

Bill No. 62 of 1941.

A BILL TO AMEND THE SUCCESSION DUTY
ACT, 1934.

NOTE.

This Bill amends *The Succession Duty Act, 1934*.

The amendments to section 2 correct an error in a date and make clear the intention that the Act applies to all persons dying since the formation of the Province.

The purpose of section 3 is to make it clear that the Act applies to gifts *inter vivos* made before the passing of the Act and within ten years of the date of death of deceased.

The amendments made to sections 9, 12 and 15 of the Act remove an ambiguity, the use of the word "property" being intended to make it clear that the duty is based on the value of the property, which actually passes on death and of the property which is deemed to pass by section 5.

The new section 31a provides the method of ascertaining the value of gifts for the purposes of the Act.

The amendment to section 52 extends the powers of executors and trustees to dispose of property of the deceased in order to enable the payment of succession duties.

Section 9 of the Bill amends the form of affidavit and inventory to comply with changes in the Act.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 62 of 1941.

An Act to amend The Succession Duty Act, 1934.

(Assented to _____, 1941.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Succession Duty Act, 1934, Amendment Act, 1941.*"

2. *The Succession Duty Act, 1934*, being chapter 17 of the Statutes of Alberta, 1934, is hereby amended as to section 2,—

- (a) by striking out the words "the first day of July, 1905," where they appear in the second line thereof, and by substituting therefor the words "the first day of September, 1905";
- (b) by adding after the word "before", where it appears in the sixth line thereof, the words "or after".

3. The said Act is further amended as to section 5 by striking out paragraph (b) thereof and by substituting therefor the following new paragraph:

- "(b) (i) Property taken as a *donatio mortis causa*;
(ii) Property heretofore or hereafter taken under a disposition made by the deceased *inter vivos* which has not been made *bona fide* ten years before the death of the deceased."

4. The said Act is further amended as to section 9 by striking out the word "estate", where it appears in the fifth line of subsection (2) thereof, and by substituting therefor the word "property".

5. The said Act is further amended as to section 12 by striking out the word "estate", where it appears in the fifth line of subsection (2) thereof, and by substituting therefor the word "property".

6. The said Act is further amended as to section 15 by striking out the word "estate", where it appears in the fifth line of subsection (2) thereof, and by substituting therefor the word "property".

7. The said Act is further amended by inserting immediately after section 31 thereof the following new section:

“31a. For the purposes of this Act the value of the property taken under a disposition *inter vivos* shall be the value of the property in respect of which such disposition was made or the value of any property into which it has become converted as of the date of the death of the deceased provided that,—

- “(a) if such property or the property into which it has been so converted has been sold for or converted into cash or money, the amount of such cash or money shall be the value of the property;
- “(b) if the property in respect of which such disposition is made is cash or money, the amount of such cash or money shall be the value of the disposition.”

8. The said Act is further amended as to section 52 by inserting after the words “so much of”, where they appear in the third line thereof, the following words “the property of the deceased or of”.

9. The said Act is further amended as to Form 1 in the Schedule thereto,—

- (a) by inserting in paragraph 3 of the Affidavit of Value and Relationship after the word “estate”, in the eleventh line thereof, the words “both within and without the Province of Alberta”.
- (b) by striking out the word “three”, where it occurs in the second line of paragraph 9 of the said Affidavit of Value and Relationship, and by substituting therefor the word “ten”.
- (c) by adding after the Form headed “Cash” in Inventory “A” the following new Form:

“GIFTS MADE WITHIN TEN YEARS PREVIOUS TO DATE
OF DEATH.

Date of Gift	To Whom Made	Particulars of Gift	Value at Date of Death

10. This Act shall come into force on the day upon which it is assented to.

No. 62.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend The Succession
Duty Act, 1934.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. ABERHART.

EDMONTON:
A. Shnitka, King's Printer
1941