

# Stamp Act 1882 Amendment Act 1885

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**An Act to amend “The Stamp Act, 1882.”**

**BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

**1 Short Title.**

The Short Title of this Act is “The Stamp Act 1882 Amendment Act, 1885.”

**2 Act incorporated with “Stamp Act, 1882.”**

This Act shall be read as part of “The Stamp Act, 1882” (herein referred to as “the said Act”), and, together with the said Act, shall be deemed to be one Act.

**3 As to denoting contingent stamp duties.**

Section forty-five of the said Act is hereby repealed, and the following is enacted in lieu thereof:—

Where the duty with which an instrument is chargeable depends in any manner upon the duty paid upon another instrument, both such instruments shall be produced before the Commissioner, and such first-mentioned instrument shall be liable to a duty of ten shillings.

**4 Terms upon which instruments may be stamped after execution.**

Section forty-six of the said Act is hereby repealed, and the following is enacted in lieu thereof:—

Except when express provision to the contrary is made by this or any other Act, any unstamped or insufficiently-stamped instrument may be stamped or further stamped by the Commissioner after the first execution thereof, on payment of the unpaid duty and fine in addition to the duty as follows:—

- (1.) When such instrument is presented to be stamped more than one month and less than three months after execution, a fine of twenty-five per centum on the amount of duty payable.
- (2.) When such instrument is presented to be stamped more than three months after execution, a fine of one hundred per centum on the amount of the duty payable; but in no case shall the last-mentioned fine be less than five pounds.

Provided that—

Any unstamped or insufficiently-stamped instrument which has been first executed at any place out of New Zealand may be stamped at any time within three months after it has been first received in New Zealand on payment of the unpaid duty only.

And the payment of any fine shall be denoted upon the instrument by a particular stamp.

**5 Recovery of additional fines.**

Sections fifty-six and fifty-seven of the said Act are hereby amended by inserting the words “fine or duty” after the words “additional duty,” where such last-mentioned words respectively appear in the said sections.

**6 Joint affidavits to be stamped in respect of each party joining therein.**

Section sixty-three of the said Act is hereby amended by adding thereto the following:—

Provided that where two or more persons join in one affidavit or declaration, such affidavit or declaration is to be separately and distinctly charged in respect of the affidavit or declaration of each such person.

**7 Persons or companies acting as agents for effecting insurances abroad to pay license fee.**

Every person or association, and every chartered, incorporated, or joint-stock company, whether incorporated within the colony or elsewhere, carrying on business within the colony, who or which insures or enters into any agreement or undertaking to insure, or in any way acts as agent for the insurance with, or effects an insurance with, or makes a declaration under any open or valued policy issued to it by any other person, association, or company not carrying on business within the colony, for the insurance of any building, goods, or merchandise against fire or marine risk or loss, shall be liable to pay an annual license fee of two hundred pounds, and such license fee shall be deemed to be the license fee required under section one hundred of the said Act, and shall not be in addition thereto:

Provided that nothing in this section shall render such first-mentioned person, association, or company liable to the license fee aforesaid in respect of any such insurance upon property to which such first-mentioned person, association, or company is entitled absolutely as owner:

Provided also that this section shall not apply to companies carrying on business outside of the colony which solely enter into contracts for the reinsurance of risks in respect whereof policies have been duly stamped, nor shall this section apply to the agents of such reinsuring companies so far as such reinsurance is concerned, if such agents are companies or officers of companies which have paid a license fee under this section.

**8 Every contract or agreement for sea insurance shall be expressed in a policy.**

Subject as in the next following section mentioned, every contract or agreement for sea insurance shall be expressed in a policy, and every policy shall specify the particular risk or adventure, the names of the subscribers or under-

writers, the sum or sums of money insured, and the consideration or premium to be received thereon; and if any of the above-mentioned particulars are omitted to be done, the maker of the contract or policy shall be liable to a penalty of two hundred pounds.

Section one hundred and fifteen of the said Act is hereby repealed.

