

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 October, 1956.*

## New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

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Act No. , 1956.

An Act to increase the rate of stamp duty chargeable on certain hire-purchase agreements and to amend the law relating to stamp duties upon instruments; for those purposes to amend the Stamp Duties Act, 1920, and certain other Acts in certain respects; and for purposes connected therewith.



*Stamp Duties (Further Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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 Short  
title and  
citation.  
(Further Amendment) Act, 1956".

(2) The Stamp Duties Act, 1920, as amended by  
subsequent Acts and by this Act, may be cited as the  
10 Stamp Duties Acts, 1920-1956.

**2.** The Stamp Duties Act, 1920-1956, is amended— Amendment  
of Act  
No. 47,  
1920.

(a) by omitting from subsection one of section Sec. 22.  
twenty-two the word "An" and by inserting in (General  
direction  
as to the  
cancellation  
of adhesive  
stamps.)  
15 lieu thereof the words "Subject to section 75A  
of this Act and to paragraph (1) of the matter  
appearing under the heading 'Transfer of  
Shares' in the Second Schedule to this Act,  
an";

(b) by omitting section 75A and by inserting in lieu Subst. sec.  
75A.  
20 thereof the following section:—

75A. (1) For the purposes of this section and Duty on  
hire-  
purchase  
agreements.  
of the matter appearing under the heading  
"Hire-purchase Agreements" in the Second  
Schedule to this Act—

25 "Goods" includes all chattels personal other  
than money or things in action.

The expression "goods" also includes  
any fixture which is comprised in a hire-  
purchase agreement where any party  
30 to the hire-purchase agreement has  
authority to sever such fixture from the  
realty.

"Hire-purchase



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*Stamp Duties (Further Amendment).*

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goods of the same nature or description as the goods referred to in the agreement.

5           “Purchaser” means the person who takes or has taken goods from a vendor under a hire-purchase agreement.

          “Vendor” means the person who lets or has let or sells or has sold goods to a purchaser under a hire-purchase agreement.

10           (2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement shall be charged with duty as a hire-purchase agreement, and such instrument shall not be deemed an agreement or  
15           memorandum under hand made for or relating to the sale of any goods, wares, or merchandise within the exemption contained in the Second Schedule to this Act under the heading “Agreement or Memorandum of an Agreement, and not  
20           otherwise specifically charged with any duty”.

          (3) Where a hire-purchase agreement is constituted, or the terms and conditions of a hire-purchase agreement are evidenced, by two or more instruments—

25           (a) it shall be sufficient if one of such instruments is stamped with duty as aforesaid;

          (b) the fact that such instruments collectively are liable to duty as aforesaid shall not operate to exempt any such instrument individually from any other  
30           duty to which it is liable under this Act.

35           (4) In any case where the vendor under a hire-purchase agreement is not bound by the provisions of this Act, the liability to duty on the



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*Stamp Duties (Further Amendment).*

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the instrument constituting, or evidencing the terms and conditions of, the hire-purchase agreement shall fall upon the other party to the agreement.

5           (5) A covenant or stipulation in a hire-purchase agreement, or an agreement or arrangement, whereby the person primarily liable for the payment of the duty on an instrument constituting, or evidencing the terms and  
10           conditions of, a hire-purchase agreement recovers or seeks to recover or obtains or seeks to obtain payment of the duty, or any part of the duty, on the instrument from any other person, or which has or purports to have the  
15           purpose or effect of imposing on any other person the obligation of paying the duty, or any part of the duty, on the instrument, shall be absolutely void.

20           (6) The duty chargeable under this Act on an instrument referred to in subsection two of this section may be denoted by an adhesive stamp which is to be affixed and cancelled by the vendor at the time when the hire-purchase agreement concerned is deemed by subsection  
25           seven of this section to be executed by him.

(7) For the purposes of this Act a hire-purchase agreement shall, notwithstanding anything contained in section twenty-six of this Act, be deemed—

30           (a) to be first executed at the time when the hire-purchase agreement is made or, where the hire-purchase agreement is made by the communication to the vendor of the acceptance of an offer,  
35           on the acceptance coming to his knowledge; and

(b) to be first executed by the vendor.

(c)



*Stamp Duties (Further Amendment).*

(c) by omitting all matter in the Second Schedule under the heading "Hire-purchase Agreements," and by inserting in lieu thereof the following matter:—

Second  
Schedule.  
(Hire-  
purchase  
agreements.)

