

Government Gazette

Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 517

Cape Town,
Kaapstad,

3 July
Julie 2008

No. 31208

THE PRESIDENCY

No. 721

3 July 2008

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

No. 4 of 2008: Taxation Laws Second Amendment Act, 2008.

DIE PRESIDENSIE

No. 721

3 Julie 2008

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

No. 4 van 2008: Tweede Wysigingswet op Belastingwette, 2008.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the President.)
(Assented to 28 June 2008.)*

ACT

To amend the—

- **Income Tax Act, 1962, so as to amend certain definitions; to delete certain obsolete provisions; to amend provisions relating to the submission of tax returns and reconciliations; to provide for the imposition of penalties; to effect textual and consequential amendments;**
 - **Value-Added Tax Act, 1991, so as to effect textual amendments;**
 - **Diamond Export Levy (Administration) Act, 2007, so as to clarify provisions relating to registration; and**
 - **Securities Transfer Tax Administration Act, 2007, so as to effect a textual correction;**
- and to provide for matters connected therewith.**

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 3 of Act 58 of 1962, as amended by section 3 of Act 141 of 1992, section 3 of Act 21 of 1994, section 3 of Act 21 of 1995, section 20 of Act 30 of 1998, section 3 of Act 59 of 2000, section 6 of Act 5 of 2001, section 4 of Act 19 of 2001, section 18 of Act 60 of 2001, section 7 of Act 74 of 2002, section 13 of Act 45 of 2003, section 4 of Act 16 of 2004, section 2 of Act 21 of 2006, section 1 of Act 9 of 2007 and section 3 of Act 36 of 2007 5

1. Section 3 of the Income Tax Act, 1962, is hereby amended—
 - (a) by the substitution in subsection (4) for paragraph (a) of the following paragraph:
 - “(a) the definitions of ‘benefit fund’, ‘pension fund’, pension preservation fund, ‘provident fund’, provident preservation fund, ‘retirement annuity fund’ and ‘spouse’ in section 1;”; and
 - (b) by the substitution in subsection (5)(a) for the words preceding subparagraph (i) of the following words:
 - “to approve a fund contemplated in the definition of a ‘pension fund’, pension preservation fund, ‘provident fund’, provident preservation fund or ‘retirement fund’, subject to—”.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woerde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- _____ Woerde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.
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*(Engelse teks deur die President geteken.)
(Goedgekeur op 28 Junie 2008.)*

WET**Tot wysiging van die—**

- **Inkomstbelastingwet, 1962, ten einde bepaalde omskrywings te wysig; bepaalde uitgedienende bepalings te skrap; bepalings betreffende die indiening van belastingopgawes en rekonsiliaسies te wysig; voorsiening te maak vir oplê van boetes; tekstuele en gevolglike wysigings aan te bring;**
 - **Wet op Belasting op Toegevoegde Waarde, 1991, ten einde tekstuele wysigings aan te bring;**
 - **“Diamond Export Levy (Administration) Act, 2007”, ten einde bepalings betreffende registrasie op te helder; en**
 - **Wet op die Administrasie van Belasting op Oordrag van Sekuriteite, 2007, ten einde ’n tekstuele korreksie aan te bring;**
- en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.**

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 3 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 141 van 1992, artikel 3 van Wet 21 van 1994, artikel 3 van Wet 21 van 1995, artikel 20 van Wet 30 van 1998, artikel 3 van Wet 59 van 2000, artikel 6 van Wet 5 van 2001, artikel 4 van Wet 19 van 2001, artikel 18 van Wet 60 van 2001, artikel 7 van Wet 74 van 2002, artikel 13 van Wet 45 van 2003, artikel 4 van Wet 16 van 2004, artikel 2 van Wet 21 van 2006, artikel 1 van Wet 9 van 2007 en artikel 3 van Wet 36 van 2007

1. Artikel 3 van die Inkomstbelastingwet, 1962, word hierby gewysig— 10
- (a) deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang:
“(a) die omskrywings van ‘bystandsfonds’, ‘gade’, ‘pensioenfonds’, ‘pensioenbewaringsfonds’, ‘uittredingannuïteitsfonds’ [en], voor-sorgfonds en ‘voorsorgbewaringsfonds’ in artikel 1;”; en
- (b) deur in subartikel (5)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 15
“om ’n fonds in die omskrywing van ‘pensioenfonds’, ‘pensioen-bewaringsfonds’, ‘voorsorgfonds’, ‘voorsorgbewaringsfonds’ of ‘uittredingannuïteitsfonds’ beoog, goed te keur, onderhewig aan—”.

Act No. 4, 2008 TAXATION LAWS SECOND AMENDMENT ACT, 2008

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, section 9 of Act 88 of 1971, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983, section 10 of Act 121 of 1984, section 6 of Act 96 of 1985, section 7 of Act 65 of 1986, section 3 of Act 108 of 1986, section 9 of Act 85 of 1987, section 7 of Act 90 of 1988, section 36 of Act 9 of 1989, section 7 of Act 70 of 1989, section 10 of Act 101 of 1990, section 12 of Act 129 of 1991, section 10 of Act 141 of 1992, section 7 of Act 113 of 1993, section 4 of Act 140 of 1993, section 9 of Act 21 of 1994, section 10 of Act 21 of 1995, section 8 of Act 36 of 1996, section 9 of Act 46 of 1996, section 10 of Act 28 of 1997, section 29 of Act 30 of 1998, section 18 of Act 53 of 1999, section 21 of Act 30 of 2000, section 13 of Act 59 of 2000, sections 9 and 78 of Act 19 of 2001, section 26 of Act 60 of 2001, section 13 of Act 30 of 2002, section 18 of Act 74 of 2002, section 36 of Act 12 of 2003, section 26 of Act 45 of 2003, section 8 of Act 16 of 2004, section 14 of Act 32 of 2004, section 5 of Act 9 of 2005, section 16 of Act 31 of 2005, section 23 of Act 9 of 2006, section 10 of Act 20 of 2006, section 10 of Act 8 of 2007, section 2 of Act 9 of 2007 and section 16 of Act 35 of 2007

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2. (1) Section 10 of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (2) of paragraph (a).

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

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, section 13 of Act 88 of 1971, section 12 of Act 90 of 1972, section 13 of Act 65 of 1973, section 16 of Act 85 of 1974, section 13 of Act 69 of 1975, section 7 of Act 101 of 1978, section 10 of Act 104 of 1980, section 14 of Act 96 of 1981, section 12 of Act 85 of 1987, section 12 of Act 90 of 1988, section 12 of Act 113 of 1993, section 11 of Act 46 of 1996, section 22 of Act 53 of 1999, section 20 of Act 59 of 2000, section 13 of Act 19 of 2001 and section 30 of Act 60 of 2001

3. (1) Section 13 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If in any year of assessment there falls to be included in a taxpayer’s income in terms of paragraph (a) of section 8(4) an amount which has been recovered or recouped in respect of any allowance made under subsection (1) or the corresponding provisions of any previous Income Tax Act in respect of any building or improvements, such portion of the amount so recovered or recouped as is set off against the cost of a further building as hereinafter provided shall, notwithstanding the provisions of the said paragraph, at the option of the taxpayer [to be notified by him in writing to the Commissioner when submitting his return of income for the year of assessment during which the recovery or recoupment occurred,] and provided [he] the taxpayer purchases or erects within twelve months or such further period as the Commissioner may allow from the date on which the event giving rise to the recovery or recoupment occurred, any other building to which the provisions of subsection (1) apply, not be included in [his] the taxpayer’s income for [such] that year of assessment, but shall be set off against so much of the cost to [him] the taxpayer of [such] that further building purchased or erected by [him] the taxpayer as remains after the deduction of any portion of such cost in respect of which an allowance has been granted to the taxpayer under section 11(g), whether in the current or any previous year of assessment.”.

