
Stamp Duties Regulation 1953
[Stamp Duties Regulation 1953 (Consolidated to No. 1 of 2003)]

INDEPENDENT STATE OF PAPUA NEW GUINEA
Stamp Duties Regulation 1953

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SCHEDULE 1

INDEPENDENT STATE OF PAPUA NEW GUINEA
Stamp Duties Regulation 1953

MADE under the Stamp Duties Act 1952,

PART I. - PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears-

“**bank**” means a person, firm or corporation licensed under the Banks and Financial Institutions Act 2000 to operate as a bank in Papua New Guinea;¹

“**bill of exchange**” means a cheque or any other bill of exchange payable on demand printed for and on the order of a bank for supply to its customers or for its own use, and liable to stamp duty or exempt from stamp duty under the provisions of the Act;²

“**Corporation**” means the Post and Telecommunication Corporation established by the Post and Telecommunication Corporation Act (Chapter 394);³

“**licence**” means a licence granted under Section 4;

“**printer**” means a person printing forms of bills of exchange for or on the order of a bank.

PART II. - IMPRESSED STAMPS.

2. IMPRESSING OF STAMPS.

(1)⁴ A stamp shall be impressed only on an application by the person requiring it.

(2)⁵ An application for impressed stamps shall be in a form approved for that purpose by the Collector of Stamp Duties and shall state the nature of the instrument for which the impressed stamp is required.

Penalty: A fine not exceeding K1 700. 00⁶.

(3)⁷ A application for impressed stamps shall be accompanied-

- (a) where an executed instrument is submitted-by the instrument; or
- (b) where an executed instrument is not submitted-by the material on

which the impressed stamps are required.

¹ Section 1 (definition of “bank”) inserted by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s1.

² Section 1 (definition of “bill of exchange”) inserted by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s1

³ Section 1 (definition of “Corporation”) inserted by Stamp Duties (Budget Provisions) Regulation 1993 (No. 16 of 1993), s1

⁴ Section 2(1) amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s2(a).

⁵ Section 2(2) replaced by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s2(b).

⁶ Amended by No 12 of 2003 by substituting K1 700 for K500.00

⁷ Section 2(3) amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s2(c).

(4)⁸ A stamp shall not be impressed unless the value of the stamp is paid in advance, and cheques, other than bank cheques, shall not be accepted in payment, unless the Collector of Stamp Duties holds a current guarantee from the applicant's bank, but the Collector of Stamp Duties may, in his discretion, accept an undertaking to pay on demand from a bank in respect of cheques issued by the bank in bound form to clients.

(5) The number of forms in a book of cheques required to be impressed with stamp duty shall be marked on the cover, and the forms shall be numbered consecutively.

(6) A person requiring stamps impressed on paper or parchment shall provide the paper or parchment, and distinctly mark such paper or parchment with the particular denomination of stamps they require, on or near the place they desire the same to be so impressed.

PART III. IMPRINTED STAMPS. [Repealed by No. 1 of 2003]

PART IV. - ADHESIVE STAMPS.

12. PURCHASE OF ADHESIVE STAMPS⁹.

Adhesive stamps shall not be supplied unless the value of the stamps is paid in advance, and cheques, other than bank cheques, shall not be accepted in payment unless the Collector of Stamp Duties holds a current guarantee from the applicant's bank.

13. AFFIXING OF ADHESIVE STAMPS.

When two or more adhesive stamps are used to denote the stamp duty payable on an instrument that may be stamped with adhesive stamps, each stamp shall be affixed to the instrument so as to show the full face of the stamp.

14. ADHESIVE STAMPS ON BILLS OF LADING.

Payment of stamp duty on a bill of lading may be denoted by means of adhesive stamps.

PART V. - ASSESSMENT OF DUTY ON REQUEST.

15. APPLICATION FOR OPINION OF COLLECTOR OF STAMP DUTIES.

(1)¹⁰ An application for the opinion of the Collector of Stamp Duties under Section 20 of the Act-

(a) may be made-

⁸ Section 2(6) inserted by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s2(d).

