the issue by the Commissioner of a certificate of registration in respect of any instrument the registration of which has been effected pursuant to the regulations made under this section;
- (e) require persons upon whom the obligation of effecting registration of any instrument is imposed by the regulations made under this section to comply with any written notice served, either personally or by post, requesting him to furnish any information or particulars in respect of the property to which the instrument relates, or the persons interested in such property, which the Commissioner may deem necessary to enable him to exercise and discharge his powers, authorities, duties and functions under this Act;

(f)



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*Stamp Duties (Amendment).*


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- (f) authorise the Commissioner to alter or extend the time within which any matter or thing is required to be done by or under the regulations made under this section;
- (g) impose a penalty not exceeding fifty pounds for any breach of the regulations made under this section, and, where the breach is a continuing one, a penalty not exceeding five pounds for each day during which the breach continues.

(3) The provisions of subsections two and three of section nine of this Act shall extend to and in respect of regulations made under this section.

Subst.  
Sixth  
Schedule.

- (q) by omitting the Sixth Schedule and by inserting in lieu thereof the following Schedule:—

Sec. 66.

SIXTH SCHEDULE.

RATE OF STAMP DUTY to be paid pursuant to subparagraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth or with a consideration in money or money's worth of less than the unencumbered value of the property conveyed.

Amount or Value.							Rate per centum of Duty
Not exceeding	£1,000	...	...	...	...	...	3
Exceeding	£1,000 but not exceeding	£2,000	...	...	...	...	$3\frac{1}{4}$
"	£2,000	"	"	£3,000	...	...	$3\frac{2}{3}$
"	£3,000	"	"	£4,000	...	...	4
"	£4,000	"	"	£5,000	...	...	$4\frac{1}{4}$
"	£5,000	"	"	£6,000	...	...	$4\frac{1}{2}$
"	£6,000	"	"	£7,000	...	...	$4\frac{3}{4}$
"	£7,000	"	"	£8,000	...	...	5
"	£8,000	"	"	£9,000	...	...	$5\frac{1}{4}$
"	£9,000	"	"	£10,000	...	...	$5\frac{1}{2}$
"	£10,000	"	"	£11,000	...	...	$5\frac{3}{4}$
"	£11,000	"	"	£12,000	...	...	6
"	£12,000	"	"	£13,000	...	...	$6\frac{1}{4}$
"	£13,000	"	"	£14,000	...	...	$6\frac{1}{2}$



*Stamp Duties (Amendment).*

Amount or Value.				Rate per centum of Duty.
Exceeding	£14,000	but not exceeding	£15,000	6 $\frac{3}{4}$
"	£15,000	"	£16,000	7
"	£16,000	"	£17,000	7 $\frac{1}{4}$
"	£17,000	"	£18,000	7 $\frac{1}{2}$
"	£18,000	"	£19,000	7 $\frac{3}{4}$
"	£19,000	"	£20,000	8
"	£20,000	"	£21,000	8 $\frac{1}{4}$
"	£21,000	"	£22,000	8 $\frac{1}{2}$
"	£22,000	"	£23,000	8 $\frac{3}{4}$
"	£23,000	"	£24,000	9
"	£24,000	"	£25,000	9 $\frac{1}{4}$
"	£25,000	"	£26,000	9 $\frac{1}{2}$
"	£26,000	"	£27,000	9 $\frac{3}{4}$
"	£27,000	"	£28,000	10
"	£28,000	"	£29,000	10 $\frac{1}{4}$
"	£29,000	"	£30,000	10 $\frac{1}{2}$
"	£30,000	"	£31,000	10 $\frac{3}{4}$
"	£31,000	"	£32,000	11
"	£32,000	"	£33,000	11 $\frac{1}{4}$
"	£33,000	"	£34,000	11 $\frac{1}{2}$
"	£34,000	"	£35,000	11 $\frac{3}{4}$
"	£35,000	"	£36,000	12
"	£36,000	"	£37,000	12 $\frac{1}{4}$
"	£37,000	"	£38,000	12 $\frac{1}{2}$
"	£38,000	"	£39,000	12 $\frac{3}{4}$
"	£39,000	"	£40,000	13
"	£40,000	"	£41,000	13 $\frac{1}{4}$
"	£41,000	"	£42,000	13 $\frac{1}{2}$
"	£42,000	"	£43,000	13 $\frac{3}{4}$
"	£43,000	"	£44,000	14
"	£44,000	"	£45,000	14 $\frac{1}{4}$
"	£45,000	"	£46,000	14 $\frac{1}{2}$
"	£46,000	"	£47,000	14 $\frac{3}{4}$
"	£47,000	"	£48,000	15
"	£48,000	"	£49,000	15 $\frac{1}{4}$
"	£49,000	"	£50,000	15 $\frac{1}{2}$
"	£50,000	"	£51,000	15 $\frac{3}{4}$
"	£51,000	"	£52,000	16
"	£52,000	"	£53,000	16 $\frac{1}{4}$
"	£53,000	"	£54,000	16 $\frac{1}{2}$
"	£54,000	"	£55,000	16 $\frac{3}{4}$
"	£55,000	"	£56,000	17
"	£56,000	"	£57,000	17 $\frac{1}{4}$
"	£57,000	"	£58,000	17 $\frac{1}{2}$
"	£58,000	"	£59,000	17 $\frac{3}{4}$
"	£59,000	"	£60,000	18
"	£60,000	"	£61,000	18 $\frac{1}{4}$
"	£61,000	"	£62,000	18 $\frac{1}{2}$