5	(1) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement—			
10	Amounts to £10 or more but does not amount to £20.....	0	2	0
15	Amounts to £20 or more but does not amount to £30 .....	0	4	0
	Amounts to £30 or more but does not amount to £40 .....	0	6	0
20	Amounts to £40 or more but does not amount to £50 .....	0	8	0
	Amounts to £50 or more but does not amount to £60 .....	0	10	0
	Amounts to £60 or more but does not amount to £70 .....	0	12	0
25	Amounts to £70 or more but does not amount to £80 .....	0	14	0
	Amounts to £80 or more but does not amount to £90 .....	0	16	0
30	Amounts to £90 or more but does not amount to £100 ...	0	18	0
	Amounts to £100 .....	1	0	0
	And for every additional £25 or part thereof of that difference .....	0	5	0
35	(Adhesive stamp may be used.)			
	<i>Exemption.</i> —Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement is less than £10.			
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45				
	(2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement under which the purchaser is a person engaged in the trade or business of selling goods of the same nature or description as the goods referred to in the agreement .....	0	1	6
50	(Adhesive stamp may be used.)			
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The vendor.

The person to  
or by whom  
the goods are  
supplied.



*Stamp Duties (Further Amendment).*

3. (1) The Stamp Duties Act, 1920-1956, is further amended—

Further amendment of Act No. 47, 1920. Second Schedule.

- 5 (a) by inserting in the Second Schedule at the end of paragraph (c) of the exemptions appearing under the heading "Bill of Exchange and Promissory Notes" the words "or on any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth";
- 10 (b) (i) by omitting all words in the first column of the same Schedule in subparagraph (c) of paragraph (1) of the matter appearing under the heading "Policies of Insurance" and by inserting in lieu thereof the words "Upon every policy and every renewal of a policy of insurance against liability for injury to the property or persons of third persons (whether included in any other policy of insurance or not)";
- 15 (ii) by inserting in subparagraph (d) of the same paragraph after the word "re-insurance" the words "and every renewal thereof";
- 20 (iii) by inserting in subparagraph (e) of the same paragraph after the word "paragraph" the words "and every renewal thereof";
- 25 (c) by inserting in the same Schedule at the end of paragraph (h) of the exemptions appearing under the heading "Receipt or Discharge" the words "or from any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth";
- 30 (d)
- 35



*Stamp Duties (Further Amendment).*

- (d) by inserting in the first column of the same (Transfer of Shares.)  
Schedule after the word "transfer" where  
lastly occurring in paragraph (1) of the matter  
appearing under the heading "Transfer of  
5 Shares" the words—

Where the shares or the right to the shares  
comprised in the transfer are listed on the  
Sydney Stock Exchange, adhesive stamp may  
be used, which stamp shall be affixed and can-  
10 celled by the transferee as provided by this Act.

(2) The amendments made by paragraphs (a) and  
(c) of subsection one of this section shall be deemed to  
have commenced on the nineteenth day of January, one  
thousand nine hundred and fifty-six.

- 15 This subsection does not invalidate any act or thing  
done before the commencement of this Act that would  
have been valid had this subsection not been enacted.

4. (1) The Stamp Duties (Amendment) Act, 1955, is  
amended—

Amendment  
of Act  
No. 30,  
1955.

- 20 (a) by omitting from subsection one of section  
three the words "is further amended" and by  
inserting in lieu thereof the words "as amended  
by section two of this Act, is amended";
- 25 (b) by omitting from subparagraph (ii) of para-  
graph (a) of the same subsection the figures and  
symbol " $\frac{1}{2}$ " and by inserting in lieu thereof the  
figures and symbol " $0\frac{1}{2}$ ".

(2) The amendments made by subsection one of  
this section shall be deemed to have commenced on the  
30 third day of October, one thousand nine hundred and  
fifty-five.



## STAMP DUTIES (FURTHER AMENDMENT) BILL, 1956.

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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to increase the rate of stamp duty on certain hire-purchase agreements and to impose the liability for that duty on the vendor;
- (b) to define the expression "hire-purchase agreement" for the purposes of the Stamp Duties Act, 1920, as amended by subsequent Acts, in the same way as that expression is defined in section two of the Hire-purchase Agreements Act, 1941-1955;
- (c) to make certain other minor amendments to the law relating to stamp duties—
  - (i) by extending the exemption contained in the Second Schedule to the Stamp Duties Act, 1920, as amended by subsequent Acts, in respect of—
    - (a) cheques or orders payable on demand drawn on the Commonwealth Savings Bank of Australia to cheques and orders payable on demand drawn on any other savings bank to which an authority has been granted under the (Commonwealth) Banking Act 1945-1953;
    - (b) receipts given by depositors on receiving deposits from the Commonwealth Savings Bank of Australia to receipts given by depositors on receiving deposits from any such other savings bank;
  - (ii) by clarifying the provisions of that Schedule relating to policies of insurance;
  - (iii) by authorising the use of adhesive stamps on certain transfers of shares or rights to shares;
  - (iv) by clarifying the effect of certain amendments made by the Stamp Duties (Amendment) Act, 1955.



