



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1842.

An Act to increase by twenty-five per centum the Duty payable under the Succession Duties Acts, 1893 to 1927, to amend the said Acts, and for other purposes.

[Assented to, January 5th, 1928.]

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

1. This Act may be cited as the "Succession Duties Act Further Amendment Act (No. 2), 1927", and shall be deemed to be included in the Acts known under the title of the "Succession Duties Acts, 1893 to 1927".

Short titles.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read together as one Act.

Incorporation.

3. In every case where, after the passing of this Act, duty becomes chargeable upon any property, the amount of duty payable shall be increased by twenty-five per centum of the amount of duty which would be payable except for the operation of this section: Provided that this section shall not apply to any duty becoming chargeable after the thirtieth day of June, nineteen hundred and twenty-nine.

Increase of
succession duties

4. Subsection (3) of section 18 of the Succession Duties Act Further Amendment Act, 1919 (as enacted by section 10 of the Succession

Amendment of 1396,
1919, s. 18.

Succession Duties Act Further Amendment Act (No. 2).—1927.

Succession Duties Act Further Amendment Act, 1923), is amended so as to read as follows :—

Duty on colourable gifts.

(3) If any property is after the passing of this Act disposed of by deed of gift, gift, or otherwise than for full consideration of money or money's worth, and the person taking under the disposition does not immediately after the disposition *bona fide* assume the beneficial interest and possession of such property and thenceforward retain such interest and possession to the entire exclusion of the person making the disposition and without reservation to such person of any benefit from or interest in such property by contract or otherwise, then duty shall be chargeable according to the scale in the said Third Schedule upon the net present value of the property so disposed of irrespective of whether the death of the person making the disposition occurs within one year of the making of the disposition or not.

Amendment of 1396,
1919, s. 28—
Interest on amount
refunded.

5. Subsection (3) of section 28 of the Succession Duties Act Further Amendment Act, 1919, is amended—

(a) by striking out the words “at the rate of Four Pounds per centum per annum” in the first and second lines thereof and by inserting in lieu thereof the words “at the rate fixed pursuant to subsection (4) of this section which is for the time being current”; and

(b) by adding at the end thereof the following subsection :—

(4) The Treasurer may from time to time, by notice published in the *Government Gazette*, fix the rate of interest per centum per annum payable under subsection (3) of this section, and may, in like manner, vary any such rate fixed as aforesaid.

Amendment of 1396,
1919, s. 30—
Interest on duty.

6. Section 30 of the Succession Duties Act Further Amendment Act, 1919, is further amended—

(a) by striking out the words “at the rate of Four Pounds per centum per annum” in the first line thereof and by inserting in lieu thereof the words “at the rate fixed pursuant to subsection (2) of this section which is for the time being current”; and

(b) by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof)—

(2) The Treasurer may from time to time by notice published in the *Government Gazette* fix the rate of interest per centum per annum payable under subsection (1) of this section, and may in like manner vary any such rate fixed as aforesaid.

7. Section

Succession Duties Act Further Amendment Act (No. 2).—1927.

7. Section 16 of the Succession Duties Act Further Amendment Act, 1923, is repealed, and the following section is enacted in lieu thereof :—

Repeal of 1876,
1923, s. 16—

16. Where a person, within twelve months of his death makes more than one deed of gift or other non-testamentary disposition of property in favour of the same person, or where the beneficial interest in any property vested since the coming into operation of the principal Act in any persons jointly accrues after the passing of the Succession Duties Act Further Amendment Act (No. 2), 1927, to any of such persons by survivorship, the duty in respect of the property given and/or accruing as aforesaid shall be chargeable and payable on the aggregate amount of the net present value of the property so given and/or accruing.

Aggregation of gifts.

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

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