ANNO NONO

GEORGII IV. REGIS.

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C A P. XIII.

An Act for further regulating the Payment of the Duties under the Management of the Commissioners of Stamps on Insurances from Loss or Damage by Fire. [9th *May* 1828.]

WHEREAS by an Act passed in the Fifty-fifth Year of the
Reign of His late Majesty King *George* the Third, intituled
An Act for repealing the Stamp Duties on Deeds, Law Pro- 55G.3.c.184.
*ceedings, and other written or printed Instruments, and the Duties on
Fire Insurances, and on Legacies and Successions to Personal Estate
upon Intestacies, now payable in* Great Britain, *and for granting other
Duties in lieu thereof,* a Duty is imposed in *Great Britain* as follows;
that is to say, for and in respect of every Insurance from Loss or
Damage by Fire only, which shall be made or renewed or continued
by any Public Company, or other Person or Persons, licensed or who
ought to be licensed as in the said Act is mentioned, or by the *Royal
Exchange* or *London* Assurance Corporation, a Duty of Three Shil-
lings for every One hundred Pounds insured for a Year, and at and
after that Rate for any fractional Part of One hundred Pounds insured,
and for any fractional Part of a Year, as well as for any Number of
Years, for which the Insurance shall be made or renewed or con-
tinued: And whereas by an Act passed in the Fifty-sixth Year of the
Reign of His said late Majesty, intituled *An Act to repeal the several* 56 G. 3. c. 56.
Stamp Duties in Ireland, *and also several Acts for the Collection and
Management of the said Duties, and to grant new Stamp Duties in
lieu thereof, and to make more effectual Regulations for collecting and
managing the said Duties,* certain Duties are imposed in *Ireland* as
follows; that is to say, for any Assurance or Insurance for or upon

any Sum of One hundred Pounds, or any lesser Sum, that is or shall be insured by any Person or Persons, in or by any Policy of Insurance for insuring Houses, Goods, Furniture, Warehouses, Merchandizes, or other Property, from Loss by Fire, yearly, a Duty of Two Shillings and Sixpence, and for every Hundred Pounds of such Insurance after the first Hundred, a like Sum of Two Shillings and Sixpence; and where the Sum insured shall exceed One hundred Pounds, or any progressive Sums of One hundred Pounds each, by any fractional Part of One hundred Pounds, a Duty in proportion for such fractional Part, and so in proportion for any shorter Period than a Year, in all the said Cases of Insurance from Loss by Fire: And whereas in certain Cases several distinct Subjects or Parcels of Risk have been insured collectively in One Sum, specified as payable in case of the Destruction by Fire of any One of such Subjects, and a Premium equal in Amount to the Aggregate of the several Premiums which would be payable for the Insurance of all such separate Subjects or Parcels by separate and distinct Insurances has been received by the Insurers, but the Duty payable to His Majesty under the said recited Acts in respect of such Insurance has been charged and paid only on the Amount of the single Sum specified to be so insured, and has not been increased in like Manner as the Premium has been increased, although such collective Insurance has been made to effect the Purpose of several separate and distinct Insurances, to the manifest Injury of His Majesty's Revenue; be it therefore 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 from and after the Fifth Day of *April* One thousand eight hundred and twenty-eight, in every Case where any Insurance from Loss or Damage by Fire shall be made or renewed or continued upon Two or more detached Buildings, or upon Two or more Buildings so separated from each other as to occasion a Plurality of Risks, or upon any Goods, Wares, Merchandize, or other moveable Property contained in Two or more such Buildings as above described, or lying or being in Two or more Places so separated from each other as to occasion a Plurality of Risks (except the Implements and Stock upon any One Farm), then and in any of the Cases aforesaid every such separate Building shall be separately valued, and a distinct and separate Sum shall be insured thereon, and in like Manner at least One distinct and separate Sum shall be insured upon the Goods, Wares, Merchandize, or other moveable Property contained in every such separate Building, or lying or being in every such separate Place as aforesaid; and it shall not be lawful to insure One gross Sum upon Two or more such separate Subjects or Parcels of Risk as aforesaid taken collectively.

Detached Buildings, or Goods contained in such Buildings, occasioning a Plurality of Risks, shall be valued and insured separately.

II. And be it further enacted, That if at any Time after the said Fifth Day of *April* One thousand eight hundred and twenty-eight, any Policy of Insurance shall be granted or renewed or continued, whereby any Insurance from Loss or Damage by Fire shall be made of or upon Two or more such separate Subjects or Parcels of Risk as aforesaid collectively in One Sum, contrary to the true Intent and Meaning of this Act, such Policy of Insurance shall be void and of none Effect, and shall be deemed and taken to be a fraudulent Contrivance

Penalty for insuring separate Subjects of Risk collectively in one Sum.

trivance to evade the Duties by the said recited Acts respectively imposed; and the Person or Persons, or Body or Bodies Politic or Corporate, by whom or by which any such Policy of Insurance shall be granted, renewed, or continued, contrary to this Act, shall forfeit and pay the Sum of One hundred Pounds.

Not to prevent separate Buildings, or Property lying therein, from being insured collectively, if an Average Clause be contained in the Policy.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the insuring from Loss or Damage by Fire collectively, in One Sum for the whole, any Number of separate and distinct Buildings, or the Goods, Wares, Merchandize, or other moveable Property contained in any Number of separate and distinct Buildings, or lying or being in any Number of separate and distinct Places; provided that in the Policy whereby such Insurance shall be made there shall be contained a Clause stipulating that in the Event of any Loss or Damage by Fire happening to such Property, or to any Part of such Property thereby insured, the Insurer or Insurers in such Policy shall be liable to pay or make good such Proportion only of the said Loss or Damage as the Sum insured shall bear to the whole collective Value of the said Property at the Time when such Fire shall first break out or happen.

The Duty to be remitted on Policies granted in order to comply with this Act.

IV. Provided always, and be it further enacted, That in all Cases in which it shall be necessary that new Policies should be granted in lieu of others now existing, in order to enable the Parties in possession of the same to comply with the Provisions of this Act, it shall be lawful for the Commissioners of Stamps, and they are hereby authorized and required, to remit the Duty upon the Stamp of the Policy so required to be renewed.

Not to affect Policies made before 5th April 1828.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Contracts or Policies of Insurance made or to be made on or before the Fifth Day of *April* One thousand eight hundred and twenty-eight, or any of the Terms, Conditions, or Stipulations thereof.

Recovery of Penalties.

VI. And be it further enacted, That any pecuniary Penalty or Forfeiture which shall or may be incurred under the Provisions of this Act shall and may be recovered for the Use of His Majesty, His Heirs and Successors, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts, to be commenced, prosecuted, entered, or filed in the Name of His Majesty's Attorney or Solicitor General in *England* or *Ireland*, or of His Majesty's Advocate or Solicitor General for *Scotland*, (as the Case may be,) in *England*, *Ireland*, or *Scotland* respectively.

Act may be altered.

VII. And be it further enacted, That this Act may be altered, amended, or repealed, by any Act or Acts to be passed in this present Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1828.