# STAMP DUTIES (CUSTOMS) ACT, 1958

## EXPLANATORY NOTE

The object of this Bill is to amend the law relating to stamp duties in India. It contains provisions for the levy and collection of stamp duties on various instruments and documents. The Bill also provides for the exemption of certain instruments and documents from the payment of stamp duties. The Bill is intended to simplify the law relating to stamp duties and to make it more uniform throughout India.

(a) to make certain other minor amendments to the law relating to stamp duties.

(b) to amend the law relating to stamp duties in India.

(c) to amend the law relating to stamp duties in India.

(d) to amend the law relating to stamp duties in India.

(e) to amend the law relating to stamp duties in India.

(f) to amend the law relating to stamp duties in India.

(g) to amend the law relating to stamp duties in India.

(h) to amend the law relating to stamp duties in India.

(i) to amend the law relating to stamp duties in India.

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(v) to amend the law relating to stamp duties in India.

(w) to amend the law relating to stamp duties in India.

(x) to amend the law relating to stamp duties in India.

(y) to amend the law relating to stamp duties in India.

(z) to amend the law relating to stamp duties in India.



No. , 1956.

# A BILL

To increase the rate of stamp duty chargeable on certain hire-purchase agreements and to amend the law relating to stamp duties upon instruments; for those purposes to amend the Stamp Duties Act, 1920, and certain other Acts in certain respects; and for purposes connected therewith.



*Stamp Duties (Further Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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  
(Further Amendment) Act, 1956”. 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 Acts, 1920-1956.

**2.** The Stamp Duties Act, 1920-1956, is amended— Amendment  
of Act  
No. 47,  
1920.

(a) by omitting from subsection one of section  
twenty-two the word “An” and by inserting in  
15 lieu thereof the words “Subject to section 75A  
of this Act and to paragraph (1) of the matter  
appearing under the heading ‘Transfer of  
Shares’ in the Second Schedule to this Act,  
an”;

(b) by omitting section 75A and by inserting in lieu  
20 thereof the following section:— Subst. sec.  
75A.

75A. (1) For the purposes of this section and  
of the matter appearing under the heading  
“Hire-purchase Agreements” in the Second  
25 Schedule to this Act—

“Goods” includes all chattels personal other  
than money or things in action.

The expression “goods” also includes  
any fixture which is comprised in a hire-  
purchase agreement where any party  
to the hire-purchase agreement has  
30 authority to sever such fixture from the  
realty.

“Hire-purchase



*Stamp Duties (Further Amendment).*

5                   “Hire-purchase agreement” means an agree-  
ment for the bailment of goods under  
which the bailee may buy the goods or  
under which the property in the goods  
will or may pass to the bailee, and where,  
by virtue of two or more agreements,  
none of which by itself constitutes a hire-  
purchase agreement, there is a bailment  
10 of goods and either the bailee may buy  
the goods, or the property therein will  
or may pass to the bailee, the agreements  
shall be treated as a single agreement  
made at the time when the last agreement  
was made.

15                   The expression “hire-purchase agree-  
ment” also includes an agreement for the  
purchase of goods by instalments  
(whether the agreement describes the  
instalments as rent or hire or otherwise);  
20 but—

(a) does not include any agreement  
under which the property in the  
goods comprised therein passes  
absolutely at the time of the  
25 agreement to the person who  
agrees to purchase them;

(b) except in subsections two and three  
of this section and in paragraph  
30 (2) of the matter appearing under  
the heading “Hire-purchase Agree-  
ments” in the Second Schedule to  
this Act, does not include any  
agreement under which the pur-  
chaser is a person who is engaged  
35 in the trade or business of selling  
goods



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*Stamp Duties (Further Amendment).*

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goods of the same nature or description as the goods referred to in the agreement.

5       “Purchaser” means the person who takes or has taken goods from a vendor under a hire-purchase agreement.

      “Vendor” means the person who lets or has let or sells or has sold goods to a purchaser under a hire-purchase agreement.

10       (2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement shall be charged with duty as a hire-purchase agreement, and such instrument shall not be deemed an agreement or  
15       memorandum under hand made for or relating to the sale of any goods, wares, or merchandise within the exemption contained in the Second Schedule to this Act under the heading “Agreement or Memorandum of an Agreement, and not  
20       otherwise specifically charged with any duty”.

