

Stamp Duty

Cap. 91.

**STAMP DUTY (REVENUE FRANKING
MACHINES) REGULATIONS, 1977**

S.I. 1977/198.

Made by the Minister under section 44 of the Stamp Duty Act. Cap. 91.

1. These Regulations may be cited as the Stamp Duty (Revenue Franking Machines) Regulations, 1977.

2. For the purposes of these regulations, "machine" means a revenue franking machine permitted to be used under these regulations for the purpose of impressing stamps denoting payment of stamp duty on an instrument or document.

3. These regulations apply in respect of the instruments and documents specified in the Schedule. Schedule.

4. Where any person desires to use a machine for the purpose of impressing a stamp to denote the payment of any stamp duty on any document or instrument, he shall make application to the Accountant-General for a licence for that purpose.

5. The Accountant-General may, after considering an application made under regulation 4, issue a licence to the person making the application.

6. A licence issued under regulation 5—

- (a) shall be in such form as the Accountant-General, with the approval of the Minister responsible for Finance, determines;
- (b) shall be used only in accordance with such conditions as the Accountant-General determines;
- (c) is not transferable; and
- (d) shall contain a list of those instruments and documents on which the holder of the licence may impress stamps by means of a machine.

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7. A person to whom a licence is issued under regulation 5 is, subject to these regulations, entitled to use a machine for the purpose mentioned in his application for such licence.

8. No machine shall be used for the purpose of impressing stamps denoting payment of stamp duty in respect of any instrument or document unless—

- (a) the Accountant-General approves that machine as being a fit and proper machine to be used for that purpose;
- (b) the stamp duty payable in respect of that instrument or document has been paid in advance to the Accountant-General; and
- (c) the user of the machine has signed an undertaking, in such form as the Accountant-General approves, to make good any loss of revenue arising out of—
 - (i) any mechanical or other defect in such a machine causing it to fail to record the full number of impressions made, or
 - (ii) the failure of the user to comply with any of the conditions respecting the use of such machine.

9. (1) Every impressed stamp made by a machine indicating the payment of stamp duty shall bear the following characteristics—

- (a) the word “ Barbados ”;
 - (b) the words “ stamp duty ”;
 - (c) the monetary denomination of the stamp impressed;
 - (d) the date of the impressing of the stamp; and
 - (e) the code letter and number of the manufacturer of the machine.
- (2) Without prejudice to paragraph (1), impressed stamps made by means of a machine shall—
- (a) be clear and of a distinctive design approved by the Accountant-General;
 - (b) be made directly on the instrument or document being impressed with the stamp; and
 - (c) be impressed for no other purpose than the denoting of

payment of stamp duty in respect of the instrument or document being thus stamped.

10. The impressing of a stamp on an instrument or a document by means of a machine, if done in accordance with these regulations, has the same effect as the cancelling of an adhesive stamp of the value of the stamp impressed and on the date indicated on the stamp impressed.

11. (1) Every machine shall, at the time of prepayment of the stamp duty in respect of which such machine is to be used, be presented to the Accountant-General or a person authorised by him, who shall set the meter thereof and lock and seal the machine.

(2) No person except the Accountant-General or a person authorised by him shall break the seal of, or in any way interfere with, a machine.

12. (1) Where a machine is defective but is capable of being repaired, the user of that machine shall inform the Accountant-General in writing of its condition and the place where it is proposed to have it repaired.

(2) The Accountant-General shall, before any attempt to repair a machine is made, note the readings on the meter thereof and if possible reset those readings to zero.

13. During the period that a machine is undergoing repairs, the licence issued in respect of that machine shall be deemed to be suspended and shall not again become operative until the repairs have been completed and the machine inspected and approved by the Accountant-General as being fit for use.

14. The Accountant-General shall, upon approving as being fit for use a machine that has been repaired, set the meter thereof, allowing credit for any franking impressions not made by the machine prior to its repair but in respect of which stamp duty had been prepaid.

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15. (1) Where a machine becomes unserviceable and cannot be repaired, the user of such machine shall surrender to the Accountant-General for cancellation the licence issued to him for the purpose of operation of such machine.

(2) The Minister responsible for Finance may direct that a machine referred to in paragraph (1) be seized and destroyed after paying to the user thereof an amount equal to the value of any serviceable part of such machine, such value being assessed after consultation between a representative of the Government and the user and the importer of the machine.

16. (1) Where a user of a machine is of the view that he no longer requires the use of that machine he shall surrender to the Accountant-General for cancellation the licence issued to him for the purpose of the operation of the machine.

(2) The Minister responsible for Finance may authorise the seizure of a machine to which paragraph (1) relates and direct that it be kept until a licence in respect thereof has been issued to another person.

17. (1) Any person who—

- (a) not being a person to whom a licence has been issued under these regulations, impresses or aids, abets or procures the impressing of a stamp on any instrument or document by means of a machine; or
- (b) being a person to whom a licence has been issued under these regulations—
 - (i) fails to comply with any of the conditions subject to which the licence was issued, or
 - (ii) contravenes or fails to comply with any of the provisions of these regulations,

is guilty of an offence.

(2) Notwithstanding paragraph (1), the Accountant-General may revoke and cancel a licence where the holder thereof—

- (a) fails to comply with any condition subject to which the licence was issued; or
- (b) uses a machine in respect of which the licence has been issued for any purpose other than that for which the

licence has been issued,
and the Minister responsible for Finance may authorise that the machine be seized and kept until a licence in respect thereof is issued to another person.

18. These regulations shall come into operation on the 1st day of September, 1977.

SCHEDULE

(Regulation 3)

1. Receipts, including cash bills.
2. Customs warrants.
3. Policies of Insurance.
4. Bills of Lading.
5. Sea Insurance.
6. Foreign Cheques.
7. Negotiable Instruments.

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