

Bill No. 53 of 1944.

A BILL TO AMEND THE SUCCESSION DUTY ACT.

NOTE.

This Bill amends *The Succession Duty Act*, chapter 57, R.S.A., 1942.

The amendment to paragraph (c) of section 5 is for the purpose of making it clear that the interest retained in gifts where possession and enjoyment has not been assumed by the donee is taxable whether the interest retained was voluntary or by contract or otherwise, and is in conformity with the provisions of *The Dominion Succession Duty Act*.

The amendment to paragraph (g) of section 5 is to provide for the taxation of superannuation or pension benefits payable or granted by the Dominion or a Province or payable under any other superannuation or pension scheme, and is in conformity with *The Dominion Succession Duty Act*.

The amendment to subsection (9) of section 28 is to remove the restriction on an appeal to a higher court from the Appellate Division of the Province in cases of valuations made by a commissioner.

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. 53 of 1944.

An Act to amend The Succession Duty Act.

(Assented to _____, 1944.)

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

1. *The Succession Duty Act*, being chapter 57 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 5 by striking out paragraph (c) thereof and by substituting therefor the following:

“(c) Property taken under any grant or gift whenever made of which *bona fide* possession and enjoyment has not been assumed by the donee or by a trustee for the donee immediately upon the grant or gift and thenceforth retained to the entire exclusion of the donor or of any benefit to him whether voluntarily or by contract or otherwise;”.

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

“(g) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased, including superannuation or pension benefits or allowances payable or granted under legislation of the Parliament of Canada or of any Province, or under any other superannuation or pension fund or plan whether the said benefits or allowances are payable or granted out of the revenue of His Majesty in respect of the Government of Canada, or of any Province thereof, or out of any fund established for the purpose, which benefits or allowances shall be deemed for the purposes of the Act to have been purchased, acquired, or provided by the deceased;”.

3. The said Act is further amended as to section 28 by striking out the words “but there shall be no further or other appeal” where the same occur in subsection (9) thereof.

4. This Act shall come into force on the day upon which it is assented to, and upon so coming into force shall be deemed to have been in force at all times on and after the first day of January, A.D. 1944.

FOURTH SESSION
NINTH LEGISLATURE

8 GEORGE VI

1944

BILL

An Act to amend The Succession
Duty Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MAYNARD.

EDMONTON:
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