      (3) Where a hire-purchase agreement is constituted, or the terms and conditions of a hire-purchase agreement are evidenced, by two or more instruments—

25       (a) it shall be sufficient if one of such instruments is stamped with duty as aforesaid;

      (b) the fact that such instruments collectively are liable to duty as aforesaid shall not operate to exempt any such  
30       instrument individually from any other duty to which it is liable under this Act.

35       (4) In any case where the vendor under a hire-purchase agreement is not bound by the provisions of this Act, the liability to duty on the



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*Stamp Duties (Further Amendment).*

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the instrument constituting, or evidencing the terms and conditions of, the hire-purchase agreement shall fall upon the other party to the agreement.

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(5) A covenant or stipulation in a hire-purchase agreement, or an agreement or arrangement, whereby the person primarily liable for the payment of the duty on an instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement recovers or seeks to recover or obtains or seeks to obtain payment of the duty, or any part of the duty, on the instrument from any other person, or which has or purports to have the purpose or effect of imposing on any other person the obligation of paying the duty, or any part of the duty, on the instrument, shall be absolutely void.

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(6) The duty chargeable under this Act on an instrument referred to in subsection two of this section may be denoted by an adhesive stamp which is to be affixed and cancelled by the vendor at the time when the hire-purchase agreement concerned is deemed by subsection seven of this section to be executed by him.

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(7) For the purposes of this Act a hire-purchase agreement shall, notwithstanding anything contained in section twenty-six of this Act, be deemed—

(a) to be first executed at the time when the hire-purchase agreement is made or, where the hire-purchase agreement is made by the communication to the vendor of the acceptance of an offer, on the acceptance coming to his knowledge; and

(b) to be first executed by the vendor.

(c)



*Stamp Duties (Further Amendment).*

(c) by omitting all matter in the Second Schedule under the heading "Hire-purchase Agreements" and by inserting in lieu thereof the following matter:—

Second  
Schedule.  
(Hire-  
purchase  
agreements.)

5	(1) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement—	
10	Amounts to £10 or more but does not amount to £20.....	0 2 0
15	Amounts to £20 or more but does not amount to £30 .....	0 4 0
	Amounts to £30 or more but does not amount to £40 .....	0 6 0
20	Amounts to £40 or more but does not amount to £50 .....	0 8 0
	Amounts to £50 or more but does not amount to £60 .....	0 10 0
	Amounts to £60 or more but does not amount to £70 .....	0 12 0
25	Amounts to £70 or more but does not amount to £80 .....	0 14 0
	Amounts to £80 or more but does not amount to £90 .....	0 16 0
30	Amounts to £90 or more but does not amount to £100 ...	0 18 0
	Amounts to £100 .....	1 0 0
35	And for every additional £25 or part thereof of that difference .....	0 5 0
	(Adhesive stamp may be used.)	
	<i>Exemption.</i> —Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement is less than £10.	
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45	(2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement under which the purchaser is a person engaged in the trade or business of selling goods of the same nature or description as the goods referred to in the agreement .....	0 1 6
50	(Adhesive stamp may be used.)	
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The vendor.

The person to or by whom the goods are supplied.



*Stamp Duties (Further Amendment).*

3. (1) The Stamp Duties Act, 1920-1956, is further amended—

Further amendment of Act No. 47, 1920.

Second Schedule.

- (a) by inserting in the Second Schedule at the end of paragraph (c) of the exemptions appearing under the heading "Bill of Exchange and Promissory Notes" the words "or on any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth";
- (b) (i) by omitting all words in the first column of the same Schedule in subparagraph (c) of paragraph (1) of the matter appearing under the heading "Policies of Insurance" and by inserting in lieu thereof the words "Upon every policy and every renewal of a policy of insurance against liability for injury to the property or persons of third persons (whether included in any other policy of insurance or not)";
- (ii) by inserting in subparagraph (d) of the same paragraph after the word "re-insurance" the words "and every renewal thereof";
- (iii) by inserting in subparagraph (e) of the same paragraph after the word "paragraph" the words "and every renewal thereof";
- (c) by inserting in the same Schedule at the end of paragraph (h) of the exemptions appearing under the heading "Receipt or Discharge" the words "or from any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth";

(Bills of Exchange and Promissory Notes.)

(Policies of Insurance.)

(Receipt or Discharge.)

(d)



*Stamp Duties (Further Amendment).*

- (d) by inserting in the first column of the same Schedule after the word "transfer" where lastly occurring in paragraph (1) of the matter appearing under the heading "Transfer of Shares" the words—

(Transfer of Shares.)

Where the shares or the right to the shares comprised in the transfer are listed on the Sydney Stock Exchange, adhesive stamp may be used, which stamp shall be affixed and cancelled by the transferee as provided by this Act.