**9 Saving as to agreements for issue of policies against marine risk.**

Nothing in the last-preceding section contained shall prevent any person or association, or any chartered, incorporated, or joint-stock company, whether incorporated within the colony or elsewhere, who or which carries on business within the colony and has paid the annual license fee, from making agreements for the issue of policies against marine risk.

Provided that such agreements are made under the hand of a person or persons duly empowered to sign and issue completed policies on behalf of such first-mentioned person, association, or company, and that such agreements shall be valid only for the purpose of compelling the issue of policies in accordance with the terms of such agreements.

**10 Penalty if association account for money by way of premium on contract of marine assurance, except same be for value expressed upon completed and stamped policy.**

Every person or association, and every chartered, incorporated, or joint-stock company, whether incorporated within the colony or elsewhere, carrying on business within the colony who or which shall pay or receive money, or give or take credit for, or in any other manner account for money by way of premium on any contract of marine insurance, except the same be in consideration of the value expressed upon a completed and stamped policy, shall be liable to a penalty of two hundred pounds.

Nothing in this section contained shall apply to contracts for re-insurance of risks in respect whereof policies have been duly stamped.

**11 Foreign insurance companies of limited means to pay annual license fee.**

Any association or company registered or incorporated beyond the colony carrying on the business of life, fire, marine, accident, fidelity, guarantee, live stock, or plate-glass insurance within the colony, and having a nominal capital of less than four hundred thousand pounds, shall be liable to pay an annual license fee of two hundred pounds.

**12 As to inland bills of exchange.**

Subsections two, three, four, and five of section seventy-five of the said Act shall apply to inland bills of exchange.

**13 Section 109 of principal Act amended.**

In section one hundred and nine of the said Act, the words “yearly rental payable under” are hereby repealed, and the words “consideration for” shall be substituted in lieu thereof.

**14 Section 113 of principal Act amended.**

Subsection two of section one hundred and thirteen of the said Act is hereby amended by inserting the words “whether executed within or beyond the colony” after the word “instrument.”

**15 Section 117 of principal Act amended.**

Section one hundred and seventeen of the said Act is hereby amended as follows:—

In subsection one thereof, after the words “executing the same” insert “or within fourteen days after the receipt in the colony of any policy executed beyond the colony.”

In subsection two thereof, after the words “first executed” insert the words “or within thirty days after the same was received in the colony.”

**16 Interpretation of “Natives” and “Native land.”**

Section one hundred and thirty-six of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

For the purposes of Part III. of the said Act and of this Act, if not inconsistent with the context,—

“Natives” mean aboriginal natives of New Zealand, including half-castes and their descendants by Natives, and “Native” means one of such Natives;

“Native land” means any land the title whereto has been at any time heretofore investigated by a Native Land Court, and which has not heretofore been conveyed or transferred in fee-simple to a person other than a Native; also all land the title whereto shall hereafter be investigated by a Native Land Court, until such land shall have been conveyed, transferred, or devised to a person other than a Native in fee-simple.

**17 Substituted duties on conveyances, exchanges, and leases of Native lands.**

Section one hundred and thirty-seven of the said Act is hereby repealed, and the following is enacted in lieu thereof:—

There shall be charged for the use of Her Majesty, in addition to the other duties imposed by the preceding parts of the said Act and this Act, the duties following, that is to say:—

- (1.) Upon every conveyance on sale, or devise in fee, of Native land first made to, or whereby the right to such land shall first vest in, a person other than a

Native, ten pounds per centum on the value of the land, as such value may be estimated in any manner the Commissioner shall think fit.

But, in case the purchaser under such conveyance shall have already paid any duties under this part of this Act or any enactment heretofore in force regarding similar duties in respect of the land dealt with in such conveyance, then the amount of such duties previously paid shall be deducted from the duties payable upon such conveyance, and only the amount of the net balance shall be payable under this Act on such conveyance.

