

THE SUPREME COURT OF THE MALAYAN UNION

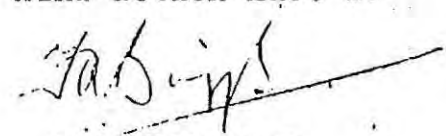
REGISTRAR'S CIRCULAR NO. 27/1947

ADMINISTRATION BONDS

^{10,000} Attention is drawn to item 21 of Schedule A to the Stamp Enactment (Cap. 135) of the F.M.S.⁽¹⁾ and corresponding provisions of law. Where an estate is first sworn at under \$1,000 gross or under ~~\$2,500~~ gross, either no duty or \$1/- is apparently due on the bond. If thereafter by reason of a corrective affidavit it appears that the true gross value exceeds \$1,000 or ~~\$2,500~~, ^{10,000} it is clear that the original bond was insufficiently stamped. Two questions then arise:-

- (i) Should a new bond be taken for the correct amount?
- (ii) How is the insufficient stamping to be remedied?

As to (i) if the increase in gross value is small, there is no need to insist on a fresh bond. As a general guide a new bond should always be taken (irrespective of any question of insufficient stamping) if the increase exceeds 30 per cent, and in any other case where the increase, though less than 30 per cent, is of a large sum, or there are other special circumstances. This is for the protection of the beneficiaries. As to (ii) the question is not one of protection of the beneficiaries but of safeguarding revenue. Payment of the correct amount of stamp duty must always be insisted on, but if a new bond is not being taken, the \$1/- or balance of \$1.50 due may be collected by stamping the old bond. See n.41 of the Stamp Enactment, which may be treated as applying to such a case. Records since April 1946 must be examined and in all cases of insufficient stamping of this kind action must be taken.


AG. REGISTRAR.

The Registry,
Supreme Court,
Malayan Union,
Kuala Lumpur. 18th December, 1947.
(RSC 283/47) FAB/VK.

To: All Asst. Registrars, Supreme Court,
(including Magistrates acting as such for probate purposes)
Director of Audit, M.U. & S'pore, K.L.