

REVENUE RULING NO. SD 005

TRANSFERS OF SHARES FROM EXECUTORS TO PERSONS BENEFICIALLY ENTITLED - BENEFICIARIES DECEASED OR HAVE ASSIGNED INTERESTS - PRE - 31 DECEMBER 1981 ESTATES

PREAMBLE

Share transfers by executors are received for assessment and stamping where the relevant shares are on a New South Wales register but upon which no New South Wales death duty has been legally payable in the head estate, alternatively, no New South Wales stamp duty had been legally payable in the case of assignments (e.g. where the head testator had a foreign domicile and no New South Wales assets; the shares having been later acquired by the executors as the result of reinvestment, "takeover", etc.).

In some instances, assignments may have been made and, in the case of deceased beneficiaries, it is possible that two or more estates may be involved. Nevertheless, the transfer may be simply from the executor of the head estate to the person ultimately entitled as a beneficiary.

RULING

Where any such transfer is from the executor to the person beneficially entitled, with no other party joining in by way of direction, it is to be assessed as a conveyance without consideration in money or money's worth and ad valorem Second Schedule rates of duty charged once only, notwithstanding the number of estates involved and whether or not New South Wales death duty had been payable in other estates. This procedure shall also apply despite the number of assignments involved, provided that there has been no assignment of New South Wales property. In that latter event, it is likely that a maximum \$10 will apply.

It should be noted that in the case of transfers as described where New South Wales death duty has been paid in each estate (or New South Wales ad valorem duty in the case of each assignment), duty to a maximum of \$10 should be charged once only.

(Departmental reference: T.I. 13)

A. D. CLYNE,
Chief Commissioner of Stamp Duties.
1 December, 1985

Last Updated: 20-Sep-2001