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

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, artikel 9 van Wet 88 van 1971, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 van Wet 94 van 1983, artikel 10 van Wet 121 van 1984, artikel 6 van Wet 96 van 1985, artikel 7 van Wet 65 van 1986, artikel 3 van Wet 108 van 1986, artikel 9 van Wet 85 van 1987, artikel 7 van Wet 90 van 1988, artikel 36 van Wet 9 van 1989, artikel 7 van Wet 70 van 1989, artikel 10 van Wet 101 van 1990, artikel 12 van Wet 129 van 1991, artikel 10 van Wet 141 van 1992, artikel 7 van Wet 113 van 1993, artikel 4 van Wet 140 van 1993, artikel 9 van Wet 21 van 1994, artikel 10 van Wet 21 van 1995, artikel 8 van Wet 36 van 1996, artikel 9 van Wet 46 van 1996, artikel 10 van Wet 28 van 1997, artikel 29 van Wet 30 van 1998, artikel 18 van Wet 53 van 1999, artikel 21 van Wet 30 van 2000, artikel 13 van Wet 59 van 2000, artikels 9 en 78 van Wet 19 van 2001, artikel 26 van Wet 60 van 2001, artikel 13 van Wet 30 van 2002, artikel 18 van Wet 74 van 2002, artikel 36 van Wet 12 van 2003, artikel 26 van Wet 45 van 2003, artikel 8 van Wet 16 van 2004, artikel 14 van Wet 32 van 2004, artikel 5 van Wet 9 van 2005, artikel 16 van Wet 31 van 2005, artikel 23 van Wet 9 van 2006, artikel 10 van Wet 20 van 2006, artikel 10 van Wet 8 van 2007, artikel 2 van Wet 9 van 2007 en artikel 16 van Wet 35 van 2007

2. (1) Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in 25
subartikel (2) paragraaf (a) te skrap.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

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, artikel 13 van Wet 88 van 1971, artikel 12 van Wet 90 van 1972, artikel 13 van Wet 65 van 1973, artikel 16 van Wet 85 van 1974, artikel 13 van Wet 69 van 1975, artikel 7 van Wet 101 van 1978, artikel 10 van Wet 104 van 1980, artikel 14 van Wet 96 van 1981, artikel 12 van Wet 85 van 1987, artikel 12 van Wet 90 van 1988, artikel 12 van Wet 113 van 1993, artikel 11 van Wet 46 van 1996, artikel 22 van Wet 53 van 1999, artikel 20 van Wet 59 van 2000, artikel 13 van Wet 19 van 2001 en artikel 30 van Wet 60 van 2001

3. (1) Artikel 13 van die Inkomstebelastingwet, 1962, word hierby gewysig deur 40
subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien daar in ’n jaar van aanslag ingevolge paragraaf (a) van artikel 8(4) 40
'n bedrag by ’n belastingpligtige se inkomste ingereken moet word ten opsigte van
’n vermindering ingevolge subartikel (1) of die ooreenstemmende bepalings van ’n
vorige Inkomstebelastingwet vir ’n gebou of verbeterings toegeelaat wat teruggekry
of vergoed is, word so ’n gedeelte van die bedrag aldus teruggekry of vergoed as
wat in vermindering gebring word teen die koste van ’n verdere gebou soos
hieronder bepaal, ondanks die bepalings van bedoelde paragraaf, na keuse van die
belastingpligtige [waarvan hy die Kommissaris skriftelik in kennis moet stel
wanneer hy sy opgawe indien vir die jaar van aanslag waartydens die
terugkryging of vergoeding plaasgevind het,] mits [hy] die belastingpligtige
binne twaalf maande of sodanige verdere tydperk as wat die Kommissaris toestaan
vanaf die datum waarop die voorval plaasgevind het tot die terugkryging of
vergoeding aanleiding gee, ’n ander gebou ten opsigte waarvan die bepalings van
subartikel (1) van toepassing is, aankoop of oprig, nie by [sy] die belastingpligtige
se inkomste vir [sodanige] daardie jaar van aanslag ingereken nie, maar in
vermindering gebring teen soveel van die koste vir [hom] die belastingpligtige van
[sodanige] daardie verdere gebou deur [hom] die belastingpligtige aangekoop of
opgerig as wat oorbyl na aftrekking van enige gedeelte van bedoelde koste ten
opsigte waarvan ’n vermindering ingevolge artikel 11(g) aan die belastingpligtige
toegestaan is hetsy in die lopende of ’n vorige jaar van aanslag.”.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet. 60

Amendment of section 13bis of Act 58 of 1962, as inserted by section 15 of Act 88 of 1965 and amended by section 18 of Act 55 of 1966, section 14 of Act 95 of 1967, section 14 of Act 88 of 1971, section 14 of Act 69 of 1975, section 13 of Act 94 of 1983, section 46 of Act 97 of 1986, section 13 of Act 90 of 1988, section 13 of Act 113 of 1993, section 12 of Act 21 of 1994 and section 21 of Act 59 of 2000

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4. (1) Section 13bis of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (6) for paragraph (a) of the following paragraph:

“(a) If in any year of assessment there falls to be included in a taxpayer’s income in terms of paragraph (a) of subsection (4) of section eight an amount which has been recovered or recouped in respect of any allowance made under the preceding provisions of this section or the provisions of subsection (1) of section thirteen, as applied by subsection (4) of that section, or the corresponding provisions of any previous Income Tax Act, in respect of any building or portion thereof or any improvements or portion thereof, so much of the amount so recovered or recouped as is set off against the cost of a further building as hereinafter provided shall, notwithstanding the provisions of the said paragraph, at the option of the taxpayer [to be notified by him in writing to the Commissioner when submitting his return of income for the year of assessment during which the recovery or recoupment occurred,] and provided [he] the taxpayer erects within twelve months or such further period as the Commissioner may allow from the date on which the event giving rise to the recovery or recoupment occurred, any other building in respect of the cost of which an allowance is made under the preceding provisions of this section, not be included in [his] the taxpayer’s income for [such] that year of assessment, but shall be set off against so much of the cost to [him] the taxpayer of such further building erected by [him] the taxpayer as remains after the deduction of any portion of [such] that cost in respect of which an allowance has been granted to the taxpayer under paragraph (g) of section eleven, whether in the current or any previous year of assessment.”.

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(2) Subsection (1) comes into operation on the date of promulgation of this Act. 30

Amendment of section 13quat of Act 58 of 1962, as inserted by section 33 of Act 45 of 2003 and amended by section 12 of Act 16 of 2004, section 19 of Act 32 of 2004, section 23 of Act 31 of 2005 and section 16 of Act 8 of 2007

5. (1) Section 13quat of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

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“No deduction shall be allowed under this section, unless the taxpayer has [together with the tax return for the year of assessment in which the deduction is claimed under subsection (3)(a)(i) or (b)(i), provided to the Commissioner] obtained or determined the following for submission to the Commissioner in such form and within such time as may be prescribed by the Commissioner—”.

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(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of section 18A of Act 58 of 1962, as substituted by section 24 of Act 30 of 2000 and amended by section 72 of Act 59 of 2000, section 20 of Act 30 of 2002, section 34 of Act 45 of 2003, section 26 of Act 31 of 2005, section 16 of Act 20 of 2006, section 18 of Act 8 of 2007 and section 31 of act 35 of 2007

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6. (1) Section 18A of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2B) of the following subsection:

“(2B) A public benefit organisation, institution, board or body contemplated in subsection (2A), must [together with its annual return for a year of assessment submit to the Commissioner] obtain and retain an audit certificate confirming that

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Wysiging van artikel 13bis van Wet 58 van 1962, soos ingevoeg deur artikel 15 van Wet 88 van 1965 en gewysig deur artikel 18 van Wet 55 van 1966, artikel 14 van Wet 95 van 1967, artikel 14 van Wet 88 van 1971, artikel 14 van Wet 69 van 1975, artikel 13 van Wet 94 van 1983, artikel 46 van Wet 97 van 1986, artikel 13 van Wet 90 van 1988, artikel 13 van Wet 113 van 1993, artikel 12 van Wet 21 van 1994 en artikel 21 van Wet 59 van 2000

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4. (1) Artikel 13bis van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (6) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) Indien daar in 'n jaar van aanslag ingevolge paragraaf (a) van subartikel (4) van artikel *agt* 'n bedrag by 'n belastingpligtige se inkomste ingereken moet word wat verhaal of vergoed is ten opsigte van 'n vermindering toegestaan ingevolge die voorgaande bepalings van hierdie artikel of die bepalings van subartikel (1) van artikel *dertien*, soos deur subartikel (4) van daardie artikel toegepas, of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet, ten opsigte van 'n gebou of gedeelte daarvan of enige verbeterings of gedeelte daarvan, word so 'n gedeelte van die bedrag aldus verhaal of vergoed as wat in verrekening gebring word teen die koste van 'n verdere gebou soos hieronder bepaal, ondanks die bepalings van bedoelde paragraaf, na keuse van die belastingpligtige, [waarvan hy die Kommissaris skriftelik in kennis moet stel wanneer hy sy opgawe van inkomste indien vir die jaar van aanslag waartydens die verhaal of vergoeding plaasgevind het,] mits [hy] die belastingpligtige binne twaalf maande of sodanige verdere tydperk as wat die Kommissaris toestaan vanaf die datum waarop die voorval plaasgevind het wat tot die verhaal of vergoeding aanleiding gee, 'n ander gebou ten opsigte van die koste waarvan 'n vermindering ingevolge die voorgaande bepalings van hierdie artikel toegestaan word, oprig, nie by [sy] die belastingpligtige se inkomste vir [sodanige] daardie jaar van aanslag ingereken nie, maar word dit in verrekening gebring teen soveel van die koste vir [hom] die belastingpligtige van sodanige verdere gebou deur [hom] die belastingpligtige opgerig as wat oorbly na aftrekking van enige gedeelte van [bedoelde] daardie koste ten opsigte waarvan 'n vermindering ingevolge paragraaf (g) van artikel *elf* aan die belastingpligtige toegestaan is, hetsy in die lopende of 'n vorige jaar van aanslag.”.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet. 35