(2) The amendments made by paragraphs (a) and (c) of subsection one of this section shall be deemed to have commenced on the nineteenth day of January, one thousand nine hundred and fifty-six.

This subsection does not invalidate any act or thing done before the commencement of this Act that would have been valid had this subsection not been enacted.

4. (1) The Stamp Duties (Amendment) Act, 1955, is amended—

Amendment of Act No. 30, 1955.

(a) by omitting from subsection one of section three the words "is further amended" and by inserting in lieu thereof the words "as amended by section two of this Act, is amended";

(b) by omitting from subparagraph (ii) of paragraph (a) of the same subsection the figures and symbol " $\frac{1}{2}$ " and by inserting in lieu thereof the figures and symbol " $0\frac{1}{2}$ ".

(2) The amendments made by subsection one of this section shall be deemed to have commenced on the third day of October, one thousand nine hundred and fifty-five.



## New South Wales



ANNO QUINTO

## ELIZABETHÆ II REGINÆ

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### Act No. 25, 1956.

An Act to increase the rate of stamp duty chargeable on certain hire-purchase agreements and to amend the law relating to stamp duties upon instruments; for those purposes to amend the Stamp Duties Act, 1920, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 24th October, 1956.]

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*Stamp Duties (Further Amendment).*

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**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 :—

Short  
title and  
citation.

**1.** (1) This Act may be cited as the "Stamp Duties (Further Amendment) Act, 1956".

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Acts, 1920-1956.

Amendment  
of Act  
No. 47,  
1920.

**2.** The Stamp Duties Act, 1920-1956, is amended—

Sec. 22.  
(General  
direction  
as to the  
cancellation  
of adhesive  
stamps.)

(a) by omitting from subsection one of section twenty-two the word "An" and by inserting in lieu thereof the words "Subject to section 75A of this Act and to paragraph (1) of the matter appearing under the heading 'Transfer of Shares' in the Second Schedule to this Act, an";

Subst. sec.  
75A.

(b) by omitting section 75A and by inserting in lieu thereof the following section:—

Duty on  
hire-  
purchase  
agreements.

75A. (1) For the purposes of this section and of the matter appearing under the heading "Hire-purchase Agreements" in the Second Schedule to this Act—

"Goods" includes all chattels personal other than money or things in action.

The expression "goods" also includes any fixture which is comprised in a hire-purchase agreement where any party to the hire-purchase agreement has authority to sever such fixture from the realty.

**"Hire-purchase"**



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*Stamp Duties (Further Amendment).*

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“Hire-purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, and where, by virtue of two or more agreements, none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods and either the bailee may buy the goods, or the property therein will or may pass to the bailee, the agreements shall be treated as a single agreement made at the time when the last agreement was made.

The expression “hire-purchase agreement” also includes an agreement for the purchase of goods by instalments (whether the agreement describes the instalments as rent or hire or otherwise); but—

- (a) does not include any agreement under which the property in the goods comprised therein passes absolutely at the time of the agreement to the person who agrees to purchase them;
- (b) except in subsections two and three of this section and in paragraph (2) of the matter appearing under the heading “Hire-purchase Agreements” in the Second Schedule to this Act, does not include any agreement under which the purchaser is a person who is engaged in the trade or business of selling goods



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*Stamp Duties (Further Amendment).*

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goods of the same nature or description as the goods referred to in the agreement.

“Purchaser” means the person who takes or has taken goods from a vendor under a hire-purchase agreement.

“Vendor” means the person who lets or has let or sells or has sold goods to a purchaser under a hire-purchase agreement.

(2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement shall be charged with duty as a hire-purchase agreement, and such instrument shall not be deemed an agreement or memorandum under hand made for or relating to the sale of any goods, wares, or merchandise within the exemption contained in the Second Schedule to this Act under the heading “Agreement or Memorandum of an Agreement, and not otherwise specifically charged with any duty”.

(3) Where a hire-purchase agreement is constituted, or the terms and conditions of a hire-purchase agreement are evidenced, by two or more instruments—

- (a) it shall be sufficient if one of such instruments is stamped with duty as aforesaid;
- (b) the fact that such instruments collectively are liable to duty as aforesaid shall not operate to exempt any such instrument individually from any other duty to which it is liable under this Act.

(4) In any case where the vendor under a hire-purchase agreement is not bound by the provisions of this Act, the liability to duty on  
the



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*Stamp Duties (Further Amendment).*

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the instrument constituting, or evidencing the terms and conditions of, the hire-purchase agreement shall fall upon the other party to the agreement.

