



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1822.

An Act to amend the Stamp Duties Act, 1923.

[Assented to, December 21st, 1927.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Stamp Duties Act, 1927." Short titles.
(2) The Stamp Duties Act, 1923 (hereinafter called "the principal Act"), and this Act may be cited together as the "Stamp Duties Acts, 1923 and 1927."
2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.
3. This Act shall come into operation on a day to be fixed by proclamation.
4. Part II. of the principal Act is amended by inserting therein after section 27 the following sections :—
27A. (1) In any case in which the amount of stamp duty chargeable on any instrument depends upon the value of any property thereby conveyed or transferred, or upon the amount of the consideration paid or given therefor, and in any other case in which it may be necessary to ascertain any facts in order to determine the amount of stamp duty chargeable upon any instrument, the Commissioner may require the instrument to be submitted for his opinion pursuant to section 23 and may, before assessing the duty with which the instrument is chargeable, hold an inquiry for the purpose of ascertaining the true amount of such consideration, or such other facts as aforesaid. Amendment of principal Act, Part II.
Power of Commissioner to make certain inquiries.

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(2) For the purpose of any such inquiry the Commissioner may require any person to make and produce to him a statutory declaration setting forth any facts necessary to be ascertained, so far as they are known to such person, or may hear, receive, and examine evidence upon oath (which oath such Commissioner is hereby empowered to administer), and by summons under his hand, may require all such persons as he may think fit to appear personally before him, at a time and place to be fixed in and by such summons, and to produce to him all such books, papers, and documents as may appear necessary for such inquiry.

The statement of every person so examined shall be taken down in writing and signed by him in the presence of the Commissioner.

(3) Any person who, without just excuse, neglects or refuses to make any such declaration, or to comply with the tenor of any such summons, or who, having appeared before the Commissioner, refuses, without just excuse, to be examined on oath concerning the subject-matter of the inquiry, or to take such oath, or, having taken such oath, to answer such questions concerning the said subject-matter as shall be put to him, shall be guilty of an offence. Penalty—One Hundred Pounds.

27B. When any instrument chargeable with stamp duty, and which is unstamped or insufficiently stamped, has come into the possession of the Commissioner, he shall retain possession of such instrument until the amount of stamp duty due thereon, together with any penalty and costs imposed in respect of the making of such unstamped instrument, have been paid.

Power of Commissioner to retain unstamped instrument till penalty paid.

Amendment of principal Act, s. 31.

5. Section 31 of the principal Act is amended—

(a) by inserting after the word “whatsoever” in the second line the words “(including goods, wares, and merchandise not being goods, wares, and merchandise agreed to be sold in the ordinary course of trade by a party whose principal business is the sale of such goods, wares, and merchandise)”; and

(b) by striking out paragraph (b) in subsection (1) thereof.

Repeal of s. 62 of principal Act.

6. Section 62 of the principal Act is repealed.

Amendment of principal Act, Part III.—

7. Part III. of the principal Act is amended by inserting therein after section 66 the following sections:—

Mode of computing consideration in certain cases.

66A. (1) Where any goods, wares, or merchandise are assigned to any purchaser at or about the time of the conveyance or transfer of any other property, whether by the same or another instrument or otherwise, in such circumstances that such assignment and the conveyance or transfer together form substantially one transaction, the consideration for such conveyance or transfer shall

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shall be deemed to include all moneys paid in respect of the assignment of such goods, wares or merchandise.

(2) Any person who executes and any person engaged or concerned in the preparation or certification of any such conveyance or transfer as mentioned in subsection (1) which does not disclose the true consideration paid or agreed to be paid for the whole of the property included in the transaction in connection with which the conveyance or transfer is executed, shall be guilty of an offence and liable to a penalty not exceeding Five Hundred Pounds.

66B. (1) Where in the opinion of the Commissioner the consideration in any transfer or conveyance does not represent the value of the property referred to or dealt with in such instrument, or the evidence of value is unsatisfactory, he may cause a valuation of the property to be made by some person appointed by him, and may assess the duty payable on the basis of such valuation.

