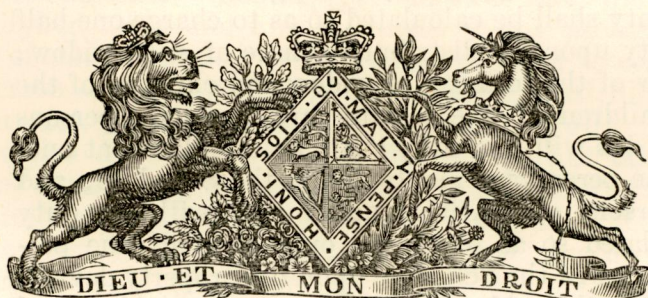


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 6 December, 1898. }*

F. W. WEBB,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

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Act No. , 1898.

An Act to impose certain probate, succession, and other duties ;  
and for purposes of and incidental to those objects.

**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 :—

- 5           1. Where under Part III of the Stamp Duties Act, 1898, duty is payable or chargeable in respect of the estate of any person dying after the commencement of this Act, or is payable or chargeable on or after the death of any person so dying in respect of any estate the subject of any settlement, trust, disposition, conveyance, transfer,  
10 vesting, purchase, investment, or gift, such duty shall be levied, collected, paid, and charged and chargeable under that Act according to the duties mentioned in Schedule One hereto, and such duties shall be in lieu of the duties mentioned in the Third Schedule to the Stamp Duties Act, 1898.
- Duties to be paid according to Schedule One.



*Probate and Succession Duties.*

2. (1) Where duty is payable in respect of the estate of a person so dying, and the value of the estate of such person, after deducting all debts, does not exceed twenty-five thousand pounds, the following provisions shall have effect—

Duties in case of widows and children.

- 5 (a) when such person dies intestate, leaving a widow and children, or when such person dies intestate, leaving children, the only persons entitled in distribution to his estate, the duty shall be calculated at one-half only of the percentage mentioned in Schedule One hereto;
- 10 (b) when such person dies intestate, leaving a widow and no children, the duty shall be calculated so as to charge one-half only of the duty upon the distributive share of such widow;
- 15 (c) when the widow of the testator, or widow and children of the testator, or children of the testator are the only persons entitled under his will, the duty shall be calculated at one-half only of the percentage mentioned in the Schedule; and
- 20 (d) when other persons are entitled under such will, the duty shall be calculated so as to charge only one-half the percentage mentioned in the Schedule upon the property devised or bequeathed to the widow of the testator, or widow and children of the testator, or children of the testator.

(2) The word "children" in this section shall be construed to mean and include grandchildren, and in all cases where probate or letters of administration are issued, the duty in respect of the estate of the testator or intestate payable under this Act shall be calculated with reference to grandchildren accordingly.

The word "children" to include grandchildren.

3. Where the estate of a deceased person consists wholly of real property, the duty thereon shall at the option of the person liable to pay the same be paid in cash, or within twelve months from the grant of probate or letters of administration, or orders to collect by four equal quarterly instalments with interest on the unpaid balance at the rate of four per centum per annum from the time when the first instalment was payable.

Payment of duty by instalments.

Where in the opinion of the Commissioner the personal estate of a deceased person is insufficient for the payment of the duty on such estate, the Commissioner may, on the payment towards such duty of such of the said personal estate as is available for that purpose, allow the payment of the balance of the amount of such duty to be made by instalments extending over a period not exceeding twelve months from the date of grant of probate or letters of administration, or orders to collect with interest on the unpaid balance at the rate of four per centum per annum:

Provided that if and when any property of the deceased person is sold, the net proceeds of such sale shall be applied in or towards the payment of any such duty, and interest thereon, then payable in respect of the said estate.



*Probate and Succession Duties.*

4. Where under Part III of the Stamp Duties Act, 1898, duty is payable or chargeable in respect of the estate of any person dying after the commencement of this Act, or is payable or chargeable on or after the death of any person so dying in respect of any estate the subject of any settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, there shall be levied, charged, and paid for the use of Her Majesty and to form part of the Consolidated Revenue Fund, according to the rates mentioned in Schedule Two hereto, a duty (in this Act called a succession duty) upon any property or any interest in the same which any person, on or after the death of the person so dying, takes under or by virtue of any probate of the will, or letters of administration of the estate or order to collect the estate of the person so dying, or any such settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift.
5. Succession duty shall be paid by the person taking any property or any interest in the same under or by virtue of a will or letters of administration, or order to collect, or any such settlement, trust, disposition, conveyance, transfer, vesting, purchase, investment, or gift, and shall be paid when the said person becomes entitled in possession to such property or interest, except that in the case of an annuity the duty shall be paid by two half-yearly instalments, the first of such instalments being payable on the said person becoming entitled as aforesaid, interest at four per centum per annum being payable on the balance from the time when the first instalment was payable, and any such duty payable in respect of real property shall be a charge on such property until paid.
6. The amount of any succession duty shall be assessed by the Commissioner subject to appeal against such assessment as provided in the Stamp Duties Act, 1898.
7. This Act shall be construed as one with the Stamp Duties Act, 1898, and may be cited as the "Probate and Succession Duties Act, 1898."

