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PROOF

No. , 1934.

A BILL

To amend in certain respects the Companies (Death Duties) Act, 1901, and certain other Acts; and for purposes connected therewith.

[MR. SPOONER; , 1934.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Companies Short title.
(Death Duties) Amendment Act, 1934."

(2) This Act shall be read with the Companies
(Death Duties) Act, 1901, as amended by subsequent
10 Acts.

(3) The Companies (Death Duties) Act, 1901, as so amended, is referred to in this Act as the Principal Act.

(4) The Principal Act, as amended by this Act, may be cited as the Companies (Death Duties) Act, 1901-1934. **5**

2. The Principal Act is amended—

Amendment of Act No. 30, 1901.

Sec. 7.
(Title of Commissioner.)

(a) by omitting from section seven the words "Commissioner of Stamps" and by inserting in lieu thereof the words "Commissioner of Stamp Duties"; **10**

Sec. 10 (1).
(Rate of duty.)

(b) by inserting in subsection one of section ten after the words "said shares and stock" and before the proviso the words "where such member has died or dies after the passing of the Stamp Duties (Amendment) Act, 1931, and at the rate set out in the Third Schedule to the Stamp Duties Act, 1920-1931, for an estate the final balance of which is equal to the value of the said shares and stock where such member has died after the passing of the Stamp Duties Act, 1920, and before the passing of the Stamp Duties (Amendment) Act, 1931"; **15**
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Sec. 10 (2).
(Recovery of duties.)

(c) by omitting from subsection two of section ten the words "Commissioner of Stamps" and by inserting in lieu thereof the words "Commissioner of Stamp Duties or the Attorney-General"; **25**

New sub-sec. 2A.

(d) by inserting in the same section after subsection two thereof the following new subsection— **30**

Recovery of duties.

(2A) Any duty under this section payable before this subsection comes into operation and any duty under the Acts repealed by this Act shall be deemed to have been and to be recoverable by the Attorney-General or by the Commissioner appointed under the Stamp Duties Act, 1898, until the repeal of such Act or by the Commissioner appointed under the Stamp Duties Act, 1920, after the repeal of the Stamp Duties Act, 1898. **35**
(e) **40**

(e) by inserting in section eleven the following new subsection:—

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(2) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would, but for this subsection, have been construed as being in excess of that power it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Construction of Act.