⁹ Section 12 amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

¹⁰ Section 15 amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

- (i) by a person who is a party to or has a direct interest in, or is liable to pay the duty on, an instrument; or
 - (ii) the lawyer or duly authorized agent of any such person; and
 - (b) shall be in Form 2.
- (2)¹¹ With an application under Subsection (1)-
- (a) the instrument in respect of which it is made; and
 - (b) any other instrument on which the stamp duty to be assessed depends; and
 - (c) an abstract of the instrument specified in Paragraph (a), shall be produced to the Collector of Stamp Duties who shall, as soon as convenient-
 - (d) investigate the matter; and
 - (e) note his opinion and assessment (if any) on the application.

16. INDEPENDENT VALUATION.

If an independent valuation is required, the Collector of Stamp Duties shall nominate the person to make the valuation, and the valuation shall be produced to the Collector of Stamp Duties and may be retained by him¹².

17. STAMPED INSTRUMENT TO BE RETURNED.

¹³After the instrument has been stamped, the Collector of Stamp Duties shall-

- (a) return to the applicant-
 - (i) the instrument; and
 - (ii) any other instrument that was produced in relation to the stamping; and
- (b) retain any abstract, statement, valuation or declaration bearing on the question of stamp duty.

18. RECORD OF INSTRUMENTS.

¹⁴A record shall be kept of all instruments produced to the Collector of Stamp Duties under Section 15(2), showing concisely-

- (a) the date of production; and
- (b) the nature of the instrument; and
- (c) the date of the instrument; and
- (d) the parties to the instrument; and

¹¹ Section 15(2) amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

¹² Section 16 amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

¹³ Section 17 amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

¹⁴ Section 18 amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

- (e)¹⁵ the Collector of Stamp Duties' assessment of stamp duty; and
- (f) the date of the assessment; and
- (g) the penalty (if any); and
- (h) the date of return of the instrument.

19. RECOVERY OF DUTY.

In a prosecution for an offence against Part III. of the Act-

- (a) the production of an instrument-
 - (i) that is unstamped or insufficiently stamped; or
 - (ii) the stamp on which is not properly or sufficiently obliterated and cancelled; or
- (b) proof that-
 - (i) an instrument was unstamped or insufficiently stamped at the time when it was filed, issued, received, procured, delivered, served or executed; or
 - (ii) a stamp was not properly obliterated and cancelled,

is prima facie evidence that, without lawful excuse-

- (c) the instrument was filed, issued, received, procured, delivered, served or executed not properly stamped as prescribed by the Act and this Regulation; or
- (d) the act, matter or thing in respect of which a stamp should have been used was done, or was permitted to be done, without using the stamp; or
- (e) the stamp was not cancelled or obliterated at the time and in the manner prescribed by the Act and this Regulation, as the case may be.

19A. NOTICE TO THE STATE.

(1)¹⁶ The person upon whom notice may be served in pursuance of Section 8(10) of the Act is the Paying Officer of any Department of the Public Service.

(2) For the purposes of this regulation, "Paying Officer" means any officer of the State who, by any law, regulation or appointment, is charged with the duty of disbursing or who does actually disburse any public moneys.

¹⁵ Section 18(e) amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

¹⁶ Section 19A inserted by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s6.

PART VI. - SPOILED OR MISUSED STAMPS.

20. CLAIMS FOR ALLOWANCE.

(1) Stamps in connection with which an application under Section 91(2) of the Act, together with the material on which they are affixed or impressed, shall be accompanied by an application in Form 3, setting out the grounds on which the application is made and verified by statutory declaration as required by that form.

(2) A claim under Section 91(2) of the Act in respect of spoiled stamps or stamped material, or for stamps in place of any such stamps or stamped material, shall be made within two years from the date on which they became spoiled.

(3) Spoiled stamps on which claims are refused shall be marked by the Collector of Stamp Duties with the word "Disallowed" and the date when it is disallowed¹⁷.

