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GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 28 JUNIE 1972.

[No. 3593.]

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1125.

28th June, 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 90 of 1972: Income Tax Act, 1972.

No. 1125.

28 Junie 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 90 van 1972: Inkomstebelastingwet, 1972.

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappye ten opsigte van belasbare inkomstes vir die jare van aanslag eindigende op die agt-en-twintigste dag van Februarie 1973 en die dertigste dag van Junie 1973, en deur maatskappye ten opsigte van belasbare inkomstes vir jare van aanslag eindigende gedurende die tydperk van twaalf maande eindigende op die een-en-dertigste dag van Maart 1973; om voorsiening te maak vir die storting in die Inkomstefonds van die gebied Suidwes-Afrika van 'n gedeelte van die normale belasting deur sekere maatskappye betaalbaar; om voorsiening te maak vir die terugbetaling aan die betrokke belastingpligtiges van 'n sekere gedeelte van die normale belasting wat deur daardie belastingpligtiges betaal is; om die Inkomstebelastingwet, 1962, die Inkomstebelastingwet, 1971 en die Insolvensiewet, 1936, te wysig; om sekere bepalinge van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, die Wysigingswet op Finansiële Verhoudings, 1954, die Skatkis- en Ouditwet, 1956, die Finansiële Wet, 1960, die Finansiële Wet, 1962, die Wysigingswet op Inkomstebelasting, 1962, die Wysigingswet op Inkomstebelasting, 1963, die Wysigingswet op Inkomstewette, 1963, die Inkomstebelastingwet, 1963, die Inkomstebelastingwet, 1964, die Inkomstebelastingwet, 1965, die Inkomstebelastingwet, 1966, die Inkomstebelastingwet, 1967, die Inkomstebelastingwet, 1968, die Inkomstebelastingwet, 1969, en die Inkomstebelastingwet, 1970, te herroep; om sekere bepalinge van die Inkomstebelastingordonnansie, 1961, van Suidwes-Afrika, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Skale van normale belasting.

1. Die skale van normale belasting wat ooreenkomstig artikel 5 (2) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), hieronder die Hoofwet genoem, gehef moet word ten opsigte van—

- (a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op die agt-en-twintigste dag van Februarie 1973 of die dertigste dag van Junie 1973; en
- (b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag eindigende gedurende die tydperk van twaalf maande eindigende op die een-en-dertigste dag van Maart 1973,

is soos uiteengesit in Bylae 1 by hierdie Wet.

Gedeelte van normale belasting betaalbaar deur sekere maatskappye word in die Inkomstefonds

2. (1) Ondanks die bepalinge van artikel 5 (1) van die Hoofwet val 'n gedeelte gelyk aan een-sewende van 'n bedrag van belasting bereken ooreenkomstig item (i) van subparagraaf (b) van paragraaf 1 van Bylae 1 by hierdie Wet, voor die byvoeging van die som bedoel in die voorbehoudsbepaling by bedoelde

INCOME TAX ACT, 1972.

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ACT

To fix the rates of normal tax payable by persons other than companies in respect of taxable incomes for the years of assessment ending on the twenty-eighth day of February, 1973, and the thirtieth day of June, 1973, and by companies in respect of taxable incomes for years of assessment ending during the period of twelve months ending on the thirty-first day of March, 1973; to provide for the payment of a portion of the normal tax payable by certain companies into the Revenue Fund of the territory of South-West Africa; to provide for the repayment to the taxpayers concerned of a certain portion of the normal tax paid by those taxpayers; to amend the Income Tax Act, 1962, the Income Tax Act, 1971, and the Insolvency Act, 1936; to repeal certain provisions of the Financial Relations Consolidation and Amendment Act, 1945, the Financial Relations Amendment Act, 1954, the Exchequer and Audit Act, 1956, the Finance Act, 1960, the Finance Act, 1962, the Income Tax Amendment Act, 1962, the Income Tax Amendment Act, 1963, the Revenue Laws Amendment Act, 1963, the Income Tax Act, 1963, the Income Tax Act, 1964, the Income Tax Act, 1965, the Income Tax Act, 1966, the Income Tax Act, 1967, the Income Tax Act, 1968, the Income Tax Act, 1969, and the Income Tax Act, 1970; to amend certain provisions of the Income Tax Ordinance, 1961, of South-West Africa; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 16th June, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The rates of normal tax to be levied in terms of section 5 (2) of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act, in respect of—

Rates of
normal tax.

- (a) the taxable income of any person other than a company for the year of assessment ending the twenty-eighth day of February, 1973, or the thirtieth day of June, 1973; and
 - (b) the taxable income of any company for any year of assessment ending during the period of twelve months ending on the thirty-first day of March, 1973,
- shall be as set forth in Schedule 1 to this Act.

2. (1) Notwithstanding the provisions of section 5 (1) of the principal Act, a portion equal to one-seventh of any amount of tax determined in accordance with item (i) of subparagraph (b) of paragraph 1 of Schedule 1 to this Act, before the addition of the sum referred to in the proviso to the said subparagraph, shall

Portion of normal
tax payable by
certain companies
to be paid into
the Revenue Fund

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van die gebied
Suidwes-Afrika
gestort.

subparagraaf, toe ten bate van die Inkomstefonds van die gebied Suidwes-Afrika, en word dit in genoemde fonds op die in artikel 22 (2) (c) van die Wet op Aangeleenthede met betrekking tot Suidwes-Afrika, 1969 (Wet No. 25 van 1969), voorgeskrewe wyse gestort.

(2) Die bepalinge van hierdie artikel word geag in werking te getree het op die eerste dag van April 1972.

Sekere gedeelte van
die normale
belasting is terug-
betaalbaar aan
belastingpligtiges.

3. Die gedeelte van die normale belasting wat ooreenkomstig die bepalinge van paragraaf 1 (h) van Bylae 1 by hierdie Wet vasgestel is, is 'n leningsgedeelte van daardie belasting, en waar daardie leningsgedeelte deur die betrokke persoon betaal is, is dit aan daardie persoon ooreenkomstig die bepalinge van artikel 5 (2B) van die Hoofwet en die Vyfde Bylae by daardie Wet terugbetaalbaar.

Wysiging van
artikel 1 van
Wet 58 van 1962
soos gewysig deur
artikel 3 van
Wet 90 van 1962,
artikel 1 van
Wet 6 van 1963,
artikel 4 van
Wet 72 van 1963,
artikel 4 van
Wet 90 van 1964,
artikel 5 van
Wet 88 van 1965,
artikel 5 van
Wet 55 van 1966,
artikel 5 van
Wet 95 van 1967,
artikel 5 van
Wet 76 van 1968,
artikel 6 van
Wet 89 van 1969,
artikel 6 van
Wet 52 van 1970
en artikel 4 van
Wet 88 van 1971.

4. (1) Artikel 1 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf na paragraaf (e) van die omskrywing van „bruto inkomste” in te voeg:

„(eA) 'n bedrag wat vasgestel word ingevolge die bepalinge van die Sesde Bylae ten opsigte van 'n wins wat ingevolge of ten opsigte van 'n ver-sekeringspolis verkry is;”;

(b) deur die omskrywing van „getroude persoon” deur die volgende omskrywing te vervang:

„getroude persoon”—

(a) iemand wat gedurende enige gedeelte van die tydperk ten opsigte waarvan 'n aanslag ge-maak word getroud was en nie apart van sy eggenoot gewoon het nie in omstandighede wat, volgens die oordeel van die Sekretaris, aandui dat die skeiding waarskynlik per-manent sal wees, of 'n wewenaar of weduwee was; of

(b) iemand wat—

(i) gedurende daardie hele tydperk—

(aa) uit die eg geskei was of ingevolge 'n geregtelike bevel van tafel en bed geskei was, indien die geregtelike stappe vir sodanige egskeiding of geregtelike skeiding nie later as die een-en-twintigste dag van Maart 1962 ingestel is nie; of

(bb) ingevolge 'n skriftelike skeidingsoor-eenkoms nie later as daardie datum aangegaan nie, van tafel en bed geskei was; en

(ii) ten opsigte van bedoelde tydperk inge-volge artikel 5A (3) (a) op 'n inkomste-korting ten opsigte van 'n kind geregtig is;”;

(c) deur subparagraaf (iv) van paragraaf (b) van die omskrywing van „pensioenfonds” deur die volgende subparagraaf te vervang:

„(iv) dat hoogstens een-derde van die totale waarde van die jaargeld of jaargelde waarop 'n werknemer geregtig word, deur 'n enkele betaling vervang kan word, behalwe waar die jaarlikse bedrag van sodanige jaargeld of jaargelde honderd-en-twintig rand nie te bowe gaan nie;”;

(d) deur die omskrywing van „Republiek” deur die vol-gende omskrywing te vervang:

„Republiek” die Republiek van Suid-Afrika: Met dien verstande dat—

(i) by die toepassing van die omskrywings van „maatskappy” en „verteenwoordigende belas-

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accrue for the benefit of the Revenue Fund of the territory of South-West Africa and shall be paid into the said fund in the manner prescribed in section 22 (2) (c) of the South-West Africa Affairs Act, 1969 (Act No. 25 of 1969).

of the territory of South-West Africa.

(2) The provisions of this section shall be deemed to have come into operation on the first day of April, 1972.

3. The portion of the normal tax determined in accordance with the provisions of paragraph 1 (h) of Schedule 1 to this Act shall be a loan portion of that tax, and where such loan portion has been paid by the person concerned it shall be repayable to such person in accordance with the provisions of section 5 (2B) of the principal Act and the Fifth Schedule to that Act.

Certain portion of the normal tax to be repayable to taxpayers.

4. (1) Section 1 of the principal Act is hereby amended—

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 95 of 1967, section 5 of Act 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970 and section 4 of Act 88 of 1971.

(a) by the insertion after paragraph (e) of the definition of "gross income" of the following paragraph:

"(eA) any amount determined under the provisions of the Sixth Schedule in respect of any gain derived under or in respect of any insurance policy;"

(b) by the substitution for the definition of "married person" of the following definition:

"'married person' means—

(a) any person who during any portion of the period in respect of which any assessment is made, was married and not living apart from his spouse in circumstances which, in the opinion of the Secretary, indicate that the separation is likely to be permanent, or was a widower or widow; or

(b) any person who—

(i) during the whole of such period—

(aa) was divorced or was separated under an order of judicial separation, if the proceedings for such divorce or judicial separation were instituted not later than the twenty-first day of March, 1962; or

(bb) was separated under a written agreement of separation entered into not later than that date; and

(ii) is in respect of such period entitled to any abatement in respect of a child under section 5A (3) (a);"

(c) by the substitution for subparagraph (iv) of paragraph (b) of the definition of "pension fund" of the following subparagraph:

"(iv) that not more than one-third of the total value of the annuity or annuities to which any employee becomes entitled, may be commuted for a single payment, except where the annual amount of such annuity or annuities does not exceed one hundred and twenty rand;"

(d) by the substitution for the definition of "Republic" of the following definition:

"'Republic' means the Republic of South Africa: Provided that—

(i) for the purposes of the definitions of 'company' and 'representative taxpayer' in this

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- tingpligtige' in hierdie artikel en die bepalings van artikels 98, 101, 103, 106 en 108; en
- (ii) by die toepassing van die omskrywing van 'bruto inkomste' in hierdie artikel en die bepalings van Dele I, II en IV van Hoofstuk II en die Eerste, Vyfde en Sesde Bylaes, vir sover dié omskrywing en dié bepalings van toepassing is met betrekking tot die belasting van 'n maatskappy of tot 'n aangeleentheid wat die aanspreeklikheid of nie-aanspreeklikheid vir belasting van 'n maatskappy raak,
- die gebied geag word deel van die Republiek uit te maak;"; en
- (e) deur subparagraaf (ii) van paragraaf (b) van die omskrywing van „uittredingannuïteitsfonds” deur die volgende subparagraaf te vervang:
- „(ii) dat hoogstens een-derde van die totale waarde van enige lyfrentes of jaargelde waarop 'n persoon geregtig word, deur 'n enkele betaling vervang kan word, behalwe waar die jaarlikse bedrag van sodanige lyfrentes of jaargelde honderd-en-twintig rand nie te bowe gaan nie;”.
- (2) Die wysiging deur subartikel (1) (b) aangebring, word, vir die doeleindes van aanslae en vasstellings van belasting ingevolge die Hoofwet, geag in werking te getree het van die begin van die jaar van aanslag wat op die nege-en-twintigste dag van Februarie 1972 geëindig het.

Wysiging van artikel 5 van Wet 58 van 1962, soos vervang deur artikel 2 van Wet 6 van 1963 en gewysig deur artikel 5 van Wet 90 van 1964, artikel 6 van Wet 88 van 1965, artikel 7 van Wet 55 van 1966, artikel 6 van Wet 95 van 1967, artikel 6 van Wet 76 van 1968, artikel 7 van Wet 89 van 1969, artikel 7 van Wet 52 van 1970 en artikel 5 van Wet 88 van 1971.

5. Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur aan die end van subparagraaf (iii) van paragraaf (d) van subartikel (10) die woord „en” te skrap en deur aan die end van subparagraaf (iv) van bedoelde paragraaf die woord „en” by te voeg; en
- (b) deur by bedoelde paragraaf (d) die volgende subparagraaf by te voeg:
- „(v) waar die bepalings van paragraaf 9 van die Sesde Bylae in die geval van die belastingpligtige van toepassing is ten opsigte van bedoelde jaar, die bedrag (as daar is) waarmee die in daardie paragraaf bedoelde wins meer is as 'n bedrag wat verkry word deur die wins te deel met die getal volle jare in die tydperk gereken van die aanvangsdatum van die betrokke versekeringspolis (soos in die omskrywing van „aanvangsdatum” in paragraaf 1 van bedoelde Bylae beoog) of die dertigste dag van Maart 1972 of die datum waarop die belastingpligtige die eienaar (soos in die omskrywing van „eienaar” in paragraaf 1 van bedoelde Bylae beoog) van die polis geword het, watter datum ook al die laatste is, tot die datum van die ontvangs of toevalling (soos volgens voorskrif van bedoelde Bylae vasgestel) van die versekeringsvoordeel of die vergoeding ten opsigte waarvan bedoelde wins vasgestel word;”.

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966 en artikel 10 van Wet 89 van 1969.

6. Artikel 8 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang:

- „(c) Binne drie maande na die end van die jaar van aanslag waarin 'n in paragraaf (b) bedoelde bedrag deur die betrokke persoon verhaal of aan hom vergoed is ten opsigte van 'n skip van meer as tweehonderd bruto registerton, moet daardie persoon vir 'n tydperk en op die voorwaardes wat die Sekretaris goedkeur by die Openbare Skuldkommissaris 'n bedrag stort gelyk aan die bedrag wat ingevolge daardie paragraaf van

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section and the provisions of sections 98, 101, 103, 106 and 108; and

- (ii) for the purposes of the definition of 'gross income' in this section and the provisions of Parts I, II and IV of Chapter II and the First, Fifth and Sixth Schedules, in so far as such definition and such provisions apply in relation to the taxation of any company or to any matter affecting the liability or non-liability of any company for tax, the territory shall be deemed to form part of the Republic;"; and

- (e) by the substitution for subparagraph (ii) of paragraph (b) of the definition of "retirement annuity fund" of the following subparagraph:
 "(ii) that not more than one-third of the total value of any annuities to which any person becomes entitled, may be commuted for a single payment, except where the annual amount of such annuities does not exceed one hundred and twenty rand;".

(2) The amendment effected by subsection (1) (b) shall, for the purposes of assessments and determinations of tax under the principal Act, be deemed to have taken effect as from the commencement of the year of assessment ended the twentieth day of February, 1972.

5. Section 5 of the principal Act is hereby amended—

- (a) by the deletion at the end of subparagraph (iii) of paragraph (d) of subsection (10) of the word "and" and by the addition at the end of subparagraph (iv) of the said paragraph of the word "and"; and

- (b) by the addition to the said paragraph (d) of the following subparagraph:

"(v) where the provisions of paragraph 9 of the Sixth Schedule are in the case of the taxpayer applicable in respect of the said year, the amount (if any) by which the gain referred to in that paragraph exceeds an amount obtained by dividing the gain by the number of full years in the period reckoned from the commencement date of the insurance policy in question (as contemplated in the definition of 'commencement date' in paragraph 1 of the said Schedule) or the thirtieth day of March, 1972, or the date on which the taxpayer became the owner (as contemplated in the definition of 'owner' in paragraph 1 of the said Schedule) of the policy, whichever date is the latest, to the date of the receipt or accrual (as determined in accordance with the said Schedule) of the insurance benefit or the consideration in respect of which the said gain is determined;".

Amendment to section 5 of Act 58 of 1962 as substituted by section 2 of Act 6 of 1963 and amended by section 5 of Act 90 of 1964, section 6 of Act 88 of 1965, section 7 of Act 55 of 1966, section 6 of Act 95 of 1967, section 6 of Act 76 of 1968, section 7 of Act 89 of 1969, section 7 of Act 52 of 1970 and section 5 of Act 88 of 1971.

6. Section 8 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (4) of the following paragraph:

- "(c) Within three months after the end of the year of assessment during which any amount referred to in paragraph (b) has been recovered or recouped by the person concerned in respect of any ship of more than two hundred gross register tons, there shall be deposited by the said person with the Public Debt Commissioners for such period and on such conditions as may be approved by the Secretary an amount equal

Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966 and section 10 of Act 89 of 1969.

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bedoelde persoon se inkomste uitgesluit moet word, min die bedrag, as daar is, wat in die tussentyd deur bedoelde persoon ten opsigte van die kosprys van die in daardie paragraaf bedoelde verdere skip betaal is.”.

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970 en artikel 9 van Wet 88 van 1971.

7. (1) Artikel 10 van die Hoofwet word hierby gewysig—

- (a) deur die volgende subparagraaf na subparagraaf (xii) van paragraaf (i) van subartikel (1) in te voeg:
 - „(xiiA) rente ontvang deur of toegeval aan iemand op deposito's in 'n spaarrekening by 'n bouvereniging ingevolge die Staatsondersteunde Huiseienaars-besparingskema;”;
- (b) deur die volgende paragraaf na paragraaf (i) van genoemde subartikel in te voeg:
 - „(iA) in die geval van 'n effektegroepe bedoel in paragraaf (e) van die omskrywing van „maatskappy” in artikel 1, soveel van die rente ontvang deur of toegeval aan daardie effektegroepe as wat by wyse van 'n dividend of 'n gedeelte van 'n dividend uitgekeer is of wat, volgens die oortuiging van die Sekretaris, uitgekeer sal word, aan persone wat op sodanige dividend geregtig geword het uit hoofde van die feit dat hulle, op 'n datum wat op of na die eerste dag van April 1971 val, as besitters van onderaandeel in bedoelde effektegroepe geregistreer is;”;
- (c) deur subparagraaf (i) van paragraaf (k) van genoemde subartikel deur die volgende subparagraaf te vervang:
 - „(i) dividende ontvang deur of toegeval aan of ten gunste van 'n maatskappy: Met dien verstande dat hierdie vrystelling nie van toepassing is nie—
 - (aa) op dividende (behalwe dié uit winste van 'n kapitale aard uitgekeer) deur 'n vaste-eiendomsmaatskappy (soos in artikel 1 van die Wet op Beheer van Effekte-trustskemas, 1947 (Wet No. 18 van 1947), omskryf) uitgekeer op aandeel ingesluit by 'n effektegroepe bevat in 'n ingevolge genoemde Wet gemagtigde effekte-trustskema in eiendomsaandeel; of
 - (bb) op soveel van 'n dividend ontvang deur of toegeval aan of ten gunste van 'n maatskappy van 'n effektegroepe wat ingevolge paragraaf (e) van die omskrywing van „maatskappy” in artikel 1 'n maatskappy is, as wat uitgekeer is uit rente deur sodanige effektegroepe verkry wat ingevolge die bepalings van paragraaf (iA) in die hande van daardie effektegroepe van belasting vrygestel is; of
 - (cc) op dividende ontvang deur of toegeval aan of ten gunste van 'n maatskappy gedurende 'n jaar van aanslag van daardie maatskappy wat eindig gedurende die tydperk wat begin op die eerste dag van April 1971 en eindig op die een-en-dertigste dag van Maart 1973;”;
- (d) deur die volgende subparagraaf na subparagraaf (i) van paragraaf (k) van genoemde subartikel in te voeg:
 - „(iA) dividende ontvang deur of toegeval aan of ten gunste van 'n effektegroepe wat ingevolge paragraaf (e) van die omskrywing van „maatskappy” in artikel 1 'n maatskappy is;”;

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to the amount to be excluded from such person's income in terms of that paragraph, less such amount, if any, as has in the meantime been paid by the said person in respect of the cost price of the further ship referred to in that paragraph."

7. (1) Section 10 of the principal Act is hereby amended—
- (a) by the insertion after subparagraph (xii) of paragraph (i) of subsection (1) of the following subparagraph:
- "(xiiA) interest received by or accrued to any person from deposits in any savings account with any building society under the State-Aided Home-Ownership Savings Scheme;"
- (b) by the insertion after paragraph (i) of the said subsection of the following paragraph:
- "(iA) in the case of any unit portfolio referred to in paragraph (e) of the definition of 'company' in section 1, so much of the interest received by or accrued to such unit portfolio as has been distributed, or as the Secretary is satisfied will be distributed, by way of a dividend or a portion of a dividend, to persons who have become entitled to such dividend by virtue of their being registered as holders of units in such unit portfolio on a date falling on or after the first day of April, 1971;"
- (c) by the substitution for subparagraph (i) of paragraph (k) of the said subsection of the following subparagraph:
- "(i) dividends received by or accrued to or in favour of any company: Provided that this exemption shall not apply—
- (aa) to dividends (other than those distributed out of profits of a capital nature) distributed by a fixed property company as defined in section 1 of the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), on shares included in a unit portfolio comprised in any unit trust scheme in property shares authorized under the said Act; or
- (bb) to so much of any dividend received by or accrued to or in favour of any company from any unit portfolio constituting a company in terms of paragraph (e) of the definition of 'company' in section 1 as has been distributed out of interest derived by such unit portfolio which is exempt from tax in the hands of such unit portfolio under the provisions of paragraph (iA); or
- (cc) to dividends received by or accrued to or in favour of any company during any year of assessment of such company ending during the period commencing on the first day of April, 1971, and ending on the thirty-first day of March, 1973;"
- (d) by the insertion after subparagraph (i) of paragraph (k) of the said subsection of the following subparagraph:
- "(iA) dividends received by or accrued to or in favour of any unit portfolio constituting a company in terms of paragraph (e) of the definition of 'company' in section 1;"

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970 and section 9 of Act 88 of 1971.

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- (e) deur die volgende paragraaf na paragraaf (v) van genoemde subartikel in te voeg:

„(vA) in die geval van 'n persoon (behalwe 'n maatskappy) wat gewoonlik woonagtig is in 'n land of gebied behalwe die Republiek en Suidwes-Afrika, waarin 'n bouvereniging wat ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer is, ingevolge die bepalings van artikel 22 (1) (mA) van daardie Wet bevoeg is om sy sake te doen, of in die geval van 'n maatskappy wat in daardie land of gebied bestuur en beheer word, rente ontvang deur of toegeval aan dié persoon of maatskappy ten opsigte van 'n lening aan of deposito in bedoelde bouvereniging wat gemaak is deur 'n tak of agentskap van dié vereniging in bedoelde land of gebied, of 'n dividend of deel van winste deur dié vereniging aan so 'n persoon of maatskappy uitgekeer ten opsigte van 'n aandeel in daardie vereniging waarvoor bedoelde persoon of maatskappy deur so 'n tak of agentskap aansoek gedoen of ingeskryf het;” en

- (f) deur die volgende paragraaf by genoemde subartikel te voeg:

„(zA) 'n bedrag by wyse van 'n korting of ander hulp ten opsigte van die finansiering van die uitvoer van goedere uit die Republiek, wat deur iemand ontvang word of aan of ten gunste van hom toeval van die Staat ingevolge 'n skema vir die betaling van sulke bedrae aan uitvoerders, indien die Minister van Finansies gelas het dat die bedrae wat ingevolge daardie skema by wyse van sulke kortings of ander hulp betaalbaar is, van normale belasting vrygestel moet wees.”

- (2) Vir die doeleindes van aanslae en vasstellings van belasting ingevolge die Hoofwet—

- (a) word die wysigings deur subartikel (1) (b), (c) en (d) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na die eerste dag van April 1971 eindig;
- (b) word die wysiging deur subartikel (1) (e) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na die eerste dag van November 1970 eindig; en
- (c) word die wysiging deur subartikel (1) (f) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na die eerste dag van Oktober 1970 eindig.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970 en artikel 10 van Wet 88 van 1971.

8. (1) Artikel 11 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (h) deur die volgende paragraaf te vervang:

„(h) so 'n vermindering ten opsigte van bedrae wat ingevolge paragraaf (g) of paragraaf (h) van die omskrywing van 'bruto inkomste' in artikel 1 by die belastingpligtige se bruto inkomste ingereken is, as wat die Sekretaris met inagneming van enige spesiale omstandigheid van die geval en, in die geval van 'n bedrag ingevolge genoemde paragraaf (h) aldus ingereken, van die oorspronklike tydperk waarvoor die reg van gebruik of okkupering verleen is, redelik ag: Met dien verstande dat waar daar op of na die nege-en-twintigste dag van Maart 1972 die reg aan die belastingpligtige toegeval het om deur 'n ander persoon verbeterings op grond of aan geboue te laat aanbring en ingevolge genoemde paragraaf (h) 'n bedrag met betrekking tot daardie verbeterings by die belastingpligtige se bruto inkomste ingesluit moet word,

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- (e) by the insertion after paragraph (v) of the said subsection of the following paragraph:

“(vA) in the case of any person (other than a company) who is ordinarily resident in a country or territory other than the Republic and South-West Africa, in which a building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965), is under the provisions of section 22 (1) (mA) of that Act empowered to conduct its business, or in the case of a company which is managed and controlled in such country or territory, interest received by or accrued to such person or company in respect of any loan to or deposit in such building society made through any branch or agency of such society in that country or territory, or any dividend or share of profits distributed by such society to such person or company in respect of any share in such society applied or subscribed for by such person or company through any such branch or agency;”;

- and
- (f) by the addition to the said subsection of the following paragraph:

“(zA) any amount by way of a rebate or other assistance in respect of the financing of the export of goods from the Republic, which is received by or accrues to or in favour of any person from the State under a scheme for the payment of such amounts to exporters, if the Minister of Finance has directed that the amounts payable under that scheme by way of such rebates or other assistance shall be exempt from normal tax.”.

(2) For the purposes of assessments and determinations of tax under the principal Act—

- (a) the amendments effected by subsection (1) (b), (c) and (d) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the first day of April, 1971;
- (b) the amendment effected by subsection (1) (e) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the first day of November, 1970; and
- (c) the amendment effected by subsection (1) (f) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the first day of October, 1970.

8. (1) Section 11 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (h) of the following paragraph:

“(h) such allowance in respect of any amounts included in the taxpayer's gross income under paragraph (g) or paragraph (h) of the definition of 'gross income' in section 1 as the Secretary may deem reasonable having regard to any special circumstances of the case and, in the case of an amount so included under the said paragraph (h), to the original period for which the right of use or occupation was granted: Provided that where there has on or after the twenty-ninth day of March, 1972, accrued to the taxpayer the right to have improvements effected on land or to buildings by any other person and an amount is required to be included in the taxpayer's gross income under the said paragraph (h) with respect

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970 and section 10 of Act 88 of 1971.