Wysiging van artikel 13quat van Wet 58 van 1962, soos ingevoeg deur artikel 33 van Wet 45 van 2003 en gewysig deur artikel 12 van Wet 16 van 2004, artikel 19 van Wet 32 van 2004, artikel 23 van Wet 31 van 2005 en artikel 16 van Wet 8 van 2007

5. (1) Artikel 13quat van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Geen aftrekking word ingevolge hierdie artikel toegestaan nie, tensy die belastingpligtige [tesame met die belastingopgawe vir die jaar van aanslag waarin die aftrekking ingevolge subartikel (3)(a)(i) of (b)(i) geëis word, die Kommissaris voorsien van] die volgende verkry of bepaal het vir voorlegging aan die Kommissaris in die vorm en binne die tyd wat deur die Kommissaris voorgeskryf word—”.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 18A van Wet 58 van 1962, soos vervang deur artikel 24 van Wet 30 van 2000 en gewysig deur artikel 72 van Wet 59 van 2000, artikel 20 van Wet 30 van 2002, artikel 34 van Wet 45 van 2003, artikel 26 van Wet 31 van 2005, artikel 16 van Wet 20 van 2006, artikel 18 van Wet 8 van 2007 en artikel 31 van Wet 35 van 2007

6. (1) Artikel 18A van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2B) deur die volgende subartikel te vervang:

“(2B) 'n Openbare weldaadsorganisasie, instelling, raad of liggaam in subartikel (2A) bedoel, moet [tesame met die jaarlikse opgawe vir 'n jaar van aanslag aan die Kommissaris] 'n ouditsertifikaat [voorsien] verkry en behou wat bevestig dat alle skenkings ontvang of toegeval in daardie jaar ten opsigte waarvan

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all donations received or accrued in that year in respect of which receipts were issued in terms of subsection (2), were utilised in the manner contemplated in subsection (2A).”.

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of section 27 of Act 58 of 1962, as amended by section 17 of Act 113 of 1977, section 11 of Act 101 of 1978, section 19 of Act 104 of 1980, section 21 of Act 96 of 1981, section 15 of Act 96 of 1985, section 18 of Act 85 of 1987, section 22 of Act 90 of 1988, section 28 of Act 129 of 1991, section 23 of Act 141 of 1992, section 23 of Act 113 of 1993, section 15 of Act 36 of 1996, section 34 of Act 59 of 2000 and section 29 of Act 74 of 2002 5
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7. (1) Section 27 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) If in any year of assessment there falls to be included in an agricultural co-operative’s income in terms of paragraph (a) of section 8(4) an amount, which has been recovered or recouped, in respect of any allowance made under subsection (2)(b) in respect of any building or improvements, such portion of the amount so recovered or recouped as is set off against the cost of a further building as hereinafter provided shall, notwithstanding the provisions of the said paragraph, at the option of [such] **that co-operative], to be notified by it in writing to the Commissioner when submitting its return of income for the year of assessment during which the recovery or recoupment occurred,**] and provided it erects within twelve months or such further period as the Commissioner may allow from the date on which the event giving rise to the recovery or recoupment occurred, any other building to which the provisions of subsection (2)(b) apply, not be included in its income for [such] **that year of assessment, but shall be set off against so much of the cost to it of [such] that further building erected by it as remains after the deduction of any portion of [such] that cost in respect of which an allowance has been granted to [such] that co-operative under section 11(g), whether in the current or any previous year of assessment.”.** 15
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(2) Subsection (1) comes into operation on the date of promulgation of this Act. 30

Amendment of section 66 of Act 58 of 1962, as amended by section 10 of Act 6 of 1963, section 19 of Act 90 of 1964, section 27 of Act 88 of 1971, section 22 of Act 91 of 1982, section 19 of Act 65 of 1986, section 23 of Act 85 of 1987, section 37 of Act 101 of 1990, section 26 of Act 21 of 1994, section 41 of Act 30 of 2000, section 19 of Act 5 of 2001, section 17 of Act 19 of 2001, section 26 of Act 30 of 2002, section 38 of Act 74 of 2002, section 61 of Act 45 of 2003, section 18 of Act 16 of 2004, section 7 of Act 34 of 2004 and section 9 of Act 32 of 2005 35
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8. (1) Section 66 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subsection (7A) of the following subsection:

“(7A) The Commissioner may, in the case of any return furnished by a taxpayer or a taxpayer’s authorised agent in electronic format, accept electronic or digital signatures as valid signatures **[for the purposes of subsection (7)].**”;

(b) by the substitution for subsection (13B) of the following subsection:

“(13B) For the purposes of subsections (13), (13A), (13C) and (14), the word ‘income’ must be construed as including any aggregate capital gain or aggregate capital loss.”; and

(c) by the insertion after section 13B of the following subsection:

“(13C) Where—

(a) a company does not close its accounts on the last day of its financial year, the Commissioner may accept accounts in respect of the taxpayer’s income drawn to a fixed day approved by the Commissioner, which day shall fall within 10 days before or after the last day of the financial year;

(b) such accounts are drawn to a date later than the last day of the year of assessment, no further regard shall be had to the income

kwitansies ingevolge subartikel (2) uitgereik is, gebruik is op die wyse in subartikel (2A) bedoel.”.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 27 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 113 van 1977, artikel 11 van Wet 101 van 1978, artikel 19 van Wet 104 van 1980, artikel 21 van Wet 96 van 1981, artikel 15 van Wet 96 van 1985, artikel 18 van Wet 85 van 1987, artikel 22 van Wet 90 van 1988, artikel 28 van Wet 129 van 1991, artikel 23 van Wet 141 van 1992, artikel 23 van Wet 113 van 1993, artikel 15 van Wet 36 van 1996, artikel 34 van Wet 59 van 2000 en artikel 29 van Wet 74 van 2002

7. (1) Artikel 27 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien daar in ’n jaar van aanslag ingevolge paragraaf (a) van artikel 8(4) ’n bedrag by ’n landboukoöperasie se inkomste ingerekken moet word ten opsigte van ’n vermindering ingevolge subartikel (2)(b) vir ’n gebou of verbeterings toegelaat, wat teruggekry of vergoed is, word so ’n gedeelte van die bedrag aldus teruggekry of vergoed as wat in vermindering gebring word teen die koste van ’n verdere gebou soos hieronder bepaal, ondanks die bepalings van bedoelde paragraaf, na keuse van [bedoelde] daardie koöperasie, [waarvan hy die Kommissaris skriftelik in kennis moet stel wanneer hy sy opgawe van inkomste voorlê vir die jaar van aanslag waartydens die terugkryging of vergoeding plaasgevind het,] en mits [hy] daardie koöperasie binne twaalf maande of sodanige verdere tydperk as wat die Kommissaris toestaan vanaf die datum waarop die voorval plaasgevind het wat tot die terugkryging of vergoeding aanleiding gee, ’n ander gebou ten opsigte waarvan die bepalings van subartikel (2)(b) van toepassing is, ooprig, nie by [sy] daardie koöperasie se inkomste vir daardie jaar van aanslag ingerekken nie, maar in vermindering gebring teen soveel van die koste vir [hom] daardie koöperasie van daardie verdere gebou deur hom oopgrig as wat oorbly na die aftrekking van die een of ander gedeelte van [bedoelde] daardie koste ten opsigte waarvan ’n vermindering ingevolge artikel 11(g) aan [bedoelde] daardie koöperasie toegestaan is, hetsy in die lopende of ’n vorige jaar van aanslag.”.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 66 van Wet 58 van 1962, soos gewysig deur artikel 10 van Wet 6 van 1963, artikel 19 van Wet 90 van 1964, artikel 27 van Wet 88 van 1971, artikel 22 van Wet 91 van 1982, artikel 19 van Wet 65 van 1986, artikel 23 van Wet 85 van 1987, artikel 37 van Wet 101 van 1990, artikel 26 van Wet 21 van 1994, artikel 41 van Wet 30 van 2000, artikel 19 van Wet 5 van 2001, artikel 17 van Wet 19 van 2001, artikel 26 van Wet 30 van 2002, artikel 38 van Wet 74 van 2002, artikel 61 van Wet 45 van 2003, artikel 18 van Wet 16 van 2004, artikel 7 van Wet 34 van 2004 en artikel 9 van Wet 32 van 2005

