

# Stamp Duty Abolition Act 1999

Public Act 1999 No 61  
Date of assent 20 May 1999

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**An Act to abolish stamp duty**

**BE IT ENACTED by the Parliament of New Zealand as follows:**

**1 Short Title**

This Act may be cited as the Stamp Duty Abolition Act 1999

**Part 1  
Amendments to Stamp and Cheque  
Duties Act 1971**

**2 Stamp and Cheque Duties Act 1971**

This Part amends the Stamp and Cheque Duties Act 1971.

**3 Application**

This Part applies to—

- “(a) Instruments executed after 20 May 1999; and
- “(b) Instruments executed between 20 May 1991 and 20 May 1999 (both dates inclusive) if the transactions to which the instruments relate are not completed or, in the case of leases are not carried into effect, on or before 20 May 1999.”

**4 Interpretation**

In section 2, the following definitions are repealed:

- “Assessment
- “Consideration
- “Conveyance
- “Impressed stamp
- “Instrument of agreement to convey
- “Instrument of assignment for the benefit of creditors
- “Instrument of declaration of trust
- “Instrument of nomination of shares
- “Land
- “Local authority
- “Mining right
- “Mortgage
- “Partnership
- “Penalty
- “Property
- “Public authority
- “Rent

“Shares  
“Shares in a flat or office owning company  
“Stamp duty.”

**5 Repealed sections**

Sections 3 to 9, 98 and 99 are repealed.

**6 Repealed Parts**

Parts 2, 3, 4 and 7 are repealed.

**7 Consequential amendments**

The Acts specified in the Schedule are amended in the manner indicated in that schedule.

**8 Refund of duty following abolition of stamp duty**

- (1) A person may apply to the Commissioner for a refund of the stamp duty that has been paid on an instrument that has been executed on or after 20 May 1991 if the transaction to which the instrument relates was not completed or, in the case of a lease was not carried into effect, on or before 20 May 1999.
- (2) A person’s application must be made in writing.
- (3) The Commissioner may refund the duty if the Commissioner is satisfied that the instrument was executed on or after 20 May 1991 and the transaction to which the instrument relates was not completed or, in the case of a lease was not carried into effect, on or before 20 May 1999.

**Part 2  
Amendment to Tax Administration Act  
1994**

**9 Tax Administration Act 1994**

This Part amends the Tax Administration Act 1994.

**10 Addition to Schedule**

- (1) The Stamp Duty Abolition Act 1999 is added to the schedule listing Inland Revenue Acts.

- (2) Subsection (1) applies on and after the date this Act receives the Royal assent.
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## Consequential Amendments

### Acts Amended

Title of Act	Amendment
1908, No 40—Deeds Registration Act 1908 (RS Vol 6, p 89)	By repealing section 44(3)
1938, No 17—Maori Housing Amendment Act 1938 (RS Vol 8, p 421)	By repealing section 29
1952, No 51 Property Law Act 1952 (RS Vol 22, p 773)	By repealing section 151C(4), and substituting the following subsection: “(4) The reissue of a debenture or the issue of another debenture in its place under this section, whether the reissue or issue was made before or after the commencement of this section, is not to be treated as the issue of a new debenture for the purpose of any provision limiting the amount or number of debentures to be issued.
1952, No 52—Land Transfer Act 1952 (RS Vol 22, p 531)	By repealing section 47.
1953, No 95—Maori Trustee Act 1953 (RS Vol 37, p 435)	By repealing section 46B(2)(g).
1963, No 138—Local Legislation Act 1963	By repealing section 7(5).

Title of Act	Amendment
1964, No 32—Family Benefits (Home Ownership) Act 1964 (RS Vol 16, p 139)	By omitting from the heading of Form 1 in Schedule 2 the words “(Exempt from stamp duty under section 24)”.
1964, No 45—Joint Family Homes Act 1964 (RS Vol 27, p 637)	By omitting from the Title the words “exemptions from gift duty, estate duty, and stamp duty”, and substituting the words “an exemption from gift duty”. By repealing section 23.
1967, No 45—Tarawera Forest Act 1967 (RS Vol 8, p 865)	By repealing section 13.
1968, No 35—Estate and Gift Duties Act 1968 (RS Vol 28 p 341)	In section 62, the proviso is repealed. “In section 78, ‘Where an instrument is presented to the Commissioner for stamping under the Stamp and Cheque Duties Act 1971, or is produced to him for any other purpose’ is replaced by ‘If an instrument is presented to the Commissioner’.