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geen vermindering aan die belastingpligtige ingevolge hierdie paragraaf ten opsigte van bedoelde bedrag toegestaan word nie, indien—

- (i) die belastingpligtige of bedoelde ander persoon 'n maatskappy is en bedoelde ander persoon of die belastingpligtige, na gelang van die geval, belang het by meer as vyftig persent van enige kategorie van aandele deur bedoelde maatskappy uitgereik, hetsy regstreeks as 'n aandeelhouer in daardie maatskappy of onregstreeks as 'n aandeelhouer in 'n ander maatskappy; of
 - (ii) sowel die belastingpligtige as bedoelde ander persoon maatskappye is en 'n derde persoon belang het by meer as vyftig persent van enige kategorie van aandele uitgereik deur een van daardie maatskappye en by meer as vyftig persent van enige kategorie van aandele uitgereik deur die ander maatskappy, hetsy regstreeks as 'n aandeelhouer in die maatskappy deur wie die betrokke aandele uitgereik is of onregstreeks as 'n aandeelhouer in 'n ander maatskappy;"; en
 - (b) deur in paragraaf (t) die uitdrukking „1971” deur die uitdrukking „1974” te vervang.
- (2) Vir die doeleindes van aanslae en vasstellings van belasting ingevolge die Hoofwet—
- (a) word die wysiging deur subartikel (1) (a) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na die nege-en-twintigste dag van Maart 1972 eindig; en
 - (b) word die wysiging deur subartikel (1) (b) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na die eerste dag van Januarie 1972 eindig.

Wysiging van artikel 11*bis* van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 90 van 1962 en gewysig deur artikel 9 van Wet 72 van 1963, artikel 13 van Wet 55 van 1966, artikel 12 van Wet 95 van 1967, artikel 10 van Wet 76 van 1968 en artikel 11 van Wet 52 van 1970.

9. Artikel 11*bis* van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) voor die omskrywing van „basiese uitvoeromset” die volgende omskrywing in te voeg:
„basiese tydperk”, met betrekking tot 'n jaar van aanslag, die tydperk onmiddellik voor die begin van daardie jaar waarin die betrokke belastingpligtige 'n uitvoerbedryf voortdurend beoefen het;";
- (b) deur in genoemde subartikel die omskrywing van „basiese uitvoeromset” deur die volgende omskrywing te vervang:
„basiese uitvoeromset”, met betrekking tot 'n jaar van aanslag, hieronder die lopende jaar genoem—
 - (a) indien die basiese tydperk met betrekking tot die lopende jaar binne ses-en-dertig maande voor die begin van die lopende jaar begin het, die totaal van die belastingpligtige se uitvoeromsette gedurende die uitvoertydperke wat binne die basiese tydperk val; of
 - (b) indien die basiese tydperk met betrekking tot die lopende jaar meer as ses-en-dertig maande voor die begin van die lopende jaar begin het, die som van die belastingpligtige se laagste uitvoeromsette gedurende drie uitvoertydperke wat binne die basiese tydperk en die tydperk van sestig maande onmiddellik voor die begin van die lopende jaar val;";
- (c) deur in genoemde subartikel na die omskrywing van „uitvoer” die volgende omskrywing in te voeg:
„uitvoerbedryf” 'n bedryf deur 'n belastingpligtige beoefen in die loop waarvan goedere uitvoer word of geproduseer of vervaardig word om uitvoer te word of in die loop waarvan bestellings

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to such improvements, no allowance shall be made to the taxpayer under this paragraph in respect of such amount, if—

- (i) the taxpayer or such other person is a company and such other person or the taxpayer, as the case may be, is interested in more than fifty per cent of any class of shares issued by such company, whether directly as a shareholder in that company or indirectly as a shareholder in any other company; or
 - (ii) both the taxpayer and such other person are companies and any third person is interested in more than fifty per cent of any class of shares issued by one of those companies and in more than fifty per cent of any class of shares issued by the other company, whether directly as a shareholder in the company by which the shares in question were issued or indirectly as a shareholder in any other company;” and
 - (b) by the substitution in paragraph (i) for the expression “1971” of the expression “1974”.
- (2) For the purposes of assessments and determinations of tax under the principal Act—
- (a) the amendment effected by subsection (1) (a) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the twenty-ninth day of March, 1972; and
 - (b) the amendment effected by subsection (1) (b) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the first day of January, 1972.

9. Section 11bis of the principal Act is hereby amended—

- (a) by the insertion in subsection (1) before the definition of “associated companies” of the following definition: “‘adjusted basic export turnover’, in relation to any year of assessment, means an amount determined in accordance with the formula:

$$x = \frac{12}{a} \times b$$

in which formula ‘x’ represents the amount which has to be determined, ‘a’ represents the number of months contained in the export periods in respect of which the taxpayer’s basic export turnover in relation to the said year of assessment has been determined and ‘b’ represents such basic export turnover;”;

- (b) by the substitution in the said subsection for the definition of “basic export turnover” of the following definition:

“‘basic export turnover’, in relation to any year of assessment, hereinafter referred to as the current year, means—

- (a) if the basic period in relation to the current year commenced within thirty-six months before the commencement of the current year, the sum of the taxpayer’s export turnovers during the export periods falling within the basic period; or
- (b) if the basic period in relation to the current year commenced more than thirty-six months before the commencement of the current year, the sum of the taxpayer’s lowest export turnovers during three export periods falling

Amendment of section 11bis of Act 58 of 1962, as inserted by section 10 of Act 90 of 1962 and amended by section 9 of Act 72 of 1963, section 13 of Act 55 of 1966, section 12 of Act 95 of 1967, section 10 of Act 76 of 1968 and section 11 of Act 52 of 1970.

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daadwerklik gewerf word in 'n land bedoel in die omskrywing van „uitgevoer” in hierdie subartikel;”;

- (d) deur in genoemde subartikel die omskrywing van „uitvoertydperk” deur die volgende omskrywing te vervang:

„uitvoertydperk” ’n tydperk wat binne ’n jaar van aanslag val en waarin die betrokke belastingpligtige ’n uitvoerbedryf beoefen;”;

- (e) deur in genoemde subartikel na die omskrywing van „uitvoertydperk” die volgende omskrywing in te voeg:

„veranderde basiese uitvoeromset”, met betrekking tot ’n jaar van aanslag, ’n bedrag vasgestel ooreenkomstig die formule:

$$x = \frac{12}{a} \times b$$

in welke formule, „x” die bedrag voorstel wat vasgestel moet word, „a” die aantal maande vervat in die uitvoertydperke ten opsigte waarvan die belastingpligtige se basiese uitvoeromset met betrekking tot bedoelde jaar van aanslag vasgestel is, voorstel en „b” daardie basiese uitvoeromset voorstel;” en

- (f) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die uitvoerderstoelae is ’n bedrag gelyk aan vyf-en-sewentig persent van die markontwikkelingskoste (soos volgens voorskrif van subartikel (4) vasgestel) deur die belastingpligtige gedurende die jaar van aanslag aangegaan of, waar die belastingpligtige met betrekking tot die jaar van aanslag ’n lopende uitvoeromset en ’n basiese uitvoeromset het en dié lopende uitvoeromset die belastingpligtige se veranderde basiese uitvoeromset met betrekking tot die jaar van aanslag met meer as tien persent van daardie veranderde basiese uitvoeromset te bowe gaan, ’n bedrag gelyk aan honderd persent van bedoelde markontwikkelingskoste: Met dien verstande dat by die toepassing van hierdie subartikel die lopende uitvoeromset van ’n verwante maatskappy met betrekking tot ’n jaar van aanslag geag word die som te wees van die lopende uitvoeromsette met betrekking tot daardie jaar van al die verwante maatskappye waarvan daardie maatskappy een is, en die basiese uitvoeromset of die veranderde basiese uitvoeromset van daardie maatskappy met betrekking tot daardie jaar onderskeidelik geag word die som te wees van die basiese uitvoeromsette of die som te wees van, of die veranderde basiese uitvoeromsette van al die bedoelde verwante maatskappye met betrekking tot daardie jaar.”.

Invoeging van
artikel 11*sex* in
Wet 58 van 1962.

10. Die volgende artikel word hierby in die Hoofwet na artikel 11*quin* ingevoeg:

„Aftrekking
van ver-
goeding
vir spoor-
wegbedryfs-
verliese.

11*sex*. By die vasstelling van die belasbare inkomste deur ’n belastingpligtige verkry uit die beoefening van ’n bedryf in die Republiek, word daar toegelaat as ’n aftrekking van die belastingpligtige se aldus verkreeë inkomste, die bedrag van enige vergoeding aan die Spoorwegadministrasie verskuldig en deur die belastingpligtige betaal (hetsy regstreeks of deur ’n bedryfsvereniging waarvan die belastingpligtige ’n lid is) ten opsigte van ’n verlies deur daardie Administrasie by die werking van ’n spoorlyn gely, indien—

- (a) daardie spoorlyn deur bedoelde Administrasie gebou is ingevolge ’n skriftelike ooreenkoms

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within the basic period and within the period of sixty months immediately before the commencement of the current year;";

- (c) by the insertion in the said subsection after the definition of "basic export turnover" of the following definition:
 "basic period', in relation to any year of assessment, means the period immediately before the commencement of that year during which the taxpayer concerned has continuously carried on an export trade;";
- (d) by the substitution in the said subsection for the definition of "export period" of the following definition:
 "export period' means any period falling within any year of assessment during which the taxpayer concerned carries on any export trade;";
- (e) by the insertion in the said subsection after the definition of "export period" of the following definition:
 "export trade' means any trade carried on by a taxpayer in the course of which goods are exported or are produced or manufactured for export or in the course of which orders are actively solicited in any country referred to in the definition of 'exported' in this subsection;"; and
- (f) by the substitution for subsection (3) of the following subsection:

"(3) The exporters' allowance shall be an amount equal to seventy-five per cent of the market development expenditure (determined as provided in subsection (4)) incurred by the taxpayer during the year of assessment or, where in relation to the year of assessment the taxpayer has a current export turnover and a basic export turnover and such current export turnover exceeds the taxpayer's adjusted basic export turnover in relation to the year of assessment by more than ten per cent of such adjusted basic export turnover, an amount equal to one hundred per cent of such market development expenditure: Provided that for the purposes of this subsection the current export turnover of an associated company in relation to any year of assessment shall be deemed to be the sum of the current export turnovers in relation to that year of all the associated companies of which that company is one, and the basic export turnover or the adjusted basic export turnover of that company in relation to that year shall respectively be deemed to be the sum of the basic export turnovers or the sum of the adjusted basic export turnovers of all the said associated companies in relation to that year."

10. The following section is hereby inserted in the principal Act after section 11quin:

"Deduction of compensation for railway operating losses.

11sex. For the purpose of determining the taxable income derived by any taxpayer from carrying on any trade within the Republic, there shall be allowed as a deduction from the income of the taxpayer so derived the amount of any compensation due to the Railway Administration and paid by the taxpayer (whether directly or through any trade association of which the taxpayer is a member) in respect of any loss incurred by that Administration in operating any railway line, if—

- (a) such railway line was constructed by the said Administration under a written agreement in

Insertion of section 11sex in Act 58 of 1962.

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- waarvolgens die Administrasie onderneem het om die spoorlyn te bou en in bedryf te hou;
- (b) die aldus betaalde vergoeding betaal is om 'n verpligting ingevolge bedoelde ooreenkoms om daardie vergoeding te betaal, na te kom; en
 - (c) die belastingpligtige se aanspreeklikheid vir die betaling van bedoelde vergoeding in verband met sy bedryf opgeloop is."

Wysiging van artikel 12 van Wet 58 van 1962, soos vervang deur artikel 15 van Wet 55 van 1966 en gewysig deur artikel 12 van Wet 52 van 1970 en artikel 11 van Wet 88 van 1971.

11. Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (iv) van subartikel (2) deur die volgende paragraaf te vervang:

- „(iv) die masjinerie of installasie (behalwe masjinerie of installasie wat ingevolge die bepalings van paragraaf (ii) of (iii) vir die vermindering in aanmerking kom) deur 'n belastingpligtige op of na die dertiende dag van Augustus 1970 maar nie later nie as die dertigste dag van Junie 1975 in gebruik geneem word."

Wysiging van artikel 13 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 90 van 1962, artikel 5 van Wet 6 van 1963, artikel 11 van Wet 72 van 1963, artikel 12 van Wet 90 van 1964, artikel 14 van Wet 88 van 1965, artikel 17 van Wet 55 van 1966, artikel 13 van Wet 52 van 1970 en artikel 13 van Wet 88 van 1971.

12. Artikel 13 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (5) deur die volgende paragraaf te vervang:

„(d) van enige gebou (behalwe 'n gebou wat ingevolge paragraaf (c) vir die vermindering in aanmerking kom), waarvan die oprigting op of na die dertiende dag van Augustus 1970, maar nie later as die dertigste dag van Junie 1975 nie, 'n aanvang geneem het, en van verbeterings (behalwe herstelwerk en behalwe verbeterings wat ingevolge paragraaf (c) vir die vermindering in aanmerking kom), wat op of na die dertiende dag van Augustus 1970, maar nie later as die dertigste dag van Junie 1975 nie, 'n aanvang geneem het, aan 'n gebou, indien die betrokke gebou geheel en al of hoofsaaklik deur hom in die loop van sy bedryf (behalwe mynbou of boerdery) gebruik is ten einde daarin 'n vervaardigingsproses of 'n ander proses wat volgens die Sekretaris se oordeel van dergelyke aard is, uit te voer, of indien bedoelde gebou deur hom verhuur is en geheel en al of hoofsaaklik in die loop van 'n bedryf (behalwe mynbou of boerdery) gebruik is ten einde daarin 'n proses soos voormeld uit te voer;" en

- (b) deur paragraaf (ii) van die voorbehoudsbepaling by subartikel (6) deur die volgende paragraaf te vervang:

„(ii) die vermindering ingevolge subartikel (5) (d) nie ten opsigte van 'n gebou in gebruik geneem of nie ten opsigte van verbeterings voltooi na die dertigste dag van Junie 1975 toegestaan word nie."

Wysiging van artikel 18A van Wet 58 van 1962 soos ingevoeg deur artikel 15 van Wet 52 van 1970 en gewysig deur artikel 16 van Wet 88 van 1971.

13. Artikel 18A van die Hoofwet word hierby gewysig deur in subartikel (1) die omskrywing van „kollege" deur die volgende omskrywing te vervang:

„„kollege" 'n kollege vir gevorderde tegniese onderwys wat ingevolge die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967) of 'n ander Parlements-wet ingestel is of geag word daarkragtens ingestel te gewees het; en"

Wysiging van artikel 19 van Wet 58 van 1962, soos gewysig deur artikel 15 van Wet 90 van 1962, artikel 6 van Wet 6 van 1963, artikel 17 van

14. (1) Artikel 19 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Ten opsigte van inkomste in die vorm van dividende (behalwe dividende in artikel 11 (s) bedoel) deur 'n maatskappy (hieronder die belastingpligtige maatskappy genoem) gedurende 'n jaar van aanslag van daardie maatskappy verkry, word as 'n aftrekking

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terms of which the Administration undertook to construct and operate the railway line;

- (b) the compensation so paid was paid in order to discharge an obligation under the said agreement to pay such compensation; and
- (c) the taxpayer's liability to pay such compensation was incurred in connection with his trade."

11. Section 12 of the principal Act is hereby amended by the substitution for paragraph (iv) of subsection (2) of the following paragraph:

- "(iv) such machinery or plant, not being machinery or plant qualifying for the allowance under the provisions of paragraph (ii) or (iii), is brought into use by any taxpayer on or after the thirteenth day of August, 1970, but not later than the thirtieth day of June, 1975."

Amendment of section 12 of Act 58 of 1962, as substituted by section 15 of Act 55 of 1966 and amended by section 12 of Act 52 of 1970 and section 11 of Act 88 of 1971.

12. Section 13 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of subsection (5) of the following paragraph:

"(d) of any building (other than a building qualifying for the allowance under paragraph (c)) the erection of which was commenced on or after the thirteenth day of August, 1970, but not later than the thirtieth day of June, 1975, and of any improvements (other than repairs and other than improvements qualifying for the allowance under paragraph (c)) commenced on or after the thirteenth day of August, 1970, but not later than the thirtieth day of June, 1975, to any building, if the building in question was wholly or mainly used by him for the purpose of carrying on therein in the course of his trade (other than mining or farming) any process of manufacture or any other process which in the opinion of the Secretary is of a similar nature, or if such building was let by him and was wholly or mainly used for the purpose of carrying on therein any process as aforesaid in the course of any trade (other than mining or farming);" and

- (b) by the substitution for paragraph (ii) of the proviso to subsection (6) of the following paragraph:

"(ii) the allowance under subsection (5) (d) shall not be made in respect of any building brought into use or in respect of any improvements completed after the thirtieth day of June, 1975."

Amendment of section 13 of Act 58 of 1962, as amended by section 12 of Act 90 of 1962, section 5 of Act 6 of 1963, section 11 of Act 72 of 1963, section 12 of Act 90 of 1964, section 14 of Act 88 of 1965, section 17 of Act 55 of 1966, section 13 of Act 52 of 1970 and section 13 of Act 88 of 1971.

13. Section 18A of the principal Act is hereby amended by the substitution in subsection (1) for the definition of "college" of the following definition:

"'college' means a college for advanced technical education established or deemed to have been established under the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), or any other Act of Parliament; and"

Amendment of section 18A of Act 58 of 1962, as inserted by section 15 of Act 52 of 1970 and amended by section 16 of Act 88 of 1971.

14. (1) Section 19 of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:

"(4) In respect of income in the form of dividends (other than dividends referred to in section 11 (s)) derived by any company (hereinafter referred to as the taxpayer company) during any year of assessment of that company, there shall be allowed as a deduction in

Amendment of section 19 of Act 58 of 1962, as amended by section 15 of Act 90 of 1962, section 6 of Act 6 of 1963, section 17 of

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en artikel 17 van
Wet 88 van 1971.

by die vasstelling van die belasbare inkomste aldus deur die belastingpligtige maatskappy verkry 'n bedrag toegelaat wat gelyk is aan soveel van die dividende deur hom gedurende bedoelde jaar uitgekeer as wat deur die belastingpligtige maatskappy bewys word—

- (a) gedurende die tydperk waarop daardie jaar betrekking het, toe te geval het aan of ten gunste van enige ander maatskappy wat in die Republiek geregistreer is of daarin besigheid dryf; en
 - (b) inkomste (soos in artikel 1 omskryf) in die hande van bedoelde ander maatskappy te wees of 'n bedrag te wees wat, as dit nie vir die feit was dat daardie bedrag ingevolge die bepaling van artikel 10 (1) (k) (i) van normale belasting vrygestel was nie, inkomste (soos aldus omskryf) in die hande van bedoelde ander maatskappy sou wees, en wat nie meer bedra nie as die belasbare inkomste in die vorm van dividende wat deur die belastingpligtige maatskappy gedurende bedoelde jaar van aanslag verkry is, soos vasgestel voordat 'n aftrekking ingevolge hierdie subartikel toegelaat word.”;
 - (b) deur die volgende subartikel na subartikel (5) in te voeg:

„(5A) Behoudens die bepaling van subartikel (6), word, by die toepassing van hierdie artikel, inkomste wat deur 'n persoon (behalwe 'n maatskappy) ontvang word of wat aan hom toeval by wyse van 'n dividend op onbepaalde termyn- of vaste termynaandeel in 'n permanente bouvereniging, geag, ondanks die omskrywing van 'dividend' in artikel 1, inkomste te wees wat deur daardie persoon in die vorm van dividende verkry is.”;
 - (c) deur die volgende subartikel na subartikel (5A) in te voeg:

„(5B) Soveel van 'n dividend ontvang deur of toegeval aan 'n aandeelhouer met betrekking tot 'n effektegroepe bedoel in paragraaf (e) van die omskrywing van 'maatskappy' in artikel 1 as wat uitgekeer is uit rente deur daardie effektegroepe verkry wat ingevolge die bepaling van artikel 10 (1) (iA) in die hande van dié effektegroepe van belasting vrygestel is, word, by die toepassing van hierdie artikel, geag inkomste te wees wat deur daardie aandeelhouer andersins as in die vorm van dividende verkry is.”; en
 - (d) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Inkomste in die vorm van 'n jaargeld wat deur iemand ontvang word of aan hom toeval, word, ondanks die feit dat daardie inkomste ook in die vorm van dividende is of inkomste is van die aard in subartikel (5A) beskryf, geag, by die toepassing van hierdie artikel, inkomste te wees wat andersins as in die vorm van dividende verkry is.”.
- (2) Vir die doeleindes van aanslae en vasstellings van belasting ingevolge die Hoofwet—
- (a) word die wysigings deur subartikel (1) (a) en (c) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na die eerste dag van April 1971 eindig; en
 - (b) word die wysigings deur subartikel (1) (b) en (d) aangebring, geag in werking te getree het van die begin van die jaar van aanslag wat op die nege-entwintigste dag van Februarie 1972 geëindig het.

Wysiging van
artikel 20A van
Wet 58 van 1962,
soos ingevoeg deur
artikel 19 van

15. Artikel 20A van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

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the determination of the taxable income so derived by the taxpayer company an amount equal to so much of the dividends distributed by it during such year as is proved by the taxpayer company—

Act 88 of 1965
and section 17 of
Act 88 of 1971.

(a) to have accrued during the period covered by the said year to or in favour of any other company which is registered or carries on business in the Republic; and

(b) to be income (as defined in section 1) in the hands of such other company or to be an amount which, but for the fact that such amount is exempt from normal tax under the provisions of section 10 (1) (k) (i), would be income (as so defined) in the hands of such other company,

and as does not exceed the taxable income derived in the form of dividends by the taxpayer company during the said year of assessment, as determined before allowing any deduction under this subsection.”;

(b) by the insertion after subsection (5) of the following subsection:

“(5A) Subject to the provisions of subsection (6), income received by or accrued to any person other than a company by way of a dividend on indefinite period or fixed period shares in any permanent building society shall, notwithstanding the definition of ‘dividend’ in section 1, be deemed for the purposes of this section to be income derived by such person in the form of dividends.”;

(c) by the insertion after subsection (5A) of the following subsection:

“(5B) So much of any dividend received by or accrued to any shareholder in relation to a unit portfolio referred to in paragraph (e) of the definition of ‘company’ in section 1 as has been distributed out of interest derived by such unit portfolio and which is exempt from tax in the hands of such unit portfolio under the provisions of section 10 (1) (iA), shall for the purposes of this section, be deemed to be income derived by such shareholder otherwise than in the form of dividends.”; and

(d) by the substitution for subsection (6) of the following subsection:

(6) Income received by or accrued to any person in the form of an annuity shall, notwithstanding the fact that such income may also be in the form of dividends or be income of the nature described in subsection (5A), be deemed for the purposes of this section to be income derived otherwise than in the form of dividends.”.

(2) For the purposes of assessments and determinations of tax under the principal Act—

(a) the amendments effected by subsection (1) (a) and (c) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the first day of April, 1971; and

(b) the amendments effected by subsection (1) (b) and (d) shall be deemed to have taken effect as from the commencement of the year of assessment ended the twenty-ninth day of February, 1972.

15. Section 20A of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

Amendment of
section 20A of
Act 58 of 1962,
as inserted by
section 19 of

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Wet 89 van 1969
en gewysig deur
artikel 16 van
Wet 52 van 1970.

„(1) By die vasstelling van die belasbare inkomste van 'n belastingpligtige by wie se inkomste daar ingevolge die bepalinge van artikel 7 (2) verdienste van sy eggenote ingereken is, word as 'n aftrekking op sy inkomste toegelaat soveel van die totale bedrag van daardie verdienste (ongeaag of dit uit die verdienste van een eggenote of van meer as een eggenote bestaan) as wat in die jaar van aanslag 'n bedrag van vyf-honderd rand nie te bowe gaan nie: Met dien verstande dat waar die tydperk waarvoor die aanslag geskied minder as 'n volle jaar is, die bedrag wat ingevolge hierdie subartikel afgetrek word, beperk word tot 'n bedrag wat tot vyfhonderd rand in dieselfde verhouding staan as die verhouding waarin die aanslagtydperk tot een jaar staan.”; en

(b) deur paragraaf (a) van subartikel (2) te skrap.

Vervanging van
artikel 21 van
Wet 58 van 1962,
soos vervang deur
artikel 16 van
Wet 90 van 1962.

16. (1) Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aftrekking van bedrae by wyse van toelae of onderhoud betaal. 21. Die belastingpligtige se belasbare inkomste word verminder met soveel van 'n bedrag deur hom aan of ten behoeve van sy eggenote of voormalige eggenote betaalbaar ingevolge 'n ekskeidingsbevel of bevel van skeiding van tafel en bed toegestaan as gevolg van geregtelike stappe nie later as die een-en-twintigste dag van Maart 1962 ingestel nie, of ingevolge 'n skriftelike ooreenkoms van skeiding van tafel en bed nie later as daardie datum aangegaan nie, by wyse van onderhoud van of toelae aan sy eggenote of voormalige eggenote en enige kinders, as wat volgens die oortuiging van die Sekretaris ten opsigte van die betrokke jaar of tydperk van aanslag uit die belasbare inkomste van die belastingpligtige betaal is of betaal sal word: Met dien verstande dat by die toepassing van hierdie artikel 'n ekskeidingsbevel of bevel tot skeiding van tafel en bed (hieronder die latere bevel genoem) wat in wese eersbedoelde bevel tot of skriftelike ooreenkoms van skeiding van tafel en bed vervang en nie die bedrag van onderhoud of toelae wat daarkragtens betaalbaar is, verander nie, nie die regte wat iemand ingevolge hierdie artikel mag hê, aantas nie, en in die geval van so iemand en die eggenote of voormalige eggenote van so iemand word die latere bevel, by die toepassing van hierdie artikel, die omskrywing van 'getroude persoon' in artikel 1 en die bepalinge van artikels 5A (3) (a) en 10 (1) (u), geag toegestaan te gewees het as gevolg van geregtelike stappe op of voor bedoelde datum ingestel.”

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae en vasstellings van belasting ingevolge die Hoofwet, geag in werking te getree het van die begin van die jaar van aanslag wat op die nege-en-twintigste dag van Februarie 1972 geëindig het.

Wysiging van artikel 21ter van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 89 van 1969 en gewysig deur artikel 17 van Wet 52 van 1970 en artikel 18 van Wet 88 van 1971.

17. Artikel 21ter van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:

„(b) Die ontwikkelingsvermindering word nie ten opsigte van 'n aansoek wat na die dertigste dag van September 1975 ontvang word, gemagtig nie.”

Wysiging van artikel 42 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 88 van 1965,

18. (1) Artikel 42 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg:

„(h) soveel van 'n dividend wat aan iemand van 'n effektegroep bedoel in paragraaf (e) van die omskrywing van 'maatskappy' in artikel 1 toeval, as wat uitgekeer is

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“(1) There shall, in the determination of the taxable income of any taxpayer in whose income there is under the provisions of section 7 (2) included any earnings of his wife, be allowed as a deduction from his income so much of the total amount of such earnings (whether consisting of the earnings of one wife or of more than one wife) as does not in the year of assessment exceed an amount of five hundred rand: Provided that where the period of assessment is less than a full year the amount which shall be deducted under this subsection shall be limited to an amount which bears to five hundred rand the same ratio as the period assessed bears to one year.”; and

Act 89 of 1969
and amended by
section 16 of
Act 52 of 1970.

(b) by the deletion of paragraph (a) of subsection (2).

16. (1) The following section is hereby substituted for section 21 of the principal Act:

“Deduction
of alimony,
allowance
or main-
tenance.

21. The taxpayer shall have his taxable income reduced by so much of any amount payable by him to or on behalf of his spouse or former spouse under any order of divorce or judicial separation granted in consequence of proceedings instituted not later than the twenty-first day of March, 1962, or under any written agreement of separation entered into not later than that date, by way of alimony or allowance or maintenance of his spouse or former spouse and any children, as the Secretary is satisfied has been or will in respect of the year or period of assessment in question be paid out of the taxable income of the taxpayer: Provided that for the purposes of this section any order of divorce or judicial separation (hereinafter referred to as the subsequent order) which in effect supersedes any such first-mentioned order of judicial separation or written agreement of separation and does not vary the amount of alimony, allowance or maintenance payable thereunder, shall not affect the rights which any person may have under this section, and in the case of any such person and the spouse or former spouse of such person the subsequent order shall, for the purposes of this section, the definition of ‘married person’ in section 1 and the provisions of sections 5A (3) (a) and 10 (1) (u), be deemed to have been granted in consequence of proceedings instituted on or before the said date.”

