



ANNO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1955

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**No. 57 of 1955**

An Act to amend the Succession Duties Act,  
1929-1954.

[Assented to 8th December, 1955.]

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 "Succession Duties Act Amendment Act, 1955". Short titles.

(2) The Succession Duties Act, 1929-1954, as amended by this Act, may be cited as the "Succession Duties Act, 1929-1955".

(3) The Succession Duties Act, 1929-1954, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following section is enacted and inserted in the principal Act after section 9a :— Enactment of s. 9b of principal Act—

9b. (1) In this section—

"limited interest" includes every estate interest or benefit which terminated during the lifetime or on the death of the person in whom it was vested :

Relief from duty on successive deaths.

"predecessor" means a person on or by reason of whose death property has passed to a person :

“successor” means a person to whom property has passed on or by reason of the death of a predecessor.

(2) Where property has passed to a successor on or by reason of the death of a predecessor, and the successor dies not later than five years after the death of the predecessor, a rebate shall be allowed on the duty on all property derived by other persons from the successor.

(3) Subject to subsection (4) every such rebate shall be an amount equal to a percentage of the duty paid on the property (other than limited interests) which passed to the successor from his predecessor, and such percentage shall be determined in accordance with the following rules :—

- (a) If the successor died in the first year after the predecessor, fifty per cent ;
- (b) If the successor died in the second year after the predecessor, forty per cent ;
- (c) If the successor died in the third year after the predecessor, thirty per cent ;
- (d) If the successor died in the fourth year after the predecessor, twenty per cent ;
- (e) If the successor died in the fifth year after the predecessor, ten per cent.

(4) Where the net present value of the whole estate of the successor is less than the net present value of the property (other than limited interests) which passed to him on or by reason of the death of his predecessor, the rebate shall be a part of the amount fixed by subsection (3), bearing the same ratio to the whole of that amount, as the net present value of the whole estate of the successor bears to the net present value of the said property (other than limited interests) which passed to him on or by reason of the death of his predecessor.

(5) Every rebate shall be apportioned between the several amounts of property derived by persons from the successor according to the respective amounts of duty chargeable on each such amount of property.

(6) Where a rebate of duty is claimed under this section the administrator or some person on his behalf shall furnish the Commissioner with a declaration in the prescribed form, but the Commissioner may require any further statement, declaration, or information which he may deem necessary.

(7) This section shall apply to cases where the successor dies after the passing of the Succession Duties Act Amendment Act, 1955, whether the predecessor died before or after such passing.

4. Subsection (6) of section 63a of the principal Act is amended—

Amendment of  
s. 63a of  
principal Act—

- (a) by striking out the word “two” in the third line and inserting in lieu thereof the word “five” ;
- (b) by adding after the word “pounds” in the fourth line the words “or if the total surrender value of a policy or policies on the life of another person and owned by the deceased does not exceed five hundred pounds at the date of the death of such owner”;
- (c) by inserting after the word “policy” in the fifth line the words “or policies or may allow dealings with the policy or policies”.
- (d) by inserting before the word “five” in the tenth line the words “one thousand”.
- (e) by inserting after the word “policy” in the thirteenth line the words “or policies”.

Payments  
under  
policies of  
assurance.

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

R. A. GEORGE, Governor.