Title of Act	Amendment
1968, No 36—Diplomatic Privileges and Immunities Act 1968 (RS Vol 17, p 171)	By omitting from section 20(1) the words “stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee or duty under any other Act”, and substituting the words “any fee or duty under any Act”. By repealing section 20(2)(a). By omitting from section 20(2)(b) the words “stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee or duty under any other Act”, and substituting the words “any fee or duty under any Act”.
1971, No 29—Marine Farming Act 1971 (RS Vol 36, p 451)	By repealing section 15(14).
1971, No 50—Local Legislation Act 1971	By omitting from section 10(4) the words “stamp duty,”.
1972, No 35—New Zealand Council for Educational Research Act 1972 (RS Vol 23, p 755)	By repealing section 34(4) and (5).
1974, No 45—Farm Ownership Savings Act 1974 (RS Vol 34, p 497)	By omitting from section 14L(6) the words “stamp duty or”.
1974, No 51—Home Ownership Savings Act 1974 (RS Vol 34 p 659)	By omitting from section 14M(6) the words “stamp duty or”.

Title of Act	Amendment
1974, No 66—Local Government Act 1974 (RS Vol 25, p 1)	By repealing section 594ZL.
1975, No 42—Fire Service Act 1975 (RS Vol 27, p 11)	By repealing section 93(2).
1976, No 166—Matrimonial Property Act 1976 (RS Vol 26, p 491)	By repealing section 54.
1977, No 62—Fishing Vessel Ownership Savings Act 1977 (RS Vol 34, p 545)	By omitting from section 25(6) the words “stamp duty or”.
1977, No 102—Queen Elizabeth the Second National Trust Act 1977 (RS Vol 27, p 815)	By repealing section 30(1) and (2).
1979, No 33—Civil List Act 1979 (RS Vol 38, p 415)	<p>By omitting from section 7(2)(a) the words “stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee under any other Act”, and substituting the words “any fee or duty under any Act”.</p> <p>By omitting from section 7(2)(b)(ii) the words “stamp duty under the Stamp and Cheque Duties Act 1971 and from any fee or duty under any other Act”, and substituting the words “any fee or duty under any Act”.</p>



Title of Act	Amendment
1981, No 35—Public Works Act 1981	By repealing section 66(1)(a)(i).
1987, No 13—Sport, Fitness, and Leisure Act 1987 (RS Vol 28, p 867)	By repealing section 35(3).
1989, No 44—Public Finance Act 1989 (RS Vol 33, p 419)	By omitting from section 61(2)(a) the words “Stamp duty and other duties”, and substituting the word “Duties”.
1989, No 68—Maori Affairs Restructuring Act 1989	By repealing section 29(7).
1989, No 80—Education Act 1989 (RS Vol 34, p 17)	<p>By omitting from section 218(3) the words “or as a conveyance for the purposes of the Stamp and Cheque Duties Act 1971”.</p> <p>By omitting from section 219(3) the words “or as a conveyance for the purposes of the Stamp and Cheque Duties Act 1971”.</p> <p>By omitting from section 243(5) the words “stamp duty or other tax is payable in respect of the instrument of transfer or”, and substituting the words “tax is payable in respect of”.</p>
1989, No 159—Maori Fisheries Act 1989 (RS Vol 27, p 677)	By repealing section 46.
1990, No 68—Health Research Council Act 1990	By repealing section 55.

Title of Act	Amendment
1991, No 70—Crown Minerals Act 1991	By repealing section 41(10)(b).
1991, No 142—Child Support Act 1991	By omitting from section 169(11) the words “, and the order shall be subject to stamp duty accordingly”. By omitting from section 187(3) the words “, and the order shall be subject to stamp duty accordingly”.
1992, No 19—Museum of New Zealand Te Papa Tongarewa Act 1992	By repealing section 32.
1993, No 1—Reserves and Other Lands Disposal Act 1993	By repealing section 13(2)(a).
1993, No 4—Maori Land Act 1993	By repealing section 78. By omitting from section 95(3)(m) the words “, or until any stamp duty payable has been paid”. By repealing section 168.
1993, No 23—Health Reforms (Transitional Provisions) Act 1993	By repealing section 8(1).

Title of Act	Amendment
1994, No 166—Tax Administration Act 1994	<p>In section 3, the definition of <b>instrument</b>, <b>instrument of conveyance</b>, and <b>instrument of nomination of shares</b> is repealed.</p> <p>Section 144(1)(a) to (c), and (1)(h) to (j) are repealed.</p> <p>Section 144(2)(a), (3), (4) and (7) are repealed.</p> <p>In section 150B(1)(b), “the Stamp and Cheque Duties Act 1971 or” is omitted.</p> <p>Section 150B(2) is replaced by:</p> <p>“(2) Subsection (1) applies only if the offence against this Act relates to a tax law that is a provision of the Gaming Duties Act 1971, or to an obligation that exists under that Act.</p> <p>Section 150E is repealed.</p> <p>Section 151 is repealed.</p>
1998, No 88—Electricity Industry Reform Act 1998	By repealing section 65.