Substitution of
section 21 of
Act 58 of 1962,
as substituted by
section 16 of
Act 90 of 1962.

(2) The amendment effected by subsection (1) shall for the purposes of assessments and determinations of tax under the principal Act, be deemed to have taken effect as from the commencement of the year of assessment ended the twenty-ninth day of February, 1972.

17. Section 21*ter* of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (5) of the following paragraph:

“(b) The development allowance shall not be authorized in respect of any application received after the thirtieth day of September, 1975.”

Amendment of
section 21*ter* of
Act 58 of 1962, as
inserted by section
20 of Act 89 of 1969
and amended by
section 17 of Act 52
of 1970 and section
18 of Act 88 of 1971.

18. (1) Section 42 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraph:

“(h) so much of any dividend accruing to any person from any unit portfolio referred to in paragraph (e) of the definition of ‘company’ in section 1 as has been

Amendment of
section 42 of
Act 58 of 1962,
as amended by
section 21 of
Act 88 of 1965,

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artikel 17 van
Wet 95 van 1967,
artikel 29 van
Wet 89 van 1969,
artikel 19 van
Wet 52 van 1970
en artikel 23 van
Wet 88 van 1971.

uit rente deur daardie effektegroepe verkry wat ingevolge die bepalings van artikel 10 (1) (iA) in die hande van dié effektegroepe van normale belasting vrygestel is."

(2) Die wysiging deur subartikel (1) aangebring, word geag op die eerste dag van April 1971 in werking te getree het.

Wysiging van
artikel 64B van
Wet 58 van 1962,
soos vervang deur
artikel 35 van
Wet 89 van 1969
en gewysig deur
artikel 20 van
Wet 52 van 1970.

19. (1) Artikel 64B van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

„(h) word soveel van 'n dividend wat aan iemand van 'n effektegroepe bedoel in paragraaf (e) van die omskrywing van „maatskappe” in artikel 1 toeval, as wat uitgekeer is uit rente deur daardie effektegroepe verkry wat ingevolge die bepalings van artikel 10 (1) (iA) in die hande van dié effektegroepe van normale belasting vrygestel is, geag rente te wees.”

(2) Die wysiging deur subartikel (1) aangebring, word geag op die eerste dag van April 1971 in werking te getree het.

Wysiging van
artikel 64C van
Wet 58 van 1962,
soos ingevoeg deur
artikel 20 van
Wet 95 van 1967
en gewysig deur
artikel 15 van
Wet 76 van 1968,
artikel 36 van
Wet 89 van 1969,
artikel 21 van
Wet 52 van 1970
en artikel 26 van
Wet 88 van 1971.

20. (1) Artikel 64C van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) rente wat van die Regering (met inbegrip van die spoorwegadministrasie, 'n provinsiale administrasie en die administrasie van die gebied), 'n plaaslike bestuur, die Elektrisiteitsvoorsieningskommissie, die Suid-Afrikaanse Reserwebank of die Suid-Afrikaanse Uitsaaikorporasie toeval;”;

(b) deur die volgende paragraaf na paragraaf (fA) in te voeg:

„(fB) rente wat toeval aan 'n persoon (behalwe 'n maatskappe) wat gewoonlik woonagtig is in 'n land of gebied behalwe die Republiek en Suidwes-Afrika waarin 'n bouvereniging wat ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer is, ingevolge die bepalings van artikel 22 (1) (mA) van daardie Wet bevoeg is om sy sake te doen, of aan 'n maatskappe wat in daardie land of gebied bestuur en beheer word, ten opsigte van 'n lening aan of deposito in bedoelde bouvereniging wat gemaak is deur 'n tak of agentskap van dié vereniging in bedoelde land of gebied, of rente wat toeval aan so 'n persoon of maatskappe by wyse van 'n dividend of deel van winste deur dié vereniging uitgekeer ten opsigte van 'n aandeel in daardie vereniging waarvoor bedoelde persoon of maatskappe deur so 'n tak of agentskap aansoek gedoen of ingeskryf het;”

(2) Die wysiging deur subartikel (1) (b) aangebring, word geag op die eerste dag van November 1970 in werking te getree het.

Wysiging van
paragraaf 13 van
1ste Bylae by
Wet 58 van 1962,
soos gewysig deur
artikel 25 van
Wet 95 van 1967.

21. (1) Paragraaf 13 van die Eerste Bylae by die Hoofwet word hierby deur die volgende paragraaf vervang:

„13. (1) Indien daar tot bevrediging van die Sekretaris bewys word—

(a) dat 'n boer—

- (i) gedurende 'n jaar van aanslag (behalwe 'n jaar van aanslag ten opsigte waarvan die normale belasting wat in die geval van daardie boer hefbaar is, ingevolge paragraaf 19 vasgestel moet word) weens droogte of veesiekte lewende hawe verkoop het; en
- (ii) binne vier jaar na die afsluiting van genoemde jaar van aanslag lewende hawe gekoop het ter vervanging van die lewende hawe wat aldus verkoop is; of

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distributed out of interest derived by such unit portfolio which is exempt from normal tax in the hands of such unit portfolio under the provisions of section 10 (1) (iA)."

(2) The amendment effected by subsection (1) shall be deemed to have taken effect on the first day of April, 1971.

section 17 of Act 95 of 1967, section 29 of Act 89 of 1969, section 19 of Act 52 of 1970, and section 23 of Act 88 of 1971.

19. (1) Section 64B of the principal Act is hereby amended by the addition of the following paragraph:

"(h) so much of any dividend accruing to any person from any unit portfolio referred to in paragraph (e) of the definition of 'company' in section 1 as has been distributed out of interest derived by such unit portfolio which is exempt from normal tax in the hands of such unit portfolio under the provisions of section 10 (1) (iA), shall be deemed to be interest."

(2) The amendment effected by subsection (1) shall be deemed to have taken effect on the first day of April, 1971.

Amendment of section 64B of Act 58 of 1962, as substituted by section 35 of Act 89 of 1969 and amended by section 20 of Act 52 of 1970.

20. (1) Section 64C of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

"(a) any interest accruing from the Government (including the railway administration, any provincial administration and the administration of the territory), any local authority, the Electricity Supply Commission, the South African Reserve Bank or the South African Broadcasting Corporation;" and

(b) by the insertion after paragraph (fA) of the following paragraph:

"(fB) interest accruing to any person (other than a company) who is ordinarily resident in a country or territory other than the Republic and South-West Africa in which a building society registered under the Building Societies Act, 1965 (Act No 24 of 1965), is under the provisions of section 22 (1) (mA) of that Act empowered to conduct its business, or to a company which is managed and controlled in such country or territory, in respect of any loan to or deposit in such building society made through any branch or agency of such society in that country or territory, or interest accruing to any such person or company by way of any dividend or share of profits distributed by such society in respect of any share in such society applied or subscribed for by such person or company through any such branch or agency;"

(2) The amendment effected by subsection (1) (b) shall be deemed to have taken effect on the first day of November, 1970.

Amendment of section 64C of Act 58 of 1962, as inserted by section 20 of Act 95 of 1967 and amended by section 15 of Act 76 of 1968, section 36 of Act 89 of 1969, section 21 of Act 52 of 1970 and section 26 of Act 88 of 1971.

21. (1) The following paragraph is hereby substituted for paragraph 13 of the First Schedule to the principal Act:

"13. (1) If it is proved to the satisfaction of the Secretary—

(a) that any farmer—

(i) has in any year of assessment (other than a year of assessment in respect of which the normal tax chargeable in the case of such farmer is required to be determined under paragraph 19) sold livestock on account of drought or stock disease; and

(ii) has within four years after the close of the said year of assessment purchased livestock to replace the livestock so sold; or

Amendment of paragraph 13 of 1st Schedule to Act 58 of 1962, as amended by section 25 of Act 95 of 1967.

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(b) dat 'n boer—

- (i) gedurende 'n jaar van aanslag (behalwe 'n jaar van aanslag ten opsigte waarvan die normale belasting wat in die geval van daardie boer hefbaar is, ingevolge paragraaf 19 vasgestel moet word) uit hoofde van sy deelname aan 'n veeverminderingsskema deur die Regering georganiseer lewende hawe verkoop het; en
- (ii) binne nege jaar na die afsluiting van genoemde jaar van aanslag lewende hawe gekoop het ter vervanging van die lewende hawe wat aldus verkoop is,

word, ondanks enigiets in hierdie Bylae vervat, die prys van die lewende hawe wat aldus gekoop is na keuse van die boer as 'n aftrekking toegestaan by die vasstelling van sy belasbare inkomste gedurende die jaar van aanslag waarin die lewende hawe aldus verkoop is, mits sodanige aftrekking geëis word binne vyf jaar na afsluiting van daardie jaar van aanslag in die geval van 'n boer bedoel in item (a), of binne tien jaar na afsluiting van daardie jaar van aanslag in die geval van 'n boer bedoel in item (b).

(2) Die prys van lewende hawe aldus as 'n aftrekking toegestaan, word nie gedurende die jaar van aanslag waarin die aankope gedoen is as 'n aftrekking toegestaan nie.

(3) Elke boer wat 'n aftrekking kragtens subparagraaf (1) wil eis, moet by verstrekking van sy opgawe van inkomste vir die jaar van aanslag waarin hy lewende hawe weens droogtetoestande of veesiekte of uit hoofde van sy deelname aan 'n veeverminderingsskema deur die Regering georganiseer, verkoop het, of binne die tydperk wat die Sekretaris toelaat, dienoooreenkomstig aan die Sekretaris kennis gee en volledige besonderhede verstrek aangaande die lewende hawe wat aldus verkoop is.

(4) Ondanks enigiets in die voorgaande bepalings van hierdie paragraaf vervat, moet die Sekretaris, tot tyd en wyl bewys aan hom voorgelê is soos in subitem (ii) van item (a) of subitem (ii) van item (b) van subparagraaf (1) bepaal, enige belasting deur 'n boer betaalbaar ten opsigte van 'n jaar van aanslag waarin lewende hawe soos voormeld verkoop is, aanslaan en verhaal, asof genoemde item nie verorden was nie: Met dien verstande dat, as bewys tot bevrediging van die Sekretaris ooreenkomstig genoemde item (a) of (b) voorgelê word, hy die betrokke aanslag moet hersien en aan die boer soveel van die deur hom betaalde bedrag moet terugbetaal as wat die bedrag te bowe gaan wat betaalbaar blyk nadat die aftrekking bedoel in genoemde item (a) of item (b), watter ook al van toepassing is, toegestaan is."

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae en vasstellings van belasting ingevolge die Hoofwet, geag in werking te getree het van die begin van die jaar van aanslag wat op die agt-en-twintigste dag van Februarie 1970 geëindig het.

Wysiging van paragraaf 19 van 1ste Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 95 van 1967 en gewysig deur artikel 43 van Wet 89 van 1969 en artikel 33 van Wet 88 van 1971.

22. Paragraaf 19 van die Eerste Bylae by die Hoofwet word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang:

„(1) In die geval van 'n belastingpligtige wat volgens voorskrif van subparagraaf (5) 'n keuse uitgeoefen het wat vir hom bindend is ten opsigte van 'n aanslagtydperk (hieronder die toepaslike tydperk genoem) wat op of na die eerste dag van Maart 1967 begin, waarin hy of sy eggenote boerderybedrywighede beoefen het of uit die bedrywighede aldus beoefen, inkomste verkry het, word die normale belasting wat ten opsigte van sy belasbare inkomste vir bedoelde tydperk hefbaar is—

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(b) that any farmer—

- (i) has in any year of assessment (other than a year of assessment in respect of which the normal tax chargeable in the case of such farmer is required to be determined under paragraph 19) sold livestock by reason of his participation in a livestock reduction scheme organized by the Government; and
- (ii) has within nine years after the close of the said year of assessment purchased livestock to replace the livestock so sold,

the cost of the livestock so purchased shall, notwithstanding anything in this Schedule contained, be allowed, at the option of such farmer, as a deduction in the determination of his taxable income for the year of assessment during which the livestock was so sold, provided the claim for such deduction is made within five years after the close of that year of assessment in the case of a farmer referred to in item (a), or within ten years after the close of that year of assessment in the case of a farmer referred to in item (b).

(2) The cost of livestock so allowed as a deduction shall not be allowed as a deduction in the year of assessment in which the purchases were made.

(3) Every farmer who desires to claim a deduction in terms of subparagraph (1), shall with his return of income for the year of assessment in which he sold livestock on account of conditions of drought or stock disease or by reason of his participation in a livestock reduction scheme organized by the Government, or within such period as the Secretary may allow, notify the Secretary accordingly and furnish full particulars in regard to the livestock so sold.

(4) Notwithstanding anything contained in the preceding provisions of this paragraph, the Secretary shall, until proof has been submitted to him as provided in subitem (ii) of item (a) or subitem (ii) of item (b) of subparagraph (1), assess and recover any tax payable by a farmer in respect of any year of assessment in which livestock has been sold as aforesaid, as if the said item had not been enacted: Provided that if proof is submitted to the satisfaction of the Secretary in terms of the said item (a) or (b) he shall revise the assessment concerned and refund to the farmer so much of the amount paid by him as exceeds the amount found to be payable after allowing the deduction referred to in the said item (a) or item (b), whichever is applicable.”

(2) The amendments effected by subsection (1), shall, for the purposes of assessments and determinations of tax under the principal Act, be deemed to have taken effect as from the commencement of the year of assessment ended the twenty-eighth day of February, 1970.

22. Paragraph 19 of the First Schedule to the principal Act is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

“(1) In the case of any taxpayer who has made an election as provided in subparagraph (5) which is binding upon him in respect of any period of assessment commencing on or after the first day of March, 1967 (hereinafter referred to as the relevant period), during which he or his wife has carried on farming operations or has derived income from the operations so carried on, the normal tax chargeable in respect of his taxable income for such period shall be determined—

Amendment of paragraph 19 of 1st Schedule to Act 58 of 1962, as added by section 28 of Act 95 of 1967 and amended by section 43 of Act 89 of 1969 and section 33 of Act 88 of 1971.

- (i) ooreenkomstig die formule—

$$Y = \frac{A}{B + C - D - E} \times F$$

(hieronder die eerste formule genoem) vasgestel, indien die toepaslike tydperk eindig nie later nie as die end van die jaar van aanslag geëindig op die agt-en-twintigste dag van Februarie 1971; of

- (ii) ooreenkomstig die formule—

$$Y = \frac{H}{(B + C - D - E - J) - G} \times (F - I)$$

(hieronder die tweede formule genoem) vasgestel, indien die toepaslike tydperk begin nie vroeër nie as die begin van die jaar van aanslag eindigende op die nege-en-twintigste dag van Februarie 1972,

in welke formules—

- (a) 'Y' die bedrag aan normale belasting wat vasgestel moet word, voorstel;
- (b) 'A' die bedrag aan normale belasting voorstel wat hefbaar is teen die toepaslike skaal wat ingevolge artikel 5 (2) van hierdie Wet vasgestel is ten opsigte van 'n belasbare inkomste gelyk aan die bedrag wat deur die uitdrukking 'B + C - D - E' in die eerste formule voorgestel word;
- (c) 'B' die belastingpligtige se gemiddelde belasbare inkomste (indien daar is) uit boerdery voorstel, soos volgens voorskrif van subparagraaf (2) met betrekking tot die toepaslike tydperk vasgestel;
- (d) 'C' die belastingpligtige se belasbare inkomste (as daar is) vir die toepaslike tydperk wat uit ander bronne as boerdery verkry is, voorstel of, indien die vasstelling van daardie belasbare inkomste op 'n vasgestelde verlies uitloop, sodanige vasgestelde verlies: Met dien verstande dat waar 'C' bedoelde vasgestelde verlies voorstel, die uitdrukking '+C' in die betrokke formule as '-C' uitgelê word;
- (e) 'D' die bedrag (as daar is) voorstel wat ingevolge die bepaling van die Tweede Bylae by hierdie Wet by die belastingpligtige se bruto inkomste vir die toepaslike tydperk ingereken is;
- (f) 'E' die bedrag (as daar is) van spesiale besoldiging, soos in artikel 5 (9) van hierdie Wet omskryf, wat by die inkomste van die belastingpligtige vir die toepaslike tydperk ingereken is, voorstel;
- (g) 'F' die belastingpligtige se belasbare inkomste vir die toepaslike tydperk voorstel;
- (h) 'G' die som voorstel wat ingevolge artikel 5A van hierdie Wet by wyse van inkomstekortings teen die belastingpligtige se belasbare inkomste vir die toepaslike tydperk toelaatbaar sou wees indien bedoelde belasbare inkomste 'n bedrag was wat gelyk is aan die bedrag wat deur die uitdrukking '(B + C - D - E - J)' in die tweede formule voorgestel word;
- (i) 'H' die bedrag aan normale belasting voorstel wat bereken is teen die toepaslike skaal wat ingevolge artikel 5 (2) van hierdie Wet vasgestel is ten opsigte van 'n belasbare bedrag gelyk aan die bedrag wat deur die uitdrukking '(B + C - D - E - J) - G' in die tweede formule voorgestel word;
- (j) 'I' die som voorstel wat in werklikheid aan die belastingpligtige ingevolge artikel 5A van hierdie Wet by wyse van inkomstekortings teen sy belasbare inkomste vir die toepaslike tydperk toegelaat is; en

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- (i) in accordance with the formula—

$$Y = \frac{A}{B+C-D-E} \times F,$$

(hereinafter referred to as the first formula), if the relevant period ends not later than the end of the year of assessment ended the twenty-eighth day of February, 1971; or

- (ii) in accordance with the formula—

$$Y = \frac{H}{(B+C-D-E-J)-G} \times (F-I),$$

(hereinafter referred to as the second formula), if the relevant period commences not earlier than the beginning of the year of assessment ending the twenty-ninth day of February, 1972,

in which formulae—

- (a) 'Y' represents the amount of normal tax to be determined;
- (b) 'A' represents the amount of normal tax chargeable at the relevant rate fixed in terms of section 5 (2) of this Act in respect of a taxable income equal to the amount represented by the expression 'B+C-D-E' in the first formula;
- (c) 'B' represents the taxpayer's average taxable income (if any) from farming as determined in relation to the relevant period in accordance with subparagraph (2);
- (d) 'C' represents the taxpayer's taxable income (if any) for the relevant period from sources other than farming or, if the determination of such taxable income results in an assessed loss, such assessed loss: Provided that where 'C' represents such assessed loss the expression '+C' in the applicable formula shall be construed as meaning '-C';
- (e) 'D' represents the amount (if any) included in the taxpayer's gross income for the relevant period under the provisions of the Second Schedule to this Act;
- (f) 'E' represents the amount (if any) of any special remuneration, as defined in section 5 (9) of this Act, which has been included in the income of the taxpayer for the relevant period;
- (g) 'F' represents the taxpayer's taxable income for the relevant period;
- (h) 'G' represents the sum which would be allowable under section 5A of this Act by way of abatements against the taxpayer's taxable income for the relevant period if such taxable income were an amount equal to the amount represented by the expression '(B+C-D-E-J)' in the second formula;
- (i) 'H' represents the amount of normal tax calculated at the relevant rate fixed in terms of section 5 (2) of this Act in respect of a taxable amount equal to the amount represented by the expression '(B+C-D-E-J)-G' in the second formula;
- (j) 'I' represents the sum in fact allowed to the taxpayer under section 5A of this Act by way of abatements against his taxable income for the relevant period; and

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- (k) „J' 'n bedrag voorstel wat gelyk is aan die bedrag (indien daar is) waarmee 'n in paragraaf 9 van die Sesde Bylae bedoelde wins wat by die belastingpligtige se belasbare inkomste vir die toepaslike tydperk ingesluit is meer is as 'n bedrag wat verkry word deur die wins te deel met die getal volle jare in die tydperk gereken van die aanvangsdatum van die betrokke versekeringspolis (soos in die omskrywing van „aanvangsdatum” in paragraaf 1 van bedoelde Bylae beoog) of die dertigste dag van Maart 1972 of die datum waarop die belastingpligtige die eienaar (soos in die omskrywing van „eienaar” in paragraaf 1 van bedoelde Bylae beoog) van die polis geword het, watter datum ook al die laatste is, tot die datum van die ontvangs of toevalling (soos volgens voorskrif van bedoelde Bylae vasgestel) van die versekeringsvoordeel of die vergoeding ten opsigte waarvan bedoelde wins vasgestel word:

Met dien verstande dat die bedrag wat voorgestel word deur die uitdrukking „B+C-D-E” in die eerste formule of die uitdrukking „(B+C-D-E-J)-G” in die tweede formule in geen geval op 'n bedrag van minder as een rand vasgestel word nie.”.

Wysiging van paragraaf 28 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 29 van Wet 90 van 1964, artikel 30 van Wet 95 van 1967, artikel 48 van Wet 89 van 1969 en artikel 48 van Wet 88 van 1971.

23. (1) Paragraaf 28 van die Vierde Bylae by die Hoofwet word hierby gewysig deur subparagraaf (1)bis deur die volgende subparagraaf te vervang:

„(1)bis Die bepalinge van subparagraaf (1) word nie uitgelê asof dit vereis dat 'n bedrag by wyse van voorlopige belasting ten opsigte van 'n jaar van aanslag betaal, teen enige aanspreeklikheid van die belastingpligtige in vergelyking gebring moet word voordat die belastingpligtige se aanspreeklikheid vir normale belasting ten opsigte van daardie jaar deur die Sekretaris vasgestel is nie, of, waar laasgenoemde aanspreeklikheid nie deur die Sekretaris vasgestel is nie, voor die verstryking van 'n tydperk deur die Sekretaris vasgestel.”.

- (2) Die wysiging deur subartikel (1) aangebring, is van toepassing ten opsigte van jare van aanslag wat op of na die eerste dag van Januarie 1972 eindig en word geag op daardie datum in werking te getree het.

Wysiging van paragraaf 2 van 5de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 26 van Wet 52 van 1970 en gewysig deur artikel 50 van Wet 88 van 1971.

24. (1) Paragraaf 2 van die Vyfde Bylae by die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (1) deur die volgende subparagraawe te vervang:

„(1) 'n Persoon is nie aanspreeklik nie vir die betaling van die leningsgedeelte wat ten opsigte van 'n aanslagtydperk hefbaar is indien, voordat 'n aanslagkennisgewing deur die Sekretaris ten opsigte van sy belasbare inkomste vir daardie tydperk uitgereik word of 'n bedrag aan daardie leningsgedeelte toegewys word soos in paragraaf 8 (1) beoog—

- (a) bedoelde persoon te sterwe kom of sy boedel gesekwestreer word of, in die geval van 'n maatskappy, die likwidasië daarvan begin het; of
- (b) bedoelde persoon, indien sy 'n vrouspersoon is, in die huwelik tree; of
- (c) bedoelde persoon (behalwe 'n maatskappy) die Republiek verlaat of ophou om in die Republiek besigheid te dryf en die Sekretaris oortuig is dat dié persoon nie daarna gewoonlik in die Republiek woonagtig sal wees nie en nie in die Republiek besigheid sal dryf nie; of

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- (k) 'J' represents an amount equal to the amount, if any, by which any gain referred to in paragraph 9 of the Sixth Schedule which has been included in the taxpayer's taxable income for the relevant period exceeds an amount obtained by dividing the gain by the number of full years in the period reckoned from the commencement date of the insurance policy in question (as contemplated in the definition of 'commencement date' in paragraph 1 of the said Schedule) or the thirtieth day of March, 1972, or the date on which the taxpayer became the owner (as contemplated in the definition of 'owner' in paragraph 1 of the said Schedule) of the policy, whichever date is the latest, to the date of the receipt or accrual (as determined in accordance with the said Schedule) of the insurance benefit or the consideration in respect of which the said gain is determined:

Provided that the amount represented by the expression 'B+C-D-E' in the first formula or the expression '(B+C-D-E-J)-G' in the second formula shall in no case be determined at an amount of less than one rand."

23. (1) Paragraph 28 of the Fourth Schedule to the principal Act is hereby amended by the substitution for subparagraph (1)*bis* of the following subparagraph:

"(1)*bis* The provisions of subparagraph (1) shall not be construed as requiring any amount of provisional tax paid in respect of any year of assessment to be set off against any liability of the taxpayer before the taxpayer's liability for normal tax in respect of that year is determined by the Secretary or, where such last-mentioned liability has not been determined by the Secretary, before the expiration of a period determined by the Secretary."

Amendment of paragraph 28 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 29 of Act 90 of 1964, section 30 of Act 95 of 1967, section 48 of Act 89 of 1969 and section 48 of Act 88 of 1971.

- (2) The amendment effected by subsection (1) shall apply in respect of years of assessment ending on or after the first day of January, 1972, and shall be deemed to have taken effect on that date.

24. (1) Paragraph 2 of the Fifth Schedule to the principal Act is hereby amended—

- (a) by the substitution for subparagraph (1) of the following subparagraphs:

"(1) A person shall not be liable for the payment of the loan portion chargeable in respect of any period of assessment if, before any notice of assessment is issued by the Secretary in respect of his taxable income for such period or any amount is appropriated to such loan portion as contemplated in paragraph 8 (1)—

- (a) such person dies or his estate is sequestrated or, in the case of a company, the winding-up or liquidation thereof has commenced; or
- (b) such person, if she is a woman, marries; or
- (c) such person (not being a company) departs from the Republic or ceases to carry on business in the Republic and the Secretary is satisfied that such person will thereafter not be ordinarily resident nor carrying on business in the Republic; or

Amendment of paragraph 2 of 5th Schedule to Act 58 of 1962, as added by section 26 of Act 52 of 1970 and amended by section 50 of Act 88 of 1971.

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- (d) bedoelde persoon tot bevrediging van die Sekretaris bewys dat weens hoë ouderdom, aanhoudende swak gesondheid of gebrek of om enige ander rede, sy finansiële omstandighede permanent verswak het en dat hy waarskynlik nie in die toekoms aan normale belasting onderhewig sal wees nie.

(1A) Die boedel van 'n oorlede of insolvente persoon is nie aanspreeklik vir die betaling van 'n leningsgedeelte ten opsigte van inkomste wat deur sodanige boedel ontvang is of daaraan of ten gunste daarvan toegeval het nie: Met dien verstande dat die bepalinge in hierdie paragraaf vervat nie só uitgelê word dat dit enige persoon vrystel van die aanspreeklikheid vir die betaling van 'n leningsgedeelte ten opsigte van belasbare inkomste van 'n trust wat in die hande van daardie persoon aangeslaan kan word nie."

(2) Die wysiging deur subartikel (1) aangebring, is van toepassing ten opsigte van alle jare van aanslag waarvoor 'n leningsgedeelte, soos in paragraaf 1 van bedoelde Bylae omskryf, hefbaar mag wees: Met dien verstande dat die wysiging nie van toepassing is nie ten opsigte van 'n aanslagtydperk van 'n belastingpligtige wat eindig voor die datum van afkondiging van hierdie Wet indien die Sekretaris van Binnelandse Inkomste voor daardie datum 'n aanslagkennisgewing ten opsigte van die belasbare inkomste van daardie belastingpligtige vir bedoelde tydperk uitgereik het en 'n bedrag aan bedoelde leningsgedeelte toegewys het soos in paragraaf 8 (1) van bedoelde Bylae beoog.

Wysiging van paragraaf 4 van 5de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 26 van Wet 52 van 1970.

