

31 OF 1923.

TO MAKE PROVISION WITH REGARD TO STAMP DUTIES.

C. D. FENN.]

[August 24, 1923.

1. This Law may be cited as the Stamp Law, 1923.

Short title.

Grant of Duties and General Regulations.

2. There shall be paid for the public uses of Cyprus upon the documents in the Schedule to this Law mentioned the duties in the said Schedule specified.

Grant of duties. thereof
(Amended by Law 27/26)

3. The said duties shall be denominated and deemed stamp duties and shall be paid in and denoted by stamps and not otherwise.

Stamp duties.

4. The following documents shall not be chargeable with stamp duty:—

Exemptions.

- (1.) Judgments or orders of the Supreme Court, of a District Court, or of a Village Judge Court, and copies of any part of the file of proceedings in any action in, or of any record of, any such Court;
- (2.) Judgments, orders, permits and other documents issued by a Sheri Court in any case in which fees are otherwise payable in respect thereof;
- (3.) Recognisances, bonds, or other like documents entered into, given, or made in or in connection with any proceedings in or before a Court exercising criminal jurisdiction;
- (4.) Documents on which the stamp duty would be payable by the Government of Cyprus.
- (5.) Documents declared to be exempted in the Schedule hereto.

5.—(1.) Any stamp duty of an amount not exceeding two copper piastres may be paid by postage stamps; but when the stamp duty exceeds the amount of two copper piastres it shall be paid by revenue stamps or in such other manner as the High Commissioner in Council may prescribe.

Nature of stamps.

Repealed by Law 27 of 1926.

(2.) The duties imposed by this Law may be made up by several stamps; and stamps of greater value than is required may be used upon any document.

Use of several stamps.

Documents relating to Crown property.

6. All documents relating to property belonging to the Crown shall, unless exempted, be charged with the same duty as documents of the same kind relating to property belonging to a subject.

Duties to be paid according to this Law.

7. All stamp duties which are now payable or which may at any time become payable under any law upon any document are to be paid and denoted according to the provisions of this Law.

Payment for stamps.

8. No person authorized to sell or supply stamps shall be required to sell or supply any stamp unless it is previously paid for.

Spoiled stamps.

9. The value of stamps issued under this Law which may be casually destroyed or spoiled may be allowed for by the Treasurer on proof being given to his satisfaction, by declaration or otherwise, of the stamps having been so destroyed or spoiled.

No Public Officer shall be liable for the value of any stamps casually destroyed or spoiled while in his custody, upon his producing satisfactory proof as aforesaid.

Provided that all such spoiled stamps shall be produced and given up to the Treasurer.

Special Rules as to Stamping of Documents.

Cancellation.

10. A document, the duty on which is required or permitted by law to be denoted by an adhesive stamp, shall not be deemed duly stamped unless the person required by law to stamp it cancels the stamps thereon by writing or otherwise indelibly marking on or across them his name or initials, or the name or initials of the person for whom he is acting, together with the true date of his cancelling them, so that the stamps may be effectually cancelled and rendered incapable of being used for any other document, or unless it is otherwise proved that the stamps appearing on the document were affixed thereto at the proper time.

Bills and notes drawn in Cyprus

11. The adhesive stamps denoting the duty on a bill of exchange or promissory note drawn or made in Cyprus, whether payable in or out of Cyprus, shall be affixed and cancelled by the person by whom the bill or note is signed, before he delivers it out of his hands, custody, or power.

When drawn out of Cyprus.

12. The adhesive stamps denoting the duty on any bill of exchange or promissory note drawn or made out of Cyprus shall be affixed and cancelled by the person into whose hands the bill or note comes in Cyprus before he presents for payment or endorses, transfers, or in any manner negotiates or pays the bill or note.

Provided as follows:—

- (1.) If at the time any bill of exchange or promissory note comes into the hands of any *bonâ fide* holder thereof there are affixed thereto the proper adhesive stamps effectually obliterated and purporting and appearing to be duly cancelled, the stamps shall, so far as relates to the holder, be deemed to be duly cancelled, although they may not appear to have been so affixed or cancelled by the proper person.
- (2.) If at the time when any bill of exchange or promissory note comes into the hands of any *bonâ fide* holder thereof there are affixed thereto the proper adhesive stamps not duly cancelled, it shall be competent for the holder to cancel the stamps as if he were the person by whom they were affixed, and, upon his so doing, the bill or note shall be deemed duly stamped and as valid and available as if the stamps had been duly cancelled by the person by whom they were affixed.