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*Stamp Duties (Amendment).*


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Amount or Value.						Rate per centum of Duty.
Exceeding	£62,000	but not exceeding	£63,000	...	...	18 $\frac{3}{4}$
"	£63,000	"	£64,000	...	...	19
"	£64,000	"	£65,000	...	...	19 $\frac{1}{4}$
"	£65,000	"	£66,000	...	...	19 $\frac{1}{2}$
"	£66,000	"	£67,000	...	...	19 $\frac{3}{4}$
"	£67,000	"	£68,000	...	...	20
"	£68,000	"	£69,000	...	...	20 $\frac{1}{4}$
"	£69,000	"	£70,000	...	...	20 $\frac{1}{2}$
"	£70,000	"	£71,000	...	...	20 $\frac{3}{4}$
"	£71,000	"	£72,000	...	...	21
"	£72,000	"	£73,000	...	...	21 $\frac{1}{4}$
"	£73,000	"	£74,000	...	...	21 $\frac{1}{2}$
"	£74,000	"	£75,000	...	...	21 $\frac{3}{4}$
"	£75,000	"	£76,000	...	...	22
"	£76,000	"	£77,000	...	...	22 $\frac{1}{5}$
"	£77,000	"	£78,000	...	...	22 $\frac{2}{5}$
"	£78,000	"	£79,000	...	...	22 $\frac{3}{5}$
"	£79,000	"	£80,000	...	...	22 $\frac{4}{5}$
"	£80,000	"	£81,000	...	...	23
"	£81,000	"	£82,000	...	...	23 $\frac{1}{5}$
"	£82,000	"	£83,000	...	...	23 $\frac{2}{5}$
"	£83,000	"	£84,000	...	...	23 $\frac{3}{5}$
"	£84,000	"	£85,000	...	...	23 $\frac{4}{5}$
"	£85,000	"	£86,000	...	...	24
"	£86,000	"	£87,000	...	...	24 $\frac{1}{5}$
"	£87,000	"	£88,000	...	...	24 $\frac{2}{5}$
"	£88,000	"	£89,000	...	...	24 $\frac{3}{5}$
"	£89,000	"	£90,000	...	...	24 $\frac{4}{5}$
"	£90,000	"	£91,000	...	...	25
"	£91,000	"	£92,000	...	...	25 $\frac{1}{5}$
"	£92,000	"	£93,000	...	...	25 $\frac{2}{5}$
"	£93,000	"	£94,000	...	...	25 $\frac{3}{5}$
"	£94,000	"	£95,000	...	...	25 $\frac{4}{5}$
"	£95,000	"	£96,000	...	...	26
"	£96,000	"	£97,000	...	...	26 $\frac{1}{5}$
"	£97,000	"	£98,000	...	...	26 $\frac{2}{5}$
"	£98,000	"	£99,000	...	...	26 $\frac{3}{5}$
"	£99,000	"	£100,000	...	...	26 $\frac{4}{5}$
"	£100,000	...	...	...	...	27

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1952.

[1s.]

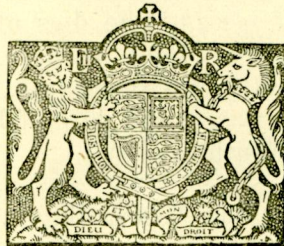


*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 18 November, 1952.*

## New South Wales.



ANNO PRIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 41, 1952.

An Act to amend the Stamp Duties Act, 1920-1949, in certain respects; and for purposes connected therewith. [Assented to, 25th November, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Stamp Duties (Amendment) Act, 1952." Short title and citation.

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Act, 1920-1952.

**2.**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. J. TULLY,  
*Acting Chairman of Committees of the Legislative Assembly.*



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*Stamp Duties (Amendment).*

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Amendment  
of Act No.  
47, 1920.

Sec. 101b.  
(Death  
duty—  
local  
domicile—  
estates of  
persons  
dying  
after  
commence-  
ment of  
Stamp  
Duties  
(Amend-  
ment) Act,  
1939.)