25. (1) Paragraaf 4 van die Vyfde Bylae by die Hoofwet word hierby gewysig deur subparagraawe (2) en (3) deur die volgende subparagraawe te vervang:

„(2) Die bedrae wat van tyd tot tyd ingevolge 'n wetsbepaling aan die Gekonsolideerde Inkomstefonds, die Transkeise Inkomstefonds of 'n Inkomstefonds bedoel in artikel 6 van die Grondwet van die Bantoeituislande, 1971 (Wet No. 21 van 1971), ten opsigte van normale, provinsiale inkomste- of persoonlike belasting toeval, word, ondanks dié wetsbepaling, verminder met soveel van daardie bedrae as wat volgens vasstelling van die Sekretaris op krediet van bedoelde leningsrekening betaalbaar is, en bedrae (behalwe bedrae wat ingevolge die bepalinge van paragraaf 6 terugbetaalbaar is) wat deur die Sekretaris ten opsigte van die leningsgedeelte van die normale belasting terugbetaal word, word by wyse van 'n terugtrekking uit bedrae wat aan bedoelde leningsrekening toeval, betaal.

(3) Die bedrae wat ingevolge die bepalinge van paragraaf 6 terugbetaalbaar is of ingevolge die bepalinge van paragraaf 8A in vergelyking gebring word, en die rente wat ingevolge die bepalinge van paragraaf 7 betaalbaar is of ingevolge die bepalinge van paragraaf 8A in vergelyking gebring word, word ten laste van bedoelde leningsrekening betaal."

(2) Die wysiging deur subartikel (1) aangebring, word geag op die eerste dag van April 1972 in werking te getree het.

Wysiging van paragraaf 6 van 5de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 26 van Wet 52 van 1970.

26. (1) Paragraaf 6 van die Vyfde Bylae by die Hoofwet word hierby gewysig deur die tweede voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

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- (d) such person proves to the satisfaction of the Secretary that owing to old age, continued ill health or infirmity or for any other reason, his financial circumstances are permanently reduced and that he will probably not be liable for normal tax in the future.

(1A) The estate of a deceased or insolvent person shall not be liable for the payment of any loan portion in respect of any income received by or accrued to or in favour of such estate: Provided that nothing in this paragraph contained shall be construed as relieving any person from liability for the payment of any loan portion in respect of any taxable income of any trust which is assessable in the hands of such person."

(2) The amendment effected by subsection (1) shall apply in respect of all years of assessment for which any loan portion, as defined in paragraph 1 of the said Schedule, may be leviable: Provided that the amendment shall not apply in respect of any period of assessment of any taxpayer ending before the date of promulgation of this Act if, before that date, the Secretary for Inland Revenue has issued a notice of assessment in respect of the taxable income of that taxpayer for that period and an amount has been appropriated to such loan portion as contemplated in paragraph 8 (1) of the said Schedule.

25. (1) Paragraph 4 of the Fifth Schedule to the principal Act is hereby amended by the substitution for subparagraphs (2) and (3) of the following subparagraphs:

Amendment of paragraph 4 of 5th Schedule to Act 58 of 1962, as added by section 26 of Act 52 of 1970.

"(2) The amounts accruing from time to time under any law to the Consolidated Revenue Fund, the Transkeian Revenue Fund or a Revenue Fund referred to in section 6 of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), in respect of normal, provincial income or personal tax shall, notwithstanding the provisions of such law, be reduced by so much of such amounts as the Secretary determines to be payable to the credit of the said loan account, and any amounts (other than amounts repayable under the provisions of paragraph 6) refunded by the Secretary in respect of the loan portion of the normal tax shall be paid as a drawback from amounts accruing to the said loan account.

(3) The amounts repayable under the provisions of paragraph 6 or set off under the provisions of paragraph 8A, and the interest payable under the provisions of paragraph 7 or set off under the provisions of paragraph 8A, shall be charged to the said loan account."

(2) The amendment effected by subsection (1) shall be deemed to have taken effect on the first day of April, 1972.

26. (1) Paragraph 6 of the Fifth Schedule to the principal Act is hereby amended by the substitution for the second proviso of the following proviso:

Amendment of paragraph 6 of 5th Schedule to Act 58 of 1962, as added by section 26 of Act 52 of 1970.

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„Met dien verstande voorts dat die Sekretaris die bedrag wat deur 'n persoon ten opsigte van bedoelde leningsgedeelte betaal is, aan daardie persoon (of, indien daardie persoon te sterwe gekom het of sy boedel gesekwestreer is, aan sy boedel) voor die aldus bepaalde datum kan terugbetaal tesame met enkelvoudige rente wat vasgestel word soos hieronder bepaal, indien voor daardie datum—

- (a) bedoelde persoon te sterwe kom of sy boedel gesekwestreer word of, in die geval van 'n maatskappy, die likwidasië daarvan begin het; of
- (b) bedoelde persoon, indien sy 'n vrouspersoon is, in die huwelik tree; of
- (c) bedoelde persoon (behalwe 'n maatskappy) die Republiek verlaat of ophou om in die Republiek besigheid te dryf en die Sekretaris oortuig is dat dié persoon daarna nie gewoonlik in die Republiek woonagtig sal wees nie en nie in die Republiek besigheid sal dryf nie; of
- (d) bedoelde persoon tot bevrediging van die Sekretaris bewys dat weens hoë ouderdom, aanhoudende swak gesondheid of gebrek of om enige ander rede, sy finansiële omstandighede permanent verswak het en dat hy waarskynlik nie in die toekoms aan normale belasting onderhewig sal wees nie.”.

(2) Die wysiging deur subartikel (1) aangebring, is van toepassing ten opsigte van alle jare van aanslag waarvoor 'n leningsgedeelte, soos in paragraaf 1 van bedoelde Bylae omskryf, hefbaar mag wees: Met dien verstande dat dit nie verpligtend is om 'n terugbetaling wat gemagtig word deur paragraaf (b), (c) of (d) van die tweede voorbehoudsbepaling by paragraaf 6 van bedoelde Bylae ten opsigte van 'n leningsgedeelte betaal ten opsigte van 'n aanslagtydperk eindigende voor die datum van afkondiging van hierdie Wet, voor 'n datum wat deur die Minister van Finansies bepaal moet word, te maak nie.

Invoeging van paragraaf 8A in 5de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 26 van Wet 52 van 1970.

27. Die volgende paragraaf word hierby in die Vyfde Bylae van die Hoofwet na paragraaf 8 ingevoeg:

„8A. (1) Waar—

- (a) 'n bedrag ten opsigte van enige van die belastinge, soos in paragraaf 28 (8) van die Vierde Bylae omskryf, deur 'n belastingpligtige verskuldig is en die tydperk wat ingevolge hierdie Wet vir die betaling van daardie bedrag verstreke is, of rente wat ingevolge hierdie Wet ten opsigte van die laat betaling van so 'n belasting of 'n gedeelte daarvan betaalbaar is deur 'n belastingpligtige verskuldig is;
- (b) uit hoofde van die feit dat die belastingpligtige se adres onbekend is, die Sekretaris nie in staat is om stappe vir die verhaal van bedoelde bedrag van belasting of bedoelde rente in te stel nie;
- (c) 'n tydperk van minstens twee jaar verstryk het vanaf die einde van die tydperk in item (a) bedoel of sedert die datum waarop bedoelde rente begin oloop het;
- (d) die Sekretaris oortuig is dat alle redelike pogings aangewend is om die belastingpligtige op te spoor; en
- (e) 'n bedrag ten opsigte van enige leningsgedeelte tot die krediet van die belastingpligtige staan, kan die Sekretaris, op 'n datum deur hom bepaal—
 - (i) die rente bereken wat aan die belastingpligtige verskuldig is en betaalbaar geword het ten opsigte van

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"Provided further that the Secretary may, before the date so determined, repay to any person (or if such person has died or his estate has been sequestrated, to his estate) the amount paid by that person in respect of such loan portion, together with simple interest determined as hereinafter provided, if, before such date—

- (a) such person dies or his estate is sequestrated or, in the case of a company, the winding-up or liquidation thereof has commenced; or
- (b) such person, if she is a woman, marries; or
- (c) such person (not being a company) departs from the Republic or ceases to carry on business in the Republic and the Secretary is satisfied that such person will thereafter not be ordinarily resident nor carrying on business in the Republic; or
- (d) such person proves to the satisfaction of the Secretary that owing to old age, continued ill-health or infirmity or for any other reason, his financial circumstances are permanently reduced and that he will probably not be liable for normal tax in the future."

(2) The amendment effected by subsection (1) shall apply in respect of all years of assessment for which any loan portion, as defined in paragraph 1 of the said Schedule, may be leviable: Provided that any repayment authorized by paragraph (b), (c) or (d) of the second proviso to paragraph 6 of the said Schedule in respect of any loan portion paid in respect of any period of assessment ending before the date of promulgation of this Act shall not be required to be made before a date to be determined by the Minister of Finance.

27. (1) The following paragraph is hereby inserted in the Fifth Schedule to the principal Act after paragraph 8:

"8A. (1) Where—

- (a) any amount in respect of any of the taxes as defined in paragraph 28 (8) of the Fourth Schedule is owing by any taxpayer and the period allowed under this Act for the payment of that amount has expired, or any interest payable under this Act in respect of the late payment of any such tax or any portion thereof is owing by any taxpayer;
- (b) by reason of the fact that the taxpayer's whereabouts are unknown, the Secretary is unable to take action for the recovery of the said amount of tax or the said interest;
- (c) a period of at least two years has elapsed since the expiration of the period referred to in item (a) or since the date on which the said interest commenced to run;
- (d) the Secretary is satisfied that every reasonable attempt has been made to trace the taxpayer; and
- (e) an amount stands to the credit of the taxpayer in respect of any loan portion,
the Secretary may, on a date determined by him—
 - (i) calculate the interest which is due and has become payable to the taxpayer in respect of the said loan

Insertion of paragraph 8A in 5th Schedule to Act 58 of 1962, as added by section 26 of Act 52 of 1970.

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bedoelde leningsgedeelte of, indien die leningsgedeelte nog nie op bedoelde datum aan die belastingpligtige terugbetaalbaar geword het nie, die rente wat ingevolge die bepaling van paragraaf 7 aan die belastingpligtige ten opsigte van bedoelde leningsgedeelte betaalbaar sou gewees het indien hy ingevolge die tweede voorbehoudsbepaling by paragraaf 6 op 'n terugbetaling van die leningsgedeelte op bedoelde datum geregtig geword het; en

- (ii) soveel van die bedrag van bedoelde leningsgedeelte en die rente bedoel in item (i) in vergelyking bring teen die bedrae deur die belastingpligtige verskuldig soos in item (a) beoog, as wat die totaal van die verskuldigde bedrae nie te bowe gaan nie.

(2) Waar 'n leningsgedeelte of rente daarop ingevolge die bepaling van subparagraaf (1) in vergelyking gebring is teen 'n bedrag deur 'n belastingpligtige verskuldig, word daardie leningsgedeelte of rente geag aan die belastingpligtige terugbetaal of betaal te gewees het asof die terugbetaling van die leningsgedeelte ooreenkomstig die bepaling van paragraaf 6 geskied het en die betaling van die rente ooreenkomstig die bepaling van paragraaf 7 geskied het.

(3) Indien, voor 'n toepaslike datum waarop 'n leningsgedeelte ingevolge die bepaling van paragraaf 6 terugbetaalbaar geword het, daardie leningsgedeelte en die ingevolge subparagraaf (1) (i) berekende rente daarop slegs gedeeltelik in vergelyking gebring is teen bedrae deur die belastingpligtige verskuldig, word soveel van die oorblywende bedrag wat tot krediet van die belastingpligtige staan as wat die bedrag van bedoelde leningsgedeelte nie te bowe gaan nie, geag 'n leningsgedeelte te wees wat deur die belastingpligtige betaal is op die ingevolge subparagraaf (1) bepaalde datum ten opsigte van die jaar van aanslag ten opsigte waarvan eersbedoelde leningsgedeelte betaal is.

(4) Indien die belastingpligtige se adres aan die Sekretaris bekend word, reik die Sekretaris 'n kennisgewing uit aan die belastingpligtige waarin hy meegedeel word van wat kragtens subparagraaf (1) in die geval van daardie belastingpligtige gedoen is."

(2) Die wysiging deur subartikel (1) aangebring, kan ten opsigte van alle toepaslike jare van aanslag ingevolge die Hoofwet toegepas word.

Byvoeging van
6de Bylae by
Wet 58 van 1962.

28. (1) Bylae 3 by hierdie Wet word hierby as die Sesde Bylae by die Hoofwet gevoeg, en word geag deel van die Hoofwet te wees en word dienooreenkomstig uitgelê en toegepas.

(2) Die wysiging deur subartikel (1) aangebring, word geag in werking te getree het van die begin van jare van aanslag wat op of na die dertigste dag van Maart 1972 eindig: Met dien verstande dat die bepaling van paragraaf 16 tot en met 23 van genoemde Bylae op die datum van afkondiging van hierdie Wet in werking tree.

Wysiging van
paragraaf 2 van
Bylae by
Wet 88 van 1971.

29. Paragraaf 2 van die Bylae by die Inkomstebelastingwet, 1971, word hierby gewysig, met ingang van die inwerking-treding daarvan, deur die volgende subparagraaf na subparagraaf (2) in te voeg:

„(2A) By die toepassing van paragraaf 1 (b) en (i) van hierdie Bylae, word—

- (a) 'n bedrag ontvang deur of toegeval aan of ten gunste van 'n maatskappy by wyse van 'n uitkering uit die bates met betrekking tot 'n effektegroep bevat in 'n ingevolge die Wet op Beheer van Effektetrustskemas, 1947 (Wet No. 18 van 1947), gemagtigde effekte-trustskema in eiendomsaandeel; en
- (b) soveel van 'n dividend ontvang deur of toegeval aan of ten gunste van 'n maatskappy as wat uitkeer is

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portion or, if the loan portion has not by the said date become repayable to the taxpayer, the interest which would have been payable to the taxpayer under the provisions of paragraph 7 in respect of the said loan portion if he had under the second proviso to paragraph 6 become entitled to a repayment of the loan portion on the said date; and

- (ii) set off against the amounts owing by the taxpayer as contemplated in item (a) so much of the amount of the said loan portion and the interest referred to in item (i) as does not exceed the aggregate of the amounts owing.

(2) Where any loan portion or interest thereon has under the provisions of subparagraph (1) been set off against any amount owing by the taxpayer, such loan portion or interest shall be deemed to have been repaid or paid to the taxpayer as though the repayment of the loan portion had been made in accordance with the provisions of paragraph 6 and the payment of such interest had been made in accordance with the provisions of paragraph 7.

(3) If, before any relevant date on which any loan portion has become repayable under the provisions of paragraph 6 such loan portion and the interest calculated thereon under subparagraph (1) (i) have been set off only in part against amounts owing by the taxpayer, so much of the excess amount standing to the taxpayer's credit as does not exceed the amount of the said loan portion shall be deemed to be a loan portion paid by the taxpayer on the date determined under subparagraph (1) in respect of the year of assessment in respect of which the first-mentioned loan portion was paid.

(4) If the taxpayer's whereabouts become known to the Secretary, the Secretary shall issue a notification to the taxpayer informing him of what has been done under subparagraph (1) in the case of that taxpayer."

(2) The amendment effected by subsection (1) shall be applicable in respect of all relevant years of assessment under the principal Act.

28. (1) Schedule 3 to this Act is hereby added to the principal Act as the Sixth Schedule thereto, and shall be deemed to be and shall be construed and applied as one with the principal Act.

Addition of
6th Schedule to
Act 58 of 1962

(2) The amendment effected by subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after the thirtieth day of March, 1972: Provided that the provisions of paragraphs 16 to 23, inclusive, of the said Schedule shall take effect on the date of promulgation of this Act.

29. Paragraph 2 of the Schedule to the Income Tax Act, 1971, is hereby amended, with effect from the commencement thereof, by the insertion after subparagraph (2) of the following subparagraph:

Amendment of
paragraph 2 of
Schedule to
Act 88 of 1971

"(2A) For the purposes of paragraph 1 (b) and (i) of this Schedule—

- (a) any amount received by or accrued to or in favour of any company by way of a distribution out of the assets pertaining to any unit portfolio comprised in any unit trust scheme in property shares authorized under the Unit Trusts Control Act, 1947 (Act No. 18 of 1947); and
- (b) so much of any dividend received by or accrued to or in favour of any company as has been distributed out of

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uit rente verkry deur 'n effektegroepe bedoel in paragraaf (e) van die omskrywing van „maatskappy” in artikel 1 van die Hoofwet wat ingevolge die bepalings van artikel 10 (1) (iA) in die hande van daardie effektegroepe van daardie Wet van belasting vrygestel is,

geag andersins as in die vorm van dividende verkry te wees.”.

Wysiging van artikel 99 van Wet 24 van 1936, soos vervang deur artikel 5 van Wet 6 van 1972.

30. Artikel 99 van die Insolvensiewet, 1936, word hierby gewysig—

- (a) deur aan die end van subparagraaf (iii) van paragraaf (b) van subartikel (1) die woord „of” te skrap;
- (b) deur subparagraaf (iv) van genoemde paragraaf deur die volgende subparagraaf te vervang:
„(iv) die Vierde Bylae by daardie Wet by wyse van werknemersbelasting van besoldiging of 'n ander bedrag deur hom aan 'n ander persoon betaal of betaalbaar; of”; en
- (c) deur na subparagraaf (iv) van genoemde paragraaf die volgende subparagraaf in te voeg:
„(v) die Sesde Bylae by daardie Wet van 'n versekeringsoordeel ingevolge 'n versekeringspolis, ten opsigte van die aanspreeklikheid van enige persoon vir normale belasting.”.

Herroeping van sekere Wette met betrekking tot provinsiale belastinge op maatskappye en ander persone en hul inkomste.

31. Die wette vermeld in Bylae 2 by hierdie Wet word hierby herroep vir sover in die derde kolom van daardie Bylae vermeld: Met dien verstande dat enige belasting of ander bedrag wat ingevolge 'n Parlements-wet of 'n ordonnansie van 'n provinsiale raad, by die uitoefening van sy bevoegdhede kragtens die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), op maatskappye of ander persone of die inkomste van maatskappye of ander persone opgelê word, en wat nie by die inwerkingtreding van hierdie Wet aangeslaan of verhaal is nie, aangeslaan of verhaal kan word asof die herroeping nie plaasgevind het nie.

Wysiging van artikel 77 van Ordonnansie 10 van 1961 van Suidwes-Afrika.

32. Artikel 77 van die Inkomstebelastingordonnansie, 1961, van Suidwes-Afrika, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Elkeen wat reg het om beswaar te maak en wat ontevrede is met die beslissing van die Kommissaris soos aan hom meegedeel ingevolge subartikel (4) van artikel 75 kan daarteen appelleer na die spesiale hof vir die verhoor van inkomstebelastingappelle vir die regsgebied van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika ingestel ooreenkomstig die bepalings van artikel 83 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van die Republiek van Suid-Afrika.”;
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
„(4) Appelle ingedien ingevolge die bepalings van subartikel (1), voor die wysiging daarvan deur die Inkomstebelastingwet, 1972, van die Republiek van Suid-Afrika of die Inkomstebelastingordonnansie, 1942 (Ordonnansie 15 van 1942), kan verhoor en beslis word deur die hof bedoel in subartikel (1).”; en
- (c) deur subartikels (2), (3) en (5) te skrap.

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interest derived by any unit portfolio referred to in paragraph (e) of the definition of 'company' in section 1 of the principal Act and which is exempt from tax in the hands of such unit portfolio under the provisions of section 10 (1) (iA) of that Act, shall be deemed to be derived otherwise than in the form of dividends."

30. Section 99 of the Insolvency Act, 1936, is hereby amended—

Amendment of section 99 of Act 24 of 1936, as substituted by section 5 of Act 6 of 1972.

- (a) by the deletion at the end of subparagraph (iii) of paragraph (b) of subsection (1) of the word "or";
- (b) by the substitution for subparagraph (iv) of the said paragraph of the following subparagraph:

"(iv) has under the provisions of the Fourth Schedule to that Act deducted or withheld by way of employees' tax from remuneration or any other amount paid or payable by him to any other person; or"; and

- (c) by the insertion after subparagraph (iv) of the said paragraph of the following subparagraph:

"(v) has under the provisions of the Sixth Schedule to that Act deducted or withheld from any insurance benefit under any insurance policy, in respect of the liability of any person for normal tax,".

31. The laws mentioned in Schedule 2 to this Act are hereby repealed to the extent set forth in the third column of that Schedule: Provided that any tax or other amount imposed under any Act of Parliament or any ordinance of a provincial council in the exercise of its powers under the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), on companies or other persons or the incomes of companies or other persons, which has not been assessed or recovered at the commencement of this Act, may be assessed and recovered as if such repeal had not been effected.

Repeal of certain laws relating to provincial taxes on companies and other persons and their incomes.

32. Section 77 of the Income Tax Ordinance, 1961, of South-West Africa, is hereby amended—

Amendment of section 77 of Ordinance 10 of 1961 of South-West Africa.

- (a) by the substitution for subsection (1) of the following subsection:

"(1) Any person entitled to make an objection who is dissatisfied with any decision of the Commissioner as notified to him in terms of subsection (4) of section 75 may appeal therefrom to the special court for hearing income tax appeals for the area of jurisdiction of the South-West Africa Division of the Supreme Court of South Africa constituted in accordance with the provisions of section 83 of the Income Tax Act, 1962, (Act No. 58 of 1962), of the Republic of South Africa.";

- (b) by the substitution for subsection (4) of the following subsection:

"(4) Any appeals lodged under the provisions of subsection (1), before the amendment thereof by the Income Tax Act, 1972, of the Republic of South Africa, or the Income Tax Ordinance, 1942 (Ordinance 15 of 1942), may be heard and determined by the court referred to in subsection (1)."; and

- (c) by the deletion of subsections (2), (3) and (5).

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Wysiging van
artikel 81 van
Ordonnansie
10 van 1961
van Suidwes-
Afrika.

33. Artikel 81 van die Inkomstebelastingordonnansie, 1961, van Suidwes-Afrika, word hierby gewysig—

(a) deur paragraaf (a) van die voorbehoudsbepaling by subartikel (4) deur die volgende paragraaf te vervang:

„(a) sy plek. in die geval van die president van die hof, gevul kan word deur 'n regter of waarnemende regter van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika wat vir daardie doel benoem en oorgeplaas word soos in die bepalings van paragraaf (a) van die voorbehoudsbepaling by artikel 86 (3) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van die Republiek van Suid-Afrika, beoog, en, in die geval van 'n ander lid van die hof, deur 'n rekenmeester, 'n verteenwoordiger van die handelstand of 'n gekwalifiseerde myningenieur, na gelang van die geval, wat as 'n lid van die spesiale hof aangestel word soos in bedoelde paragraaf beoog.”; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Wanneer daar by die toepassing van subartikel (4) 'n regter of waarnemende regter benoem is om die plek te vul van die president van die hof wat die gewysde gedoen het waarteen geappelleer word, en so 'n regter of waarnemende regter meen dat dit vir die hof soos ingevolge paragraaf (a) van die voorbehoud by subartikel (4) ingestel onmoontlik is om 'n saak vir 'n appèl op die materiaal wat tot sy beskikking is, te stel, kan hy die appellant en die Kommissaris die geleentheid toestaan om getuienis voor daardie hof aan te voer met betrekking tot die punt of punte wat hy nodig ag ten einde die hof in staat te stel om die nodige saak te stel, of kan hy die gewysde waarteen geappelleer word ter syde stel en beveel dat die appèl ten opsigte waarvan die gewysde gedoen is *de novo* verhoor en uitgewys moet word.”.

Inwerkingtreding
van sekere
wysigings.

34. Behalwe vir sover daarin anders bepaal word, of uit die samehang anders blyk, word die wysigings deur hierdie Wet in die Hoofwet aangebring, vir sover die aanslag, vasstelling, betaling, invordering en verhaal van normale belasting, belasting op onuitgekeerde winste, werknemersbelasting en voorlopige belasting daardeur geraak word, geag in werking te getree het van die begin van die jare van aanslag wat op of na die eerste dag van Januarie 1973 eindig.

Toepassing van Wet
in Suidwes-Afrika.

35. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Kort titel.

36. Hierdie Wet heet die Inkomstebelastingwet, 1972.

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33. Section 81 of the Income Tax Ordinance, 1961, of South-West Africa, is hereby amended—

Amendment of section 81 of Ordinance 10 of 1961 of South-West Africa.

(a) by the substitution for paragraph (a) of the proviso to subsection (4) of the following paragraph:

“(a) his place may be taken, in the case of the president of the court, by any judge or acting judge of the South-West Africa Division of the Supreme Court of South Africa who may be nominated and seconded for that purpose as contemplated in paragraph (a) of the proviso to section 86 (3) of the Income Tax Act, 1962 (Act No. 58 of 1962), of the Republic of South Africa, and in the case of any other member of the court, by an accountant, a person representative of the commercial community or a qualified mining engineer, as the case may be, appointed as a member of the special court as contemplated in the said paragraph.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) Where for the purposes of subsection (4) any judge or acting judge has been nominated to take the place of the president of the court which made the determination appealed against and such judge or acting judge is of the opinion that it is impossible for the court as constituted in terms of paragraph (a) of the proviso to subsection (4) to state a case for an appeal on the material before it, he may afford the appellant and the Commissioner an opportunity of adducing evidence before that court in regard to such point or points as he deems necessary for the purposes of enabling the court to state a case as required, or he may set aside the determination appealed against and order that the appeal in respect of which the said determination was made, be heard and determined *de novo*.”.

34. Save in so far as is otherwise provided therein or the context otherwise indicates, the amendments effected to the principal Act by this Act, shall, in so far as the assessment, determination, payment, collection and recovery of normal tax, undistributed profits tax, employees tax and provisional tax are thereby affected, be deemed to have taken effect as from the commencement of years of assessment ending on or after the first day of January, 1973.

Commencement of certain amendments.

35. This Act shall apply also in the territory of South-West Africa.

Application of Act in South-West Africa.

36. This Act shall be called the Income Tax Act, 1972.

Short title.

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INKOMSTEBELASTINGWET, 1972.

Bylae 1.

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP DIE AGT-EN-TWINTIGSTE DAG VAN FEBRUARIE 1973 EN DIE DERTIGSTE DAG VAN JUNIE 1973, EN DEUR MAATSKAPPE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN TWAALF MAANDE EINDIGENDE OP DIE EEN-EN-DERTIGSTE DAG VAN MAART 1973.

(Artikel 1 van hierdie Wet.)

1. Die skale van normale belasting bedoel in artikel 1 van hierdie Wet is soos volg:—
 - (a) Ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n bedrag van belasting wat ooreenkomstig die tabelle hieronder op die belasbare bedrag van bedoelde persoon bereken word: Met dien verstande dat—
 - (i) waar die bedrag van belasting volgens bedoelde tabelle bereken nie minder as honderd-en-vyftig rand is nie, daar by daardie bedrag gevoeg word—
 - (aa) in die geval van 'n natuurlike persoon wat op die laaste dag van die jaar van aanslag bo die ouderdom van sestig jaar is en wie se belasbare inkomste vir daardie jaar van aanslag vyfduisend rand nie te bowe gaan nie, 'n som gelyk aan tien persent van bedoelde bedrag van belasting; of
 - (bb) in enige ander geval, 'n som gelyk aan twintig persent van bedoelde bedrag van belasting;
 - (ii) 'n breukdeel van 'n rand in die som ingevolge paragraaf (i) van hierdie voorbehoudsbepaling bereken, buite rekening gelaat word:

TABELLE.