(5) A covenant or stipulation in a hire-purchase agreement, or an agreement or arrangement, whereby the person primarily liable for the payment of the duty on an instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement recovers or seeks to recover or obtains or seeks to obtain payment of the duty, or any part of the duty, on the instrument from any other person, or which has or purports to have the purpose or effect of imposing on any other person the obligation of paying the duty, or any part of the duty, on the instrument, shall be absolutely void.

(6) The duty chargeable under this Act on an instrument referred to in subsection two of this section may be denoted by an adhesive stamp which is to be affixed and cancelled by the vendor at the time when the hire-purchase agreement concerned is deemed by subsection seven of this section to be executed by him.

(7) For the purposes of this Act a hire-purchase agreement shall, notwithstanding anything contained in section twenty-six of this Act, be deemed—

(a) to be first executed at the time when the hire-purchase agreement is made or, where the hire-purchase agreement is made by the communication to the vendor of the acceptance of an offer, on the acceptance coming to his knowledge; and

(b) to be first executed by the vendor.

(c)



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*Stamp Duties (Further Amendment).*


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Second  
Schedule.,  
(Hire-  
purchase  
agreements.)

(c) by omitting all matter in the Second Schedule under the heading "Hire-purchase Agreements" and by inserting in lieu thereof the following matter:—

- (1) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement—

Amounts to £10 or more but does not amount to £20.....	0	2	0	} The vendor
Amounts to £20 or more but does not amount to £30 .....	0	4	0	
Amounts to £30 or more but does not amount to £40 .....	0	6	0	
Amounts to £40 or more but does not amount to £50 .....	0	8	0	
Amounts to £50 or more but does not amount to £60 .....	0	10	0	
Amounts to £60 or more but does not amount to £70 .....	0	12	0	
Amounts to £70 or more but does not amount to £80 .....	0	14	0	
Amounts to £80 or more but does not amount to £90 .....	0	16	0	
Amounts to £90 or more but does not amount to £100 ...	0	18	0	
Amounts to £100 .....	1	0	0	
And for every additional £25 or part thereof of that difference .....	0	5	0	

(Adhesive stamp may be used.)

*Exemption.*—Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement is less than £10.

- (2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement under which the purchaser is a person engaged in the trade or business of selling goods of the same nature or description as the goods referred to in the agreement .....

0 1 6 The person to or by whom the goods are supplied.

(Adhesive stamp may be used.)



*Stamp Duties (Further Amendment).*

**3.** (1) The Stamp Duties Act, 1920-1956, is further amended—

Further amendment of Act No. 47, 1920.  
Second Schedule.

(a) by inserting in the Second Schedule at the end of paragraph (c) of the exemptions appearing under the heading "Bill of Exchange and Promissory Notes" the words "or on any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth";

(Bills of Exchange and Promissory Notes.)

(b) (i) by omitting all words in the first column of the same Schedule in subparagraph (c) of paragraph (1) of the matter appearing under the heading "Policies of Insurance" and by inserting in lieu thereof the words "Upon every policy and every renewal of a policy of insurance against liability for injury to the property or persons of third persons (whether included in any other policy of insurance or not)";

(Policies of Insurance.)

(ii) by inserting in subparagraph (d) of the same paragraph after the word "re-insurance" the words "and every renewal thereof";

(iii) by inserting in subparagraph (e) of the same paragraph after the word "paragraph" the words "and every renewal thereof";

(c) by inserting in the same Schedule at the end of paragraph (h) of the exemptions appearing under the heading "Receipt or Discharge" the words "or from any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth";

(Receipt or Discharge.)

(d)



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*Stamp Duties (Further Amendment).*

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(Transfer  
of  
Shares.)

- (d) by inserting in the first column of the same Schedule after the word "transfer" where lastly occurring in paragraph (1) of the matter appearing under the heading "Transfer of Shares" the words—

Where the shares or the right to the shares comprised in the transfer are listed on the Sydney Stock Exchange, adhesive stamp may be used, which stamp shall be affixed and cancelled by the transferee as provided by this Act.

- (2) The amendments made by paragraphs (a) and (c) of subsection one of this section shall be deemed to have commenced on the nineteenth day of January, one thousand nine hundred and fifty-six.

This subsection does not invalidate any act or thing done before the commencement of this Act that would have been valid had this subsection not been enacted.

Amendment  
of Act  
No. 30,  
1955.

4. (1) The Stamp Duties (Amendment) Act, 1955, is amended—

- (a) by omitting from subsection one of section three the words "is further amended" and by inserting in lieu thereof the words "as amended by section two of this Act, is amended";
- (b) by omitting from subparagraph (ii) of paragraph (a) of the same subsection the figures and symbol " $\frac{1}{2}$ " and by inserting in lieu thereof the figures and symbol " $0\frac{1}{2}$ ".