**2.** The Stamp Duties Act, 1920-1949, is amended—

(a) by inserting at the end of section 101b the following new subsection:—

(4) (a) This subsection shall apply in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales.

(b) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable.

(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed does not exceed one thousand pounds, no death duty shall be chargeable.

(c) (i) Where the value of the dutiable estate of the deceased, other than non-aggregated property, when aggregated with the value of all the foreign assets of the deceased, after deducting therefrom all debts actually due and owing by the deceased at the date of the death of the deceased, other than the debts referred to in subsection two of section one hundred and seven, exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to the widow or widower of the

deceased



*Stamp Duties (Amendment).*

deceased or to any children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years, or on any other property which, or the value of which, is included by this Act in such dutiable estate, the beneficial interest in which property was vested in or passed on the death of the deceased to the widow or widower or such child.

(ii) Where the value of non-aggregated property included in the estate of the deceased and directed by this Act to be separately assessed exceeds one thousand pounds, but does not exceed two thousand five hundred pounds, no death duty shall be chargeable on any such property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

(b) (i) by omitting from subparagraph (b) of paragraph (1) of section one hundred and two the words "the next succeeding section" and by inserting in lieu thereof the words "section one hundred and three of this Act";

Sec. 102.  
(Property subject to duty as part of the estate of deceased person.)

(ii) by inserting at the end of subparagraph (c) of paragraph (2) of the same section the words—

"Where, in respect of any property passing under any settlement, trust or other disposition made by the deceased whether before or after the passing of this Act, there was in existence at any time (either before or after the commencement of the Stamp Duties (Amendment) Act, 1952) within the



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*Stamp Duties (Amendment).*

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three years before the death of the deceased any such interest, benefit, reservation, assurance, contract or right as is referred to in the foregoing provisions of this subparagraph, the settlement, trust or other disposition shall, notwithstanding that such interest, benefit, reservation, assurance, contract or right had ceased to exist before the death of the deceased, be read and construed for the purposes of this subparagraph as if such interest, benefit, reservation, assurance, contract or right had continued in existence until the death of the deceased.”

(ii) by omitting subparagraph (d) of the same paragraph and by inserting in lieu thereof the following subparagraph:—

(d) Any property comprised in any gift made by the deceased at any time, whether before or after the passing of this Act, unless bona fide possession and enjoyment thereof has been assumed by the donee not less than three years before the death of the deceased and thenceforth retained to the entire exclusion of the deceased, or of any benefit to him of whatsoever kind or in any way whatsoever whether enforceable at law or in equity or not and whenever the deceased died.

(iv) by inserting next after subparagraph (fa) of the same paragraph the following new subparagraph:—

(g) (i) Any property in which the deceased or any other person had, at any time either before

or



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*Stamp Duties (Amendment).*

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or after the commencement of the Stamp Duties (Amendment) Act, 1952, an estate or interest limited to cease on the death of the deceased or at a time determined by reference to the death of the deceased (in this Act referred to as the "limited interest") to the extent to which a benefit accrues or arises by cesser of the limited interest, whether or not the limited interest has been surrendered, assured, divested or otherwise disposed of, whether for value or not, to or for the benefit of a person entitled to an estate or interest in the property in remainder or reversion expectant upon the determination of the limited interest:

Provided that where the limited interest was so surrendered, assured, divested or disposed of not less than three years before the death of the deceased, and bona fide possession and enjoyment of the property was assumed immediately after the limited interest was so surrendered, assured, divested or disposed of, and thereafter retained to the entire exclusion of the person theretofore entitled to the benefit of the limited interest, and of any benefit to such person, whether enforceable or not, the property shall not be deemed part of the estate.

The



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*Stamp Duties (Amendment).*

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The value of the benefit accruing or arising from the cesser of the limited interest shall—

(a) if the limited interest extended to the whole of the income or benefits of the property, be the principal value of that property; and

(b) if the limited interest extended to less than the whole of the income or benefits of the property, be the principal value of an addition to the property equal to the income or benefits to which the limited interest extended.

In the application of this subparagraph to and in respect of a limited interest which is an annuity the property out of which or out of the income or proceeds of which the annuity is payable shall be deemed to be held for an estate or interest in remainder or reversion expectant upon the determination of the annuity.

(ii) This subparagraph shall not apply to and in respect of—

(a) any property the limited interest in which was only an interest as holder of an office, or as recipient of the benefits of a charity, or as a corporation sole;

(b)



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*Stamp Duties (Amendment).*

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(b) any property in respect of which a benefit accrues or arises by cesser of the limited interest where the Commissioner is satisfied that such limited interest was in the nature of an annuity payable out of the funds of a bona fide superannuation fund or out of the funds of a bona fide assurance company, corporation or society.