Belasbare Bedrag		Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag— R1 000 nie te bowe gaan nie		9 persent van elke R1 van belasbare bedrag;
R1 000 te bowe gaan, maar nie	R2 000 nie	R90 plus 10 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R2 000	„ „ R3 000 „	R190 plus 10 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R3 000	„ „ R4 000 „	R290 plus 11 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R4 000	„ „ R5 000 „	R400 plus 12 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R5 000	„ „ R6 000 „	R520 plus 14 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R6 000	„ „ R7 000 „	R660 plus 16 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R7 000	„ „ R8 000 „	R820 plus 18 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R8 000	„ „ R9 000 „	R1 000 plus 20 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R9 000	„ „ R10 000 „	R1 200 plus 22 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000	„ „ R11 000 „	R1 420 plus 24 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000	„ „ R12 000 „	R1 660 plus 26 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000	„ „ R13 000 „	R1 920 plus 28 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000	„ „ R14 000 „	R2 200 plus 30 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;
R14 000	„ „ R15 000 „	R2 500 plus 32 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000	„ „ R16 000 „	R2 820 plus 34 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000	„ „ R17 000 „	R3 160 plus 36 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R17 000	„ „ R18 000 „	R3 520 plus 38 persent van die bedrag waarmee die belasbare bedrag R17 000 oorskry;
R18 000	„ „ R19 000 „	R3 900 plus 40 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R19 000	„ „ R20 000 „	R4 300 plus 42 persent van die bedrag waarmee die belasbare bedrag R19 000 oorskry;
R20 000	„ „ R21 000 „	R4 720 plus 44 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R21 000	„ „ R22 000 „	R5 160 plus 46 persent van die bedrag waarmee die belasbare bedrag R21 000 oorskry;
R22 000	„ „ R23 000 „	R5 620 plus 48 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R23 000	„ „ R24 000 „	R6 100 plus 50 persent van die bedrag waarmee die belasbare bedrag R23 000 oorskry;

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Schedule 1.

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING THE TWENTY-EIGHTH DAY OF FEBRUARY, 1973, AND THE THIRTIETH DAY OF JUNE, 1973, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF TWELVE MONTHS ENDING THE THIRTY-FIRST DAY OF MARCH, 1973.

(Section 1 of this Act).

1. The rates of normal tax referred to in section 1 of this Act are as follows:—

- (a) In respect of the taxable income of any person other than a company, an amount of tax calculated in accordance with the tables below on the taxable amount of such person: Provided that—
- (i) where the amount of tax calculated in accordance with the said tables is not less than one hundred and fifty rand, there shall be added to that amount—
 - (aa) in the case of a natural person who is over the age of sixty years on the last day of the year of assessment and whose taxable income for that year of assessment does not exceed five thousand rand, a sum equal to ten per cent of the said amount of tax; or
 - (bb) in any other case, a sum equal to twenty per cent of the said amount of tax;
 - (ii) any fraction of a rand of the sum calculated under paragraph (i) of this proviso shall be disregarded:

TABLES.

Taxable Amount.				Rates of tax in respect of married persons.
Where the taxable amount—				
does not exceed R1 000				9 per cent of each R1 of taxable amount;
exceeds R1 000 but does not exceed	R2 000			R90 plus 10 per cent of the amount by which the taxable amount exceeds R1 000;
"	R2 000	"	"	R190 plus 10 per cent of the amount by which the taxable amount exceeds R2 000;
"	R3 000	"	"	R290 plus 11 per cent of the amount by which the taxable amount exceeds R3 000;
"	R4 000	"	"	R400 plus 12 per cent of the amount by which the taxable amount exceeds R4 000;
"	R5 000	"	"	R520 plus 14 per cent of the amount by which the taxable amount exceeds R5 000;
"	R6 000	"	"	R660 plus 16 per cent of the amount by which the taxable amount exceeds R6 000;
"	R7 000	"	"	R820 plus 18 per cent of the amount by which the taxable amount exceeds R7 000;
"	R8 000	"	"	R1 000 plus 20 per cent of the amount by which the taxable amount exceeds R8 000;
"	R9 000	"	"	R1 200 plus 22 per cent of the amount by which the taxable amount exceeds R9 000;
"	R10 000	"	"	R1 420 plus 24 per cent of the amount by which the taxable amount exceeds R10 000;
"	R11 000	"	"	R1 660 plus 26 per cent of the amount by which the taxable amount exceeds R11 000;
"	R12 000	"	"	R1 920 plus 28 per cent of the amount by which the taxable amount exceeds R12 000;
"	R13 000	"	"	R2 200 plus 30 per cent of the amount by which the taxable amount exceeds R13 000;
"	R14 000	"	"	R2 500 plus 32 per cent of the amount by which the taxable amount exceeds R14 000;
"	R15 000	"	"	R2 820 plus 34 per cent of the amount by which the taxable amount exceeds R15 000;
"	R16 000	"	"	R3 160 plus 36 per cent of the amount by which the taxable amount exceeds R16 000;
"	R17 000	"	"	R3 520 plus 38 per cent of the amount by which the taxable amount exceeds R17 000;
"	R18 000	"	"	R3 900 plus 40 per cent of the amount by which the taxable amount exceeds R18 000;
"	R19 000	"	"	R4 300 plus 42 per cent of the amount by which the taxable amount exceeds R19 000;
"	R20 000	"	"	R4 720 plus 44 per cent of the amount by which the taxable amount exceeds R20 000;
"	R21 000	"	"	R5 160 plus 46 per cent of the amount by which the taxable amount exceeds R21 000;
"	R22 000	"	"	R5 620 plus 48 per cent of the amount by which the taxable amount exceeds R22 000;
"	R23 000	"	"	R6 100 plus 50 per cent of the amount by which the taxable amount exceeds R23 000;

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Belasbare Bedrag		Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag— R24 000 te bowe gaan, maar nie	R25 000 nie	R6 600 plus 52 persent van die bedrag waarmee die belasbare bedrag R24 000 oorskry;
R25 000	„ „ R26 000 „	R7 120 plus 54 persent van die bedrag waarmee die belasbare bedrag R25 000 oorskry;
R26 000	„ „ R27 000 „	R7 660 plus 56 persent van die bedrag waarmee die belasbare bedrag R26 000 oorskry;
R27 000	„ „ R28 000 „	R8 220 plus 58 persent van die bedrag waarmee die belasbare bedrag R27 000 oorskry;
R28 000 te bowe gaan		R8 800 plus 60 persent van die bedrag waarmee die belasbare bedrag R28 000 oorskry.

Belasbare Bedrag		Skale van belasting ten opsigte van persone wat nie getroude persone is nie.
Waar die belasbare bedrag— R1 000 nie te bowe gaan nie		12 persent van elke R1 van belasbare bedrag;
R1 000 te bowe gaan, maar nie	R2 000 nie	R120 plus 12 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R2 000	„ „ R3 000 „	R240 plus 13 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R3 000	„ „ R4 000 „	R370 plus 14 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R4 000	„ „ R5 000 „	R510 plus 17 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R5 000	„ „ R6 000 „	R680 plus 20 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R6 000	„ „ R7 000 „	R880 plus 23 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R7 000	„ „ R8 000 „	R1 110 plus 26 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R8 000	„ „ R9 000 „	R1 370 plus 28 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R9 000	„ „ R10 000 „	R1 650 plus 30 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000	„ „ R11 000 „	R1 950 plus 32 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000	„ „ R12 000 „	R2 270 plus 34 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000	„ „ R13 000 „	R2 610 plus 36 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000	„ „ R14 000 „	R2 970 plus 38 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;
R14 000	„ „ R15 000 „	R3 350 plus 40 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000	„ „ R16 000 „	R3 750 plus 42 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000	„ „ R17 000 „	R4 170 plus 44 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R17 000	„ „ R18 000 „	R4 610 plus 46 persent van die bedrag waarmee die belasbare bedrag R17 000 oorskry;
R18 000	„ „ R19 000 „	R5 070 plus 48 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R19 000	„ „ R20 000 „	R5 550 plus 50 persent van die bedrag waarmee die belasbare bedrag R19 000 oorskry;
R20 000	„ „ R21 000 „	R6 050 plus 52 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R21 000	„ „ R22 000 „	R6 570 plus 54 persent van die bedrag waarmee die belasbare bedrag R21 000 oorskry;
R22 000	„ „ R23 000 „	R7 110 plus 56 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R23 000	„ „ R24 000 „	R7 670 plus 58 persent van die bedrag waarmee die belasbare bedrag R23 000 oorskry;
R24 000 te bowe gaan		R8 250 plus 60 persent van die bedrag waarmee die belasbare bedrag R24 000 oorskry.

- (b) op elke rand van die belasbare inkomste van 'n maatskappy (met uitsondering van belasbare inkomste in die vorm van dividende, belasbare inkomste uit mynwerksaamhede verkry en belasbare inkomste in subparagraaf (e) bedoel) wat volgens 'n vasstelling ingevolge die Hoofwet verkry is—

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Taxable Amount.	Rates of tax in respect of married persons.
Where the taxable amount— exceeds R24 000 but does not exceed R25 000	R6 600 plus 52 per cent of the amount by which the taxable amount exceeds R24 000;
“ R25 000 “ “ R26 000	R7 120 plus 54 per cent of the amount by which the taxable amount exceeds R25 000;
“ R26 000 “ “ R27 000	R7 660 plus 56 per cent of the amount by which the taxable amount exceeds R26 000;
“ R27 000 “ “ R28 000	R8 220 plus 58 per cent of the amount by which the taxable amount exceeds R27 000;
“ R28 000	R8 800 plus 60 per cent of the amount by which the taxable amount exceeds R28 000.

Taxable Amount.	Rates of tax in respect of persons who are not married persons.
Where the taxable amount— does not exceed R1 000	12 per cent of each R1 of taxable amount;
exceeds R1 000 but does not exceed R2 000	R120 plus 12 per cent of the amount by which the taxable amount exceeds R1 000;
“ R2 000 “ “ R3 000	R240 plus 13 per cent of the amount by which the taxable amount exceeds R2 000;
“ R3 000 “ “ R4 000	R370 plus 14 per cent of the amount by which the taxable amount exceeds R3 000;
“ R4 000 “ “ R5 000	R510 plus 17 per cent of the amount by which the taxable amount exceeds R4 000;
“ R5 000 “ “ R6 000	R680 plus 20 per cent of the amount by which the taxable amount exceeds R5 000;
“ R6 000 “ “ R7 000	R880 plus 23 per cent of the amount by which the taxable amount exceeds R6 000;
“ R7 000 “ “ R8 000	R1 110 plus 26 per cent of the amount by which the taxable amount exceeds R7 000;
“ R8 000 “ “ R9 000	R1 370 plus 28 per cent of the amount by which the taxable amount exceeds R8 000;
“ R9 000 “ “ R10 000	R1 650 plus 30 per cent of the amount by which the taxable amount exceeds R9 000;
“ R10 000 “ “ R11 000	R1 950 plus 32 per cent of the amount by which the taxable amount exceeds R10 000;
“ R11 000 “ “ R12 000	R2 270 plus 34 per cent of the amount by which the taxable amount exceeds R11 000;
“ R12 000 “ “ R13 000	R2 610 plus 36 per cent of the amount by which the taxable amount exceeds R12 000;
“ R13 000 “ “ R14 000	R2 970 plus 38 per cent of the amount by which the taxable amount exceeds R13 000;
“ R14 000 “ “ R15 000	R3 350 plus 40 per cent of the amount by which the taxable amount exceeds R14 000;
“ R15 000 “ “ R16 000	R3 750 plus 42 per cent of the amount by which the taxable amount exceeds R15 000;
“ R16 000 “ “ R17 000	R4 170 plus 44 per cent of the amount by which the taxable amount exceeds R16 000;
“ R17 000 “ “ R18 000	R4 610 plus 46 per cent of the amount by which the taxable amount exceeds R17 000;
“ R18 000 “ “ R19 000	R5 070 plus 48 per cent of the amount by which the taxable amount exceeds R18 000;
“ R19 000 “ “ R20 000	R5 550 plus 50 per cent of the amount by which the taxable amount exceeds R19 000;
“ R20 000 “ “ R21 000	R6 050 plus 52 per cent of the amount by which the taxable amount exceeds R20 000;
“ R21 000 “ “ R22 000	R6 570 plus 54 per cent of the amount by which the taxable amount exceeds R21 000;
“ R22 000 “ “ R23 000	R7 110 plus 56 per cent of the amount by which the taxable amount exceeds R22 000;
“ R23 000 “ “ R24 000	R7 670 plus 58 per cent of the amount by which the taxable amount exceeds R23 000;
“ R24 000	R8 250 plus 60 per cent of the amount by which the taxable amount exceeds R24 000.

- (b) on each rand of the taxable income of any company (excluding taxable income in the form of dividends, taxable income derived from mining operations and taxable income referred to in subparagraph (e)) which is determined under the principal Act to be derived—

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- (i) in die gebied Suidwes-Afrika, vyf-en-dertig sent;
 (ii) elders as in bedoelde gebied, veertig sent;
 Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n som gevoeg word gelyk aan twee-en-'n-half persent van bedoelde bedrag;
- (c) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van goud op 'n ander wyse as op 'n na-1966-goudmyn verkry word (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing „bruto inkomste” in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 60 - \frac{360}{x},$$

in welke formule (asook in die formules in die eerste en tweede voorbehoudsbepalings hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreeë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreeë inkomste (met genoemde uitsluiting): Met dien verstande dat indien die aldus verkreeë belasbare inkomste (met genoemde uitsluiting) nie meer as veertigduisend rand bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 20(1 - \frac{6}{x}),$$

en indien bedoelde belasbare inkomste meer as veertigduisend rand bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule

$$y = 20(1 - \frac{6}{x})$$

te verhoog met een vir elke volle bedrag van tweeduisend vyfhonderd rand wat genoemde belasbare inkomste meer as veertigduisend rand bedra: Met dien verstande voorts dat waar 'n sertifikaat deur die Staatsmyningenieur gegee word ten effekte dat die voorwaardes ten opsigte van 'n ondersteunde goudmyn wat deur die Minister van Mynweese ingevolge artikel 2 (2) van die Wet op Bystand aan Goudmyne, 1968 (Wet No. 82 van 1968), voorgeskryf is gedurende die jaar van aanslag deur die betrokke maatskappy nagekom is, die belastingskaal ten opsigte van belasbare inkomste deur die maatskappy verkry uit die myn van goud op bedoelde myn nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule

$$y = 68 - \frac{601}{x};$$

Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf, behalwe die tweede voorbehoudsbepaling, 'n som gevoeg word gelyk aan vyf persent van bedoelde bedrag;

- (d) op elke rand van die belasbare inkomste wat verkry word deur 'n maatskappy uit die myn van goud op 'n na-1966-goudmyn (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 60 - \frac{480}{x},$$

in welke formule (asook die formules in die eerste voorbehoudsbepaling hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreeë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreeë inkomste (met genoemde uitsluiting): Met dien verstande dat indien die aldus verkreeë belasbare inkomste (met genoemde uitsluiting) nie meer as veertigduisend rand bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 20(1 - \frac{8}{x}),$$

en indien bedoelde belasbare inkomste meer as veertigduisend rand bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule

$$y = 20(1 - \frac{8}{x})$$

te verhoog met een vir elke volle bedrag van tweeduisend vyfhonderd rand wat genoemde belasbare inkomste meer as veertigduisend rand bedra: Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n som gevoeg word gelyk aan vyf persent van bedoelde bedrag;

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of vyf-en-dertig sent, watter ook al die hoogste is;

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- (i) within the territory of South-West Africa, thirty-five cents;
- (ii) elsewhere than within the said territory, forty cents:

Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a sum equal to two and a half per cent of such amount;

- (c) on each rand of the taxable income derived by any company from mining for gold otherwise than on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Secretary determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

$$y = 60 - \frac{360}{x},$$

in which formula (and in the formulae set out in the first and second provisos hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said exclusion); Provided that if the taxable income so derived (with the said exclusion) does not exceed forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with the formula:

$$y = 20(1 - \frac{6}{x}),$$

and if such taxable income exceeds forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20 in the formula

$$y = 20(1 - \frac{6}{x}),$$

by one for each completed amount of two thousand five hundred rand by which the said taxable income exceeds forty thousand rand: Provided further that where a certificate is given by the Government Mining Engineer to the effect that the conditions in respect of an assisted gold mine imposed by the Minister of Mines under section 2 (2) of the Gold Mines Assistance Act, 1968 (Act No. 82 of 1968), have been complied with by the company concerned during the year of assessment, the rate of tax in respect of taxable income derived by the company from mining for gold on such mine shall not exceed a percentage determined in accordance with the formula

$$y = 68 - \frac{601}{x};$$

Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph, excluding the second proviso, a sum equal to five per cent of such amount;

- (d) on each rand of the taxable income derived by any company from mining for gold on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Secretary determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

$$y = 60 - \frac{480}{x},$$

in which formula (and in the formulae set out in the first proviso hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said exclusion); Provided that if the taxable income so derived (with the said exclusion) does not exceed forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with the formula:

$$y = 20(1 - \frac{8}{x}),$$

and if such taxable income exceeds forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20 in the formula

$$y = 20(1 - \frac{8}{x})$$

by one for each completed amount of two thousand five hundred rand by which the said taxable income exceeds forty thousand rand: Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a sum equal to five per cent of such amount;

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Secretary determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, the average rate of normal tax or thirty-five cents, whichever is the higher;

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- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van diamante verkry word, vyf-en-veertig sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n som gevoeg word gelyk aan tien persent van bedoelde bedrag;
- (g) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit myn-werksaamhede (behalwe die myn van goud, diamante of aardolie)—
 (i) in die gebied Suidwes-Afrika, vyf-en-dertig sent;
 (ii) elders as in bedoelde gebied, veertig sent:
 Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n som gevoeg word gelyk aan twee-en-'n-half persent van bedoelde bedrag;
- (h) ten opsigte van die belasbare inkomste van 'n maatskappy—
 (i) 'n som gelyk aan vyf persent van die totaal van die bedrae van belasting wat ingevolge subparagraawe (b), (c), (d) en (g) vasgestel is voor die byvoeging van die somme bedoel in die voorbehoudsbepaling by subparagraaf (b), die derde voorbehoudsbepaling by subparagraaf (c), die tweede voorbehoudsbepaling by subparagraaf (d) en die voorbehoudsbepaling by subparagraaf (g);
 (ii) 'n som gelyk aan tien persent van die bedrag van belasting wat ingevolge subparagraaf (f) vasgestel is voor die byvoeging van die som in die voorbehoudsbepaling by daardie subparagraaf bedoel; en
 (iii) 'n som gelyk aan drie persent van soveel van die maatskappy se belasbare inkomste as wat in die vorm van dividende verkry word:
 Met dien verstande dat 'n breukdeel van 'n rand in die belasting ingevolge hierdie subparagraaf bereken, buite rekening gelaat word: Met dien verstande voorts dat die belasting ingevolge hierdie subparagraaf bereken, nie betaalbaar is nie deur 'n maatskappy wie se aanspreeklikheid ingevolge hierdie subparagraaf, by onstentenis van hierdie voorbehoudsbepaling, minder as vyf rand sou wees.

2. (1) By die toepassing van paragraaf 1 sluit inkomste uit die myn van goud verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die oop van die myn van goud gewin word, en enige inkomste wat volgens die oordeel van die Sekretaris regstreeks uit die myn van goud voortvloei.

(2) By die toepassing van subparagraaf (e) van paragraaf 1 word die gemiddelde skaal van normale belasting vasgestel deur die totale normale belasting (met uitsluiting van die belasting ooreenkomstig genoemde subparagraaf vasgestel vir die tydperk waarvoor aangeslaan word) wat deur die betrokke maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk van die eerste dag van Julie 1916 tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rand wat genoemde totale belasbare inkomste bevat.

(3) By die toepassing van paragraaf 1 (b) en (h) van hierdie Bylae, word—

- (a) 'n bedrag ontvang deur of toegeval aan of ten gunste van 'n maatskappy by wyse van 'n uitkering uit die bates met betrekking tot 'n effektegroepe bevat in 'n ingevolge die Wet op Beheer van Effektetrustskemas, 1947 (Wet No. 18 van 1947), gemagtigde effeketrustskema in eiendomsaandeel, en
 (b) soveel van 'n dividend ontvang deur of toegeval aan 'n maatskappy as wat uitgekeer is uit rente verkry deur 'n effektegroepe bedoel in paragraaf (e) van die omskrywing van „maatskappy” in artikel 1 van die Hoofwet wat in die hande van daardie effektegroepe ingevolge die bepaling van artikel 10 (1) (iA) van daardie Wet van belasting vrygestel is, geag andersins as in die vorm van dividende verkry te wees.

(4) Die belasting ooreenkomstig enige van die subparagraawe (a) tot en met (h) van paragraaf 1 vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van die genoemde subparagraawe vasgestel.

3. In hierdie Bylae, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Hoofwet 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

Bylae 2.

HERROEPINGS.

(Artikel 31 van hierdie Wet).

Nommer en Jaar van Wet	Kort Titel	In hoeverre herroep
Wet No. 38 van 1945	Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945	(i) Omskrywings van „inkomste”, „aan superbelaasting onderhewige inkomste”, „belasbare inkomste”, „maatskappy” en „jaar van aanslag” in artikel 1 (1); (ii) subartikels (4), (5), (6), (7) en (8) van artikel 8; (iii) paragraaf (a) van subartikel (1) van artikel 9; (iv) die eerste voorbehoudsbepaling by subartikel (2) van artikel 10;

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- (f) on each rand of the taxable income derived by any company from mining for diamonds, forty-five cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a sum equal to ten per cent of such amount;
- (g) on each rand of the taxable income derived by any company from mining operations (other than mining for gold, diamonds or natural oil)—
- within the territory of South-West Africa, thirty-five cents;
 - elsewhere than within the said territory, forty cents:
- Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a sum equal to two and a half per cent of such amount;
- (h) in respect of the taxable income of any company—
- a sum equal to five per cent of the aggregate of the amounts of tax determined under subparagraphs (b), (c), (d) and (g), before the addition of the sums referred to in the proviso to subparagraph (b), the third proviso to subparagraph (c), the second proviso to subparagraph (d) and the proviso to subparagraph (g);
 - a sum equal to ten per cent of the amount of tax determined under subparagraph (f) before the addition of the sum referred to in the proviso to that subparagraph; and
 - a sum equal to three per cent of so much of the company's taxable income as is derived in the form of dividends:
- Provided that any fraction of a rand of the tax calculated under this subparagraph shall be disregarded: Provided further that the tax calculated in terms of this subparagraph shall not be payable by any company whose liability under this subparagraph would, but for this proviso, be less than five rand.
2. (1) For the purposes of paragraph 1 income derived from mining for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of the mining for gold, and any income which, in the opinion of the Secretary, results directly from mining for gold.
- (2) For the purposes of subparagraph (e) of paragraph 1 the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with the said subparagraph for the period assessed) paid by the company concerned in respect of its aggregate taxable income from gold mining for the period from the first day of July, 1916, to the end of the period assessed, by the number of rand contained in the said aggregate taxable income.
- (3) For the purposes of paragraph 1 (b) and (h) of this Schedule—
- any amount received by or accrued to or in favour of any company by way of a distribution out of the assets pertaining to any unit portfolio comprised in any unit trust scheme in property shares authorized under the Unit Trusts Control Act, 1947 (Act No. 18 of 1947), and
 - so much of any dividend received by or accrued to or in favour of any company as has been distributed out of interest derived by any unit portfolio referred to in paragraph (e) of the definition of "company" in section 1 of the principal Act and which is exempt from tax in the hands of such unit portfolio under the provisions of section 10 (1) (iA) of that Act,
- shall be deemed to be derived otherwise than in the form of dividends.
- (4) The tax determined in accordance with any of the subparagraphs (a) to (h), inclusive, of paragraph 1 shall be payable in addition to the tax determined in accordance with any other of the said subparagraphs.
3. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the principal Act, bears the meaning so assigned thereto.

Schedule 2.

REPEALS.

(Section 31 of this Act).

Law Number and Year	Short Title	Extent of repeal
Act No. 38 of 1945	Financial Relations Consolidation and Amendment Act, 1945 . .	- Definitions of "income", "income subject to super tax", "taxable income", "company" and "year of assessment" in section 1 (1); - subsections (4), (5), (6), (7) and (8) of section 8; - paragraph (a) of subsection (1) of section 9; - the first proviso to subsection (2) of section 10;

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Nommer en Jaar van Wet	Kort Titel	In hoeverre herroep
		(v) subartikels (2) en (3) van artikel 27; en (vi) paragrawe 8 en 9 van die Eerste Bylae.
Wet No. 45 van 1954	Wysigingswet op Finansiële Verhoudings, 1954	Artikels 1 en 3.
Wet No. 23 van 1956	Skatkis- en Ouditwet, 1956 . .	Subartikel (4) van artikel 21.
Wet No. 64 van 1960	Finansiewet, 1960	Artikel 11.
Wet No. 77 van 1962	Finansiewet, 1962	Artikel 18.
Wet No. 90 van 1962	Wysigingswet op Inkomstebelasting, 1962	Artikel 2.
Wet No. 6 van 1963	Wysigingswet op Inkomstebelasting, 1963	Artikels 23 en 24, paragraaf (b) van artikel 25 en artikels 26 en 27.
Wet No. 70 van 1963	Wysigingswet op Inkomstewette, 1963	Artikel 5.
Wet No. 72 van 1963	Inkomstebelastingwet, 1963 . .	Artikels 2 en 3.
Wet No. 90 van 1964	Inkomstebelastingwet, 1964 . .	Artikels 2 en 3.
Wet No. 88 van 1965	Inkomstebelastingwet, 1965 . .	Artikels 2 en 3.
Wet No. 55 van 1966	Inkomstebelastingwet, 1966 . .	Artikels 2 en 3.
Wet No. 95 van 1967	Inkomstebelastingwet, 1967 . .	Artikels 2, 3 en 33.
Wet No. 76 van 1968	Inkomstebelastingwet, 1968 . .	Artikels 2 en 3.
Wet No. 89 van 1969	Inkomstebelastingwet, 1969 . .	Artikels 2 en 4.
Wet No. 52 van 1970	Inkomstebelastingwet, 1970 . .	Artikels 2 en 4.

Bylae 3.

(Sesde Bylae by Wet No. 58 van 1962).

WINSTE INGEVOLGE OF TEN OPSIGTE VAN VERSEKERINGSPOLISSE.

(Paragraaf (eA) van die omskrywing van „bruto inkomste” in artikel 1 van hierdie Wet).

DEEL I.

OMSKRYWINGS.

- By die toepassing van hierdie Bylae, tensy uit die samehang anders blyk, beteken—
 - „aanvangsdatum”, met betrekking tot ’n versekeringspolis, die datum waarop die versekeringsooreenkoms waarop die polis betrekking het deur die partye gesluit word of, indien die versekeraar se verpligtinge ingevolge die ooreenkoms op ’n latere datum begin, daardie latere datum;
 - „eienaar”, met betrekking tot ’n versekeringspolis, die persoon wat as voordelige eienaar die besitter is van die regte deur die polis verleen, terwyl ’n verwysing in hierdie Bylae na ’n eienaar van ’n versekeringspolis uitgelê word asof dit ook ’n verwysing na ’n mede-eienaar daarvan is;
 - „sessie”, met betrekking tot ’n versekeringspolis, ’n algehele of gedeeltelike sessie van die regte wat deur die polis verleen word en ook ’n verkoop, verruiling of ander transaksie waarby sodanige regte verkoop, verruil of andersins vervreem word, hetsy teen vergoeding of teen geen vergoeding nie;
 - „versekeringspolis”—
 - (a) ’n lewenspolis soos in artikel 1 van die Versekeringswet, 1943 (Wet No. 27 van 1943), omskryf indien die versekeraar ingevolge die polis lewensbesigheid soos in genoemde artikel omskryf, dryf, hetsy binne of buite die Republiek; en
 - (b) ’n amortisasiepolis soos in genoemde artikel omskryf, maar nie ook ’n polis wat bewerkstellig is om voordele betaalbaar deur ’n pensioenfonds, voorsorgfonds of uittredingannuïteitsfonds te voorsien en waarvan so ’n fonds of die werkgewer van ’n werknemer wat ingevolge die polis gedek word, die eienaar is nie;

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Law Number and Year	Short Title	Extent of repeal
		(v) subsections (2) and (3) of section 27; and (vi) paragraphs 8 and 9 of the First Schedule.
Act No. 45 of 1954	Financial Relations Amendment Act, 1954	Sections 1 and 3.
Act No. 23 of 1956	Exchequer and Audit Act, 1956	Subsection (4) of section 21.
Act No. 64 of 1960	Finance Act, 1960	Section 11.
Act No. 77 of 1962	Finance Act, 1962	Section 18.
Act No. 90 of 1962	Income Tax Amendment Act, 1962	Section 2.
Act No. 6 of 1963	Income Tax Amendment Act, 1963	Sections 23 and 24, paragraph (b) of section 25 and sections 26 and 27.
Act No. 70 of 1963	Revenue Laws Amendment Act, 1963	Section 5.
Act No. 72 of 1963	Income Tax Act, 1963	Sections 2 and 3.
Act No. 90 of 1964	Income Tax Act, 1964	Sections 2 and 3.
Act No. 88 of 1965	Income Tax Act, 1965	Sections 2 and 3.
Act No. 55 of 1966	Income Tax Act, 1966	Sections 2 and 3.
Act No. 95 of 1967	Income Tax Act, 1967	Sections 2, 3 and 33.
Act No. 76 of 1968	Income Tax Act, 1968	Sections 2 and 3.
Act No. 89 of 1969	Income Tax Act, 1969	Sections 2 and 4.
Act No. 52 of 1970	Income Tax Act, 1970	Sections 2 and 4.

