

TRINIDAD AND TOBAGO.

No. 12—1926.

I ASSENT,

[L.S.]

H. A. BYATT,  
*Governor.*

9th June, 1926.

AN ORDINANCE to amend the Stamp Duty Ordinance.

[9th June, 1926.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Stamp Duty Short title. (Amendment) Ordinance, 1926, and shall be read as one Construction. with the Stamp Duty Ordinance, hereinafter called the Cap. 206. Principal Ordinance.

2. Sub-section (1) of section 5 of the Principal Ordinance is hereby amended by the addition thereto Additional power to make regulations. of the following sub-clauses:—

- (f) as to the assessment of duty by the Treasurer and the procedure to be followed by persons requiring such assessment;
- (g) for providing for any matters which are authorised by this Ordinance to be prescribed.

[Price 4d.]

3. The following new heading and sections shall be inserted in the Principal Ordinance immediately after section 27 thereof:

*Adjudication Stamps.*

Assessment of  
duty by  
Treasurer.

27A.—(1) Subject to such regulations as may be prescribed, the Treasurer may be required by any person to express his opinion with reference to any executed instrument upon the following questions:—

- (a) Whether it is chargeable with any duty;
- (b) With what amount of duty it is chargeable.

(2) The Treasurer may require to be furnished with an abstract of the instrument, and also with such evidence as he may deem necessary, in order to show to his satisfaction whether all the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable thereon, are fully and truly set forth therein.

(3) If the Treasurer is of opinion that the instrument is not chargeable with any duty, it may be stamped with a particular stamp denoting that it is not chargeable with any duty.

(4) If the Treasurer is of opinion that the instrument is chargeable with duty, he shall assess the duty with which it is in his opinion chargeable, and when the instrument is stamped in accordance with the assessment it may be stamped with a particular stamp denoting that it is duly stamped.

(5) Every instrument stamped with the particular stamp denoting either that it is not chargeable with any duty, or is duly stamped, shall be admissible in evidence, and available for all purposes notwithstanding any objection relating to duty.

(6) Provided as follows:

- (a) An instrument upon which the duty has been assessed by the Treasurer shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment:

- (b) Nothing in this section shall extend to any instrument chargeable with *ad valorem* duty, and made as a security for money or stock without limit; or shall authorize the stamping after the execution thereof of any instrument which by law cannot be stamped after execution.
- (c) A statutory declaration made for the purpose of this section shall not be used against any person making the same in any proceeding whatever, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and every person by whom any such declaration is made shall, on payment of the duty chargeable upon the instrument to which it relates, be relieved from any fine or disability to which he may be liable by reason of the omission to state truly in the instrument any fact or circumstance required by this Ordinance to be stated therein.

27B.—(1) Any person who is dissatisfied with the assessment of the Treasurer may, within twenty-one days after the date of the assessment, and on payment of duty in conformity therewith, appeal against the assessment to a Judge of the Supreme Court sitting in Chambers, and may for that purpose require the Treasurer to state and sign a case, setting forth the question upon which his opinion was required, and the assessment made by him.

Persons  
dissatisfied  
may appeal.

(2) The Treasurer shall thereupon state and sign a case and deliver the same to the person by whom it is required, and the case may within fifteen days thereafter be set down by him for hearing.

(3) Upon the hearing of the case the Judge shall determine the question submitted, and, if the instrument in question is in the opinion of such Judge chargeable with any duty, shall assess the duty with which it is chargeable.

(4) If it is decided by the Judge that the assessment of the Treasurer is erroneous, any excess of duty which may have been paid in conformity with the erroneous assessment, together with any fine or penalty which may have been paid in consequence thereof, shall be ordered by the Judge to be repaid to the appellant.

(5) The costs of and incident to an appeal shall be in the discretion of the Judge.

Stamping  
after  
execution.

4. Section 30 of the Principal Ordinance is hereby amended by adding the following after the word "duty" in paragraph (a) :

or, if the instrument has been submitted for the opinion of the Treasurer in accordance with section 27A of this Ordinance within one month of its first execution, on payment of duty in accordance with the assessment of the Treasurer within fourteen days after notice of the assessment.

5. The following new heading and section shall be inserted in the Principal Ordinance immediately after section 55 thereof:—

*Gifts inter vivos.*

Stamp duty  
on gifts  
*inter vivos.*

55A.—(1) Any conveyance or transfer operating as a voluntary disposition *inter vivos* shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale, with the substitution in each case of the value of the property conveyed or transferred for the amount or value of the consideration for the sale.

(2) Notwithstanding anything in section 27A of this Ordinance, the Treasurer may be required to express his opinion under that section on any conveyance or transfer operating as a voluntary disposition *inter vivos*, and no

such conveyance or transfer shall be deemed to be duly stamped unless the Treasurer has expressed his opinion thereon in accordance with that section.

(3) Where any instrument is chargeable with duty both as a conveyance or transfer under this section and as a settlement under the heading "Settlement" in the Schedule to this Ordinance, the instrument shall be charged with duty as a conveyance or transfer under this section, but not as a settlement under the said Schedule.

(4) Any conveyance or transfer (not being a disposition made in favour of a purchaser or incumbrancer or other person in good faith and for valuable consideration) shall, for the purposes of this section, be deemed to be a conveyance or transfer operating as a voluntary disposition *inter vivos*, and (except where marriage is the consideration) the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration where the Treasurer is of opinion that by reason of the inadequacy of the sum paid as consideration or other circumstances the conveyance or transfer confers a substantial benefit on the person to whom the property is conveyed or transferred.

(5) A conveyance or transfer made for nominal consideration for the purpose of securing the repayment of an advance or loan or made for effectuating the appointment of a new trustee or the retirement of a trustee, whether the trust is expressed or implied, or under which no beneficial interest passes in the property conveyed or transferred, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust, whether expressed or implied, or a disentailing assurance not limiting any new estate other than an estate in fee simple in the person disentailing the property, shall not be charged with duty under this section, and this sub-section shall have effect notwithstanding that the circumstances exempting the conveyance or transfer from charge under this section are not set forth in the conveyance or transfer,

Duty on gifts  
*inter vivos.*

6. The Schedule to the Principal Ordinance is hereby amended by the addition before the item "Covenant" of the following :—

Conveyance or transfer operating  
as a voluntary disposition  
*inter vivos.*

The same duty as a  
conveyance on a sale,  
the value of the  
property conveyed  
or transferred being  
taken as the amount  
of the consideration.

*Exemption.*

Crown Grant of land.

Passed in Council this twenty-eighth day of May, in  
the year of Our Lord one thousand nine hundred and  
twenty-six.

JOHN DE NOBRIGA,  
*Clerk of the Council.*