Valuation where consideration doubted.

(2) The Commissioner may, having regard to the merits of the case, charge the whole or any part of the expenses of or incidental to the making of the valuation to the person liable to pay the duty, and may recover the same from him as a debt due to His Majesty.

8. Section 91 of the principal Act is amended by inserting after the word "audience" in the second line of the definition of "admission" the words "and includes admission for the purpose of participating in any exercise or amusement in which the payment for admission entitles him to participate".

Amendment of principal Act, s. 91—

Definition of admission.

9. The Second Schedule to the principal Act is amended as follows :—

Amendment of principal Act. Second Schedule—
Rates of duty.

(a) The paragraph commencing "AGREEMENT or any MEMORANDUM of any AGREEMENT, not under seal," is amended by inserting at the end of paragraph 2 of the exemptions the words "This exemption shall be construed subject to section 31 of this Act".

(b) The paragraph commencing "BILL OF EXCHANGE, CHEQUE, ORDER payable on demand, COUPON, or INTEREST WARRANT" is amended by striking out the amount "1d." and inserting in lieu thereof "2d.", and by adding after the word "Warrant" therein the following proviso: Provided that where the Bill of Exchange, Cheque, Order payable on demand, Coupon, or Interest Warrant is for an amount under Two Pounds, the stamp duty shall be 1d.

(c) The

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- (c) The paragraph commencing "CONTRACT NOTE (not otherwise charged) for or relating to the sale or purchase of any stock or marketable security" is amended by striking out the amount "£100" wherever appearing and inserting in lieu thereof "£50", and by striking out the amount "6d." and inserting in lieu thereof "1s."
- (d) The paragraph commencing "CONTRACT NOTE for or relating to the sale or purchase of any stock or marketable security, etc.," is amended by striking out the amount "£100" wherever appearing and inserting in lieu thereof "£50", and by striking out the amount "3d." and inserting in lieu thereof "6d."
- (e) The paragraph commencing "CONTRACT giving or taking any option" is amended by striking out the amount "£100" wherever appearing and inserting in lieu thereof "£50", and by striking out the amount "3d." and inserting in lieu thereof "6d."
- (f) The paragraph commencing "CONVEYANCE OR TRANSFER on sale of any property" is amended by striking out the words "or in the case of any other property where the amount or value of the consideration for the sale does not exceed £500 and the conveyance or transfer contains a statement certifying that the transaction thereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration does not exceed £500".
- (g) The paragraph commencing "CONVEYANCE OR TRANSFER of any share or shares in the stock, funds, or capital of any corporation, company, or society whatever" is repealed.
- (h) The paragraph commencing "CONVEYANCE operating as a voluntary disposition *inter vivos* of any property" is amended by striking out the words "One-half of the duties" in the second line and inserting in lieu thereof the words "The same duties as are".
- (i) The paragraph commencing "GENERAL EXEMPTIONS" is amended by inserting at the end of the said paragraph the words:—

"17. Conveyance or transfer on sale of any share or shares in the stock, funds, or capital of any corporation, company, or society whatever".

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18. Bills, bonds, inscribed stock, debentures, deposit receipts, and other securities issued by the Government of the State, and coupons or interest warrants issued in connection with any such bills, bonds, stock, debentures, deposit receipts, or other securities, and any transfer of or document relating to the purchase or sale of any such bills, bonds, stock, debentures, deposit receipts, or other securities.

10. The Fourth Schedule to the principal Act is amended—

(a) by striking out the words “one farthing” in the third line thereof and inserting in lieu thereof the words “one halfpenny”; and

(b) by striking out the words “one halfpenny” wherever they occur in the said Schedule after the third line thereof, and inserting in each case in lieu thereof the words “one penny”.

Amendment of
principal Act,
Fourth Schedule—
Amusement duties.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.