- (2) The amendments made by subsection one of this section shall be deemed to have commenced on the third day of October, one thousand nine hundred and fifty-five.

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By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1956.



*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 23 October, 1956.*

## New South Wales



ANNO QUINTO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 25, 1956.

An Act to increase the rate of stamp duty chargeable on certain hire-purchase agreements and to amend the law relating to stamp duties upon instruments; for those purposes to amend the Stamp Duties Act, 1920, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 24th October, 1956.]

BE

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

G. BOOTH,  
*Chairman of Committees of the Legislative Assembly.*



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*Stamp Duties (Further Amendment).*

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BE 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 :—

Short  
title and  
citation.

1. (1) This Act may be cited as the "Stamp Duties (Further Amendment) Act, 1956".

(2) The Stamp Duties Act, 1920, as amended by subsequent Acts and by this Act, may be cited as the Stamp Duties Acts, 1920-1956.

Amendment  
of Act  
No. 47,  
1920.

2. The Stamp Duties Act, 1920-1956, is amended—

Sec. 22.  
(General  
direction  
as to the  
cancellation  
of adhesive  
stamps.)

(a) by omitting from subsection one of section twenty-two the word "An" and by inserting in lieu thereof the words "Subject to section 75A of this Act and to paragraph (1) of the matter appearing under the heading 'Transfer of Shares' in the Second Schedule to this Act, an";

Subst. sec.  
75A.

(b) by omitting section 75A and by inserting in lieu thereof the following section:—

Duty on  
hire-  
purchase  
agreements.

75A. (1) For the purposes of this section and of the matter appearing under the heading "Hire-purchase Agreements" in the Second Schedule to this Act—

"Goods" includes all chattels personal other than money or things in action.

The expression "goods" also includes any fixture which is comprised in a hire-purchase agreement where any party to the hire-purchase agreement has authority to sever such fixture from the realty.

"Hire-purchase



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*Stamp Duties (Further Amendment).*

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“Hire-purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, and where, by virtue of two or more agreements, none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods and either the bailee may buy the goods, or the property therein will or may pass to the bailee, the agreements shall be treated as a single agreement made at the time when the last agreement was made.

The expression “hire-purchase agreement” also includes an agreement for the purchase of goods by instalments (whether the agreement describes the instalments as rent or hire or otherwise); but—

- (a) does not include any agreement under which the property in the goods comprised therein passes absolutely at the time of the agreement to the person who agrees to purchase them;
- (b) except in subsections two and three of this section and in paragraph (2) of the matter appearing under the heading “Hire-purchase Agreements” in the Second Schedule to this Act, does not include any agreement under which the purchaser is a person who is engaged in the trade or business of selling goods



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*Stamp Duties (Further Amendment).*

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goods of the same nature or description as the goods referred to in the agreement.

“Purchaser” means the person who takes or has taken goods from a vendor under a hire-purchase agreement.

“Vendor” means the person who lets or has let or sells or has sold goods to a purchaser under a hire-purchase agreement.

(2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement shall be charged with duty as a hire-purchase agreement, and such instrument shall not be deemed an agreement or memorandum under hand made for or relating to the sale of any goods, wares, or merchandise within the exemption contained in the Second Schedule to this Act under the heading “Agreement or Memorandum of an Agreement, and not otherwise specifically charged with any duty”.

(3) Where a hire-purchase agreement is constituted, or the terms and conditions of a hire-purchase agreement are evidenced, by two or more instruments—

(a) it shall be sufficient if one of such instruments is stamped with duty as aforesaid;

(b) the fact that such instruments collectively are liable to duty as aforesaid shall not operate to exempt any such instrument individually from any other duty to which it is liable under this Act.

(4) In any case where the vendor under a hire-purchase agreement is not bound by the provisions of this Act, the liability to duty on the



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*Stamp Duties (Further Amendment).*

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the instrument constituting, or evidencing the terms and conditions of, the hire-purchase agreement shall fall upon the other party to the agreement.

(5) A covenant or stipulation in a hire-purchase agreement, or an agreement or arrangement, whereby the person primarily liable for the payment of the duty on an instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement recovers or seeks to recover or obtains or seeks to obtain payment of the duty, or any part of the duty, on the instrument from any other person, or which has or purports to have the purpose or effect of imposing on any other person the obligation of paying the duty, or any part of the duty, on the instrument, shall be absolutely void.

(6) The duty chargeable under this Act on an instrument referred to in subsection two of this section may be denoted by an adhesive stamp which is to be affixed and cancelled by the vendor at the time when the hire-purchase agreement concerned is deemed by subsection seven of this section to be executed by him.