8. (1) Artikel 66 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subartikel (7A) deur die volgende subartikel te vervang:

“(7A) Die Kommissaris kan, in die geval van enige opgawe deur ’n belastingpligtige of ’n belastingpligtige se gemagtigde agent in elektroniese formaat ingedien, elektroniese of digitale handtekeninge as geldige handtekeninge [by die toepassing van subartikel (7)] aanvaar.”;

(b) deur subartikel (13B) deur die volgende subartikel te vervang:

“(13B) By die toepassing van subartikels (13), (13A), (13C) en (14), word die woord ‘inkomste’ so uitgelê om enige totale kapitaalwins of totale kapitaalverlies in te sluit.”; en

(c) deur na subartikel 13B die volgende subartikel in te voeg:

“(13C) Waar—

(a) ’n maatskappy nie sy rekeningne afsluit op die laaste dag van sy boekjaar nie, kan die Kommissaris rekeningne aanvaar ten opsigte van die belastingpligtige se inkomste wat opgemaak word tot ’n bepaalde dag deur die Kommissaris goedgekeur, welke dag moet val binne 10 dae voor of na die laaste dag van die boekjaar;

(b) sodanige rekeningne opgemaak word tot ’n datum later as die laaste dag van die jaar van aanslag, word die inkomste deur daardie

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disclosed by those accounts for purposes of a subsequent year of |
assessment.”.

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of section 69 of Act 58 of 1962, as amended by section 41 of Act 30 of 1998, section 39 of Act 74 of 2002 and section 10 of Act 34 of 2004 5

9. Section 69 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1)(i) for the words preceding subparagraph (i) of the following words: “in the case where that person is a pension fund, a pension preservation fund, a provident fund, a provident preservation fund or a retirement annuity fund—”.

Amendment of section 70 of Act 58 of 1962, as amended by section 11 of act 6 of 1963, section 20 of Act 90 of 1964, section 43 of Act 85 of 1974, section 24 of Act 69 of 1975, section 26 of Act 28 of 1997, section 37 of Act 53 of 1999, section 42 of Act 30 of 2000, section 44 of Act 59 of 2000 and section 63 of Act 45 of 2003 10

10. (1) Section 70 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (3) of the following subsection: 15

“(3) Every company which has after 31 December 1973 transferred from its reserves (excluding any share premium account) or unappropriated profits to its share capital or share premium account any amount which is in whole or part deemed by the first proviso to the definition of ‘dividend’ in section 1 to be a profit available for distribution to shareholders of the company[, shall, when rendering the annual return of the company’s income,] must furnish the Commissioner with a statement [which may be included in the accounts or statements accompanying such return] at such time as may be prescribed by the Commissioner showing the profits of a capital nature and those not of a capital nature so deemed to be available for distribution on the last day of the year of assessment in question.”.

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of section 70B of Act 58 of 1962, as inserted by section 21 of Act 5 of 2001 and amended by section 50 of Act 60 of 2001 and section 64 of Act 45 of 2003

11. Section 70B of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph: 30

“(a) any pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; or”.

Amendment of section 72 of Act 58 of 1962, as amended by section 45 of Act 59 of 2000 35

12. (1) Section 72 of the Income Tax Act, 1962, is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“Every person who makes a return of his own income or in a representative capacity makes a return of the income of some other person, [shall attach to such return] must furnish [a statement in such form as] such return as may be prescribed by the Commissioner [may require], showing fully—”.

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of section 72A of Act 58 of 1962, as substituted by section 65 of Act 45 of 2003 and amended by section 11 of Act 32 of 2005

13. (1) Section 72A of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection: 45

“(1) Every resident who on the last day of the foreign tax year of a controlled foreign company or immediately before a foreign company ceases to be a controlled foreign company directly or indirectly, together with any connected

rekening aangegee nie verder in berekening gebring vir die doeleindes van 'n daaropvolgende jaar van aanslag nie.".

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 69 van Wet 58 van 1962, soos gewysig deur artikel 41 van Wet 30 van 1998, artikel 39 van Wet 74 van 2002 en artikel 10 van Wet 34 van 2004 5

9. Artikel 69 van die Inkomstbelastingwet, 1962, word hierby gewysig deur in subartikel (1)(i) die woorde wat subparagraph (i) voorafgaan deur die volgende woorde te vervang:

"in die geval waar daardie persoon 'n pensioenfonds, 'n pensioenbewaringsfonds, 'n voorsorgsfonds, 'n voorsorgbewaringsfonds of 'n uittredingannuiteitsfonds is—". 10

Wysiging van artikel 70 van Wet 58 van 1962, soos gewysig deur artikel 11 van Wet 6 van 1963, artikel 20 van Wet 90 van 1964, artikel 43 van Wet 85 van 1974, artikel 24 van Wet 69 van 1975, artikel 26 van Wet 28 van 1997, artikel 37 van Wet 53 van 1999, artikel 42 van Wet 30 van 2000, artikel 44 van Wet 59 van 2000 en artikel 63 van Wet 45 van 2003 15

10. (1) Artikel 70 van die Inkomstbelastingwet, 1962, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Elke maatskappy wat na 31 Desember 1973 van sy reserves (met uitsondering van enige aandelepremierrekening) of onverdeelde winste na sy aandelekapitaal of aandelepremierrekening 'n bedrag oorgeplaas het wat in sy geheel of gedeeltelik ingevolge die eerste voorbehoudbepaling by die omskrywing van 'dividend' in artikel 1 geag word 'n wins te wees wat beskikbaar is vir uitkering aan aandeelhouers van die maatskappy, moet[, **wanneer hy die jaarlikse opgawe van die maatskappy se inkomste indien.**] 'n staat aan die Kommissaris verstrek [(wat ingesluit kan word by die rekenings of state wat bedoelde opgawe vergesel)] op die tyd wat deur die Kommissaris voorgeskryf word, waarin die winste van 'n kapitale aard en dié wat nie van 'n kapitale aard is nie, wat aldus geag word op die laaste dag van die betrokke jaar van aanslag vir uitkering beskikbaar te wees, aangetoon word.".

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 70B van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 5 van 2001 en gewysig deur artikel 50 van Wet 60 van 2001 en artikel 64 van Wet 45 van 2003

11. Artikel 70B van die Inkomstbelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:

"(a) enige pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorgbewaringsfonds of uittredingannuiteitsfonds; of".

Wysiging van artikel 72 van Wet 58 van 1962, soos gewysig deur artikel 45 van Wet 59 van 2000 40

12. (1) Artikel 72 van die Inkomstbelastingwet, 1962, word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Elke persoon wat 'n opgawe van sy eie inkomste of in 'n vettewoordigende hoedanigheid 'n opgawe van die inkomste van 'n ander persoon doen, moet [aan **so 'n opgawe 'n verklaring in die vorm**] die opgawe indien wat die Kommissaris [mag vereis, heg] voorskryf, waarin volledig aangegee word—".

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 72A van Wet 58 van 1962, soos vervang deur artikel 65 van Wet 45 van 2003 en gewysig deur artikel 11 van Wet 32 van 2005

13. (1) Artikel 72A van die Inkomstbelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Elke inwoner wat op die laaste dag van die buitelandse belastingjaar van 'n beheerde buitelandse maatskappy of onmiddellik voor 'n buitelandse maatskappy ophou om 'n beheerde buitelandse maatskappy te wees direk of indirek, tesame met

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person in relation to that resident, holds at least 10 per cent of the participation rights in any controlled foreign company (otherwise than indirectly through a company which is a resident), must submit to the Commissioner [together with the return contemplated in section 66 in respect of that year of assessment a] such return [containing such information] as may be prescribed by the Commissioner.”.

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(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of section 73 of Act 58 of 1962

14. (1) Section 73 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:

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“(1) If [any person submits in support of] any return furnished by [him] a person under this Act is supported by any balance sheet, statement of assets and liabilities or account prepared by any other person, [he] that person shall, if the Commissioner so requires, submit a certificate or statement by [such] that other person recording the extent of the examination by [such] that other person of the books of account and of the documents from which the books of account were written up, and recording in so far as may be ascertained by [such] the examination, whether or not the entries in [such] those books and documents disclose the true nature of any transaction, receipt, accrual, payment or debit.”.

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(2) Subsection (1) comes into operation on the date of promulgation of this Act.

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Insertion of section 75B in Act 58 of 1962

15. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 75A:

“Administrative penalty in respect of non-compliance

75B. (1) To ensure the widest possible compliance with the provisions of this Act and to achieve the effective administration of the tax system, the Commissioner may impose administrative penalties prescribed in terms of subsection (3) in respect of non-compliance with any procedural or administrative action or duty imposed or requested in terms of this Act.