(c) by inserting next after section one hundred and two the following new sections:—

New secs.  
102A, 102B,  
102c.

102A. (1) Where by a disposition of any property an interest is conferred on any person other than the disponer for the life of such person or determinable on his death, and such person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disponer or of any benefit to him by contract or otherwise, and the only benefit which the disponer retains in the said property is subject to such life or determinable interest, and no other interest is created by the said disposition, then, on the death of such person, the property shall not be deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section by reason only of its reverter to the disponer in his lifetime.

Reverter of  
property to  
disponer.

(2) Where by a disposition of any property any such interest as above in this section mentioned is conferred on two or more persons,

either



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*Stamp Duties (Amendment).*

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either severally or jointly, or in succession, this section shall apply in like manner as where the interest is conferred on one person.

(3) Subsections one and two of this section shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

Limited  
interest—  
failure  
before it  
falls into  
possession.

102B. Where a limited interest which was created under a will or by a settlement fails or determines by reason of the death of the person entitled thereto before it becomes a limited interest in possession, and subsequent limitations under the will or settlement continue to subsist, no benefit shall be deemed to accrue or arise by the cesser of the limited interest by reason only of the failure or determination of that interest.

Limited  
interest in  
unascertained  
residue.

102c. (1) This section shall have effect for the purposes of this Part of this Act in relation to a limited interest in the residue of the estate of a testator or intestate where that interest is limited to cease on the death of a person or at a time determined by reference to the death of a person and that person dies before the completion of the administration of the estate.

(2) Such an interest shall, until the completion of the administration, be deemed to be an interest in the unadministered estate, of the testator or intestate, as for the time being held by his personal representatives subject to outstanding charges on residue and to any adjustments between capital and income remaining to be made in a due course of administration, and in the property (if any) representing ascertained residue.

(3)



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*Stamp Duties (Amendment).*

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(3) Such an interest shall be deemed to have become an interest in possession on the date as from which the income of the residue would have been attributable to that interest if the residue had been ascertained immediately after the death of the testator or intestate.

(4) Where such an interest is an interest in a part only of the residue of an estate, the references in the foregoing provisions of this section to the unadministered estate, to residue and to charges on residue, shall be construed as references to a corresponding part thereof.

102d. Where an interest in remainder or reversion expectant upon the determination of a limited interest has, before the commencement of the Stamp Duties (Amendment) Act, 1952, been—

Sale or  
mortgages  
of  
reversions.

- (a) bona fide sold for full consideration in money or money's worth, no other duty shall be payable by the purchaser when the limited interest falls into possession, than would have been payable had subparagraph (g) of paragraph (2) of section one hundred and two of this Act not been enacted;
- (b) bona fide mortgaged for full consideration in money or money's worth, any duty payable in consequence of the provisions of subparagraph (g) of paragraph (2) of section one hundred and two of this Act shall rank as a charge on the property next after that of the mortgagee.

- (d) by inserting at the end of subsection one of section one hundred and five the following proviso:—

Sec. 105.  
(Final  
balance of  
estate.)

Provided that where part or parts of the dutiable estate of any person is or are required by



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*Stamp Duties (Amendment).*

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by section 105A of this Act to be separately assessed the final balance of the estate shall be ascertained separately for that part or each of those parts and for the remainder of the dutiable estate.

New sec.  
105A.

- (e) by inserting next after the same section the following new section:—

Property  
which is  
not to be  
aggregated.

105A. (1) Any property which is deemed to be included in the estate of any deceased person solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section (in this Act referred to as “non-aggregated property”) shall not be aggregated with the balance of the estate of the deceased but shall be separately assessed and shall for that purpose be an estate by itself:

Provided that the aggregate of all non-aggregated property included in the dutiable estate consequent upon the cesser of limited interests which were created by the same person shall be separately assessed and shall for that purpose be an estate by itself.

(2) For the purposes of the separate assessment of non-aggregated property which is included in the estate of the deceased and directed to be separately assessed, the Seventh Schedule to this Act shall be construed as if—

- (a) paragraphs (a) and (b) of the matter appearing in the First Column were omitted and the following paragraph were inserted in lieu thereof:—

Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased

in



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*Stamp Duties (Amendment).*


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in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widow or lineal issue of the deceased or to the widow or lineal issue of the person who created the limited interest.

- (b) paragraphs (a) and (b) of the matter appearing in the Second Column were omitted and the following paragraph were inserted in lieu thereof:—

Any property directed by this Act to be separately assessed which is included in the dutiable estate of the deceased in respect of non-aggregated property where the beneficial interest in that non-aggregated property was vested in or passed on the death of the deceased to the widower, lineal ancestor, brother or sister, or issue of a brother or sister of the deceased, or to the widower, lineal ancestor, brother or sister or issue of a brother or sister of the person who created the limited interest.

