

LAW STAMP ACT

CHAPTER 226

Interpretation

1. In this Act

“court” includes the Court of Appeal, the Supreme Court, a County Court, a Provincial Court and any other court constituted, maintained and organized by the Province;

“fee” means any fee or charge payable to the Crown in respect of any proceedings under any Act, regulation or rule of court;

“judge” includes a judge of the Court of Appeal, a judge of the Supreme Court, a judge of a County Court and a judge of any other court constituted, maintained and organized by the Province;

“proceeding” includes

- (a) a writ, summons, plaint, warrant, affidavit, petition, pleading, praecipe, caveat, application, lien, filing, account, consent, note or memorandum or other document in respect of a cause or matter in a court;
- (b) an instrument, bylaw, bill of sale, chattel mortgage, assignment of book accounts, partnership agreement or other document filed in a court, or, where required by order of the Lieutenant Governor in Council, with an officer or servant of the Crown employed in a ministry of the government of the Province, and an application, note or praecipe in connection with it.

RS1960-212-2; 1961-34-2; 1975-57-41; 1977-75-1.

Issue of stamps

2. The Minister of Finance may direct

- (a) stamps to be prepared for this Act of a kind, denomination, design, form and colour as he approves;
- (b) that all or certain proceedings be stamped by means of an impression showing the correct fee affixed by a machine of a type approved by him and installed in registries of the court and offices of the government of the Province selected by the Attorney General.

RS1960-212-3.

Use of stamps in payment of fees

3. Payments of the prescribed fee shall be made by affixing the proper stamp or stamps to the proceeding or, where authorized, by stamping the proceeding with an impression showing the correct fee payable on the proceeding.

RS1960-212-4.

Proceeding not valid until all fees on it paid by stamps

4. (1) A proceeding on which a fee is payable to the Crown and which is not stamped under this Act is void for all purposes and shall not be issued, filed, registered, accepted, received, served or acted on by a court, judge, registrar, sheriff or other officer or person.

(2) Service or execution of a proceeding on which a fee is payable to the Crown and which is not stamped under this Act is void, and no recompense shall be allowed for it.

(3) Where a proceeding ought to be but is not stamped under this Act, any party to any cause or matter in respect of the proceeding may apply to the court having jurisdiction in the cause or matter for leave to have the proceeding stamped. If this Act has not been knowingly and wilfully violated with respect to the proceeding, the application shall be granted for the stamping of the proceeding in an amount beyond the fee properly due as may be thought reasonable, not exceeding 10 times the amount of the prescribed fee, and the stamping shall have the same effect as if the proceeding had been duly stamped in the first instance.

RS1960-212-5.

Stamps not to be reused

5. No proceeding which has been duly stamped for the purposes for which it has been used shall be considered as stamped for any other purpose.

RS1960-212-6.

Used stamps to be cancelled

6. Except where a proceeding has been stamped by machine impression, the officer or person by or with whom a proceeding is issued, filed, registered, accepted or received shall cancel the stamps by writing or stamping or impressing in ink the date of issue or receipt, so as effectually to cancel each stamp so that it may not be used again.

RS1960-212-7.

Stamps to be distributed by Minister of Finance

7. Stamps for use under this Act shall be procured and distributed by the Minister of Finance.

RS1960-212-8.

Offence

8. A person who wilfully and knowingly violates this Act commits an offence.

RS1960-212-9.

Rules and regulations

9. The Lieutenant Governor in Council may make
- (a) regulations necessary for an allowance for stamps issued under this Act that have been spoiled or rendered useless or unfit for the purposes intended;
 - (b) rules and orders necessary for the control, operation and use of stamp machines; and
 - (c) rules, orders, forms and directions for carrying out this Act and for regulating the procedure under it.

RS1960-212-10.