Schedule 3.

(Sixth Schedule to Act No. 58 of 1962).

GAINS UNDER OR IN RESPECT OF INSURANCE POLICIES.

(Paragraph (eA) of the definition of "gross income" in section 1 of this Act).

PART I.

DEFINITIONS.

1. For the purposes of this Schedule, unless the context otherwise indicates—

"cession", in relation to an insurance policy, means a cession in whole or in part of the rights conferred by such policy and includes any sale, exchange or other transaction whereby such rights are sold, exchanged or otherwise disposed of, whether for a consideration or for no consideration;

"commencement date", in relation to an insurance policy, means the date on which the contract of insurance to which the policy relates is made by the parties or, if the obligations of the insurer under the contract commence at a later date, such later date;

"insurance benefit", in relation to an insurance policy, means the gross amount or value of any benefit, whether of a capital nature or not, which is received by or accrues to or in favour of any person under such policy and, without in any way limiting the scope of this definition, includes—

- (a) the gross amount of any bonus or share of profits received by or accrued to or in favour of any person under the policy;
- (b) the gross amount or value of any benefit which is received by or accrues to or in favour of any person upon or by reason of the surrender in whole or in part by any person of his rights under the policy; and
- (c) the gross amount received by or accrued to or in favour of any person in respect of the commutation of any annuity payable under the policy;

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„versekeringsvoordeel”, met betrekking tot ’n versekeringspolis, die bruto bedrag of waarde van ’n voordeel, hetsy van ’n kapitale aard al dan nie, wat deur iemand ontvang word of aan of ten gunste van hom toeval kragtens daardie polis, en, sonder om op enigerlei wyse die strekking van hierdie omskrywing te beperk, ook—

- (a) die bruto bedrag van ’n bonus of deel van winste ontvang deur of toegeval aan of ten gunste van iemand ingevolge die polis;
- (b) die bruto bedrag of waarde van ’n voordeel wat deur iemand ontvang word of wat aan of ten gunste van hom toeval by of uit hoofde van die algehele of gedeeltelike afkoop van iemand se regte ingevolge die polis; en
- (c) die bruto bedrag ontvang deur of toegeval aan of ten gunste van iemand ten opsigte van die omsetting van ’n jaargeld wat ingevolge die polis betaalbaar is.

DEEL II.

BELASBARE WINSTE.

Winste wat by bruto inkomste ingesluit moet word.

2. Die bedrag wat ingevolge die bepalings van paragraaf (eA) van die omskrywing van „bruto inkomste” in artikel 1 van hierdie Wet by ’n belastingpligtige se bruto inkomste ingesluit moet word, is die bedrag wat ooreenkomstig hierdie Bylae vasgestel is as ’n wins gemaak ten opsigte van ’n bedrag ontvang deur of toegeval aan of ten gunste van iemand op of na die dertigste dag van Maart 1972 by wyse van—

- (a) ’n versekeringsvoordeel ingevolge ’n versekeringspolis, behalwe—
 - (i) ’n versekeringsvoordeel waarvan die bedrag by die bruto inkomste van iemand ingesluit moet word ingevolge ’n bepaling van hierdie Wet behalwe genoemde paragraaf; of
 - (ii) ’n versekeringsvoordeel vir sover daar tot bevrediging van die Sekretaris bewys word dat dit ’n bykomende voordeel is wat ingevolge die polis ten opsigte van ongeskiktheid betaalbaar is; of
 - (iii) ’n versekeringsvoordeel wat ingevolge die polis verskuldig word op ’n tydstop wanneer die polis ’n standaardpolis is soos in Deel III beoog; of
- (b) vergoeding ten opsigte van die algehele of gedeeltelike sessie deur die eienaar van ’n versekeringspolis van sy regte ingevolge die polis, behalwe vergoeding ten opsigte van—
 - (i) ’n sessie deur die belastingpligtige aan sy vrou of omgekeerd, indien ten tyde van die sessie die eggenote nie apart woon nie in die omstandighede in artikel 7 (2) van hierdie Wet beoog; of
 - (ii) ’n sessie van die polis wat bewerkstellig word op ’n tydstop wanneer die polis ’n standaardpolis is soos in Deel III beoog.

Sekere winste moet by bruto inkomste van eienaar van versekeringspolis ingesluit word: Reg om belasting te verhaal.

3. Waar ’n versekeringsvoordeel ontvang is deur of toegeval het aan of ten gunste van ’n persoon behalwe die eienaar van die betrokke versekeringspolis, word, by die toepassing van hierdie Bylae, daardie versekeringsvoordeel geag deur die eienaar van die polis ontvang te gewees het of aan of ten gunste van hom toe te geval het, en is belasting wat bedoelde eienaar betaal het ten opsigte van ’n wins wat ingevolge hierdie Deel ten opsigte van bedoelde versekeringsvoordeel vasgestel is, verhaalbaar deur bedoelde eienaar op bedoelde ander persoon, behalwe vir sover belasting van daardie versekeringsvoordeel volgens voorskrif van paragraaf 17 afgetrek of teruggehou is.

Sessie van versekeringspolis as sekuriteit.

4. Waar iemand as eienaar van ’n versekeringspolis sy regte ingevolge die polis geheel en al of gedeeltelik gesedeer het as sekuriteit vir die betaling van ’n skuld of ander bedrag of as ’n waarborg teen verlies, word hy, by die toepassing van hierdie Bylae, nie uit hoofde van die sessie geag om op te gehou het om die eienaar van die polis te wees nie.

Versekeringspolis van eggenoot verkry.

5. By die toepassing van hierdie Bylae, waar ’n persoon ’n versekeringspolis verkry het by sessie van sy vrou of, waar daardie persoon ’n vrouspersoon is, van haar man, op ’n tydstop wanneer die eggenote nie apart gewoon het in die omstandighede beoog in artikel 7 (2) van hierdie Wet nie, word bedoelde persoon geag die polis te verkry het op die tydstop wanneer en op dieselfde wyse waarop, dit deur die vrou of man, na gelang van die geval, verkry is, en word wins deur bedoelde persoon gemaak ten opsigte van ’n versekeringsvoordeel ingevolge die polis of vergoeding ten opsigte van ’n sessie van die polis soos ingevolge hierdie Bylae vasgestel, sover as moontlik vasgestel asof die polis deur een persoon besit was, maar sonder inagneming van vergoeding wat moontlik ten opsigte van eersbedoelde sessie betaalbaar was.

Bron.

6. (1) By die toepassing van hierdie Wet, soos dit met betrekking tot hierdie Bylae van toepassing is, word ’n versekeringsvoordeel ontvang deur of toegeval aan of ten gunste van iemand ingevolge ’n versekeringspolis en vergoeding ontvang deur of toegeval aan of ten gunste van iemand ten opsigte van die sessie van ’n versekeringspolis, geag, behoudens die bepalings van subparagraaf (2), deur die belastingpligtige uit ’n bron in die Republiek verkry te wees, indien—

- (a) ten tyde van die ontvangs of toevalling van bedoelde versekeringsvoordeel of vergoeding die eienaar van die polis (behalwe ’n maatskappy) gewoonlik in die Republiek woonagtig is, of waar die eienaar van die polis ’n maatskappy is, die maatskappy in die Republiek geregistreer is, of aldaar bestuur of beheer word; of
- (b) die betrokke versekeringsooreenkoms in die Republiek gesluit is of die betrokke polis in die Republiek uitgereik is; of
- (c) die betrokke polis ’n binnelandse polis is soos in artikel 1 van die Versekeringswet, 1943 (Wet No. 27 van 1943), omskryf.

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"insurance policy" means—

- (a) a life policy as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943), if the insurer under the policy carries on life business as defined in that section, whether within or outside the Republic; and
- (b) any sinking fund policy as defined in the said section, but does not include any policy which is effected to provide benefits payable by a pension fund, provident fund or retirement annuity fund and of which such fund or the employer of an employee covered under the policy is the owner;

"owner", in relation to an insurance policy, means the person in whom the rights conferred by the policy are vested as beneficial owner, any reference in this Schedule to an owner of an insurance policy being construed as including a reference to a part-owner thereof.

PART II.

TAXABLE GAINS.

Gains which are to be included in gross income.

2. The amount to be included in a taxpayer's gross income under the provisions of paragraph (eA) of the definition of "gross income" in section 1 of this Act shall be the amount determined in accordance with this Schedule as a gain made in respect of any amount received by or accrued to or in favour of any person on or after the thirtieth day of March, 1972, by way of—

- (a) any insurance benefit under any insurance policy, other than—
 - (i) an insurance benefit the amount whereof falls to be included in the gross income of any person under any provision of this Act except the said paragraph; or
 - (ii) any insurance benefit to the extent to which it is shown to the satisfaction of the Secretary to be an additional benefit payable under the policy in respect of disablement; or
 - (iii) any insurance benefit which becomes due under the policy at a time when the policy is a standard policy as contemplated in Part III; or
- (b) consideration in respect of the cession in whole or in part by the owner of an insurance policy of his rights under the policy, other than consideration in respect of—
 - (i) a cession by the taxpayer to his wife or *vice versa*, if at the time of the cession the spouses are not living apart in the circumstances contemplated in section 7 (2) of this Act; or
 - (ii) a cession of the policy effected at a time when the policy is a standard policy as contemplated in Part III.

Certain gains to be included in gross income of owner of insurance policy: Right to recover tax.

3. Where any insurance benefit is received by or has accrued to or in favour of any person other than the owner of the insurance policy in question, such insurance benefit shall for the purposes of this Schedule be deemed to have been received by or to have accrued to or in favour of the owner of the policy, and any tax paid by such owner in respect of any gain determined under this Part in respect of such insurance benefit shall (except to the extent that tax has been deducted or withheld from such insurance benefit as provided in paragraph 17) be recoverable by such owner from such other person.

Cession of insurance policy as security.

4. Where any person has as the owner of an insurance policy ceded his rights under the policy, whether in whole or in part, as security for the payment of any debt or other amount or as an indemnity against loss, he shall for the purposes of this Schedule not be deemed to have ceased to be the owner of the policy by reason of such cession.

Insurance policy acquired from spouse.

5. For the purposes of this Schedule, where any person has acquired an insurance policy by cession from his wife or, if such person is a woman, from her husband, at a time when the spouses were not living apart in the circumstances contemplated in section 7 (2) of this Act, such person shall be deemed to have acquired the policy at the time when and in the same manner as it was acquired by the wife or husband, as the case may be, and any gain made by the said person in respect of any insurance benefit under the policy or any consideration in respect of a cession of the policy as determined under this Schedule, shall as far as possible be determined as though the policy had been owned by one person, but without taking into account any consideration which may have been payable in respect of such first-mentioned cession.

Source.

6. (1) For the purposes of this Act, as applicable in relation to this Schedule, any insurance benefit received by or accrued to or in favour of any person under any insurance policy and any consideration received by or accrued to or in favour of any person in respect of the cession of any insurance policy, shall, subject to the provisions of subparagraph (2), be deemed to have been derived by the taxpayer from a source within the Republic, if—

- (a) at the time of the receipt or accrual of such insurance benefit or consideration the owner of the policy (not being a company) is ordinarily resident in the Republic, or where the owner of the policy is a company, the company is registered, managed or controlled in the Republic; or
- (b) the contract of insurance in question was made in the Republic or the policy in question was issued in the Republic; or
- (c) the policy in question is a domestic policy as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943).

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(2) By die toepassing van hierdie Wet, soos dit met betrekking tot hierdie Bylae van toepassing is, indien die eienaar (behalwe 'n maatskappy) van 'n versekeringspolis ten tyde van die ontvangs of toevalling van 'n versekeringsvoordeel of vergoeding bedoel in subparagraaf (1) gewoonlik in die gebied woonagtig is, word hy nie geag daardie voordeel of vergoeding uit 'n bron in die Republiek te verkry het nie indien die aansoek om die betrokke versekeringspolis in die gebied gedoen is deur 'n persoon (behalwe 'n maatskappy) wat op die tydstip waarop daardie aansoek gedoen is gewoonlik in die gebied woonagtig was en die polis aan daardie persoon uitgereik is.

Bonus of deel van winste betaalbaar anders as by dood van versekerde of termynverloop van polis.

7. (1) Waar 'n versekeringsvoordeel ingevolge 'n versekeringspolis bestaan uit 'n bonus of deel van winste wat betaalbaar word en betaal word anders as by of uit hoofde van die dood van 'n persoon wie se lewe ingevolge die polis verseker word of die termynverloop van die polis, word, by die toepassing van hierdie Bylae, die wins ten opsigte van daardie versekeringsvoordeel geag die bruto bedrag of waarde van daardie bonus of deel van winste, sonder enige aftrekking, te wees en word dit aldus vasgestel.

(2) 'n Bedrag wat op of na die dertigste dag van Maart 1972 ingevolge 'n versekeringspolis betaal word, word, by die toepassing van hierdie Bylae, geag 'n bonus of deel van winste aldus betaalbaar te wees, indien—

- (a) dit betaalbaar geword het uit hoofde van 'n reg deur die polis verleen aan iemand om bonusse te ontvang of om in die winste van die versekeraar te deel; of
- (b) dit betaalbaar geword het uit hoofde van 'n reg om 'n voorskot te ontvang ten opsigte van voordele ingevolge die polis by dood of termynverloop; of
- (c) die polis 'n reg aan iemand verleen om bedrae daarvolgens van tyd tot tyd of op bepaalde tye te ontvang sonder dat daardie persoon verplig word om bedoelde bedrae terug te betaal, en eersbedoelde bedrag so 'n bedrag is; of
- (d) eersbedoelde bedrag 'n versekeringsvoordeel is ten opsigte waarvan 'n wins nie ingevolge paragraaf 8 vasgestel moet word nie,

hetsy eersbedoelde bedrag ten opsigte van 'n gedeeltelike afkoop van die polis of regte daardeur verleen, betaal is al dan nie.

Wins in geval van dood, termynverloop, afkoop of sessie van polis.

8. (1) Waar 'n versekeringsvoordeel ontvang word deur of toeval aan of ten gunste van iemand ingevolge 'n versekeringspolis by of uit hoofde van die dood van iemand wie se lewe ingevolge 'n versekeringspolis verseker word of die termynverloop van 'n versekeringspolis, word daardie versekeringsvoordeel, by die toepassing van hierdie Bylae, geag ontvang te gewees het deur of toe te geval het aan of ten gunste van die persoon wat onmiddellik voor bedoelde dood of termynverloop die eienaar van die polis was.

(2) Waar 'n versekeringsvoordeel ingevolge 'n versekeringspolis deur iemand by of uit hoofde van—

- (a) die dood van 'n persoon wie se lewe ingevolge die polis verseker is; of
- (b) die termynverloop van die polis; of
- (c) die algehele of gedeeltelike afkoop van die regte wat deur die polis verleen word, behalwe waar 'n wins ten opsigte van die versekeringsvoordeel met betrekking tot daardie afkoop ingevolge paragraaf 7 vasgestel moet word,

ontvang is of dit aan of ten gunste van hom toegeval het, of waar vergoeding deur iemand ontvang is of dit aan of ten gunste van hom toegeval het ten opsigte van die algehele of gedeeltelike sessie van die regte wat deur die polis aan hom verleen word, word die wins ten opsigte van daardie versekeringsvoordeel of vergoeding volgens voorskrif van subparagraaf (3) vasgestel.

(3) Die wins wat vasgestel moet word soos in subparagraaf (2) beoog ten opsigte van 'n versekeringsvoordeel ingevolge 'n versekeringspolis of ten opsigte van vergoeding ten opsigte van die algehele of gedeeltelike sessie van 'n persoon se regte ingevolge 'n versekeringspolis, word, behoudens die bepalings van subparagraawe (4), (5) en (6), geag die bedrag (as daar is) te wees waarmee die som van—

- (a) die bruto bedrag of waarde van bedoelde versekeringsvoordeel of bedoelde vergoeding, na gelang van die geval;
- (b) waar, by of uit hoofde van die termynverloop van die betrokke versekeringspolis of die algehele of gedeeltelike afkoop van die regte deur die polis verleen, 'n reg op die betaling van 'n in paragraaf 2 (a) (i) of (ii) bedoelde versekeringsvoordeel ontstaan het, benewens 'n reg op die betaling van 'n ander voordeel, die bruto bedrag of waarde van die aldus bedoelde versekeringsvoordeel;
- (c) die bruto bedrae of waardes van al die versekeringsvoordele (met inbegrip van versekeringsvoordele bedoel in paragraaf 2 (a) (i), (ii) en (iii) en versekeringsvoordele ten opsigte waarvan die winste ingevolge paragraaf 7 vasgestel is, maar met uitsluiting van 'n versekeringsvoordeel wat ingevolge item (a) of item (b) van hierdie subparagraaf in berekening gebring is) wat ingevolge die betrokke versekeringspolis betaalbaar geword het nadat die belastingpligtige die eienaar daarvan geword het (ongegag of bedoelde voordele voor, op of na die dertigste dag van Maart 1972 betaalbaar geword het); en
- (d) die bruto bedrag of waarde van alle vergoedings deur die belastingpligtige ontvang of aan of ten gunste van hom toegeval nadat hy die eienaar van die betrokke versekeringspolis geword het (ongegag of die vergoedings ontvang is of toegeval het voor, op of na die dertigste dag van Maart 1972), ten opsigte van gedeeltelike sessies van sy regte ingevolge die polis, met inbegrip van 'n in paragraaf 2 (b) (ii) bedoelde sessie maar met uitsluiting van 'n in paragraaf 2 (b) (i) bedoelde sessie en 'n sessie waarvoor die vergoeding ingevolge item (a) in berekening gebring word,

die som van—

- (i) die bedrae (hieronder uitgewes genoem) deur die belastingpligtige betaalbaar ten opsigte van—
 - (aa) premies ingevolge die betrokke versekeringspolis verskuldig vanaf die tydstip waarop hy die eienaar daarvan geword het totdat die gebeurtenis plaasgevind het waarby of uit hoofde waarvan die in item (a) bedoelde versekeringsvoordeel betaalbaar geword het of tot die datum van die sessie ten opsigte waarvan die in item (a) bedoelde vergoeding betaalbaar geword het; en
 - (bb) waar die belastingpligtige sy regte ingevolge die betrokke versekeringspolis by sessie verkry het—

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(2) For the purposes of this Act, as applicable in relation to this Schedule, if the owner (other than a company) of an insurance policy is, at the time of the receipt or accrual of any insurance benefit or consideration referred to in subparagraph (1), ordinarily resident in the territory, he shall not be deemed to have derived such benefit or consideration from a source within the Republic if the proposal for the insurance policy in question was made in the territory by a person (other than a company) who at the time such proposal was made was ordinarily resident in the territory and the policy was issued to that person.

Bonus or share of profits payable otherwise than upon death of insured or maturity of policy.

7. (1) Where an insurance benefit under an insurance policy consists of a bonus or share of profits which becomes payable and is paid otherwise than upon or by reason of the death of a person whose life is insured under the policy or the maturity of the policy, the gain in respect of such insurance benefit shall for the purposes of this Schedule be deemed to be and be determined as, the gross amount or value of such bonus or share of profits, without any deduction.

(2) Any amount paid under any insurance policy on or after the thirtieth day of March, 1972, shall for the purposes of this Schedule be deemed to be a bonus or share of profits so payable if—

- (a) it has become payable by virtue of a right conferred by the policy upon any person to receive bonuses or to participate in the profits of the insurer; or
- (b) it has become payable by virtue of a right to receive an advance in respect of maturity or death benefits under the policy; or
- (c) the policy confers a right upon any person to receive amounts thereunder at intervals or at stated times without such person being obliged to repay such amounts and the aforesaid amount is such an amount; or
- (d) the aforesaid amount is an insurance benefit in respect of which a gain is not required to be determined under paragraph 8,

whether or not the aforesaid amount is paid in respect of a partial surrender of the policy or any rights thereunder.

Gain in the event of death, maturity, surrender or cession of policy.

8. (1) Where an insurance benefit is received by or accrues to or in favour of any person under an insurance policy upon or by reason of the death of a person whose life is insured under an insurance policy or the maturity of an insurance policy, that insurance benefit shall for the purposes of this Schedule be deemed to have been received by or to have accrued to or in favour of the person who was the owner of the policy immediately before such death or maturity.

(2) Where any insurance benefit has been received by or has accrued to or in favour of any person under an insurance policy upon or by reason of—

- (a) the death of any person whose life was insured under the policy; or
- (b) the maturity of the policy; or
- (c) the surrender in whole or in part of the rights conferred by the policy, except where a gain in respect of the insurance benefit relating to such surrender is required to be determined under paragraph 7,

or where any consideration has been received by or has accrued to or in favour of any person in respect of the cession in whole or in part by him of the rights conferred on him by the policy, the gain in respect of such insurance benefit or consideration shall be determined as provided in subparagraph (3).

(3) The gain which has to be determined as contemplated in subparagraph (2) in respect of any insurance benefit under any insurance policy or in respect of any consideration in respect of the cession in whole or in part of a person's rights under any insurance policy shall, subject to the provisions of subparagraphs (4), (5) and (6), be deemed to be the amount (if any) by which the sum of—

- (a) the gross amount or value of such insurance benefit or such consideration, as the case may be;
- (b) where, upon or by reason of the maturity of the insurance policy in question or the surrender in whole or in part of the rights conferred by the policy, a right to the payment of an insurance benefit referred to in paragraph 2 (a) (i) or (ii) has arisen in addition to a right to the payment of any other benefit, the gross amount or value of the insurance benefit so referred to;
- (c) the gross amounts or values of all the insurance benefits (including insurance benefits referred to in paragraph 2 (a) (i), (ii) and (iii) and insurance benefits the gains in respect of which have been determined under paragraph 7, but excluding any insurance benefit accounted for under item (a) or item (b) of this subparagraph) which have become payable under the insurance policy in question since the taxpayer became the owner thereof (whether such benefits became payable before, on or after the thirtieth day of March, 1972); and
- (d) the gross amount or value of all considerations received by or accrued to or in favour of the taxpayer since he became the owner of the insurance policy in question (whether such considerations were received or accrued before, on or after the thirtieth day of March, 1972), in respect of any partial cessions of his rights under the policy, including any cession referred to in paragraph 2 (b) (ii) but excluding any cession referred to in paragraph 2 (b) (i) and any cession the consideration for which is accounted for under item (a),

exceeds the sum of—

- (i) the amounts (hereinafter referred to as expenses) payable by the taxpayer in respect of—
 - (aa) any premiums due under the insurance policy in question from the time he became the owner thereof until the happening of the event upon or by reason of which the insurance benefit referred to in item (a) became payable or until the date of the cession in respect of which the consideration referred to in item (a) became payable; and
 - (bb) where the taxpayer acquired his rights under the insurance policy in question by cession—

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- (A) die bedrag of waarde van enige vergoeding deur hom ten opsigte van daardie sessie betaal; of
- (B) waar geen sodanige vergoeding deur hom betaalbaar was nie, die bedrag waarmee die afkoopwaarde (as daar is) van sy regte op die datum van bedoelde sessie die wins (as daar is) oorskry wat ingevolge hierdie paragraaf in die hande van die sedent vasgestel sou gewees het indien 'n vergoeding gelyk aan bedoelde afkoopwaarde ten opsigte van bedoelde sessie deur die sedent ontvang was of aan hom toegeval het, met die veronderstelling dat hierdie Bylae van toepassing was, maar sonder inagneming van paragraaf 2 (b) (ii) en ongeag die datum van bedoelde sessie;

Met dien verstande dat—

- (I) waar eersbedoelde versekeringsvoordeel betaalbaar geword het uit hoofde van 'n gedeeltelike afkoop van die belastingpligtige se regte ingevolge die polis, die bedrag wat ingevolge hierdie item in berekening gebring moet word 'n bedrag is wat in dieselfde verhouding tot die bedrag van bedoelde uitgawes staan as die verhouding waarin die bedrag of waarde van bedoelde versekeringsvoordeel staan tot die bedrag of waarde van die versekeringsvoordeel wat betaalbaar sou geword het indien die belastingpligtige al sy regte ingevolge die polis laat afkoop het;
- (II) waar eersbedoelde vergoeding betaalbaar geword het ten opsigte van 'n gedeeltelike sessie van regte ingevolge die polis, die bedrag wat ingevolge hierdie item in berekening gebring moet word 'n bedrag is wat in dieselfde verhouding tot die bedrag van bedoelde uitgawes (min enige gedeelte daarvan wat voorheen ingevolge hierdie item in berekening gebring is) staan as die verhouding waarin die bedrag of waarde van bedoelde vergoeding tot die markwaarde van al die belastingpligtige se regte onmiddellik voor die sessie staan;
- (ii) die bedrae van winste wat ingevolge hierdie Bylae by die belastingpligtige se bruto inkomste ingesluit is ten opsigte van versekeringsvoordele wat ingevolge item (c) in berekening gebring word en vergoedings wat ingevolge item (d) in berekening gebring word; en
- (iii) waar die aanvangsdatum van die betrokke versekeringspolis in die tydperk eindigende op die nege-en-twintigste dag van Maart 1972 val en die belastingpligtige die eienaar van die polis aan die end van daardie tydperk was, 'n bedrag gelyk aan die bedrag wat ingevolge hierdie Bylae as 'n wins in die hande van die belastingpligtige vasgestel sou gewees het indien hy aan die end van bedoelde tydperk sy regte ingevolge die polis laat afkoop het en 'n bedrag gelyk aan die afkoopwaarde van bedoelde regte aan hom toegeval het ten opsigte van daardie regte, met die veronderstelling dat hierdie Bylae van toepassing was maar sonder inagneming van subitem (ii) van item (b) van paragraaf 2,

oorskry.

(4) Waar, by die vasstelling van 'n wins ingevolge subparagraaf (3), 'n bedrag of waarde ingevolge subparagraaf (3) (b) in berekening gebring word of 'n bedrag of waarde ingevolge subparagraaf (3) (c) in berekening gebring word ten opsigte van 'n versekeringsvoordeel bedoel in paragraaf 2 (a) (i), (ii) of (iii) of 'n versekeringsvoordeel wat voor die dertigste dag van Maart 1972 betaalbaar geword het, of 'n bedrag of waarde ingevolge subparagraaf (3) (d) in berekening gebring word ten opsigte van vergoeding wat betaalbaar geword het ten opsigte van 'n sessie bedoel in paragraaf 2 (b) (ii) of 'n vergoeding wat voor die dertigste dag van Maart 1972 betaalbaar geword het, word die wins wat aldus vasgestel is, verminder met 'n bedrag wat in dieselfde verhouding tot daardie wins staan as die verhouding waarin die som van die bedrae of waardes wat aldus in berekening gebring is, staan tot die som van die bedrae of waardes wat ingevolge items (a) tot en met (d) van subparagraaf (3) in berekening gebring is.