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(2) In imposing administrative penalties the Commissioner must ensure that administrative penalties for non-compliance with tax obligations are imposed impartially, consistently and proportionately to the seriousness of the non-compliance.

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(3) The Minister may make regulations prescribing—

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- (a) the administrative penalties that the Commissioner may impose;
- (b) the procedures to be followed by the Commissioner in imposing an administrative penalty;
- (c) what procedures are available to any person in respect of whom an administrative penalty has been imposed to obtain any relief thereof;
- (d) under what circumstances the Commissioner may remit any administrative penalty imposed; and
- (e) any ancillary or incidental administrative or procedural matter which it is necessary to prescribe in order to achieve an effective administrative penalty regime.

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(4) In prescribing the administrative penalties, the Minister may have regard to one or more of the following:

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- (a) The nature and seriousness of the non-compliance;
- (b) the period of non-compliance; and
- (c) the incidence of any recurrence or repeat thereof.

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(5) In prescribing the circumstances under which the Commissioner may remit the administrative penalty, the Minister must as far as possible limit the circumstances to exceptional circumstances.

(6) Before the regulations contemplated in this section are published, the Minister must publish the draft regulations in the *Gazette* for public

enige verbonde persoon met betrekking tot daardie inwoner, minstens 10 persent van die deelnemende regte in enige beheerde buitenlandse maatskappy hou (andersins as indirek deur 'n maatskappy wat 'n inwoner is), moet aan die Kommissaris [tesame met die opgawe in artikel 66 bedoel ten opsigte van daardie jaar van aanslag, indien wat die inligting] 'n opgawe indien soos deur die Kommissaris voorgeskryf[, uiteensit].".

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(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van artikel 73 van Wet 58 van 1962

14. (1) Artikel 73 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

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"(1) Indien [iedemand] 'n opgawe verstrek deur 'n persoon gestaaf word deur 'n balansstaat, staat van bates en laste of rekening deur 'n ander persoon uitgemaak[, voorlê ter stawing van 'n opgawe wat hy] ingevolge hierdie Wet [doen, moet hy] moet daardie persoon, indien die Kommissaris dit verlang, 'n sertifikaat of verklaring deur dié ander persoon voorlê waarin die omvang vermeld word van die ondersoek deur dié ander persoon van die rekeningboeke en van die dokumente waaruit die rekeningboeke bygehou is, en vermeld word, vir sover dit uit [bedoelde] die ondersoek mag blyk, of die inskrywings in dié boeke en dokumente die werklike aard van enige transaksie, ontvangs, toevalling, betaling of debet weergee al dan nie.".

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(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

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Invoeging van artikel 75B in Act 58 van 1962

15. (1) Die volgende artikel word hierby in die Inkomstebelastingwet, 1962, na artikel 75A ingevoeg:

"Administratiewe boete ten opsigte van nie-nakoming

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75B. (1) Ten einde die wydste moontlike nakoming van die bepalings van hierdie Wet te verseker en die effektiewe administrasie van die belastingstelsel te bereik, kan die Kommissaris administratiewe boetes voorgeskryf ingevolge subartikel (3) oplê ten opsigte van nie-nakoming van enige procedurele of administratiewe optrede of plig ingevolge hierdie Wet opgelê of versoek.

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(2) By die oplegging van administratiewe boetes moet die Kommissaris verseker dat administratiewe boetes vir nie-nakoming van belasting-verpligtings onpartydig, konsekwent en in verhouding tot die erns van die nie-nakoming opgelê word.

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(3) Die Minister kan regulasies uitvaardig wat—

- (a) die administratiewe boetes wat die Kommissaris kan oplê, voorskryf;
- (b) die procedures voorskryf wat by die oplegging van 'n administratiewe boete deur die Kommissaris gevvolg moet word;
- (c) voorskryf watter procedures tot beskikking is van 'n persoon ten opsigte van wie of waarvan 'n administratiewe boete opgelê is ten einde 'n verligting daarvan te verkry;
- (d) voorskryf onder watter omstandighede die Kommissaris 'n administratiewe boete wat opgelê is, kan kwytskeld; en
- (e) enige ondergeskikte of byhorende administratiewe of prosedurale aangeleleenheid wat nodi is om voor te skryf ten einde 'n effektiewe bestel van administratiewe boetes te bereik.

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(4) By die voorskryf van die administratiewe boetes kan die Minister een of meer van die volgende in ag neem:

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- (a) Die aard en erns van die nie-nakoming;
- (b) die typerk van nie-nakoming; en
- (c) die voorkoms van enige hervorkoms of herhaling daarvan.

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(5) By die voorskryf van die omstandighede waaronder die Kommissaris die administratiewe boete kan kwytskeld, moet die Minister sover moontlik die omstandighede tot buitengewone omstandighede beperk.

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(6) Voordat die regulasies beoog in hierdie artikel gepubliseer word, moet die Minister die konsepregulasies in die *Staatskoerant* publiseer vir

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comment and submit the draft regulations to Parliament for parliamentary scrutiny at least 30 days before any regulations contemplated in this section are published.”.

(2) Subsection (1) comes into effect on a date determined by the President by proclamation in the *Gazette*. 5

Amendment of section 76 of Act 58 of 1962, as amended by section 24 of Act 5 of 2001

16. (1) Section 76 of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (1) of paragraph (a).

(2) Subsection (1) comes into effect on a date determined by the President by proclamation in the *Gazette*. 10

Amendment of section 88 of Act 58 of 1962, substituted by section 40 of Act 113 of 1993 and amended by section 14 of Act 140 of 1993, section 60 of Act 60 of 2001 and section 14 of Act 32 of 2005

17. (1) Section 88 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection: 15

“(1) The—

- (a) obligation to pay any tax chargeable under this Act shall not; and
- (b) the right to receive and recover any tax chargeable under this Act, shall not, unless the Commissioner so directs,

be suspended by any appeal or pending the decision of a court of law under section 86A, but if any assessment is altered on appeal or in conformity with any such decision or a decision by the Commissioner to concede the appeal to the tax board or the tax court or [such] that court of law, a due adjustment shall be made, amounts paid in excess being refunded with interest at the prescribed rate, [such] the interest being calculated from the date proved to the satisfaction of the Commissioner to be the date on which [such] that excess was received and amounts short-paid being recoverable with interest calculated as provided in section 89.”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2008 and applies in respect of years of assessment ending on or after that date. 30

Amendment of section 89~~quat~~ of Act 58 of 1962, as substituted by section 22 of Act 65 of 1986 and amended by section 18 of Act 70 of 1989, section 42 of Act 113 of 1993, section 15 of Act 140 of 1993, section 33 of Act 21 of 1995, section 24 of Act 36 of 1996, section 50 of Act 59 of 2000, section 29 of Act 5 of 2001, section 49 of Act 74 of 2002, section 17 of Act 34 of 2004 and section 43 of Act 8 of 2007 35

18. (1) Section 89~~quat~~ of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution for the heading of the following heading:
“Interest on underpayments and overpayments of [provisional tax]”; 40
- (b) by the substitution in subsection (1) for the expression “provisional taxpayer” of the word “taxpayer” wherever it occurs;
- (c) by the substitution in subsection (1) for paragraph (b) of the definition of “effective date” of the following paragraph:
“(b) in any other case, the date falling six months after the last day of [such] that year [as applicable for the purposes of the provisions of paragraph 21 or 23 of the Fourth Schedule];”; 45
- (d) by the substitution for subsection (2) of the following subsection:
“(2) If the normal tax payable by any taxpayer in respect of that taxpayer’s taxable income for a year of assessment exceeds the credit amount in relation to that year of assessment, interest shall, subject to subsection (3), be payable by the taxpayer at the prescribed rate on the amount by which that normal tax exceeds the credit amount, that interest being calculated from the effective date in relation to the said year until the date of assessment of that normal tax.”; 50

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kommentaar van die publiek en die konsepregulasies vir parlementêre oorsig aan die Parlement voorlê minstens 30 dae voordat enige regulasies beoog in hierdie artikel gepubliseer word.”.

(2) Subartikel (1) tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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Wysiging van artikel 76 van Wet 58 van 1962, soos gewysig deur artikel 24 van Wet 5 van 2001

16. (1) Artikel 76 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) paragraaf (a) te skrap.