- (f) by inserting next after section 112B the following new sections:—

New secs.  
112C, 112D,  
112E.

112c. (1) Where the amount of the dutiable estate, other than non-aggregated property, of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, when aggregated with the value of the foreign assets of the deceased, does not, after deducting therefrom all debts actually due and owing by the deceased at the time of his death, other than the debts referred to in subsection two of section

Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.



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*Stamp Duties (Amendment).*

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one hundred and seven, exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on that portion of the final balance of the estate which consists of property of one or more of the following classes:—

- (a) property which devolves by the intestacy on or passes under the will of the deceased to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years;
- (b) property of any class not falling within paragraph (a) of this subsection, which, or the value of which, is included in the dutiable estate of the deceased, where the beneficial interest in that property on the death of the deceased is vested in or passes to the widow or widower of the deceased or any of the children of the deceased who, at the time of the death of the deceased, were under the age of twenty-one years.

(2) Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed, does not exceed seven thousand five hundred pounds, death duty shall be calculated at the proportion, specified in subsection three of this section, of the rate that would, but for this provision, be the rate prescribed by this Act on any property passing on the death of the deceased or at a time determined by reference to the death of the deceased to the widow or widower of the deceased.



*Stamp Duties (Amendment).*

deceased or to any children of the deceased who, at the time of such passing, were under the age of twenty-one years.

(3) The proportions referred to in subsections one and two of this section shall be as follows:—

Where the value of that portion of the final balance referred to in subsection one of this section or the value of the property passing to the persons referred to in subsection two of this section does not exceed £3,000, one-half prescribed rate.

Exceeds £3,000 but does not exceed £4,000, six-tenths prescribed rate.

Exceeds £4,000 but does not exceed £5,000, seven-tenths prescribed rate.

Exceeds £5,000 but does not exceed £6,000, eighth-tenths prescribed rate.

Exceeds £6,000 but does not exceed £7,500, nine-tenths prescribed rate.

(4) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

112D. Where the value of non-aggregated property included in the estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1952, and directed by this Act to be separately assessed does not exceed seven thousand five hundred pounds and the Commissioner is satisfied that any such property passing on the cesser of the limited interest to the widow, widower, children or grandchildren of the person who created the limited interest was included in the estate of the person who created the limited interest and duty was paid thereon no duty shall be payable on any such property so passing.

Non-aggregated property—  
exemption from duty in certain cases.

112E.



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*Stamp Duties (Amendment).*

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Reduction  
of duty  
in certain  
cases.

## 112E. Where—

- (a) any person who died before the commencement of the Stamp Duties (Amendment) Act, 1952, or who dies after such commencement, has created a limited interest in favour of any person; and
- (b) the Commissioner is satisfied that the property in which the limited interest was so created was included in the dutiable estate of the person who created the limited interest; and
- (c) the person for whose life the limited interest was created, dies after such commencement and within eleven years after the death of the person who created the limited interest; and
- (d) upon the death of the person for whose life the limited interest was created such property is deemed to be included in his estate solely by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section,

then the duty payable in respect of such property which is so deemed to be included in the estate of the person for whose life the limited interest was created shall be reduced as follows:—

Where the death of the person for whose life the limited interest was created occurs within five years after the death of the person who created the limited interest—by one hundred per centum.

**Where**



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*Stamp Duties (Amendment).*

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Where the death of the person for whose life the limited interest was created occurs after the expiration of five years but before the expiration of six years after the death of the person who created the limited interest—by sixty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of six years but before the expiration of seven years after the death of the person who created the limited interest—by fifty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of seven years but before the expiration of eight years after the death of the person who created the limited interest—by forty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of eight years but before the expiration of nine years after the death of the person who created the limited interest—by thirty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of nine years but before the expiration of ten years after the death of the person who created the limited interest—by twenty per centum.

Where the death of the person for whose life the limited interest was created occurs after the expiration of ten years but before the expiration of eleven years after the death of the person who created the limited interest—by ten per centum.

(g)



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*Stamp Duties (Amendment).*

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Sec. 114.  
(Death duty  
to be  
payable by  
the adminis-  
trator.)

- (g) by inserting in subsection one of section one hundred and fourteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)";

New sec.  
114A.

- (h) by inserting next after the same section the following new section:—

Payment of  
death duty  
on non-  
aggregated  
property.

114A. (1) Death duty separately assessed in respect of non-aggregated property shall constitute a debt payable to Her Majesty out of the non-aggregated property and such duty shall be paid accordingly out of the non-aggregated property by the person in whom the non-aggregated property is vested.

