

CHAP. 49.

An Act to enable Local Authorities to collect Fines and Fees by means of Stamps. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient to authorize the collection of certain fees and fines hereafter mentioned by means of stamps:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Local Stamp Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation of "Local Authority."

3. For the purposes of this Act "Local Authority" shall mean in any county, parts, liberty, or division of a county having a separate commission of the peace, the justices in general or quarter sessions assembled; in any borough subject to the jurisdiction of a council or other governing body, the council or other governing body for the borough.

Power to collect fees and penalties by stamps.

4. Whenever all the clerks of special and petty sessions and all the clerks of the justices of the peace within the jurisdiction of any local authority are paid in the whole or partly by salaries, by virtue of any order made under the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-five, it shall be lawful for any such local authority, if they think fit, notice having been given at a previous meeting of the local authority of such purpose, to order that, from and after a day to be named in such order, all or any of the fees, fines, and penalties payable to the treasurer of the county, parts, liberty, division, or borough respectively within the jurisdiction of such local authority, or to any person on account of such treasurer, shall be received by such treasurer or such person as aforesaid by means of stamps denoting the sums payable, and not in money, and to cause such dies to be made

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as may be required for the purpose of carrying into effect this Act; subject nevertheless to such rules as may from time to time be made and published by such local authority, with the approval of one of Her Majesty's Principal Secretaries of State, and with the assent, so far as relates to the pattern, colour, and form of stamps and dies, and the making and impressing of the same, of the Commissioners of Inland Revenue; and it shall be lawful for any such local authority from time to time, with the like notice, to revoke, vary, or renew any such order, the like approval and assent being first obtained for any such variation or renewal.

Unstamped document not to be valid.

5. Any document to or on which a stamp or stamps ought to be affixed or impressed under this Act, or under any rule for the time being in force under this Act within the jurisdiction of any local authority, shall not be of any validity unless the proper stamp or stamps has or have been affixed or impressed, or unless a certificate has been signed thereon by a justice of the peace acting in the matter to the effect that he has excused or postponed the affixing or impressment of the proper stamp or stamps, in which case the document shall be of the same validity as if the proper stamp or stamps had been duly affixed or impressed: Provided that if any such document is, through mistake or inadvertence, received, lodged, recorded, or used without being properly stamped, it shall be competent for the court or judge before whom the cause or proceeding depends to which such document relates to order that the same be stamped as in such order may be directed; and on every such document being stamped accordingly, the same, and every proceeding relative thereto, shall be as valid as if such document had been properly stamped in the first instance.

Authority to sell stamps.

6. The local authority may, by order under the hands of any two of their number, authorize any persons to sell or distribute stamps for the purpose of this Act upon such terms and subject to such conditions as such local authority may direct, and may from time to time revoke any authority so granted. If any person not authorized as aforesaid sells or distributes any such stamps as are authorized to be used for the purpose of this Act, he shall upon summary conviction be liable to a penalty not exceeding five pounds.

Penalty.

Expenses of Act.

7. All expenses which may be incurred by any local authority in or about the preparing or making of dies or stamps, or in or about the carrying into execution of any of the powers given them by this Act, shall be defrayed out of and be a charge upon the county or borough rate respectively of such local authority.

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Penalties for offences herein named.

8. If any person is guilty of any of the following offences,—

(1.) Forges or counterfeits, or causes or procures to be forged or counterfeited, any stamp or die, or any part of any stamp or die, provided, made, or used in pursuance of this Act; or,

(2.) Forges or counterfeits, or causes or procures to be forged or counterfeited, the impression, or any part of the impression, of any such stamp or die as aforesaid upon any document; or,

(3.) With intent to defraud the local authority, stamps or marks, or causes or procures to be stamped or marked, any document with any such forged or counterfeited stamp or die;

(4.) Sells or exposes for sale any document having thereupon the impression of any such forged or counterfeited stamp or die, or part of any such stamp or die, or any such forged or counterfeited impression or part of an impression, knowing the same to be forged or counterfeited; or,

(5.) Fraudulently cuts or gets off, or causes or procures to be cut or got off, the impression of any such stamp or die from any document, with intent to use the same for any other document; or,

(6.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any false, forged, or counterfeited die, plate, or other instrument, or part of any such die, plate, or instrument, resembling or intended to resemble, either wholly or in part, any stamp or die which at any time whatever has been or may be provided, made, or used by or under the direction of the local authority for the purposes of this Act; or,

(7.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any vellum, parchment, or paper having thereon the impression of any such false, forged, or counterfeit stamp or die, or having thereon any false, forged, or counterfeit stamp, mark, or impression resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for any such stamp or die;

(8.) With intent to defraud the local authority, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate of a justice of the peace under this Act, or any signature to any certificate purporting to be signed by a justice of the peace under this Act;

A.D. 1869. Every person so offending, and every person knowingly and wilfully aiding and abetting any person in committing any such offence, and being thereof lawfully convicted, shall be judged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding two years.

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