21. ALLOWANCE FOR SPOILED STAMPS.

¹⁸Where-

- (a) through a mistake or inadvertence a stamp has been used and cancelled unnecessarily;
- or
- (b) through some mistake, omission or other inadvertence discovered after the cancellation of the stamp affixed to the document, a stamped document is useless for the purpose intended,

the Collector of Stamp Duties may certify, in writing signed by him, that the stamp is a proper subject for a refund or the issue of a new stamp.

PART VII. - MARKETABLE SECURITIES.

22. DEFINITION OF "BROKER".

For the purposes of the definition of "broker" in Section 74 of the Act, the following Stock Exchanges are prescribed stock exchanges:-

- (a) Hobart Stock Exchange, Tasmania;
- (b) Launceston Stock Exchange, Tasmania;
- (c) Stock Exchange of Melbourne, Victoria;
- (d) Ballarat Stock Exchange, Victoria;
- (e) Bendigo Stock Exchange, Victoria;
- (f) Sydney Stock Exchange, New South Wales;
- (g) Newcastle Stock Exchange, New South Wales;
- (h) Stock Exchange of Adelaide Limited, South Australia;

¹⁷ Section 20(3) amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

¹⁸ Section 21 amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

- (i) Brisbane Stock Exchange, Queensland;
- (j) Stock Exchange of Perth, Western Australia;
- (k) Rockhampton Stock Exchange Ltd., Queensland.

23. RECORDS OF SALES AND PURCHASES.

Section 75(1) of the Act does not apply to the sale or purchase of marketable securities or rights to the issue of shares the transfer of which would be exempt from stamp duty.

24. RETURNS.

A return under Section 76 of the Act shall be in Form 4.

PART VIII. - OFFENCES.

25. UNAUTHORIZED COLLECTION OF MONEY FOR STAMP DUTY, ETC.

(1)¹⁹ A person, other than an officer authorized in writing by the Collector of Stamp Duties, must not impress stamps.

(2) A person must not sell or dispose of an adhesive stamp or an instrument on which a stamp has been imprinted under Part III. at a value in excess of the value appearing in the face of the stamp or of the stamp imprinted on the instrument, as the case may be.

Penalty: A fine not exceeding K1 700.00²⁰.

PART IX²¹. - AUTHORIZATION OF AGENT, ETC.

26. AUTHORIZATION OF AGENT, ETC.

(1)²² The Corporation is authorized to act as agent for the State for the printing and selling of adhesive stamps required under the Act.

(2) The Minister may enter into an agreement with the Corporation for the purposes of providing for-

- (a) the authorization to the Corporation to make, or cause to be made adhesive stamps of a design approved by the Minister indicating the amount or amounts approved; and
- (b) the authorization to the Corporation to offer the stamps for sale to the public; and

¹⁹ Section 25(1) amended by Stamp Duties (Amendment) Regulation 1989 (No. 20 of 1989), s8.

²⁰ Section 25(2) amended by No.12 of 2003, s.3 operative 1 January 2004, by substituting K1700 for K500.

²¹ Part IX inserted by Stamp Duties (Budget Provisions) Regulation 1993 (No. 16 of 1993), s2.

²² Section 26 inserted by Stamp Duties (Budget Provisions) Regulation 1993 (No. 16 of 1993), s2.

- (c) the payment, by the 21 day of the month succeeding the month in which the sale proceeds were realised by the Corporation, to the Commissioner General of the amount realised less all or any agreed costs for printing and selling the stamps; and
- (d) the authorization of the Commissioner General to charge late payment penalty at the rate of 20% per annum on payments required under Paragraph (c) and paid after the due date; and
- (e) the Corporation not to increase deductions from the proceeds of the sale of stamps without the prior agreement of the Commissioner General; and
- (f) the provision by the Corporation to the Commissioner General at the end of each financial year of a reconciliation of total sales for the year to total payments made by the Corporation.