Succession duty according to Schedule Two.

Who is to pay succession duty.

Assessment of succession duty.

Incorporation and short title.



*Probate and Succession Duties.*

## SCHEDULE ONE.

Where the total value of the estate after deducting all debts							
exceeds £500 and does not exceed £1,000...		... ..		... ..		1 per cent.	
	£1,000	£5,000	...	...	2	..	..
5	£5,000	£6,000	...	...	3	..	..
	£6,000	£7,000	...	...	3 $\frac{1}{2}$	..	..
	£7,000	£8,000	...	...	3 $\frac{2}{3}$	..	..
	£8,000	£9,000	...	...	3 $\frac{1}{2}$	..	..
	£9,000	£10,000	...	...	3 $\frac{2}{3}$	..	..
10	£10,000	£12,000	...	...	4	..	..
	£12,000	£14,000	...	...	4 $\frac{1}{2}$	..	..
	£14,000	£16,000	...	...	4 $\frac{2}{3}$	..	..
	£16,000	£18,000	...	...	4 $\frac{1}{2}$	..	..
	£18,000	£20,000	...	...	4 $\frac{2}{3}$	..	..
15	£20,000	£22,000	...	...	5	..	..
	£22,000	£24,000	...	...	5 $\frac{1}{2}$	..	..
	£24,000	£26,000	...	...	5 $\frac{2}{3}$	..	..
	£26,000	£28,000	...	...	5 $\frac{1}{2}$	..	..
	£28,000	£30,000	...	...	5 $\frac{2}{3}$	..	..
20	£30,000	£32,000	...	...	6	..	..
	£32,000	£34,000	...	...	6 $\frac{1}{2}$	..	..
	£34,000	£36,000	...	...	6 $\frac{2}{3}$	..	..
	£36,000	£38,000	...	...	6 $\frac{1}{2}$	..	..
	£38,000	£40,000	...	...	6 $\frac{2}{3}$	..	..
25	£40,000	£44,000	...	...	7	..	..
	£44,000	£48,000	...	...	7 $\frac{1}{2}$	..	..
	£48,000	£52,000	...	...	7 $\frac{2}{3}$	..	..
	£52,000	£56,000	...	...	7 $\frac{1}{2}$	..	..
	£56,000	£60,000	...	...	7 $\frac{2}{3}$	..	..
30	£60,000	£64,000	...	...	8	..	..
	£64,000	£68,000	...	...	8 $\frac{1}{2}$	..	..
	£68,000	£72,000	...	...	8 $\frac{2}{3}$	..	..
	£72,000	£76,000	...	...	8 $\frac{1}{2}$	..	..
	£76,000	£80,000	...	...	8 $\frac{2}{3}$	..	..
35	£80,000	£84,000	...	...	9	..	..
	£84,000	£88,000	...	...	9 $\frac{1}{2}$	..	..
	£88,000	£92,000	...	...	9 $\frac{2}{3}$	..	..
	£92,000	£96,000	...	...	9 $\frac{1}{2}$	..	..
	£96,000	£100,000	...	...	9 $\frac{2}{3}$	..	..
40	And over the value of £100,000	...	...	...	10	..	..

## SCHEDULE TWO.

	Lineal issue or lineal ancestors of the deceased, or the husbands or wives of any such persons	...	...	...	...	1 per cent.
45	Brothers and sisters of the deceased and their descendants, or the husbands or wives of any such persons	...	...	...	...	2 ..
	Brothers and sisters of the father or mother of the deceased and their descendants, or the husbands or wives of any such persons	...	...	...	...	3 ..
	Brothers and sisters of a grandfather or grandmother of the deceased and their descendants, or the husbands or wives of any such persons	...	...	...	...	4 ..
50	Persons of more remote consanguinity, or strangers in blood to the deceased	...	...	...	...	5 ..

Provided that no duty under this Schedule shall be chargeable on any property under or of the value of five hundred pounds acquired in any of the modes mentioned in section four.