(2) Subartikel (1) tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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Wysiging van artikel 88 van Wet 58 van 1962, soos vervang deur artikel 40 van Wet 113 van 1993 en gewysig deur artikel 14 van Wet 140 van 1993, artikel 60 van Wet 60 van 2001 en artikel 14 van Wet 32 van 2005

17. (1) Artikel 88 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die—

(a) verpligtig om 'n belasting hefbaar ingevolge hierdie Wet te betaal, word nie; en

(b) die reg om [dit] 'n belasting hefbaar ingevolge hierdie Wet te ontvang en te in, word nie, tensy die Kommissaris aldus beveel,
deur 'n appèl of hangende die beslissing van 'n gereghof ingevolge artikel 86A opgeskort nie, maar indien 'n aanslag op appèl of ooreenkomsdig so 'n beslissing of 'n beslissing van die Kommissaris om die appèl na die belastingraad of die belastinghof of [bedoelde] daardie gereghof toe te gee, verander word, vind 'n behoorlike aansuiwing plaas waarby bedrae wat te veel betaal is terugbetaal word met rente teen die voorgeskrewe koers bereken vanaf die datum wat, na [tot] bevrediging van die Kommissaris bewys word, die datum is waarop [die] daardie bedrae wat te veel betaal is, ontvang is, en bedrae wat te min betaal is met rente, bereken volgens voorskrif van artikel 89, verhaal kan word.”.

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(2) Subartikel (1) word geag op 1 Januarie 2008 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

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Wysiging van artikel 89^{quat} van Wet 58 van 1962, soos vervang deur artikel 22 van Wet 65 van 1986 en gewysig deur artikel 18 van Wet 70 van 1989, artikel 42 van Wet 113 van 1993, artikel 15 van Wet 140 van 1993, artikel 33 van Wet 21 van 1995, artikel 24 van Wet 36 van 1996, artikel 50 van Wet 59 van 2000, artikel 29 van Wet 5 van 2001, artikel 49 van Wet 74 van 2002, artikel 17 van Wet 34 van 2004 en artikel 43 van Wet 8 van 2007

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18. (1) Artikel 89^{quat} van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“**Rente op onder- en oorbetalings van [voorlopige] belasting”;**

(b) deur in subartikel (1) die uitdrukking “voorlopige belastingpligtige” deur die woord “belastingpligtige” te vervang, waar dit ook al voorkom;

(c) deur in subartikel (1) paragraaf (b) van die omskrywing van “effektiewe datum” deur die volgende paragraaf te vervang:

“(b) in enige ander geval, die datum wat ses maande na die laaste dag van [bedoelde] daardie jaar val [soos van toepassing vir die doeleindes van paragraaf 21 of 23 van die Vierde Bylae];”;

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(d) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die normale belasting betaalbaar deur 'n belastingpligtige ten opsigte van daardie belastingpligtige se belasbare inkomste vir 'n jaar van aanslag die kredietbedrag met betrekking tot daardie jaar van aanslag te bowe gaan, is rente behoudens subartikel (3) deur die belastingpligtige betaalbaar teen die voorgeskrewe koers op die bedrag waarmee daardie normale belasting die kredietbedrag oorskry, welke rente bereken word vanaf die effektiewe datum met betrekking tot die bedoelde jaar tot die datum van aanslag van daardie normale belasting.”;

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(e) by the substitution for subsection (3A) of the following subsection:

“(3A) Where any natural person has, in respect of the year of assessment during which [he] that person for the first time became a [provisional] taxpayer, become liable for the payment of interest under subsection (2), the Commissioner may, subject to the provisions of section 103(6), if he or she is satisfied that the circumstances warrant such action, direct that interest shall not be paid by [such] that person in respect of [such] that year of assessment.”; and

(f) by the substitution for subsection (4) of the following subsection:

“(4) If in the case of any taxpayer the credit amount in relation to any year of assessment exceeds the normal tax payable in respect of that taxpayer’s taxable income as finally determined for that year, interest shall be payable to the taxpayer at the prescribed rate on the difference between the credit amount and that normal tax, that interest being calculated from the effective date in relation to the said year until the date on which that difference is refunded to the taxpayer: Provided that where any interest is payable to the taxpayer on any amount in respect of any period in terms of section 88, no interest shall be payable to the taxpayer in terms of the provisions of this subsection in respect of the said amount and period.”.

(2) Subsection (1) comes into operation on a date to be announced by the Minister in the *Gazette* and applies in respect of any year of assessment for which the effective date falls on or after the date announced.

Amendment of paragraph 13A of First Schedule to Act 58 of 1962, as inserted by section 44 of Act 94 of 1983 and amended by section 24 of Act 85 of 1987 and section 46 of Act 113 of 1993

19. (1) Paragraph 13A of the First Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (2) of the following subparagraph:

“(2) Every farmer who desires that the proceeds derived by him or her from the disposal of livestock [shall] be dealt with under the provisions of this paragraph shall [with his return of income for the year of assessment during which such livestock was disposed of, or within such period as the Commissioner may allow,] notify the Commissioner [accordingly and submit a certificate containing such information in connection with the disposal as] in such form and within such time as may be prescribed by the Commissioner [may require].”.

(2) Subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of paragraph 2 of Fourth Schedule to Act 58 of 1962, as amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 28 of Act 113 of 1977, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 45 of Act 101 of 1990, section 45 of Act 129 of 1991, section 38 of Act 21 of 1995, section 45 of Act 28 of 1997, section 53 of Act 30 of 2000, section 54 of Act 59 of 2000, section 20 of Act 19 of 2001, section 21 of Act 16 of 2004, section 50 of Act 31 of 2005, section 40 of Act 20 of 2006, section 55 of Act 8 of 2007 and section 65 of Act 35 of 2007

20. (1) Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (4) for items (d) and (e) of the following items, respectively:

“(d) [at the option of the employer,] any contribution by the employee to a medical scheme as contemplated in section 18(1)(a)—

(i) if the employer effects payment of the contribution to the medical scheme; or

(ii) at the option of the employer, if the employer does not effect payment of the contribution to the medical scheme, in respect of which proof of payment has been furnished to the employer,

(e) deur subartikel (3A) deur die volgende subartikel te vervang:

“(3A) Waar 'n natuurlike persoon ten opsigte van die jaar van aanslag waarin [hy] daardie persoon vir die eerste keer 'n [voorlopige] belastingpligtige geword het, aanspreeklik word vir die betaling van rente kragtens subartikel (2), kan die Kommissaris, behoudens die bepalings van artikel 103(6), indien hy of sy oortuig is dat die omstandighede sodanige optrede regverdig, gelas dat rente nie deur [bedoelde] daardie persoon ten opsigte van [bedoelde] daardie jaar van aanslag betaal word nie.”; en

(f) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien in die geval van 'n belastingpligtige die kredietbedrag met betrekking tot 'n jaar van aanslag die normale belasting betaalbaar ten opsigte van daardie belastingpligtige se belasbare inkomste soos finaal vir daardie jaar bepaal, te bowe gaan, is rente aan die belastingpligtige betaalbaar teen die voorgeskrewe koers op die verskil tussen die kredietbedrag en daardie normale belasting, welke rente bereken word vanaf die effektiewe datum met betrekking tot die bedoelde jaar tot die datum waarop daardie verskil aan die belastingpligtige terugbetaal word: Met dien verstande dat waar rente aan die belastingpligtige betaalbaar is op 'n bedrag ten opsigte van 'n tydperk ingevolge artikel 88, geen rente ingevolge die bepalings van hierdie subartikel ten opsigte van die bedoelde bedrag en tydperk aan die belastingpligtige betaalbaar is nie.”.

(2) Subartikel (1) tree in werking op 'n datum deur die Minister in die *Staatskoerant* aangekondig en is van toepassing ten opsigte van 'n jaar van aanslag waarvoor die effektiewe datum op of na die aangekondigde datum val.

Wysiging van paragraaf 13A van Eerste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 44 van Wet 94 van 1983 en gewysig deur artikel 46 van Wet 113 van 1993

19. (1) Paragraaf 13A van die Eerste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraph (2) deur die volgende subparagraph te vervang:

“(2) Elke boer wat verlang dat die opbrengs deur hom of haar uit die verkoop van lewende hawe verkry, ingevolge die bepalings van hierdie paragraaf behandel moet word, moet [tesame met sy opgawe van inkomste vir die jaar van aanslag waarin bedoelde lewende hawe verkoop is, of binne die tydperk wat die Kommissaris toelaat,] die Kommissaris [dienooreenkomsdig] in kennis stel [en 'n sertifikaat voorlê wat sodanige inligting in verband met die verkoop bevat as wat] in die vorm en binne die tyd deur die Kommissaris [vereis] voorgeskryf.”.