(7) For the purposes of this Act a hire-purchase agreement shall, notwithstanding anything contained in section twenty-six of this Act, be deemed—

(a) to be first executed at the time when the hire-purchase agreement is made or, where the hire-purchase agreement is made by the communication to the vendor of the acceptance of an offer, on the acceptance coming to his knowledge; and

(b) to be first executed by the vendor.

(c)



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*Stamp Duties (Further Amendment).*


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Second  
Schedule.  
(Hire-  
purchase  
agreements.)

(c) by omitting all matter in the Second Schedule under the heading "Hire-purchase Agreements" and by inserting in lieu thereof the following matter:—

- (1) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement—

Amounts to £10 or more but does not amount to £20.....	0	2	0	} The vendor
Amounts to £20 or more but does not amount to £30 .....	0	4	0	
Amounts to £30 or more but does not amount to £40 .....	0	6	0	
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Amounts to £50 or more but does not amount to £60 .....	0	10	0	
Amounts to £60 or more but does not amount to £70 .....	0	12	0	
Amounts to £70 or more but does not amount to £80 .....	0	14	0	
Amounts to £80 or more but does not amount to £90 .....	0	16	0	
Amounts to £90 or more but does not amount to £100 ...	0	18	0	
Amounts to £100 .....	1	0	0	
And for every additional £25 or part thereof of that difference .....	0	5	0	

(Adhesive stamp may be used.)

*Exemption.*—Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement where the difference between the deposit or initial payment under the agreement and the cash price of the goods comprised in the agreement is less than £10.

- (2) Any instrument constituting, or evidencing the terms and conditions of, a hire-purchase agreement under which the purchaser is a person engaged in the trade or business of selling goods of the same nature or description as the goods referred to in the agreement .....

0 1 6 The person to or by whom the goods are supplied.



*Stamp Duties (Further Amendment).*

3. (1) The Stamp Duties Act, 1920-1956, is further amended—

Further  
amendment  
of Act  
No. 47,  
1920.  
Second  
Schedule.

- (a) by inserting in the Second Schedule at the end of paragraph (c) of the exemptions appearing under the heading "Bill of Exchange and Promissory Notes" the words "or on any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth"; (Bills of Exchange and Promissory Notes.)
- (b) (i) by omitting all words in the first column of the same Schedule in subparagraph (c) of paragraph (1) of the matter appearing under the heading "Policies of Insurance" and by inserting in lieu thereof the words "Upon every policy and every renewal of a policy of insurance against liability for injury to the property or persons of third persons (whether included in any other policy of insurance or not)"; (Policies of Insurance.)
- (ii) by inserting in subparagraph (d) of the same paragraph after the word "re-insurance" the words "and every renewal thereof";
- (iii) by inserting in subparagraph (e) of the same paragraph after the word "paragraph" the words "and every renewal thereof";
- (c) by inserting in the same Schedule at the end of paragraph (h) of the exemptions appearing under the heading "Receipt or Discharge" the words "or from any other Savings Bank to which an authority has been granted under section eight of the Banking Act 1945-1953 of the Parliament of the Commonwealth"; (Receipt or Discharge.)
- (d)



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*Stamp Duties (Further Amendment).*

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(Transfer  
of  
Shares.)

- (d) by inserting in the first column of the same Schedule after the word "transfer" where lastly occurring in paragraph (1) of the matter appearing under the heading "Transfer of Shares" the words—

Where the shares or the right to the shares comprised in the transfer are listed on the Sydney Stock Exchange, adhesive stamp may be used, which stamp shall be affixed and cancelled by the transferee as provided by this Act.

- (2) The amendments made by paragraphs (a) and (c) of subsection one of this section shall be deemed to have commenced on the nineteenth day of January, one thousand nine hundred and fifty-six.

This subsection does not invalidate any act or thing done before the commencement of this Act that would have been valid had this subsection not been enacted.

Amendment  
of Act  
No. 30,  
1955.

4. (1) The Stamp Duties (Amendment) Act, 1955, is amended—

- (a) by omitting from subsection one of section three the words "is further amended" and by inserting in lieu thereof the words "as amended by section two of this Act, is amended";
- (b) by omitting from subparagraph (ii) of paragraph (a) of the same subsection the figures and symbol " $\frac{1}{2}$ " and by inserting in lieu thereof the figures and symbol " $0\frac{1}{2}$ ".

- (2) The amendments made by subsection one of this section shall be deemed to have commenced on the third day of October, one thousand nine hundred and fifty-five.

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

J. NORTHCOTT,  
Governor.

Government House,  
Sydney, 24th October, 1956.