

Revenue | Rulings

Transfer of shares or real property from a deceased estate

Revenue Ruling SD.022

CEASED 30 June 2001

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Preamble

Exemption 16 of Heading VI of the Third Schedule to the *Stamps Act 1958* (the Act) and Exemption 1 of Heading IVA of the Third Schedule to the Act, provide exemptions from stamp duty for a transfer of real property or shares, respectively, to a beneficiary or to the legal personal representative of a beneficiary, entitled to the property under a will or on an intestacy.

A transfer of real property or shares by the legal personal representative of a deceased person, pursuant to an order made as the result of an application to the Supreme Court under Part 4 of the *Administration and Probate Act 1958*, does not fall within the precise terms of the exemption.

The purpose of this ruling is to clarify the application of this exemption, in respect of a transfer of real property or shares to a person who is not entitled to that property under a will.

Ruling

The Commissioner of State Revenue has ruled that a transfer of real property or shares by the legal personal representative of a deceased person, pursuant to an order made as the result of an application to the Supreme Court under Part 4 of the *Administration and Probate Act 1958*, is exempt from duty under Exemption 16 of Heading VI of the Third Schedule to the Act or Exemption 1 of Heading IVA of the Third Schedule to the Act.

Please note that rulings do not have the force of law. Each decision made by the State Revenue Office is made on the merits of each individual case having regard to any relevant ruling. All rulings must be read subject to Revenue Ruling GEN.01.

Denzil Griffiths

Commissioner of State Revenue

30 June 1993

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