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van paragraaf 2 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 28 van Wet 113 van 1977, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 45 van Wet 101 van 1990, artikel 45 van Wet 129 van 1991, artikel 38 van Wet 21 van 1995, artikel 45 van Wet 28 van 1997, artikel 53 van Wet 30 van 2000, artikel 54 van Wet 59 van 2000, artikel 20 van Wet 19 van 2001, artikel 21 van Wet 16 van 2004, artikel 40 van Wet 20 van 2006, artikel 55 van Wet 8 van 2007 en artikel 65 van Wet 35 van 2007

20. (1) Paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraph (4) items (d) en (e) onderskeidelik deur die volgende items te vervang:

“(d) [ter keuse van die werkewer,] enige bydrae deur die werknemer aan 'n mediese skema soos in artikel 18(1)(a) beoog—

(i) indien die werkewer betaling van die bydrae aan die mediese skema doen; of

(ii) ten opsigte waarvan bewys van betaling aan die werkewer voorgelê is, volgens keuse van die werkewer, indien die werkewer nie betaling van die bydrae aan die mediese skema doen nie,

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if the employee is entitled to a rebate under section 6(2)(b); and
 (e) [at the option of the employer,] so much of any contribution made by the employee (other than an employee contemplated in paragraph (d)) to a medical scheme as contemplated in section 18(1)(a) as does not exceed the amount contemplated in section 18(2)(c)(i) [and]—

- (i) if the employer effects payment of the contribution to the medical scheme; or
- (ii) at the option of the employer, if the employer does not effect payment of the contribution to the medical scheme, in respect of which proof of payment has been furnished to the employer.”.

(2) Subsection (1) is deemed to have come into operation on 1 March 2008 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 13 of Fourth Schedule to Act 58 of 1962, as amended by section 24 of Act 72 of 1963, section 29 of Act 113 of 1977, section 49 of Act 101 of 1990 and section 23 of Act 19 of 2001

21. (1) Paragraph 13 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—

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

“(1) Subject to the provisions of paragraphs 5, 11C(5), 14(5) and 28, every employer who during any period contemplated in subparagraph (1A) deducts or withholds any amount by way of employees’ tax as required by paragraph 2 shall within the time allowed by subparagraph (2) of this paragraph deliver to each employee or former employee to whom remuneration has during the period in question been paid or become due by such employer, an employees’ tax certificate in such form as the Commissioner may prescribe or approve, which shall show the total remuneration of such employee or former employee and the sum of the amounts of employees’ tax deducted or withheld by such employer from such remuneration during the said period, excluding any amount of remuneration or employees’ tax included in any other employees’ tax certificate issued by such employer unless such other certificate has been surrendered to such employer by the employee or former employee and has been cancelled by such employer and dealt with by him as provided in subparagraph (10).”;

- (b) by the substitution for item (c) of subparagraph (2) of the following item:

“(c) if the said employer has ceased to be an employer within [seven] 14 days of the date on which [he] the employer has so ceased.”; and

- (c) by the deletion of subparagraph (6).

(2) Paragraphs (a) and (b) of subsection (1) come into operation on a date to be announced by the Minister in the *Gazette*.

(3) Paragraph (c) of subsection (1) comes into operation on the date of promulgation of this Act.

Amendment of paragraph 14 of Fourth Schedule to Act 58 of 1962, as amended by section 40 of Act 88 of 1971, section 50 of Act 101 of 1990 and section 57 of Act 74 of 2002

22. (1) Paragraph 14 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution for subparagraphs (2) and (3) of the following subparagraphs, respectively:

“(2) Every employer shall when making any payment of employees’ tax submit to the Commissioner [a] such declaration [in such form] as the Commissioner may prescribe.

indien die werknemer geregtig is op 'n korting kragtens artikel 6(2)(b); en

- (e) [volgens keuse van die werkewer,] soveel van enige bydraes deur die werknemer gemaak (behalwe 'n werknemer in paragraaf (d) bedoel) aan 'n mediese skema soos in artikel 18(1)(a) bedoel as wat nie die bedrag in artikel 18(2)(c)(i) bedoel, oorskry nie [en]—

(i) indien die werkewer betaling van die bydrae aan die mediese skema doen; of

(ii) ten opsigte waarvan bewys van betaling aan die werkewer voorsien is volgens keuse van die werkewer, indien die werkewer nie betaling van die bydrae aan die mediese skema doen nie.”.

(2) Subartikel (1) word geag op 1 Maart 2008 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 13 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 24 van Wet 72 van 1963, artikel 29 van Wet 113 van 1977, artikel 49 van Wet 101 van 1990 en artikel 23 van Wet 19 van 2001

21. (1) Paragraaf 13 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“(1) Behoudens die bepalings van paragrawe 5, 11C(5), 14(5) en 28, moet elke werkewer wat gedurende 'n tydperk bedoel in subparagraaf (1A) 'n bedrag by wyse van werknemersbelasting volgens voorskrif van paragraaf 2 aftrek of terughou, binne die tyd by subparagraaf (2) van hierdie paragraaf toegelaat aan elke werknemer of voormalige werknemer aan wie besoldiging gedurende die betrokke tydperk deur bedoelde werkewer betaal is of verskuldig geword het, 'n werknemersbelastingsertifikaat verstrek in 'n vorm wat die Kommissaris voorskryf of goedkeur, wat die totale besoldiging van die werknemer of voormalige werknemer gedurende dié tydperk en die som van die bedrae gedurende dié tydperk by wyse van werknemersbelasting deur bedoelde werkewer afgetrek of teruggehou van sodanige besoldiging aantoon, maar met uitsluiting van enige bedrag by wyse van besoldiging of werknemersbelasting wat ingesluit is by 'n ander werknemersbelastingsertifikaat deur bedoelde werkewer uitgereik tensy sodanige ander sertifikaat aan bedoelde werkewer deur die werknemer of voormalige werknemer teruggegee is en deur bedoelde werkewer gekanselleer is en deur hom volgens voorskrif van subparagraaf (10) behandel is.”;

- (b) deur item (c) van subparagraaf (2) deur die volgende item te vervang:

“(c) indien bedoelde werkewer opgehou het om 'n werkewer te wees, binne [sewe] 14 dae vanaf die datum waarop [hy] die werkewer aldus opgehou het.”; en

- (c) deur subparagraaf (6) te skrap.

(2) Paragrawe (a) en (b) van subartikel (1) tree in werking op 'n datum deur die Minister in die Staatskoerant aangekondig te word.

(3) Paragraaf (c) van subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet.

Wysiging van paragraaf 14 van Vierde Bylae to Wet 58 van 1962, soos gewysig deur artikel 40 van Wet 88 van 1971, artikel 50 van Wet 101 van 1990 en artikel 57 van Wet 74 van 2002

22. (1) Paragraaf 14 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur subparagrawe (2) en (3) onderskeidelik deur die volgende subparagrawe te vervang:

“(2) Elke werkewer moet wanneer [hy] daardie werkewer 'n bedrag by wyse van werknemersbelasting betaal, aan die Kommissaris ['n] die verklaring verstrek [in 'n vorm] wat die Kommissaris voorskryf.

- (3) Every employer shall—
 (a) within 60 days after the end of each period contemplated in paragraph 13 (1A); and
 (b) if during any such period he ceases to carry on any business or other undertaking in respect of which he has paid or becomes liable to pay remuneration to any employee or otherwise ceases to be an employer, within 14 days after the date on which he has so ceased to carry on [such] that business or undertaking or to be an employer, as the case may be,

or within such longer time as the Commissioner may approve, render to the Commissioner [a] such return [in such form] as the Commissioner may prescribe [showing the names and addresses of all the persons who during such period were employees in relation to such employer and the total remuneration paid to or accrued to each employee in respect of such period and the total amount of employees tax deducted or withheld from the remuneration of each such employee during such period]."; and

- (b) by the addition of the following subparagraph:

"(5) No employees' tax certificate as contemplated in paragraph 13(2)(a) or (c) shall be delivered by the employer until such time as the return contemplated in subparagraph (3)(a) or (b), as the case may be, has been rendered to the Commissioner.

(6) If an employer fails to render to the Commissioner a return referred to in subparagraph (3) within the period prescribed in that subparagraph, that employer shall be required to pay a penalty equal to 10 per cent of the total amount of employees' tax deducted or withheld from the remuneration of employees during the period described in that subparagraph: Provided that the Commissioner may remit that penalty or portion thereof if he or she is satisfied that the circumstances warrant it.".

(2) Subsection (1)(a) is deemed to have come into operation on 1 January 2008 and applies in respect of years of assessment ending on or after that date.

(3) Subsection (1)(b) comes into operation on a date to be announced by the Minister in the *Gazette*.

Amendment of paragraph 23A of Fourth Schedule to Act 58 of 1962, as inserted by section 42 of Act 121 of 1984 and substituted by section 28 of Act 65 of 1986

23. (1) Paragraph 23A of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

"(1) Any [provisional] taxpayer may for the purpose of avoiding or reducing [his] liability for any interest which may become payable [by him] in respect of any year of assessment under section 89^{quat}, elect to make [an additional] a payment of [provisional] tax in respect of [such] that year, which payment must be treated as an additional payment of provisional tax.".