(5) Waar 'n versekeringsvoordeel uit 'n reg op 'n jaargeld bestaan of dit insluit en die bedrag of waarde van daardie versekeringsvoordeel ingevolge subparagraaf (3) (b) of (c) in berekening gebring moet word, moet die gekapitaliseerde waarde van bedoelde jaargeld (soos volgens voorskrif van subparagraaf (6) vasgestel) by die waarde van bedoelde versekeringsvoordeel ingesluit word.

(6) Die gekapitaliseerde waarde van 'n in subparagraaf (5) bedoelde jaargeld word vasgestel deur die jaarlikse waarde van die jaargeld teen ses persent te kapitaliseer oor die vermoedelike lewensduur van die persoon wat op die jaargeld geregtig geword het of, indien die jaargeld vir 'n korter tydperk as die lewensduur van die jaargeldtrekker of vir 'n vaste tydperk betaal moet word, oor sodanige korter of vaste tydperk, na gelang van die geval.

(7) Geen aftrekking of vermindering word by die vasstelling ingevolge hierdie paragraaf van 'n wins ten opsigte van 'n versekeringsvoordeel, teen die bruto bedrag of waarde van daardie versekeringsvoordeel toegelaat nie, behalwe 'n bedrag wat ingevolge hierdie paragraaf as 'n aftrekking teen daardie versekeringsvoordeel in berekening gebring kan word, ondanks die feit dat die versekeraar, toe hy die versekeringsvoordeel betaal het, die betrokke bedrag van die versekeringsvoordeel afgetrek het of dit daarteen in vergelyking gebring het.

Skaal van normale belasting.

9. Waar die belasbare inkomste van 'n belastingpligtige (behalwe 'n maatskappy) vir 'n jaar van aanslag 'n wins insluit wat ooreenkomstig die bepalinge van paragraaf 8 vasgestel is, word, behoudens die bepalinge van artikel 5 van hierdie Wet, die normale belasting wat deur die belastingpligtige ten opsigte van bedoelde jaar betaalbaar is, ooreenkomstig die bepalinge van artikel 5 (10) van hierdie Wet of die bepalinge van paragraaf 19 van die Eerste Bylae, indien van toepassing, vasgestel, maar die bepalinge hiervan word nie so uitgelê dat 'n persoon van aanspreeklikheid vir belasting ingevolge hierdie Wet op enige gedeelte van sy belasbare inkomste onthef word nie.

DEEL III.

STANDAARDPOLISSE.

Sekere lewenspolis is standaardpolis.

10. (1) By die toepassing van hierdie Bylae maar behoudens die bepalinge van hierdie Deel, is 'n versekeringspolis 'n standaardpolis indien dit 'n lewenspolis is soos in artikel 1 van die Versekeringswet, 1943 (Wet No. 27 van 1943), omskryf, en indien—

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- (A) the amount or value of any consideration paid by him in respect of such cession; or
- (B) where no such consideration was payable by him, the amount by which the surrender value (if any) of his rights at the date of such cession exceeds the gain (if any) which would have been determined under this paragraph in the hands of the cedent if a consideration equal to such surrender value had been received by or had accrued to the cedent in respect of such cession, assuming this Schedule to have been applicable, but ignoring paragraph 2 (b) (ii) and regardless of the date of such cession:

Provided that—

- (I) where such firstmentioned insurance benefit has become payable by reason of a partial surrender of the taxpayer's rights under the policy, the amount to be taken into account under this item shall be an amount which bears to the amount of such expenses the same ratio as the amount or value of such insurance benefit bears to the amount or value of the insurance benefit which would have become payable if the taxpayer had surrendered all his rights under the policy;
- (II) where such firstmentioned consideration has become payable in respect of a partial cession of rights under the policy, the amount to be taken into account under this item shall be an amount which bears to the amount of such expenses (less any portion thereof previously accounted for under this item) the same ratio as the amount or value of such consideration bears to the market value of all the taxpayer's rights under the policy immediately before the cession;
- (ii) the amounts of any gains included in the taxpayer's gross income under this Schedule in respect of insurance benefits accounted for under item (c) and considerations accounted for under item (d); and
- (iii) where the commencement date of the insurance policy in question fell in the period ending on the twenty-ninth day of March, 1972, and the taxpayer was the owner of the policy at the end of that period, an amount equal to the amount which would have been determined under this Schedule as a gain in the hands of the taxpayer if at the end of the said period he had surrendered his rights under the policy and an amount equal to the surrender value of such rights had accrued to him in respect of such rights, assuming this Schedule to have been applicable but ignoring subitem (ii) of item (b) of paragraph 2.

(4) Where, in the determination of any gain under subparagraph (3), an amount or value is accounted for under subparagraph (3) (b) or an amount or value is accounted for under subparagraph (3) (c) in respect of an insurance benefit referred to in paragraph 2 (a) (i), (ii) or (iii) or an insurance benefit which became payable before the thirtieth day of March, 1972, or an amount or value is accounted for under subparagraph (3) (d) in respect of any consideration which became payable in respect of a cession referred to in paragraph 2 (b) (ii) or a consideration which became payable before the thirtieth day of March, 1972, the gain so determined shall be reduced by an amount which bears to that gain the same ratio as the sum of the amounts or values so accounted for bears to the sum of the amounts or values accounted for in terms of items (a) to (d), inclusive, of subparagraph (3).

(5) Where an insurance benefit consists of or includes a right to an annuity and the amount or value of such insurance benefit has to be accounted for under subparagraph (3) (b) or (c), the capitalised value of such annuity (determined as provided in subparagraph (6)) shall be included in the value of such insurance benefit.

(6) The capitalised value of an annuity referred to in subparagraph (5) shall be determined by capitalising at six per cent the annual value of the annuity over the life expectancy of the person who has become entitled to the annuity or, if the annuity is to be paid for a lesser period than the life of the annuitant or for a fixed period, over such lesser or fixed period, as the case may be.

(7) No deduction or allowance shall, in the determination under this paragraph of any gain in respect of any insurance benefit, be made against the gross amount or value of that insurance benefit, other than an amount allowed under this paragraph to be accounted for as a deduction from such insurance benefit, notwithstanding the fact that the insurer may, when paying such insurance benefit, have deducted the amount in question from or have set it off against such insurance benefit.

Rate of normal tax.

9. Where the taxable income of any taxpayer (other than a company) for any year of assessment includes any gain determined in accordance with the provisions of paragraph 8, the normal tax payable by the taxpayer in respect of such year shall, subject to the provisions of section 5 of this Act, be determined in accordance with the provisions of section 5 (10) of this Act or the provisions of paragraph 19 of the First Schedule, if applicable, but nothing herein contained shall be construed as relieving any person from liability for taxation under this Act upon any portion of his taxable income.

PART III.

STANDARD POLICIES.

Certain life policies are standard policies.

10. (1) For the purposes of this Schedule, but subject to the provisions of this Part, an insurance policy is a standard policy if it is a life policy as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943), and if—

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- (a) dit die betaling van 'n versekeringsvoordeel verseker wat betaalbaar is by of uit hoofde van die dood of die dood of vroeër ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan), van 'n persoon wie se lewe ingevolge die polis verassureer word; of
- (b) dit die betaling van 'n versekeringsvoordeel verseker wat betaalbaar is of by of uit hoofde van die oorlewing vir 'n bepaalde termyn van minstens tien jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) van 'n persoon wie se lewe ingevolge die polis verassureer word of by of uit hoofde van die vroeër dood of ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van daardie persoon, en in iedere geval indien dit voldoen aan die vereistes wat ingevolge paragraaf 11 en 12 daarop van toepassing is.

(2) By die toepassing van hierdie paragraaf word 'n versekeringspolis geag die betaling van 'n voordeel by of uit hoofde van dood, ongeskiktheid of oorlewing vir 'n bepaalde termyn te verseker, ondanks die feit dat die betaalbare bedrag na gelang van die gebeurtenis kan wissel.

Voorwaardes met betrekking tot premies.

- 11. (1) Ten einde as 'n standaardpolis ingevolge paragraaf 10 in aanmerking te kom—
 - (a) moet die premies wat betaalbaar is ingevolge 'n polis waarop die bepaling van paragraaf 10 (1) (a) betrekking het, by gereelde jaarlikse of korter tussenpose betaalbaar wees tot die dood van die persoon wie se lewe ingevolge die polis verseker word, of tot die dood of vroeër ongeskiktheid van daardie persoon, of tot die verstryking van 'n tydperk van minstens vyf jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) of die vroeër dood of ongeskiktheid van daardie persoon;
 - (b) moet die premies wat betaalbaar is ingevolge 'n polis waarop die bepaling van paragraaf 10 (1) (b) betrekking het, by gereelde jaarlikse of korter tussenpose betaal word tot die verstryking van 'n tydperk van minstens vyf jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) of tot die vroeër dood of ongeskiktheid van die persoon wie se lewe ingevolge die polis verseker word;
 - (c) mag die totaalbedrag van die premies wat aldus betaalbaar is ingevolge 'n polis in item (a) of (b) bedoel, nie in enige tydperk van twaalf maande meer as twee maal die totaalbedrag van die premies wat daarvolgens in 'n ander dergelike tydperk aldus betaalbaar is, wees nie; en
 - (d) mag geen vergoeding aan die versekeraar ingevolge die polis betaalbaar wees nie behalwe die premies wat soos voormeld betaalbaar is.
- (2) Ten einde vas te stel of 'n versekeringspolis aan die bepaling van subparagraaf (1) voldoen het al dan nie—
 - (a) word 'n bepaling daarin vir die afstanddoening van premievoordeel, soos in subparagraaf (3) omskryf, nie in aanmerking geneem nie;
 - (b) word 'n premie wat ten opsigte van die polis betaal is voor die aanvangsdatum van die polis, geag op daardie datum betaal te gewees het; en
 - (c) word 'n premie (behalwe 'n premie in paragraaf (b) bedoel) wat ingevolge die polis betaalbaar is, geag op die datum waarop daardie premie ingevolge die polis verskuldig is, betaal te gewees het, indien—
 - (i) dit betaal is binne 'n tydperk wat drie maande voor die vervaldatum daarvan begin en drie maande na daardie datum eindig; of
 - (ii) dit nie binne die respytdae wat die versekeraar toelaat, betaal is nie, maar die versekeraar die polis van krag gehou het deur 'n voorskot teen die instandhoudingswaarde van die polis te maak van 'n bedrag gelyk aan die onbetaalde premie, terwyl die voorskot aangewend word om die premie te betaal en rente op die voorskot gevorder word teen 'n koers van minstens die hoogste rentekoers wat die versekeraar op die paslike tyd vra op nie-verbeuringsvoorskotte op die groter kategorieë van standaard nie-gekoppelde polisse uitgereik deur die versekeraar; of
 - (iii) die polis, as gevolg van wanbetaling van die premie, verval of opbetaald geword het, maar die premie daarna betaal en die polis herstel is binne 'n tydperk wat die Sekretaris, met inagneming van die omstandighede van die geval, redelik ag.
- (3) By die toepassing van hierdie paragraaf, beteken „afstanddoening van premievoordeel” 'n bepaling in 'n versekeringspolis waarvolgens die versekeraar onderneem dat—
 - (a) in die geval van die dood van 'n persoon in die polis genoem, die polis sal voortduur, maar dat die betaling van toekomstige premies of geheel en al of gedeeltelik afstand van gedoen sal word, en dat die polis ten volle van krag gehou sal word asof die premies waarvan afstand gedoen word ten volle betaal word, terwyl daardie afstanddoening van premies voortduur vir 'n vaste tydperk in die polis vermeld, of tot 'n datum in die polis vermeld, of tot die vroeër dood van 'n ander persoon in die polis vermeld; of
 - (b) in die geval van die algehele of gedeeltelike ongeskiktheid, na die aanvangsdatum van die polis, van 'n persoon in die polis vermeld, die polis sal voortduur, maar dat of geheel en al of gedeeltelik afstand van die betaling van toekomstige premies gedoen sal word, en dat die polis ten volle van krag gehou sal word asof die premies waarvan afstand gedoen word ten volle betaal word, terwyl daardie afstanddoening van premies voortduur vir die duur van daardie ongeskiktheid vir of 'n vaste tydperk in die polis gemeld, of tot 'n datum in die polis gemeld, of tot die vroeër dood van die vermelde persoon.

Voorwaardes met betrekking tot versekeringsvoordele.

12. Ten einde as 'n standaardpolis ingevolge paragraaf 10 in aanmerking te kom, moet 'n versekeringspolis nie voorsiening maak nie vir die betaling van 'n versekeringsvoordeel voor die verstryking van 'n tydperk van minstens tien jaar gereken van die aanvangsdatum van die polis, behalwe—

- (a) 'n voordeel wat betaalbaar word by of uit hoofde van die dood van 'n persoon wie se lewe ingevolge die polis verseker word, of by of uit hoofde van die ongeskiktheid van daardie persoon wat na die aanvangsdatum van die polis ontstaan; of
- (b) 'n voordeel wat uit 'n bonus of deel van winste bestaan wat betaalbaar is uit die versekeraar se winste aan alle polishouers wat geregtig is om in die versekeraar se winste te deel, maar met uitsondering van 'n gewaarborgde bonus of deel van winste; of
- (c) 'n voordeel by wyse van 'n afstanddoening van premievoordeel soos in paragraaf 11 (3) omskryf; of
- (d) 'n voordeel wat betaalbaar is ten opsigte van die afkoop van al die regte deur die polis verleen.

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- (a) it secures the payment of an insurance benefit which is payable upon or by reason of the death or the death or earlier disablement (occurring after the commencement date of the policy), of a person whose life is insured under the policy; or
 - (b) it secures the payment of an insurance benefit which is payable either upon or by reason of the survival for a specified term of not less than ten years, commencing not earlier than three months before the commencement date of the policy, of a person whose life is insured under the policy, or upon or by reason of the earlier death or disablement (occurring after the commencement date of the policy) of that person,
- and in either case if it satisfies the conditions appropriate to it under paragraphs 11 and 12.
- (2) For the purposes of this paragraph an insurance policy shall be deemed to secure the payment of a benefit upon or by reason of death, disablement or survival for a specified term, notwithstanding that the amount payable may vary with the event.

Conditions as to premiums.

11. (1) In order to qualify as a standard policy under paragraph 10—
- (a) the premiums payable under a policy to which the provisions of paragraph 10 (1) (a) apply shall be payable at regular yearly or shorter intervals until the death of the person whose life is insured under the policy, or until the death or earlier disablement of that person, or until the expiry of a period of not less than five years (commencing not earlier than three months before the commencement date of the policy) or the earlier death or disablement of that person;
 - (b) the premiums payable under a policy to which the provisions of paragraph 10 (1) (b) apply shall be payable at regular yearly or shorter intervals until the expiry of a period of not less than five years (commencing not earlier than three months before the commencement date of the policy) or until the earlier death or disablement of the person whose life is insured under the policy;
 - (c) the total amount of the premiums which are so payable under any policy referred to in item (a) or (b) shall not in any period of twelve months exceed twice the total amount of the premiums so payable thereunder in any other such period; and
 - (d) no consideration shall be payable to the insurer under the policy other than premiums payable as aforesaid.
- (2) For the purpose of determining whether or not any insurance policy has conformed with the provisions of subparagraph (1)—
- (a) no account shall be taken of any provision therein for a waiver of premium benefit, as defined in subparagraph (3);
 - (b) any premium in respect of the policy paid before the commencement date of the policy shall be deemed to have been paid on that date; and
 - (c) any premium (other than a premium referred to in paragraph (b)) payable under the policy shall be deemed to have been paid on the date on which such premium is due in terms of the policy, if—
 - (i) it has been paid within a period commencing three months before and ending three months after the due date thereof; or
 - (ii) it has not been paid within the days of grace allowed by the insurer, but the insurer has kept the policy in force by advancing against the non-forfeiture value of the policy, an amount equal to the unpaid premium, applying the advance in payment of the premium and charging interest on the advance at a rate not less than the highest rate of interest charged by the insurer at the relevant time on non-forfeiture advances on the major classes of standard non-linked policies issued by the insurer; or
 - (iii) the policy has, in consequence of the non-payment of the premium, lapsed or become paid-up, but the premium has subsequently been paid and the policy re-instated within a period which the Secretary, having regard to the circumstances of the case, regards as reasonable.
- (3) For the purposes of this paragraph "waiver of premium benefit" means a provision in an insurance policy whereby the insurer undertakes that—
- (a) in the event of the death of a person specified in the policy, the policy will continue, but that the payment of future premiums will be waived, either wholly or partially, and that the policy will be kept fully in force as if the premiums that are being waived are being paid in full, such waiver of premiums continuing for a fixed period specified in the policy, or until a date specified in the policy, or until the earlier death of another person specified in the policy; or
 - (b) in the event of the total or partial disablement, after the commencement date of the policy, of a person specified in the policy, the policy will continue, but that the payment of future premiums will be waived, either wholly or partially, and that the policy will be kept fully in force as if the premiums that are waived are being paid in full, such waiver of premiums continuing during the duration of such disability for either a fixed period specified in the policy, or until a date specified in the policy, or until the earlier death of the specified person.

Conditions as to insurance benefits.

12. In order to qualify as a standard policy under paragraph 10, an insurance policy shall not provide for the payment of any insurance benefit before the expiry of a period of at least ten years reckoned from the commencement date of the policy, except—
- (a) a benefit which becomes payable upon or by reason of the death of a person whose life is insured under the policy or upon or by reason of the disablement of such person occurring after the commencement date of the policy; or
 - (b) a benefit consisting of a bonus or share of profits payable out of the insurer's profits to all policy holders who are entitled to participate in the insurer's profits, but excluding any guaranteed bonus or share of profits; or
 - (c) any benefit by way of a waiver of premium benefit as defined in paragraph 11 (3); or
 - (d) any benefit payable in respect of the surrender of all the rights conferred by the policy.

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Sekere polisse geag standaardpolisse te wees.

13. (1) By die toepassing van hierdie Bylae word 'n versekeringspolis, ondanks die voorgaande bepalinge maar behoudens die volgende bepalinge van hierdie Deel, geag 'n standaardpolis te wees, indien—

- (a) die enigste versekeringsvoordeel wat daarvolgens betaalbaar is (sonder inagneming van 'n voordeel betaalbaar by of uit hoofde van die afkoop van die polis), 'n voordeel is ingeval van die dood of vroeër ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van 'n persoon wie se lewe ingevolge die polis verseker word; of
- (b) daar in die polis bepaal word dat geen voordeel (behalwe 'n voordeel betaalbaar by of uit hoofde van die afkoop van die polis) daarvolgens betaalbaar is nie tot die verstryking van 'n tydperk van meer as tien jaar van die aanvangsdatum van die polis of die vroeër dood of ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van 'n persoon wie se lewe ingevolge die polis verseker word; of
- (c) die aanvangsdatum van die polis 'n datum is wat voor die dertigste dag van Maart 1972 val, tensy—
 - (i) die polis op of na laasgenoemde datum verander is en die polis, soos aldus verander, nie ingevolge die bepalinge van paragrawe 10, 11 en 12 of die bepalinge van item (a) of (b) van hierdie subparagraaf 'n polis is wat as 'n standaardpolis in aanmerking kom nie; of
 - (ii) daar in die polis voorsiening gemaak word vir die betaling op of na die eerste dag van Januarie 1968 van slegs een premie of vergoeding of vir die betaling van al die premies of vergoedings ingevolge die polis binne 'n tydperk van twaalf maande wat op of na laasgenoemde datum eindig.

(2) By die toepassing van hierdie Bylae word, behoudens die volgende bepalinge van hierdie Deel, 'n versekeringspolis wat nie 'n standaardpolis is nie soos in die voorgaande bepalinge van hierdie Deel beoog, geag 'n standaardpolis te geword het indien en wanneer 'n tydperk van minstens tien jaar (wat op of na die aanvangsdatum van die polis begin) verstryk het waarin—

- (a) geen versekeringsvoordeel ingevolge die polis betaal is nie;
- (b) geen lening of voorskot deur die versekeraar ingevolge of op sekuriteit of grond van die polis deur die versekeraar gemaak is nie;
- (c) die polis deurgaans deur dieselfde eienaar besit is; en
- (d) geen betalings ingevolge die polis aan die versekeraar verskuldig geword het nie behalwe premies wat betaalbaar is op die wyse in paragraaf 11 beoog of verdere of addisionele premies wat by gereelde jaarlikse of korter tussenpose betaalbaar is vir 'n tydperk van minstens vyf jaar (wat na die aanvangsdatum van die polis maar nie later nie as die begin van bedoelde tydperk van tien jaar begin) of tot die vroeër dood of ongeskiktheid (wat na die begin van bedoelde tydperk van vyf jaar ontstaan) van 'n persoon wie se lewe ingevolge die polis verseker word, terwyl die totale verdere of addisionele premies wat in enige tydperk van twaalf maande aldus betaalbaar is, nie meer is nie as twee maal die totale verdere of addisionele premies wat in 'n ander tydperk van twaalf maande aldus betaalbaar is;

Met dien verstande dat 'n polis nie soos voormeld geag word 'n standaardpolis te geword het nie indien dit voorsiening maak vir die betaling van premies of verdere of addisionele premies soos in item (d) beoog, en, gedurende 'n tydperk van vyf jaar van die datum waarop die eerste van bedoelde premies of die eerste van bedoelde verdere of addisionele premies, na gelang van die geval, betaalbaar geword het, 'n tydperk van dertien maande verloop waarin bedoelde premies of verdere of addisionele premies, na gelang van die geval, ingevolge die polis betaal moet word maar nie betaal word nie (behalwe as gevolg van 'n afstanddoening van premievoordeel soos in paragraaf 11 (3) omskryf) tensy die polis, as gevolg van wanbetaling van bedoelde premies of verdere of addisionele premies, verval of opbetaald geword het, maar daardie premies of verdere of addisionele premies daarna betaal en die polis herstel is binne 'n tydperk wat die Sekretaris, met inagneming van die omstandighede van die geval, redelik ag.

Wanneer 'n polis ophou om 'n standaardpolis te wees.

14. (1) By die toepassing van hierdie Bylae word 'n versekeringspolis wat ingevolge die bepalinge van hierdie Deel as 'n standaardpolis in aanmerking gekom het, geag op te gehou het om 'n standaardpolis te wees, indien—

- (a) in die geval van 'n polis wat ingevolge die bepalinge van paragrawe 10, 11 en 12 as 'n standaardpolis in aanmerking gekom het, dit op of na die dertigste dag van Maart 1972 verander word sodat dit nie meer aan daardie bepalinge voldoen nie; of
- (b) in die geval van 'n polis wat ingevolge die bepalinge van paragraaf 13 (1) (a) of (b) as 'n standaardpolis in aanmerking gekom het, dit op of na die dertigste dag van Maart 1972 verander word sodat dit nie meer aan daardie bepalinge voldoen nie of (terwyl dit nie 'n polis is nie wat aan die vereistes van paragraaf 11 met betrekking tot premies voldoen het) dit geheel en al of gedeeltelik afgekoop word binne 'n tydperk van tien jaar van die aanvangsdatum daarvan; of
- (c) in die geval van 'n polis wat ingevolge die bepalinge van item (c) van subparagraaf (1) van paragraaf 13 as 'n standaardpolis in aanmerking gekom het, dit verander word soos in subitem (i) van daardie item beoog; of
- (d) gedurende 'n tydperk van vyf jaar, gereken van die aanvangsdatum van die polis, 'n tydperk van dertien maande verloop waarin premies ingevolge die polis betaal moet word maar nie betaal word nie (behalwe as gevolg van 'n afstanddoening van premievoordeel soos in paragraaf 11 (3) omskryf): Met dien verstande dat die voorgaande bepalinge van hierdie item nie van toepassing is nie in die geval van 'n polis wat as gevolg van die latere betaling van bedoelde premies herstel is soos in paragraaf 11 (2) (c) (iii) beoog of in die geval van 'n polis wat ingevolge die bepalinge van paragraaf 13 (1) (c) as 'n standaardpolis in aanmerking gekom het of, in die geval van 'n ander polis, indien dit binne bedoelde tydperk van vyf jaar afgekoop of in 'n opbetaalde polis omgeskep is; of
- (e) die polis aan die bepalinge van paragraaf 11 met betrekking tot premies voldoen het maar dit op of na die dertigste dag van Maart 1972 verander word om voorsiening te maak vir die betaling aan die versekeraar in enige tydperk van twaalf maande terwyl die polis van krag is, van 'n bedrag of bedrae by wyse van verdere of addisionele premie of vergoeding ten opsigte van die polis, tensy—

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Certain policies deemed to be standard policies.

13. (1) For the purposes of this Schedule, an insurance policy shall, notwithstanding the foregoing provisions but subject to the following provisions of this Part, be deemed to be a standard policy, if—

- (a) the only insurance benefit payable thereunder (disregarding any benefit payable upon or by reason of a surrender of the policy) is a benefit in the event of the death or earlier disablement (occurring after the commencement date of the policy) of a person whose life is insured under the policy; or
- (b) it is provided in the policy that no benefit (other than a benefit payable upon or by reason of the surrender of the policy) is to be payable thereunder until the expiry of a period of more than ten years from the commencement date of the policy or the earlier death or disablement (occurring after the commencement date of the policy) of a person whose life is insured under the policy; or
- (c) the commencement date of the policy is a date falling before the thirtieth day of March, 1972, unless—
 - (i) the policy has on or after the last-mentioned date been varied and the policy as so varied is not a policy which qualifies as a standard policy under the provisions of paragraphs 10, 11 and 12 or the provisions of item (a) or (b) of this subparagraph; or
 - (ii) the policy provides for the payment on or after the first day of January, 1968, of only one premium or consideration or for the payment of all the premiums or considerations under the policy to be made within a period of twelve months ending on or after the last-mentioned date.

(2) For the purposes of this Schedule an insurance policy which is not a standard policy as contemplated in the foregoing provisions of this Part shall, subject to the following provisions of this Part, be deemed to have become a standard policy if and when a period of at least ten years (commencing on or after the commencement date of the policy) has elapsed during which—

- (a) no insurance benefit has been paid under the policy;
- (b) no loan or advance has been made by the insurer under or on the security or strength of the policy;
- (c) the policy has throughout continued to be owned by the same owner; and
- (d) no payments have become due to the insurer under the policy other than premiums payable in the manner contemplated in paragraph 11 or further or additional premiums payable at regular yearly or shorter intervals for a period of at least five years (commencing after the commencement date of the policy but not later than the commencement of the said period of ten years) or until the earlier death or disablement (occurring after the commencement of the said period of five years) of a person whose life is insured under the policy, the total further or additional premiums so payable in any period of twelve months not exceeding twice the total further or additional premiums so payable in any other period of twelve months:

Provided that the policy shall not be deemed to have become a standard policy as aforesaid if it provides for the payment of premiums or further or additional premiums as contemplated in item (d), and during a period of five years from the date on which the first of such premiums or the first of such further or additional premiums, as the case may be, became payable a period of thirteen months elapses during which such premiums or further or additional premiums, as the case may be, are required to be paid under the policy but are not paid (except as a result of a waiver of premium benefit as defined in paragraph 11 (3)), unless the policy has in consequence of the non-payment of such premiums or further or additional premiums, lapsed or become paid-up, but those premiums or further or additional premiums have subsequently been paid and the policy re-instated within a period which the Secretary, having regard to the circumstances of the case, regards as reasonable.

When a standard policy ceases to be such.

