

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CXLIV.

An Act for better ſecuring the Stamp Duties on Sea Inſurances made in *London*, and for altering the Period for taking out Stamp-Office Certificates by Attornies and others in *England*.

[27th *July* 1814.]

WHEREAS a great Proportion of the Buſineſs of Sea Inſurances in *London* is tranſacted at *Lloyd*'s in the *Royal Exchange*, and a Practice hath prevailed there of uſing unſtamped Slips of Paper for Contracts or Memorandums of Inſurance, previouſly to the Inſurance being made by regular ſtamped Policies, as the Law requires, for Want of Time to fill up ſuch Policies in the firſt Inſtance: And whereas ſtamped Policies are oftentimes neglected to be uſed afterwards, whereby the Revenue is defrauded, and heavy Penalties are incurred by the Underwriters, and by the Brokers or others effecting ſuch Inſurances; and it is expedient to make further Proviſions for preventing the ſaid Practice, and for better ſecuring the Duties as well as for facilitating the Buſineſs of Inſurance in *London*: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King'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, That it ſhall be lawful for the Commiſſioners of Stamps to ſupply Brokers and others carrying on the Buſineſs of Inſurance in *London* with Blank Paper of a convenient Size, duly ſtamped as the Law requires for Policies of Inſurance, for the Purpoſe of effecting Contracts of Inſurance thereon, to ſuch Amount as the Duty denoted by the Stamp or Stamps on ſuch blank Paper will cover; and ſuch blank ſtamped Paper ſhall be ſupplied free of any Charge for the Paper, either for ready Money for the Duty, or on Credit, in the Manner directed with regard to printed Policies of Inſurance, by an Act, paſſed in the Thirty-fifth Year of His Majeſty's Reign, intituled *An Act for granting to His Majeſty certain Stamp Duties on Sea Inſurances*; and if ſupplied on Credit, the Duty ſhall be ſecured and paid in the ſame Manner and at the ſame Times as the Duties on printed Policies are by the ſaid Act directed to be ſecured and paid; and all other the Regulations of that Act concerning the Supply and Delivery of printed Policies ſhall be obſerved with regard to the blank ſtamped Paper hereby directed to be ſupplied.

Commiſſioners of Stamps to ſupply Inſurance Brokers in London with Blank ſtamped Paper, for Contracts of Inſurance.

II And

Bonds given for ſecuring Duties on Policies, to be a Security for Duties on Contracts.

II. And be it further enacted, That all Bonds heretofore given by Brokers or others for ſecuring the Duties on printed Policies ſupplied on Credit purſuant to the ſaid Act, and which ſhall be in force at the Time of paſſing of this Act, ſhall ſtand and be a Security for the Duties on the blank ſtamped Paper which ſhall be ſupplied to them on Credit, in purſuance of this Act, as well as for the Duties on the ſaid printed Policies.

Contracts to be dated when ſigned by Underwriters.

III. And be it further enacted, That every Contract of Inſurance to be made on ſuch blank ſtamped Paper as aforeſaid, ſhall be dated on the Day on which the ſame ſhall be ſigned by the Underwriters; and if the ſame ſhall be ſigned on different Days by different Underwriters, then the ſame ſhall be dated ſo as to ſhew what Underwriters ſigned on each Day; and in Default thereof the Broker or other Perſon effecting the Inſurance, and alſo every Underwriter ſigning any ſuch Contract without the proper Date, ſhall forfeit the Sum of One hundred Pounds, to be paid to His Majeſty, His Heirs and Succeſſors, and to be recovered in the ſame Manner as other Penalties impoſed by any of the Laws now in force relating to Stamp Duties.

Contracts to contain certain Particulars, or be void.

IV. And be it further enacted, That every Contract of Inſurance to be made on ſuch blank ſtamped Paper as aforeſaid, ſhall contain and ſpecify (beſides the Date or Dates when ſigned as aforeſaid) the Name of the Ship, with reference to which the Inſurance ſhall be made (unleſs it ſhall be upon "Ship or Ships") the Voyage or Riſk to be inſured againſt, the Premium or Conſideration for the Inſurance, the Thing inſured, and alſo the Name or Names, or the uſual Style and Firm of dealing of one or more of the Perſons intereſted in the Inſurance, or in lieu thereof the Name or Names, or uſual Style and Firm of dealing of the Conſignor or Conſignors, Conſignee or Conſignees, of the Goods or Property to be inſured, or the Name or Names, or uſual Style and Firm of dealing of the Perſon or Perſons reſiding in *Great Britain*, who ſhall receive the Order for and effect ſuch Inſurance, or of the Perſon or Perſons who ſhall give the Order or Directions to the Agent or Agents immediately employed to negociate or effect ſuch Inſurance; and in Default thereof the ſame ſhall be null and void to all Intents and Purpoſes.