(2) For the purpose of paying the duty the person in whom the non-aggregated property is vested, if a trustee, may raise the amount of the duty by mortgage or sale of the non-aggregated property.

(3) The person in whom the non-aggregated property is vested shall not be liable for any duty in excess of the assets constituting the non-aggregated property.

Sec. 115  
(Death duty  
to become  
due on  
assessment.)

- (i) by inserting in subsection one of section one hundred and fifteen after the words "Death duty" the words "(other than death duty separately assessed in respect of non-aggregated property)";

New sec.  
115A.

- (j) by inserting next after the same section the following new section:—

Assessment  
and charge  
of death  
duty on non-  
aggregated  
property.

115A. (1) Death duty separately assessed in respect of non-aggregated property shall become due and payable on the assessment thereof by the Commissioner, or if not duly so assessed within six months from the death of the deceased then on the expiration of that period of six months.

(2)



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*Stamp Duties (Amendment).*


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(2) Such duty shall constitute, as from the death of the deceased, a charge upon so much of the non-aggregated property as is situated in New South Wales, but no such charge shall affect the title of a bona fide purchaser for value (whether before or after the death of the deceased) without notice.

(3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the non-aggregated property so situated be sold and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

(4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

(5) Every such vesting order shall have the same effect as if all persons entitled to the property had been free from all disability and had duly executed all proper conveyances, transfers and assignments of the property for such estate or interest as is specified in the order.

- (k) (i) by inserting in subsection one of section one hundred and twenty after the words "payable in respect thereof" the words "(other than death duty separately assessed in respect of non-aggregated property)"; Sec. 120.  
(Account  
duty.)
- (ii) by inserting in subsection two of the same section after the words "management of any such property" the words "(including non-aggregated property)";
- (iii) by inserting in subsection three of the same section after the words "pay such duty" the words "(including death duty separately assessed in respect of non-aggregated property)";

(1)



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*Stamp Duties (Amendment).*

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Sec. 123.  
(Deduction  
of stamp  
duty from  
death duty  
in certain  
cases.)

(1) (i) by omitting from subsection one of section one hundred and twenty-three the words "The deductions under this subsection in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property";

(ii) by inserting next after the same subsection the following new subsections:—

(1A) (a) Where, by virtue of the operation of subparagraph (g) of paragraph (2) of section one hundred and two of this Act or of that subparagraph as extended in its application by paragraph (2A) of that section, the dutiable estate of a deceased person includes any property comprised in any disposition not made by the deceased, there shall be deducted from the death duty assessed in respect of that property any ad valorem duty paid under Part III of this Act on any instrument effecting such disposition in respect of that property, less the sum of one pound for each separate instrument within the meaning of section sixteen of this Act.

(b) The deductions under this subsection and under subsection one of this section in respect of any property shall not exceed the ad valorem duty paid under Part III of this Act on the instrument effecting the disposition of that property.

(1B) Where—

(a) any non-aggregated property has been included in the estate of a deceased person, and death duty has been paid thereon; and

(b) the person (in this section referred to as the "settlor") who created the limited interest by reason of the

cesser



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*Stamp Duties (Amendment).*


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cesser of which such non-aggregated property was included in the estate of the deceased person, dies after the death of such deceased person; and

- (c) the dutiable estate of the settlor includes the property in which such limited interest was created,

there shall be deducted from the death duty payable in the estate of the settlor in respect of the property in which such limited interest was created, a sum equivalent to the difference between the death duty referred to in paragraph (a) of this subsection and the death duty which would have been payable in respect of that non-aggregated property if the deceased person had died on the date of the death of the settlor and the settlor had died on the date of the death of the deceased person calculated according to the value of such property as at the actual date of the death of the deceased person and in accordance with the provisions of this Act in the form in which those provisions existed at that actual date.

- (m) by inserting in subsection one of section one hundred and twenty-four after the word "administrator" wherever occurring the words "or other person"; Sec. 124.  
(Appeal to Supreme Court from assessment of Commissioner.)
- (n) (i) by inserting in subsection one of section 124A after the word "administrator" wherever occurring the words "or other person"; Sec. 124A.  
(Reference to local land board in certain cases.)
- (ii) by inserting in subsections four and five of the same section after the word "administrator" wherever occurring the words "or such other person, as the case may be";
- (o)



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*Stamp Duties (Amendment).*


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Sec. 128.  
(Further claim may be made in case of payment of too little duty.)

- (o) by inserting in subsection one of section one hundred and twenty-eight after the word "administrator" wherever occurring the words "or other the person liable to pay death duty";

New sec. 145.

- (p) by inserting next after section one hundred and forty-four the following new section:—

Regulations.