- (2.) Upon every exchange of Native land by a Native with a person other than a Native, ten pounds per centum on the value of the land to be estimated, as mentioned in the foregoing subsection one.
- (3.) Upon every lease of Native land to a person other than a Native, ten pounds per centum upon the amount or value of any consideration by way of premium in respect of which such lease is granted, and also ten pounds per centum upon the capitalized value of any rent payable thereunder.
- (4.) Upon any conveyance, transfer, or assignment of Native land, or any interest therein otherwise than before and in consideration of marriage, or to an incumbrancer or purchaser *bonâ fide* and for valuable consideration, to any person other than a Native, ten pounds per centum upon the value of the land to be estimated, as mentioned in subsection one of this section.
- (5.) Every lease or license to fell, cut, saw, and carry away any timber growing or standing upon Native land shall be liable to the same duty as if the same were a lease of Native land.

No exemptions mentioned in the Third Schedule to the said Act shall apply in respect to any deed or instrument mentioned in this section, or in Part III. of the said Act.

#### **18 Duty on sale of realty with stock or stock-in-trade.**

Upon every sale of any land or tenement of whatever tenure, together with the live stock or stock-in-trade thereon at the time of sale, the same duty shall be payable on the conveyance on sale to the purchaser, whether such stock or stock-in-trade be included therein or not, as would be payable upon a conveyance on sale of land for the amount of the purchase-money of such land, and stock or stock-in-trade.

Provided always that no conveyance or transfer made or executed upon any change of Trustees shall be deemed a sale within the meaning of this section or be liable to the payment of any *ad valorem* duty hereunder.

#### **19 Duties and other moneys recoverable summarily.**

All duties and other moneys payable under the provisions of the said Act or this Act shall, from and after the day on which the same shall become due and payable, be deemed to be debts due to Her Majesty from every person liable

to the payment of the same, and may be recovered summarily by any person appointed in that behalf by the Commissioner.

## 20 Consequential amendments in Third Schedule to principal Act.

The Third Schedule to the said Act shall be amended as follows:—

- (1.) Under the title “Affidavit or Declaration,” the words in the third column, “the person making the affidavit or declaration,” shall be omitted and the following substituted:—

Each person making an affidavit or declaration.

- (2.) Under the title “Annual Licenses,” “*Exemptions*,” in sub-section one, after the word “saw-mills” insert the words “cheese or butter factories, and farmers’ co-operative associations, whether incorporated or not;” and to subsection eleven add the words “or formed for working mining claims.”

- (3.) Under the title “Assignment or Transfer,” all the words of the first paragraph from “Assignment” to “assignor” are hereby repealed, and the following is enacted in lieu thereof:—

Assignment or Transfer of a miner’s right, or a consolidated miner’s right, issued in pursuance of “The Mines Act, 1877,” and the several amendments thereof, or letter or instrument authorizing such assignment or transfer, where the letter or instrument is the only act required on the part of the vendor or assignor.

- (4.) Under the title “Conveyance on Sale,” all the words between the aforesaid words and “*Exemptions*” shall be omitted, and the following inserted in lieu thereof:—

Conveyance on Sale—				
For every £50, or part of £50, of the amount or value of the consideration for sale	0	7	6	The purchaser or devisee.
Conveyance or transfer, when the consideration is nominal, or no consideration passes—				
For every £50, or part of £50, of the amount or value of the property conveyed or transferred, as assessed under “The Property Assessment Act, 1879”	0	7	6	The parties to the deed or any one of them.

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- (5.) Under the title "Lease or Agreement for a Lease," subsection three is hereby amended by inserting after the words "yearly rent" the words "whether real, nominal, or a peppercorn." And the following words shall be inserted in the first column as subsection four under the aforesaid heading,—
  - (4.) Where the consideration is nominal or a peppercorn, or where there is no consideration, two shillings and sixpence.
  - (6.) Under the title "Receipt or Discharge," "*Exemptions*," the following words shall be added in the first column as subsection six under the said heading,—
  - (6.) All receipts given by or to a clerk of any Court within the colony on account of moneys received or paid by him as such clerk.