Contracts to bind Underwriters to ſubſcribe Policies for ſame Inſurance, and to be available if no Policy in lieu.

V. And be it further enacted, That every ſuch Contract of Inſurance being duly ſtamped, and containing the Particulars aforeſaid, ſhall not only be obligatory on the Underwriters to ſubſcribe a regular ſtamped Policy of Inſurance in lieu thereof to the ſame Amount on the ſame Property or Intereſt, and for the ſame Voyage or Riſk, when thereunto required, by or on the Behalf of the Inſured, and alſo to date their reſpective Subſcriptions on the ſame Day as the Contract before ſigned by them, but ſhall alſo be available as a competent Inſtrument of Inſurance, in caſe a regular Policy ſhall not be underwritten in lieu thereof.

Commiſſioners to allow for Stamps on Contracts, on Production of Policies in lieu thereof, within a Month:

VI. And be it further enacted, That whenever any Broker or other Perſon having effected a Contract of Inſurance on ſuch blank ſtamped Paper as aforeſaid, ſhall deliver up the ſame to the Commiſſioners of Stamps to be cancelled within One Calendar Month after the Date of the laſt Subſcription thereon, and ſhall at the ſame Time produce to them a regular ſtamped Policy of Inſurance underwritten in lieu thereof by the ſame Perſons to the ſame Amount on the ſame Property or Intereſt, and for the ſame Voyage or Riſk in all Reſpects, the ſaid Commiſſioners ſhall allow to the Broker or other Perſon ſo delivering up the Contract to be cancelled, the Amount of the Stamp Duty thereon, in other Stamps for Contracts or Policies of Inſurance.

Although the Policies may vary from the

VII. And be it further enacted, That ſuch Allowance of the Stamp Duty ſhall be made, notwithſtanding the Policy underwritten, in lieu of any ſuch ſtamped Contract as aforeſaid, ſhall contain Matter explanatory of the

Contracts in certain reſpects.

Contract, or ſhall vary therefrom in conſequence of any Error or Miſtake in the Contract, whereby the Inſurance really intended ſhall not have been effected, or in conſequence of the Terms and Conditions of the Inſurance having been afterwards agreed to be altered; provided in the Caſe of Error or Miſtake, that ſatisfactory Proof ſhall be given thereof, and of the Nature and Circumſtances of the ſame; and provided in the caſe of any Alteration in the Terms and Conditions of the Inſurance, that the Policy ſhall have been underwritten before Notice of the Termination of the Riſk ſpecified in the Contract, and that the Thing inſured ſhall remain the Property of the ſame Perſon or Perſons.

If Policies in lieu of Contracts are not ſubſcribed by all the Underwriters, the Stamp Duty may be allowed in part.

VIII. Provided always, and be it further enacted, That if a regular ſtamped Policy of Inſurance ſhall be underwritten, in lieu of any ſuch Contract as aforeſaid, by ſome only of the Perſons who ſhall have underwritten the Contract, by reaſon of the Refuſal, or of the Death, Bankruptcy, Inſanity, or Abſence of the others or other of them, then upon the Contract being delivered up as aforeſaid, and on the Production of the Policy underwritten in lieu thereof, within the ſaid One Calendar Month, it ſhall be lawful for the ſaid Commiſſioners to make an Allowance in the Manner aforeſaid, for the Amount of the Stamp Duty on the Contract, except ſo much thereof as ſhall be due for or in reſpect of the Sum or Sums underwritten on the Contract, and not transferred to the Policy; and if it ſhall appear to the Satisfaction of the ſaid Commiſſioners, that any legal Proceedings are intended to be inſtituted, by or on the Behalf of the Inſured, in reſpect of any Sum or Sums underwritten on the Contract, but not transferred to the Policy, which may require the Production of the Contract, it ſhall be lawful for the ſaid Commiſſioners to cancel, and expunge the Stamp on the Contract, and to ſubſtitute another Stamp, for denoting only the Duty payable in reſpect of the Sum or Sums not tranferred to the Policy, and thereupon to re-deliver the Contract to the Inſured, or his or their Broker or Agent.

No Allowance to be made on Contracts underwritten beyond the Duty, unleſs, &c.

IX Provided always, and be it further enacted, That no ſuch Allowance as aforeſaid ſhall be made in reſpect of any Contract of Inſurance, which ſhall be underwritten to a greater Amount than the Stamp Duty thereon will cover, unleſs it ſhall be proved to have been done inadvertently, and a regular ſtamped Policy ſhall be made out, and be underwritten in full, or in Part, in lieu thereof, within Three Days afterwards, and Application ſhall be made for the Allowance within Seven Office Days after the Date of the laſt Subſcription on the Contract.

Commiſſioners to make ſuch Allowances for Stamps on Contracts, in other Caſes, as they are authorized to do on Policies, by an Act of this Seſſion.