SCHEDULE 1
PAPUA NEW GUINEA
Stamp Duties Act 1952.

Act, Sec 94.

Reg, Sec 5

Form 1

APPLICATION FOR A LICENCE TO IMPRINT STAMPS

(Insert name of bank) by its attorney in Papua New Guinea applies for a license to imprint/have imprinted* stamps on bills exchange of the class set out below for the use of the bank in carrying out its business of banking in the country.

The name and address of the printer who will be requested by the bank to imprint the bills of exchange is

The class of bills of exchange on which imprinted stamps are desired is

Dated

20

(Signature of Attorney for name of bank)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA

Stamp Duties Act 1952.

Act, Sec. 20.

Reg, Sec 15.

Form 2

APPLICATION FOR OPINION AS TO DUTY.

I, (*name*), of (*address and occupation*), being a party to (or having a direct interest in or being liable to pay duty on) or being the lawyer (*or duly authorised agent*) of (*name*) of (*address and occupation*), who is a party to (*or has direct interests in or is liable to pay duty on*) the executed instrument below and produced with the application, do require the Collector of Stamp Duties to express his opinion with reference to the instrument on the following questions:

- (a) Whether stamp duty is chargeable; and
- (b) If so, what amount of duty is chargeable; and
- (c) Whether a penalty is chargeable; and
- (d) If so, what amount of penalty is chargeable.

Nature of instrument:

Date of Instrument:

Names of parties to instrument

Dated

20

(Signature of Applicant)

NOTES:

1. The application may be accompanied by a submission as to whether the instrument is chargeable with any stamp duty, or as to the amount of the duty chargeable, stating the reasons for the opinion.
2. Where an instrument other than that referred to in the application is produced with the application, particulars of the instrument shall be endorsed on the application.

PAPUA NEW GUINEA

Stamp Duties Act 1952.

Act, Sec.91

Reg, Sec.20

Form 3

APPLICATION FOR ALLOWANCE FOR SPOILED DUTY STAMPS.

I, *(name in full of the person, firm or corporation making application)*, of *(address in full)*, apply for allowance for spoiled stamps, as under-

Number of stamps	Value of each stamp		Description of instrument			Total Value	
			Nature	Date	Parties		
	K	t				K	T

(Signature of Applicant)

Dated

20

In the matter of the above application of *(name in full of the person, firm or corporation making the application)* for allowance, I, *(name of the person making declaration on their behalf)* of *(address in full)* in Papua New Guinea, *(occupation or other sufficient addition)*, being the above named applicant *(or person duly authorized by the above named applicant to make this application)* do solemnly and sincerely declare that the stamps above described are the property of the applicant, and were purchased by me *(or him or her or them or it)* or for my *(his or her or their or its)* use.

And I further declare that the applicant has not in any way been reimbursed or paid the value of the stamps or any part of that value by any other person or persons, and that if the value allowed by the Collector of Stamp Duties, the applicant *(or person duly authorised by the applicant to make this declaration)* will not ask or receive any compensation for them or any part of them from any other person or persons, generally or particularly, so as to be again paid or compensated for them or any part of them directly or indirectly, and that the above application for allowance is without any fraudulent intent or collusion.

And I make this solemn declaration by virtue of the Oaths, Affirmation and Statutory Declarations Act, conscientiously believing the statements contained in it to be true.

Declared

Dated.....

Before me

Justice of the Peace
(or as the case may be)

PAPUA NEPAPUA NEW GUINEA.

Stamp Duties Act 1952.

Act, Sec.76

Reg,Sec.24

Form 4

RETURN BY DEALER.

Full name of dealer:

Address:

Period _____ to _____

I, _____ a member of the firm of _____, certify that the record by Section 75 of the *Stamp Duties Act* has been duly made and that the total amount of stamp duty in respect of all the sales and purchases of marketable securities to which that section applies or deemed to have been made by me and by other members of the above firm during ending (*insert date*) amounts to K.

Dated _____ 20____

(Signature of Dealer)