145. (1) The Governor may make regulations requiring that—

- (a) every instrument (other than a will) executed after the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof is granted after such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall be registered in the office of the Commissioner;
- (b) every instrument (other than a will) executed before the commencement of the Stamp Duties (Amendment) Act, 1952, and every will, probate whereof was granted before such commencement, by which an estate or interest in any property (including an annuity payable out of the property or out of the income or proceeds of the property) limited to cease on the death of any person or at a time determined by reference to the death of any person is evidenced or conveyed or in any way whatsoever created shall, unless such person had died



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*Stamp Duties (Amendment).*

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died before such commencement, be registered in the office of the Commissioner.

(2) The Governor may, in and by such regulations,—

- (a) prescribe the manner in which and the persons by whom any such registration shall be effected;
- (b) prescribe the period within which any such registration shall be effected;
- (c) require the production for examination at the office of the Commissioner of the original of any instrument the registration of which is required to be effected pursuant to the regulations made under this section or of a certified copy of the instrument or of an abstract of such part thereof as the Commissioner may specify;
- (d) provide for the issue by the Commissioner of a certificate of registration in respect of any instrument the registration of which has been effected pursuant to the regulations made under this section;
- (e) require persons upon whom the obligation of effecting registration of any instrument is imposed by the regulations made under this section to comply with any written notice served, either personally or by post, requesting him to furnish any information or particulars in respect of the property to which the instrument relates, or the persons interested in such property, which the Commissioner may deem necessary to enable him to exercise and discharge his powers, authorities, duties and functions under this Act;

(f)



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*Stamp Duties (Amendment).*

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(f) authorise the Commissioner to alter or extend the time within which any matter or thing is required to be done by or under the regulations made under this section;

(g) impose a penalty not exceeding fifty pounds for any breach of the regulations made under this section, and, where the breach is a continuing one, a penalty not exceeding five pounds for each day during which the breach continues.

(3) The provisions of subsections two and three of section nine of this Act shall extend to and in respect of regulations made under this section.

Subst.  
Sixth  
Schedule.

(q) by omitting the Sixth Schedule and by inserting in lieu thereof the following Schedule:—

Sec. 66.

SIXTH SCHEDULE.

RATE OF STAMP DUTY to be paid pursuant to subparagraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth or with a consideration in money or money's worth of less than the unencumbered value of the property conveyed.

Amount or Value.	Rate per centum of Duty
Not exceeding £1,000	3
Exceeding £1,000 but not exceeding £2,000	3 $\frac{1}{4}$
"    £2,000      "    "    £3,000	3 $\frac{2}{5}$
"    £3,000      "    "    £4,000	4
"    £4,000      "    "    £5,000	4 $\frac{1}{4}$
"    £5,000      "    "    £6,000	4 $\frac{1}{2}$
"    £6,000      "    "    £7,000	4 $\frac{3}{4}$
"    £7,000      "    "    £8,000	5
"    £8,000      "    "    £9,000	5 $\frac{1}{4}$
"    £9,000      "    "    £10,000	5 $\frac{1}{2}$
"    £10,000     "    "    £11,000	5 $\frac{3}{4}$
"    £11,000     "    "    £12,000	6
"    £12,000     "    "    £13,000	6 $\frac{1}{4}$
"    £13,000     "    "    £14,000	6 $\frac{1}{2}$