Provisos for protection of *bonâ fide* holders.

But the foregoing provisos are not to relieve any person from any penalty he may have incurred in relation to any such bill or note.

13. When a bill of exchange is drawn in a set according to the custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued or in some manner negotiated apart from the duly stamped bill, be exempt from duty; and, upon proof of loss or destruction of a duly stamped bill forming one of a set, any other bill of the set which has not been issued or in any manner negotiated apart from the lost or destroyed bill may, although unstamped, be admitted in evidence to prove the contents of the lost or destroyed bill.

Stamping bills drawn in sets.

14. The adhesive stamps denoting the duty on a bill of lading shall be affixed and cancelled by the person who makes or executes it, before he delivers it out of his hands, custody, or power.

Bills of lading.

15. All charter parties or agreements in writing as to the letting or hiring of any vessel sailing from Cyprus shall be liable to the duty specified in the Schedule hereto, and the adhesive stamps denoting the duty shall be affixed and cancelled by the person by whom the document is last executed in Cyprus, or by whose execution it is completed as a binding contract.

Charter parties.

Provided that if any such charter party or agreement be not duly stamped the Chief Collector of Customs may stamp it if brought to him within seven days after its execution, on payment of the duty and a penalty of five shillings.

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13A. The duty upon any cheque drawn in Cyprus upon any banker in Cyprus may be denoted by means of either an impressed stamp or by an adhesive stamp or by both.

18. Except where express provision to the contrary is made by this or any other Law, any unstamped or insufficiently stamped document may be stamped after its execution on payment as hereafter provided; such stamping shall be done before a Judge or Registrar of a Court or a Commissioner,

(a) On payment within two months after its first execution, of the unpaid stamp duty;

18. Except where express provision to the contrary is made by this or any other Law, any unstamped or insufficiently stamped document may be stamped after its execution, on payment of double the amount of the unpaid duty and a penalty of five pounds: such stamping shall be done before a Judge or Registrar of a Court or before a Commissioner. Provided that the High Commissioner may remit the increased duty and the whole or any part of the penalty payable on stamping the document.

19. No document made liable to any duty shall be pleaded or given in evidence in any Court unless it is duly stamped, except as is hereinafter provided.

20.—(1.) No document shall be received in any action or proceeding in any Court or in Judge's Chambers if there shall be any omission or insufficiency of stamp upon it until the stamp duty imposed by law thereon, together with a penalty of five pounds, is paid: and it shall be the duty of the Registrar or Assistant Registrar in attendance on the Court upon the production of such a document in evidence to call the attention of the Court to any such omission or insufficiency of stamp.

(2.) No document shall in any criminal proceeding be inadmissible in evidence for want of a stamp.

21. Any unstamped or insufficiently stamped document which has been executed at any place out of Cyprus may be stamped at any time within two months after it has been first received in Cyprus, on payment of the proper Cyprus stamp duty only.

22. The payment of any penalty for stamping a document after its execution shall be denoted on it by stamps, and the word "Penalty" shall be written across the face of each of the stamps by the officer cancelling them.

(New Section 22A added by Law 10 of 1937) Penalties.

23. Whoever, being required by law to stamp any document and to cancel the stamps thereon, wilfully neglects or refuses duly and

repealed + replaced by Law 6 of 1931

repealed + replaced by Law 19/29
repealed by Law 6 of 1931

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repealed by Law 27 of 1926

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Penalties

Other cases

Penalty

Unstamped documents inadmissible as evidence.

Production of unstamped document.

Exception.

Document executed out of Cyprus.

Payment of penalties.

Neglecting to stamp documents.

Receipts. 16. The adhesive stamp denoting the duty upon a receipt or discharge shall be payable, affixed, and cancelled by the person by whom the receipt is given before he delivers it out of his hands.

Other cases. 17. In all other cases the document shall be written on material duly stamped or shall be stamped by the person by whom or by whose direction it was prepared, on or before its final completion or execution.

Stamping of Documents after Execution.

Penalty. 18. Except where express provision to the contrary is made by this or any other Law, any unstamped or insufficiently stamped document may be stamped after its execution, on payment of double the amount of the unpaid duty and a penalty of five pounds: such stamping shall be done before a Judge or Registrar of a Court or before a Commissioner. Provided that the High Commissioner may remit the increased duty and the whole or any part of the penalty payable on stamping the document.

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