14. (1) For the purposes of this Schedule, an insurance policy which has under the provisions of this Part qualified as a standard policy shall be deemed to have ceased to be a standard policy, if—

- (a) in the case of a policy which qualified as a standard policy under the provisions of paragraphs 10, 11 and 12, it is on or after the thirtieth day of March, 1972, varied so that it no longer conforms with those provisions; or
- (b) in the case of a policy which qualified as a standard policy under the provisions of paragraph 13 (1) (a) or (b), it is on or after the thirtieth day of March, 1972, varied so that it no longer conforms with those provisions or (not being a policy which conformed with the requirements of paragraph 11 as to premiums) it is surrendered in whole or in part within a period of ten years from the commencement date thereof; or
- (c) in the case of a policy which qualified as a standard policy under the provisions of item (c) of subparagraph (1) of paragraph 13, it is varied as contemplated in subitem (i) of that item; or
- (d) during a period of five years, reckoned from the commencement date of the policy, a period of thirteen months elapses during which premiums are required to be paid under the policy but are not paid (except as a result of a waiver of premium benefit as defined in paragraph 11 (3)): Provided that the foregoing provisions of this item shall not apply in the case of a policy which has been re-instated as contemplated in paragraph 11 (2) (c) (iii) in consequence of the subsequent payment of the said premiums or in the case of a policy which qualified as a standard policy under the provisions of paragraph 13 (1) (c) or, in the case of any other policy, if it has been surrendered or converted into a paid-up policy within the said period of five years; or
- (e) the policy conformed with the provisions of paragraph 11 as to premiums but is on or after the thirtieth day of March, 1972, varied to provide for the payment to the insurer in any period of twelve months while the policy is in force, of any amount or amounts by way of further or additional premium or consideration in respect of the policy, unless—

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- (i) die premies en ander vergoedings wat ingevolge die polis, soos aldus verander, aan die versekeraar in enige tydperk van twaalf maande betaalbaar is, nie in totaal 'n bedrag gelyk aan meer as twee maal die totale premies en ander vergoedings wat ingevolge die polis aan die versekeraar in enige ander tydperk van twaalf maande betaalbaar is, te bowe gaan nie; of
- (ii) die totale premies en ander vergoedings wat ingevolge die polis en ander versekeringspolisse deur die eienaar van die polis aan die versekeraar betaalbaar is gedurende die jaar van aanslag van die versekeraar waarin die verdere of addisionele premie of vergoeding vir die eerste keer betaalbaar word en gedurende elk van die vier voorafgaande jare van aanslag van die versekeraar, nie tweeduisend rand te bowe gaan nie; of
- (f) in die geval van 'n polis wat ingevolge die bepalinge van paragraaf 13 (1) (a), (b) of (c) as 'n standaardpolis in aanmerking gekom het of in die geval van 'n polis wat 'n standaardpolis geword het soos in paragraaf 13 (2) beoog, maar wat nie in die een of die ander geval aan die bepalinge van paragraaf 11 met betrekking tot premies voldoen het nie, die polis op of na die dertigste dag van Maart 1972 verander word om voorsiening te maak vir die betaling aan die versekeraar, te eniger tyd terwyl die polis van krag is van 'n verdere of addisionele premie of vergoeding ten opsigte van die polis; of
- (g) die polis (behalwe 'n polis wat ingevolge die bepalinge van paragraaf 13 (1) (c) as 'n standaardpolis in aanmerking gekom het en nie verander is nie soos in daardie bepalinge beoog) aan die bepalinge van paragraaf 11 met betrekking tot premies voldoen het maar dit binne 'n tydperk van tien jaar na die aanvangsdatum van die polis in sy geheel of gedeeltelik afgekoop word of dit binne 'n tydperk van vyf jaar na daardie datum in 'n opbetaalde polis omgeskep word en nie herstel is nie soos in paragraaf 11 (2) (c) (iii) beoog word, tensy die som van al die premies en ander vergoedings wat betaalbaar is deur die eienaar van die polis aan die versekeraar ten opsigte van bedoelde polis en ander versekeringspolisse gedurende die jaar van aanslag van die versekeraar waarin die polis aldus afgekoop of in 'n opbetaalde polis omgeskep word en gedurende elk van die vier voorafgaande jare van aanslag van die versekeraar, nie tweeduisend rand te bowe gaan het nie; of
- (h) in die geval van 'n polis wat ingevolge die bepalinge van paragraaf 13 (1) (a) of (b) op of na die dertigste dag van Maart 1972 as 'n standaardpolis in aanmerking gekom het, 'n lening of voorskot deur die versekeraar ingevolge, of op sekuriteit of grond van, die polis gemaak is, tensy rente op daardie lening of voorskot betaalbaar is teen 'n koers nie minder nie as die hoogste rentekoers wat die versekeraar vra, op die tydstop wanneer die lening of voorskot toegestaan is, ten opsigte van lenings of voorskotte toegestaan op standaardpolisse deur die versekeraar uitgereik.
- (2) 'n Versekeringspolis wat ophou om 'n standaardpolis te wees soos in subparagraaf (1) beoog, word geag op te gehou het om 'n standaardpolis te wees—
 - (a) van die datum waarop dit verander word soos in bedoelde subparagraaf beoog; of
 - (b) van die end van die tydperk bedoel in item (d) van bedoelde subparagraaf; of
 - (c) van die dag voor die datum waarop die polis afgekoop of in 'n opbetaalde polis omskep word soos in bedoelde subparagraaf beoog; of
 - (d) van die datum waarop 'n lening of voorskot ingevolge of op sekuriteit of grond van, die polis gemaak word soos in item (h) van bedoelde subparagraaf beoog.

Gekoppelde polisse.

15. Waar daar in 'n polis bepaal word of daar ooreengekom word dat dit sal aanhou om van krag te wees slegs solank 'n ander polis, aanhou om van krag te wees, is geeneen van hulle 'n standaardpolis nie tensy, indien hulle saam 'n enkele polis uitgemaak het wat uitgereik was ten opsigte van 'n versekering aangegaan ten tyde van die versekering ten opsigte waarvan eersbedoelde polis uitgereik is, daardie enkele polis 'n standaardpolis sou gewees het.

Kennisgewings met betrekking tot nie-standaardpolisse.

16. (1) Elke versekeraar wat 'n versekeringspolis uitgereik het wat na sy mening nie 'n standaardpolis is nie soos in hierdie Deel beoog, moet—

- (a) nie later nie as drie maande na die uitreiking van die polis, indien die polis uitgereik word na die datum van afkondiging van die Inkomstebelastingwet, 1972; of
- (b) nie later nie as ses maande na bedoelde datum, indien die polis voor daardie datum uitgereik is,

die polishouer in kennis stel dat, na die oordeel van die versekeraar, die polis nie 'n standaardpolis is nie.

(2) Waar 'n versekeringspolis wat, na die oordeel van die versekeraar, 'n standaardpolis was, verander, afgekoop of in 'n opbetaalde polis omgeskep word soos in paragraaf 14 beoog, of die bepalinge van item (b) of (h) van subparagraaf (1) van bedoelde paragraaf van toepassing is, moet die versekeraar, nie later nie as drie maande na die datum van die verandering, afkoop of omskepping of drie maande na die end van die tydperk van dertien maande bedoel in genoemde item (b), of drie maande na die datum waarop 'n lening of voorskot gemaak word soos in genoemde item (h) beoog, na gelang van die geval, die polishouer in kennis stel dat die polis opgehou het om 'n standaardpolis te wees soos in hierdie Deel beoog: Met dien verstande dat waar die polis aldus opgehou het om 'n standaardpolis te wees voor die datum van afkondiging van die Inkomstebelastingwet, 1972, die kennisgewing ingevolge hierdie subparagraaf binne ses maande na daardie datum uitgereik kan word.

(3) Elke versekeraar wat 'n kennisgewing volgens voorskrif van subparagraaf (1) of (2) uitreik, moet terselfdertyd 'n afskrif van daardie kennisgewing aan die Sekretaris verstrek.

DEEL IV.

AFTREKKING OF TERUGHOUING VAN NORMALE BELASTING.

Versekeraar moet normale belasting aftrek of terughou van versekeringsvoordeel.

17. (1) 'n Versekeraar wat in die loop van versekeringsbesigheid deur hom in die Republiek beoefen aan iemand 'n versekeringsvoordeel (behalwe 'n versekeringsvoordeel bedoel in paragraaf 2 (a) (i), (ii) of (iii)) betaal of vir die betaling daarvan aanspreeklik word, moet van daardie verse-

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- (i) the premiums and any other considerations payable to the insurer under the policy, as so varied, in any period of twelve months do not in total exceed an amount equal to more than twice the total premiums and any other considerations payable to the insurer under the policy in any other period of twelve months; or
- (ii) the total premiums and other considerations payable by the owner of the policy to the insurer under the policy and any other insurance policies during the year of assessment of the insurer during which the further or additional premium or consideration first becomes payable and during each of the four preceding years of assessment of the insurer, do not exceed two thousand rand; or
- (f) in the case of a policy which qualified as a standard policy under the provisions of paragraph 13 (1) (a), (b) or (c) or in the case of a policy which has become a standard policy as contemplated in paragraph 13 (2), but which did not in either case conform with the provisions of paragraph 11 as to premiums, the policy is on or after the thirtieth day of March, 1972, varied so as to provide for the payment to the insurer, at any time while the policy is in force, of any further or additional premium or consideration in respect of the policy; or
- (g) the policy (other than a policy which qualified as a standard policy under the provisions of paragraph 13 (1) (c) and has not been varied as contemplated in those provisions) conformed with the provisions of paragraph 11 as to premiums but is surrendered in whole or in part within a period of ten years after the commencement date of the policy, or is converted into a paid-up policy within a period of five years after that date and has not been re-instated as contemplated in paragraph 11 (2) (c) (iii), unless the sum of all the premiums and any other considerations payable by the owner of the policy to the insurer in respect of such policy and any other insurance policies during the year of assessment of the insurer during which the policy is so surrendered or converted into a paid-up policy, and during each of the four preceding years of assessment of the insurer, did not exceed two thousand rand; or
- (h) in the case of a policy which on or after the thirtieth day of March, 1972, qualified as a standard policy under the provisions of paragraph 13 (1) (a) or (b), a loan or advance is made by the insurer under or on the security or strength of the policy, unless interest is payable on such loan or advance at a rate not less than the highest rate of interest charged by the insurer at the time the loan or advance was granted in respect of loans or advances granted on standard policies issued by the insurer.
- (2) An insurance policy which ceases to be a standard policy as contemplated in subparagraph (1) shall be deemed to have ceased to be a standard policy—
 - (a) as from the date on which it is varied as contemplated in the said subparagraph; or
 - (b) as from the end of the period referred to in item (d) of the said subparagraph; or
 - (c) as from the day before the date on which the policy is surrendered or converted into a paid-up policy as contemplated in the said subparagraph; or
 - (d) as from the date on which a loan or advance is made under or on the security or strength of the policy as contemplated in item (h) of the said subparagraph.

Connected policies.

15. Where it is provided in any insurance policy or it is agreed that it is to continue in force only for as long as another insurance policy continues in force, neither policy is a standard policy unless, if they had constituted together a single policy issued in respect of an insurance made at the time of the insurance in respect of which the first-mentioned policy was issued, that single policy would have been a standard policy.

Notifications as to non-standard policies.

16. (1) Every insurer who has issued an insurance policy which in his opinion is not a standard policy as contemplated in this Part, shall—

- (a) not later than three months after issuing the policy, if the policy is issued after the date of promulgation of the Income Tax Act, 1972; or
- (b) not later than six months after the said date if the policy was issued before that date, notify the policy holder that the policy is, in the opinion of the insurer, not a standard policy.

(2) Where any insurance policy which, in the opinion of the insurer, was a standard policy, is varied or surrendered or converted into a paid-up policy as contemplated in paragraph 14 or the provisions of item (b) or (h) of subparagraph (1) of that paragraph are applicable, the insurer shall, not later than three months after the date of the variation, surrender or conversion or three months after the end of the period of thirteen months referred to in the said item (b), or three months after the date on which a loan or advance is made as contemplated in the said item (h), as the case may be, notify the policy holder that the policy has ceased to be a standard policy as contemplated in this Part: Provided that where the policy ceased to be a standard policy as aforesaid before the date of promulgation of the Income Tax Act, 1972, the notification under this subparagraph may be issued within six months after that date.

(3) Every insurer who issues a notification as provided in subparagraph (1) or (2) shall at the same time furnish a copy of such notification to the Secretary.

PART IV.

DEDUCTION OR WITHHOLDING OF NORMAL TAX.

Insurer to deduct or withhold normal tax from insurance benefit.

17. (1) Any insurer who in the course of an insurance business carried on by him in the Republic pays or becomes liable to pay to any person any insurance benefit (other than an insurance benefit referred to in paragraph 2 (a) (i), (ii) or (iii)) shall deduct or withhold from such

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keringsvoordeel 'n bedrag (wat vasgestel moet word soos hieronder bepaal) aftrek of terughou en daardie bedrag aan die Sekretaris betaal binne veertien dae na die end van die maand waarin die versekeraar bedoelde versekeringsvoordeel betaal of aanspreeklik word om dit te betaal of binne die verdere tydperk wat die Sekretaris goedkeur.

(2) Die bedrag wat aldus aan die Sekretaris betaal word, word geag 'n vooruitbetaling te wees ten opsigte van die aanspreeklikheid vir normale belasting betaalbaar deur die persoon by wie se bruto inkomste 'n wins ten opsigte van die betrokke versekeringsvoordeel ingevolge hierdie Bylae ingesluit moet of kan word.

(3) Die houer van 'n versekeringspolis waarkragtens 'n versekeringsvoordeel betaalbaar geword het of kan word, moet, op versoek van die versekeraar, aan die versekeraar sy inkomstebelasting-verwysingsnommer en die verdere inligting wat die versekeraar nodig het vir die vasstelling van die bedrag van 'n wins wat ingevolge hierdie Bylae ingesluit moet word by die bruto inkomste van die houer of van 'n ander persoon wat 'n eienaar van die polis is, verstrek.

(4) Die versekeraar moet, indien hy oortuig is dat hy voldoende inligting het waarop 'n berekening van die wins (as daar is) gemaak kan word, die wins bereken, en die bedrag wat hy soos voormeld van die versekeringsvoordeel ten opsigte waarvan daardie wins bereken is, moet aftrek of terughou, is 'n bedrag gelyk aan vyftien persent van die bedrag van die wins soos aldus bereken.

(5) Indien die versekeraar nie 'n berekening volgens voorskrif van subparagraaf (4) kan maak nie, is die bedrag wat afgetrek of teruggehou moet word van die versekeringsvoordeel ten opsigte waarvan die wins nie aldus bereken kan word nie, vyftien persent van die bruto bedrag van die versekeringsvoordeel.

(6) By die toepassing van hierdie paragraaf beteken „maand” enigene van die twaalf dele waarin 'n kalenderjaar verdeel is.

Sertifikaat word deur versekeraar ten opsigte van vooruitbetaling verstrek.

18. (1) 'n Versekeraar wat 'n betaling aan die Sekretaris maak wat hy ingevolge paragraaf 17 (1) moet maak, moet, wanneer hy daardie betaling maak, 'n sertifikaat aan die Sekretaris verstrek, in die vorm deur die Sekretaris voorgeskryf, waarin die volgende inligting gegee word, te wete—

- (a) die bedrag en aard van die versekeringsvoordeel;
- (b) die datum waarop die versekeringsvoordeel betaalbaar geword het;
- (c) die naam en adres van die persoon aan wie die versekeringsvoordeel betaalbaar was;
- (d) die volle name en adres en inkomstebelasting-verwysingsnommer van die eienaar van die betrokke versekeringspolis;
- (e) die bedrag wat as 'n wins ten opsigte van die versekeringsvoordeel bereken word, met besonderhede van die berekening;
- (f) die bedrag wat van die versekeringsvoordeel afgetrek of teruggehou is;
- (g) die nommer of ander identifikasie van die betrokke versekeringspolis en die aanvangsdatum daarvan; en
- (h) die ander inligting wat die Sekretaris vereis.

(2) Waar, by 'n berekening ingevolge paragraaf 17 (4), 'n versekeraar bereken het dat daar geen wins ten opsigte van 'n versekeringsvoordeel is nie, moet hy, binne veertien dae na die end van die maand waarin die versekeraar die versekeringsvoordeel betaal het of aanspreeklik geword het om dit te betaal, 'n sertifikaat aan die Sekretaris verstrek, in die vorm van die sertifikaat bedoel in subparagraaf (1), wat die inligting gee wat die Sekretaris vereis.

(3) Die versekeraar moet aan die eienaar van die betrokke versekeringspolis 'n afskrif van die in subparagraaf (1) of (2) bedoelde sertifikaat verstrek en moet, op versoek van 'n ander persoon aan wie die versekeringsvoordeel betaal is, 'n dergelike afskrif aan daardie ander persoon ook verstrek.

Vooruitbetaling word teen normale belasting in vergelyking gebring.

19. (1) Behoudens die bepalinge van subparagraaf (2), word 'n in paragraaf 17 (2) bedoelde vooruitbetaling in vergelyking gebring teen enige belastinge (soos in paragraaf 28 (8) van die Vierde Bylae omskryf) wat deur die belastingpligtige verskuldig is op die datum waarop 'n normale belastingaanslag aan hom uitgereik word ten opsigte van die wins waarop die vooruitbetaling betrekking het, en word enige oorskot aan die belastingpligtige terugbetaal of gekrediteer.

(2) Waar so 'n vooruitbetaling ooreenkomstig paragraaf 17 (1) afgetrek of teruggehou is van 'n versekeringsvoordeel betaalbaar aan 'n ander persoon as die belastingpligtige, word die bedrag wat teen die belastingpligtige se aanspreeklikheid vir normale belasting in vergelyking gebring word, beperk tot die bedrag aan normale belasting deur die belastingpligtige betaalbaar, wat, volgens 'n vasstelling van die Sekretaris, toe te skryf is aan die insluiting by die belastingpligtige se bruto inkomste van die wins ten opsigte van bedoelde versekeringsvoordeel, terwyl 'n oorskot terugbetaalbaar is aan die versekeraar vir betaling aan bedoelde persoon.

Sertifikaat ten opsigte van sekere versekeringsvoordele nie deur paragraaf 17 gedek nie.

20. (1) Waar 'n versekeraar in die loop van versekeringsbesigheid deur hom in die Republiek beoefen 'n versekeringsvoordeel (behalwe 'n versekeringsvoordeel bedoel in paragraaf 2 (a) (i), (ii) of (iii)) betaal het of aanspreeklik geword het om dit te betaal en daardie betaling gemaak is of daardie aanspreeklikheid ontstaan het voor die datum van afkondiging van die Inkomstebelastingwet, 1972, moet hy, binne ses maande na daardie datum of binne die verdere tydperk wat die Sekretaris toelaat, 'n sertifikaat aan die Sekretaris verstrek, in die vorm van die in paragraaf 18 (1) bedoelde sertifikaat, wat die inligting gee wat die Sekretaris vereis.

(2) Die versekeraar moet aan die eienaar van die betrokke versekeringspolis 'n afskrif van die in subparagraaf (1) bedoelde sertifikaat verstrek en moet, op versoek van 'n ander persoon aan wie die versekeringsvoordeel betaal is, 'n dergelike afskrif aan daardie ander persoon ook verstrek.

Opdrag deur Sekretaris.

21. (1) Indien die Sekretaris oortuig is dat daar 'n redelike vooruitsig bestaan om normale belasting wat verskuldig is of mag wees as gevolg van die insluiting ingevolge hierdie Bylae by 'n belastingpligtige se bruto inkomste van 'n wins ten opsigte van 'n versekeringsvoordeel, op die belastingpligtige te verhaal, of dat die bedrag wat ingevolge die bepalinge van paragraaf 17 van 'n versekeringsvoordeel afgetrek of teruggehou moet word, hoër is as wat nodig is, kan die Sekretaris met inagneming van die omstandighede van die geval—

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insurance benefit an amount (which shall be determined as hereinafter provided) and pay such amount to the Secretary within fourteen days after the end of the month during which the insurer so pays or becomes liable to pay such insurance benefit, or within such further period as the Secretary may approve.

(2) The amount so paid to the Secretary shall be deemed to be an advance payment in respect of the liability for any normal tax payable by the person in whose gross income a gain in respect of the insurance benefit in question is or may be required to be included under this Schedule.

(3) The holder of any insurance policy under which an insurance benefit has or may become payable, shall, at the request of the insurer, furnish to the insurer his income tax reference number and such other information as the insurer may require for the determination of the amount of an gain which is under this Schedule required to be included in the gross income of the holder or any other person who is an owner of the policy.

(4) The insurer shall, if he is satisfied that he has sufficient information on which a calculation of the gain (if any) may be made, calculate the gain, and the amount which he is required as aforesaid to deduct or withhold from the insurance benefit in respect of which such gain is calculated, shall be an amount equal to fifteen per cent of the amount of the gain as so calculated.

(5) If the insurer is unable to make any calculation as provided in subparagraph (4), the amount to be deducted or withheld from the insurance benefit in respect of which the gain cannot be so calculated, shall be fifteen per cent of the gross amount of the insurance benefit.

(6) For the purposes of this paragraph "month" means any of the twelve portions into which a calendar year is divided.

Certificate to be furnished by insurer in respect of advance payment.

18. (1) An insurer who makes any payment to the Secretary which he is required to make under paragraph 17 (1), shall, when making such payment, furnish to the Secretary a certificate, in such form as the Secretary may prescribe, giving the following information, namely—

- (a) the amount and nature of the insurance benefit;
- (b) the date on which the insurance benefit became payable;
- (c) the name and address of the person to whom the insurance benefit was payable;
- (d) the full names and address and income tax reference number of the owner of the insurance policy in question;
- (e) the amount calculated as a gain in respect of the insurance benefit, with details of the calculation;
- (f) the amount deducted or withheld from the insurance benefit;
- (g) the number or other identification of the insurance policy in question and the commencement date thereof; and
- (h) such other information as the Secretary may require.

(2) Where, in making any calculation under paragraph 17 (4), an insurer has calculated that there is no gain in respect of an insurance benefit, he shall, within fourteen days after the end of the month during which the insurer paid or became liable to pay the insurance benefit, furnish the Secretary with a certificate, in the form of the certificate referred to in subparagraph (1), giving such information as the Secretary may require.

(3) The insurer shall furnish the owner of the insurance policy in question with a copy of the certificate referred to in subparagraph (1) or (2) and shall, at the request of any other person to whom the insurance benefit was paid, also furnish that other person with a similar copy.

Advance payment to be set off against normal tax.

19. (1) Subject to the provisions of subparagraph (2), any advance payment referred to in paragraph 17 (2) shall be set off against any taxes (as defined in paragraph 28 (8) of the Fourth Schedule) owing by the taxpayer on the date on which a normal tax assessment is issued to him in respect of the gain to which the advance payment relates, and any excess shall be refunded or credited to the taxpayer.

(2) Where such advance payment has, in accordance with paragraph 17 (1), been deducted or withheld from an insurance benefit payable to any person other than the taxpayer, the amount to be set off against the taxpayer's liability for normal tax shall be restricted to the amount of normal tax payable by the taxpayer which the Secretary determines to be attributable to the inclusion in the taxpayer's gross income of the gain in respect of such insurance benefit, any excess being refundable to the insurer for payment to the said person.

Certificate in respect of certain insurance benefits not covered by paragraph 17.

20. (1) Where any insurer has in the course of any insurance business carried on by him in the Republic paid or become liable to pay any insurance benefit (other than an insurance benefit referred to in paragraph 2 (a) (i), (ii) or (iii)) and such payment was made or such liability arose before the date of promulgation of the Income Tax Act, 1972, he shall, within six months after that date or within such further period as the Secretary may allow, furnish the Secretary with a certificate, in the form of the certificate referred to in paragraph 18 (1), giving such information as the Secretary may require.

(2) The insurer shall furnish the owner of the insurance policy in question with a copy of the certificate referred to in subparagraph (1) and shall, at the request of any other person to whom the insurance benefit was paid, also furnish that other person with a similar copy.

Directive by Secretary.

21. (1) If the Secretary is satisfied that there is a reasonable prospect of recovering from any taxpayer any normal tax which is or may be due by him as a result of the inclusion in the taxpayer's gross income under this Schedule of any gain in respect of an insurance benefit or that the amount required to be deducted or withheld under the provisions of paragraph 17 is higher than is necessary, the Secretary may, having regard to the circumstances of the case—

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- (a) gelas dat geen bedrag of dat 'n verminderde bedrag ingevolge paragraaf 17 van die verskeringsvoordeel afgetrek of teruggehou word; of
- (b) waar daar 'n redelike vooruitsig is om die normale belasting soos voormeld te verhaal en die versekeraar versuim het om ingevolge paragraaf 17 'n bedrag af te trek of terug te hou, die versekeraar van sy aanspreeklikheid ingevolge paragraaf 23 (1) onthef.

Rente op laat betalings deur versekeraars.

22. Indien 'n bedrag wat 'n versekeraar ingevolge die bepaling van paragraaf 17 aan die Sekretaris moet betaal nie binne die toepaslike tydperk wat ingevolge daardie bepaling vir die betaling van daardie bedrag toegelaat word, ten volle betaal word nie, word, tensy die Sekretaris met inagneming van die omstandighede van die geval anders gelas, rente deur die versekeraar aanspreeklik vir die betaling van die betrokke bedrag betaal teen die koers van sewe en 'n half persent per jaar op soveel van bedoelde bedrag as wat onbetaald is ten opsigte van die tydperk (gereken van die end van eersbedoelde tydperk) waartydens die bedrag wat nie betaal is nie, uitstaande bly.

Aanspreeklikheid van versekeraar ingevolge hierdie deel.

23. (1) 'n Bedrag wat ingevolge die bepaling van paragraaf 17 afgetrek of teruggehou moet word, is 'n skuld aan die Staat verskuldig en, behoudens andersluidende bepaling, is die versekeraar absoluut aanspreeklik vir die behoorlike betaling daarvan aan die Sekretaris.

(2) 'n Ooreenkoms tussen 'n versekeraar en 'n ander persoon waarby die versekeraar onderneem om nie 'n bedrag wat ingevolge die bepaling van paragraaf 17 afgetrek of teruggehou moet word, af te trek of terug te hou nie, is nietig.

(3) 'n Persoon aan wie 'n betaling gemaak of verskuldig word deur 'n versekeraar, is, behoudens die bepaling van paragraaf 19, nie geregtig om 'n bedrag wat die versekeraar ingevolge die bepaling van paragraaf 17 daarvan afgetrek of teruggehou het op die versekeraar te verhaal nie.

(4) 'n Bedrag verskuldig deur 'n versekeraar ingevolge die bepaling van paragraaf 17 en rente verskuldig deur die versekeraar ingevolge die bepaling van paragraaf 22 kan deur die Sekretaris verhaal word op die wyse wat in artikel 91 van hierdie Wet voorgeskryf word vir die verhaal van belasting en rente ingevolge hierdie Wet verskuldig of betaalbaar.

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- (a) direct that no amount or that a reduced amount be deducted or withheld from the insurance benefit under paragraph 17; or
- (b) where there is a reasonable prospect of recovering the normal tax as aforesaid and the insurer has failed to deduct or withhold an amount when required to do so under paragraph 17, absolve the insurer from his liability under paragraph 23 (1).

Interest on late payments by insurers.

22. If any amount which an insurer is required to pay to the Secretary under the provisions of paragraph 17 is not paid in full within the relevant period allowed under those provisions for the payment of such amount, interest shall, unless the Secretary having regard to the circumstances of the case otherwise directs, be paid by the insurer liable to pay the amount in question at the rate of seven and a half per cent per annum on so much of such amount as remains unpaid in respect of the period (reckoned from the end of the first-mentioned period) during which the amount not paid remains unpaid.

Liability of insurer under this part.

23 (1) Any amount required to be deducted or withheld by an insurer under the provisions of paragraph 17 shall be a debt due to the State and the insurer shall, save as otherwise provided, be absolutely liable for the due payment thereof to the Secretary.

(2) Any agreement between an insurer and any other person whereby the insurer undertakes not to deduct or withhold any amount which is required to be deducted or withheld under the provisions of paragraph 17 shall be void.

(3) Subject to the provisions of paragraph 19, any person to whom any payment has been made or is due by an insurer shall not be entitled to recover from the insurer any amount the insurer has deducted or withheld therefrom under the provisions of paragraph 17.

(4) Any amount due by an insurer under the provisions of paragraph 17 and any interest due by the insurer under the provisions of paragraph 22 may be recovered by the Secretary in the manner prescribed in section 91 of this Act for the recovery of tax and interest due or payable under this Act.

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