

21 GEO. V. No. 49, 1930. *Stamp Acts Amendment Act.*

## STAMPS.

**An Act to Amend "The Stamp Acts, 1894 to 1929," in certain particulars.**

[ASSENTED TO 30TH DECEMBER, 1930.]

21 Geo. V.  
No. 49.  
THE STAMP  
ACTS  
AMENDMENT  
ACT OF 1930.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Stamp Acts Amendment Act of 1930*," and shall be read as one with \*"*The Stamp Acts, 1894 to 1929*," herein referred to as the Principal Act. The Principal Act and this Act may collectively be cited as "*The Stamp Acts, 1894 to 1930*." Short title and construction of Act.

*Amendments of the Principal Act.*

2. Section fifty-four of the Principal Act is amended as follows:— Amendment of s. 54.

(a) Subsection two is repealed.

(b) Subsection four is amended by inserting, after the words "any company on," the words "or after"; also, by inserting after the words "its incorporation in Queensland," the words "or on or after its registration in Queensland under "*The British Companies Act of 1886*," or on or after its registration in Queensland under "*The Foreign Companies Act of 1895*" (as the case may be)."

3. After section fifty-four of the Principal Act, the following new section numbered section fifty-five is inserted, namely:— New s. 55.

"[55.] (1.) An agreement for the partition or division of any real or personal property shall be charged with the same duty as if it were an actual conveyance or transfer by way of partition or division of the property comprised in the instrument. Agreement for partition or division to be charged as an actual conveyance or transfer by way of partition or division.

\* 58 Vic. No. 8; 4 Edw. VII. No. 14; 9 Geo. V. No. 11; 17 Geo. V. No. 10; 19 Geo. V. No. 13; 20 Geo. V. No. 21, *supra*, pages 8939, 11708, 12259, 12787.

Agreement  
for exchange  
to be charged  
as an actual  
conveyance  
or transfer  
by way of  
exchange.

(2.) An agreement for the exchange of any real or personal property shall be charged with the same duty as if it were an actual conveyance or transfer by way of exchange of the property comprised in the instrument.

Duty on  
subsequent  
instrument.

(3.) Any instrument of conveyance or transfer subsequently executed for the partition, division, or exchange of the property concerned, and actually in conformity with any such agreement for the partition, division, or exchange of the property concerned, shall not be charged with any higher duty than ten shillings."

Amendment  
of s. 64.

4. Section sixty-four of the Principal Act is amended as follows :—

(a) In subsection two after the words "A lease," the words "or agreement for a lease" are inserted; also after the words "consideration paid for," the word "or" is inserted.

(b) The proviso to the said subsection two is repealed, and the following new proviso is inserted in lieu thereof :—

"Provided that when in a lease or agreement for a lease of any lands, tenements, or hereditaments on which is being carried on or on which it is intended to carry on any trade, profession, business, or other undertaking—

(a) The only consideration for such lease or agreement for a lease is expressed to be by way of rental; or

(b) Where the consideration for such lease or agreement for a lease is expressed to be by way of rental and also consists of any premium, fine, or other consideration whatsoever other than rent;

but where the consideration expressed to be by way of rental is in the opinion of the Commissioner in excess of the rent which would be payable annually by a lessee if no such trade, profession, business, or other undertaking were being carried on on the said lands, lease duty shall be chargeable in respect of so much only of such rent as in the opinion of the Commissioner would be payable annually by a lessee if no such trade, profession, business, or other undertaking were being carried on on the said lands; and the balance of such rent to be paid for the duration of the lease together with the consideration other than rent (if any), and also the

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consideration paid for or the value of any movable chattels taken over by the lessee from the lessor or the outgoing lessee shall be chargeable with *ad valorem* conveyance duty."

5. The following amendments are made in the First <sup>First</sup> Schedule to the said Acts :— <sup>Schedule.</sup>

(i.) Paragraph four under the heading "CONVEYANCE OR TRANSFER" is repealed, and the following paragraphs are inserted in lieu thereof :—

"4. (a) By way of partition or division of any real or personal property (except stock or marketable security chargeable with any lower rate of duty as aforesaid)—

The same duty on the full value of such property as on the amount or value of the consideration for a conveyance or transfer on sale.

(b) By way of exchange of any real or personal property (except stock or marketable security chargeable with any lower rate of duty as aforesaid)—

The same duty on the full value of such property as on the amount or value of the consideration for a conveyance or transfer on sale."

(ii.) Under the heading "POLICIES OF INSURANCE" (other than Policies of Life Assurance and Workers' Compensation Policies issued under \**"The Workers' Compensation Act of 1916,"* or any Act amending or in substitution for that Act) the following amendments are made :—

(a) A new paragraph is inserted after the paragraph beginning with the words "For each" and ending with the word "months" as follows :—

"Provided that the duty in respect of any policy of Fire Insurance, or the duty in respect of the renewal of any policy of Fire Insurance or Accident Insurance, may be paid and denoted in the manner prescribed by regulations under this Act."

(b) In the paragraph commencing with the words "The duty upon" and ending with the words "adhesive stamps," the words "and also upon the renewal receipt for any Fire or Accident Insurance" are repealed.

\* 6 Geo. V. No. 35 and amending Acts, *supra*, pages 9851 *et seq.*