*Stamp Duties (Amendment).*

Amount or Value.		Rate per centum of Duty
Exceeding	£14,000 but not exceeding £15,000	6 $\frac{3}{4}$
"	£15,000 " " £16,000	7
"	£16,000 " " £17,000	7 $\frac{1}{4}$
"	£17,000 " " £18,000	7 $\frac{1}{2}$
"	£18,000 " " £19,000	7 $\frac{3}{4}$
"	£19,000 " " £20,000	8
"	£20,000 " " £21,000	8 $\frac{1}{4}$
"	£21,000 " " £22,000	8 $\frac{1}{2}$
"	£22,000 " " £23,000	8 $\frac{3}{4}$
"	£23,000 " " £24,000	9
"	£24,000 " " £25,000	9 $\frac{1}{4}$
"	£25,000 " " £26,000	9 $\frac{1}{2}$
"	£26,000 " " £27,000	9 $\frac{3}{4}$
"	£27,000 " " £28,000	10
"	£28,000 " " £29,000	10 $\frac{1}{4}$
"	£29,000 " " £30,000	10 $\frac{1}{2}$
"	£30,000 " " £31,000	10 $\frac{3}{4}$
"	£31,000 " " £32,000	11
"	£32,000 " " £33,000	11 $\frac{1}{4}$
"	£33,000 " " £34,000	11 $\frac{1}{2}$
"	£34,000 " " £35,000	11 $\frac{3}{4}$
"	£35,000 " " £36,000	12
"	£36,000 " " £37,000	12 $\frac{1}{4}$
"	£37,000 " " £38,000	12 $\frac{1}{2}$
"	£38,000 " " £39,000	12 $\frac{3}{4}$
"	£39,000 " " £40,000	13
"	£40,000 " " £41,000	13 $\frac{1}{4}$
"	£41,000 " " £42,000	13 $\frac{1}{2}$
"	£42,000 " " £43,000	13 $\frac{3}{4}$
"	£43,000 " " £44,000	14
"	£44,000 " " £45,000	14 $\frac{1}{4}$
"	£45,000 " " £46,000	14 $\frac{1}{2}$
"	£46,000 " " £47,000	14 $\frac{3}{4}$
"	£47,000 " " £48,000	15
"	£48,000 " " £49,000	15 $\frac{1}{4}$
"	£49,000 " " £50,000	15 $\frac{1}{2}$
"	£50,000 " " £51,000	15 $\frac{3}{4}$
"	£51,000 " " £52,000	16
"	£52,000 " " £53,000	16 $\frac{1}{4}$
"	£53,000 " " £54,000	16 $\frac{1}{2}$
"	£54,000 " " £55,000	16 $\frac{3}{4}$
"	£55,000 " " £56,000	17
"	£56,000 " " £57,000	17 $\frac{1}{4}$
"	£57,000 " " £58,000	17 $\frac{1}{2}$
"	£58,000 " " £59,000	17 $\frac{3}{4}$
"	£59,000 " " £60,000	18
"	£60,000 " " £61,000	18 $\frac{1}{4}$
"	£61,000 " " £62,000	18 $\frac{1}{2}$



*Stamp Duties (Amendment).*

Amount or Value.					Rate per centum of Duty.	
Exceeding	£62,000	but not exceeding	£63,000	...	...	$18\frac{3}{4}$
"	£63,000	"	"	£64,000	...	19
"	£64,000	"	"	£65,000	...	$19\frac{1}{4}$
"	£65,000	"	"	£66,000	...	$19\frac{1}{2}$
"	£66,000	"	"	£67,000	...	$19\frac{3}{4}$
"	£67,000	"	"	£68,000	...	20
"	£68,000	"	"	£69,000	...	$20\frac{1}{4}$
"	£69,000	"	"	£70,000	...	$20\frac{1}{2}$
"	£70,000	"	"	£71,000	...	$20\frac{3}{4}$
"	£71,000	"	"	£72,000	...	21
"	£72,000	"	"	£73,000	...	$21\frac{1}{4}$
"	£73,000	"	"	£74,000	...	$21\frac{1}{2}$
"	£74,000	"	"	£75,000	...	$21\frac{3}{4}$
"	£75,000	"	"	£76,000	...	22
"	£76,000	"	"	£77,000	...	$22\frac{1}{5}$
"	£77,000	"	"	£78,000	...	$22\frac{2}{5}$
"	£78,000	"	"	£79,000	...	$22\frac{3}{5}$
"	£79,000	"	"	£80,000	...	$22\frac{4}{5}$
"	£80,000	"	"	£81,000	...	23
"	£81,000	"	"	£82,000	...	$23\frac{1}{5}$
"	£82,000	"	"	£83,000	...	$23\frac{2}{5}$
"	£83,000	"	"	£84,000	...	$23\frac{3}{5}$
"	£84,000	"	"	£85,000	...	$23\frac{4}{5}$
"	£85,000	"	"	£86,000	...	24
"	£86,000	"	"	£87,000	...	$24\frac{1}{5}$
"	£87,000	"	"	£88,000	...	$24\frac{2}{5}$
"	£88,000	"	"	£89,000	...	$24\frac{3}{5}$
"	£89,000	"	"	£90,000	...	$24\frac{4}{5}$
"	£90,000	"	"	£91,000	...	25
"	£91,000	"	"	£92,000	...	$25\frac{1}{5}$
"	£92,000	"	"	£93,000	...	$25\frac{2}{5}$
"	£93,000	"	"	£94,000	...	$25\frac{3}{5}$
"	£94,000	"	"	£95,000	...	$25\frac{4}{5}$
"	£95,000	"	"	£96,000	...	26
"	£96,000	"	"	£97,000	...	$26\frac{1}{5}$
"	£97,000	"	"	£98,000	...	$26\frac{2}{5}$
"	£98,000	"	"	£99,000	...	$26\frac{3}{5}$
"	£99,000	"	"	£100,000	...	$26\frac{4}{5}$
"	£100,000	...	...	...	...	27

*In the name and on behalf of Her Majesty I assent to this Act.*

J. NORTHCOTT,  
Governor.

Government House,  
Sydney, 25th November, 1952.