X. And be it further enacted, That it ſhall alſo be lawful for the ſaid Commiſſioners of Stamps to make ſuch and the like Allowances of or for or in reſpect of the Stamp Duty, on ſuch blank ſtamped Paper as aforeſaid, where the ſame ſhall happen to be ſpoiled, without being ſigned by any Underwriter, and alſo where regular ſtamped Policies ſhall not be underwritten in lieu thereof, in the Caſes of greater or leſs Sums being underwritten thereon than the Stamp Duty will cover, and in the Caſes of Inſurances made conditionally ſubject to the Approbation of the Inſured, and in the Caſes of no Riſk, no Intereſt, and ſhort Intereſt reſpectively, as in and by an Act of the preſent Seſſion of Parliament, for better enabling the Commiſſioners of Stamps to make Allowances for ſpoiled Stamps on Policies of Inſurance in *Great Britain*, and for preventing Frauds relating thereto, they the ſaid Commiſſioners are or ſhall be authorized to make, of or for or in reſpect of the Stamp Duty on regular Policies of Inſurance, in the like Caſes reſpectively, and upon ſuch and the like Terms and Conditions in all reſpects and not otherwiſe.

Proviſions of the Act of this Seſſion,

XI. And be it further enacted, That all the Powers, Proviſions, and Regulations, Fines, Forfeitures, Pains, and Penalties, contained in and impoſed

respecting Policies, extended to Contracts.

impoſed by the Act of the preſent Seſſion of Parliament above referred to for facilitating the Allowance of Stamp Duty on Policies of Inſurance in the Caſes therein mentioned, and for examining and ſubſtantiating the Claims to ſuch Allowances, and for preventing Frauds and puniſhing Offences relating thereto, ſhall be exerciſed, obſerved, applied, enforced, and put in Execution, with regard to ſuch Contracts of Inſurance as aforeſaid, and to the Allowance of the Stamp Duty thereon in the Caſes herein ſpecified, as fully and effectually to all Intents and Purpoſes as if the ſame had been herein inſerted at length and ſpecially enacted, with reference to ſuch Contracts of Inſurance.

Allowances to Perſons ſupplied on Credit, may be deducted from their Debts.

XII. And be it further enacted, That if any Perſon to whom any Allowance of Stamp Duty on Contracts or Policies of Inſurance ſhall be to be made, either as Principal or Agent or Broker, in purſuance of this or any other Act, ſhall ſtand indebted to His Majeſty for Stamps ſupplied on Credit in purſuance of this Act, or of the aforeſaid Act of the Thirty-fifth Year of His Majeſty's Reign, it ſhall be lawful for the ſaid Commiſſioners of Stamps to write off the Amount of ſuch Allowance from the Sum then due and owing from him, inſtead of delivering Stamps for the ſame.

Alteration of the Period for Attornies, &c. to take out their annual Certificates.

XIII. And whereas it is expedient to alter the Period now fixed for Attornies, Solicitors, and others in *England*, to take out their annual Certificates, and pay the Stamp Duty thereon; be it therefore further enacted, That all Attornies, Solicitors, Proctors, Notaries Public, and others, who by the Laws in force would be bound to take out ſtamped Certificates, and pay the Duty thereon at the head Office of Stamps in *Middleſex* annually, between the Firſt Day of *November* and the End of *Michaelmas* Term following, ſhall in future take out ſuch Certificates and pay the Duty thereon, and do all other Acts neceſſary for that Purpoſe, annually between the Fifteenth Day of *November* and the Sixteenth Day of *December* in each Year; and in Default thereof, ſhall be ſubject and liable to ſuch and the ſame Penalties, Forfeitures, and Diſqualifications, as they would have been under the Laws now in force for not taking out ſuch Certificates within the Period firſt above mentioned.

Regulation for Dates of Certificates and their Continuance in force.

XIV. And be it further enacted, That all Certificates which ſhall have been taken out by ſuch Attornies, Solicitors, Proctors, Notaries Public, and others as aforeſaid, and which would under the Laws in force ceaſe and determine on the Firſt Day of *November* One thouſand eight hundred and fourteen, ſhall continue in force until the Fifteenth Day of the ſame *November* inclusive; and that from and after the ſaid Fifteenth Day of *November* One thouſand eight hundred and fourteen, all Certificates which ſhall be taken out between the Fifteenth Day of *November* and the Sixteenth Day of *December* in any Year, by Attornies, Solicitors, Proctors, Notaries Public, and others, hereby required to take out the ſame within that Period, ſhall be dated on the Sixteenth Day of *November*; and all Certificates which ſhall be taken out by any ſuch Perſons at any other Time ſhall be dated on the Day on which the ſame ſhall be granted; and all ſuch Certificates reſpectively ſhall have effect and continue in force from the Day of the Date thereof until the Fifteenth Day of *November* following, both inclusive, and no longer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.