(2) Subsection (1) comes into operation on a date to be announced by the Minister in the *Gazette* and applies in respect of any year of assessment for which the effective date, as defined in section 89^{quat} of the Income Tax Act, 1962, falls on or after the date announced.

- (3) Elke werkgewer moet—
- (a) binne 60 dae na die einde van elke tydperk bedoel in paragraaf 13(1A); en
- (b) indien [hy] daardie werkgewer gedurende bedoelde tydperk ophou om 'n besigheid of ander onderneming te dryf ten opsigte waarvan [hy] daardie werkgewer aan 'n werknemer besoldiging betaal of verskuldig geword het, of indien [hy] daardie werkgewer andersins ophou om 'n werkgewer te wees, binne 14 dae na die datum waarop [hy] daardie werkgewer aldus die besigheid of onderneming gestaak het of opgehou het om 'n werkgewer te wees, na gelang van die geval,
- of binne so 'n langer tyd as wat die Kommissaris goedkeur, [n] die opgawe aan die Kommissaris indien [in 'n vorm] wat die Kommissaris voorskryf, aantonende die name en adresse van al die persone wat gedurende bedoelde tydperk werknemers met betrekking tot dié werkgewer was en die totale besoldiging wat ten opsigte van daardie tydperk aan elke werknemer betaal is of toegeval het en die totale bedrag aan werknemersbelasting wat gedurende daardie tydperk van die besoldiging van elk van daardie werknemers afgetrek of teruggehou is];”; en
- (b) deur die volgende subparagraawe na subparagraaf (4) by te voeg:
- “(5) Geen werknemersbelastingsertifikaat soos beoog in paragraaf 13(2)(a) of (b) word deur die werkgewer gelewer nie totdat die opgawe beoog in subparagraaf (3)(a) of (b), na gelang van die geval, aan die Kommissaris gelewer is.
- (6) Indien 'n werkgewer nalaat om 'n opgawe bedoel in subparagraaf (3) aan die Kommissaris te lever binne die tydperk in daardie subparagraaf voorgeskryf, moet daardie werkgewer 'n boete betaal gelykstaande aan 10 persent van die totale bedrag aan werkgewerbelasting afgetrek of weerhou van die besoldiging van werknemers gedurende die tydperk in daardie subparagraaf beskryf. Met dien verstande dat die Kommissaris daardie boete of gedeelte daarvan kan kwytskeld indien hy of sy tevrede is dat die omstandighede dit regverdig.”.
- (2) Subartikel (1)(a) word geag op 1 Januarie 2008 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.
- (3) Subartikel (1)(b) tree in werking op 'n datum deur die Minister in die *Staatskoerant* aangekondig te word.

Wysiging van paragraaf 23A van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 42 van Wet 121 van 1984 en vervang deur artikel 28 van Wet 65 van 1986

23. (1) Paragraaf 23A van the Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang:
- “(1) 'n [Voorlopige belastingpligtige] Belastingpligtige kan met die doel om enige rente te vermy of verminder wat ingevolge artikel 89^{qua}t ten opsigte van 'n jaar van aanslag [deur hom] betaalbaar mag word, kies om 'n [addisionele] betaling van [voorlopige] belasting ten opsigte van [bedoelde] daardie jaar te maak, welke betaling as 'n addisionele betaling van voorlopige belasting behandel moet word.”.
- (2) Subartikel (1) tree in werking op 'n datum deur die Minister in die *Staatskoerant* aangekondig te word en is van toepassing ten opsigte van 'n jaar van aanslag waarvoor die effektiewe datum, soos omskryf in artikel 89^{qua}t van die Inkomstebelastingwet, 1962, op of na die aangekondigde datum val.

Amendment of section 23 of Act 89 of 1991, as amended by section 20 of Act 20 of 1994, section 37 of Act 27 of 1997, section 92 of Act 53 of 1999, section 178 of Act 45 of 2003, section 9 of Act 10 of 2005, section 36 of Act 32 of 2005 and section 14 of Act 10 of 2006

24. Section 23 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in the proviso to subsection (1) for the words preceding item (i) of the following words: 5

“: Provided that the total value of the taxable supplies of the vendor within the period of 12 months referred to in [subparagraph] paragraph (a) or the period of 12 months referred to in [subparagraph] paragraph (b) shall not be deemed to have exceeded or be likely to exceed the amount [of R300 000] contemplated in paragraph (a), where the Commissioner is satisfied that the said total value will exceed or is likely to exceed such amount solely as a consequence of—”. 10

Amendment of section 27 of Act 89 of 1991, as amended by section 34 of Act 136 of 1991, section 28 of Act 136 of 1992, section 78 of Act 30 of 2000, section 11 of Act 10 of 2005 and section 50 of Act 9 of 2006 15

25. (1) Section 27 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (5)(b) for the words preceding subparagraph (i) of the following words:

“the total value of the taxable supplies of a vendor within any period of 12 months referred to in subsection (3)(a) or (4)(c) shall not be deemed to have exceeded or be likely to exceed the amount [of R30 million] referred to in subsection (3)(a) or the amount [of R1,2 million] referred to in subsection (4)(c), as the case may be, where that total value exceeds or is likely to exceed that amount, as the case may be, solely as a consequence of—”. 20

(2) Subsection (1) comes into operation on 1 March 2008 and applies in respect of a tax period commencing on or after that date. 25

Amendment of section 5 of Act 14 of 2007

26. Section 5 of the Diamond Export Levy (Administration) Act, 2007, is hereby amended by the insertion after subsection (1) of the following subsection: 30

“(1A) Notwithstanding subsection (1), the Commissioner may require—

(a) a registered person; or
 (b) a person that qualifies for registration under section 2,
 that is not ordinarily resident in the Republic or does not regularly and substantially engage in processes that are directly related to unpolished diamond beneficiation, production or sales in the Republic to submit payment of the levy in the form, manner (including electronically) and place determined by the Commissioner.”. 35

Amendment of section 3 of Act 26 of 2007

27. Section 3 of the Securities Transfer Tax Administration Act, 2007, is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph: 40

“(c) section 6 of the Securities Transfer Tax Act, 2007 (Act No. 25 of 2007), which becomes payable during a month in respect of [the] any transfer of an unlisted security, must be paid by the company, which issued [the unlisted] that security, to the Commissioner within two months from the [date of the transfer] end of that month.”. 45

Short title and commencement

28. (1) This Act is called the Taxation Laws Second Amendment Act, 2008.

Wysiging van artikel 23 van Wet 89 van 1991, soos gewysig deur artikel 20 van Wet 20 van 1994, artikel 37 van Wet 27 van 1997, artikel 92 van Wet 53 van 1999, artikel 178 van Wet 45 van 2003, artikel 9 van Wet 10 van 2005, artikel 36 van Wet 32 van 2005 en artikel 14 van Wet 10 van 2006

24. Artikel 23 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in die voorbehoudsbepaling by subartikel (1) die woorde wat item (i) voorafgaan deur die volgende woorde te vervang:

“: Met dien verstande dat die totale waarde van die belasbare lewerings van die ondernemer in die tydperk van 12 maande bedoel in [subparagraaf] paragraaf (a) of die tydperk van 12 maande bedoel in [subparagraaf] paragraaf (b) nie geag word die bedrag [van R300 000] beoog in paragraaf (a) te bowe te gegaan het of dat dit waarskynlik daardie bedrag te bowe sal gaan nie, waar die Kommissaris oortuig is dat genoemde totale waarde daardie bedrag sal te bowe gaan of waarskynlik sal te bowe gaan, slegs as gevolg van—”.

Wysiging van artikel 27 van Wet 89 van 1991, soos gewysig deur artikel 34 van Wet 136 van 1991, artikel 28 van Wet 136 van 1992, artikel 78 van Wet 30 van 2000, artikel 11 van Wet 10 van 2005 en artikel 50 van Wet 9 van 2006

25. (1) Artikel 27 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (5)(b) die woorde wat subparagraph (i) voorafgaan deur die volgende woorde te vervang:

“word die totale waarde van die belasbare lewerings van 'n ondernemer in die tydperk van 12 maande bedoel in subartikel (3)(a) of (4)(c) nie geag die bedrag [van R30 miljoen] bedoel in subartikel (3)(a) of die bedrag [van R1,2 miljoen] bedoel in subartikel (4)(c) te bowe te gegaan het of daardie bedrag waarskynlik te bowe sal gaan nie, na gelang van die geval, waar daardie totale waarde [die] daardie bedrag [van R30 miljoen of R1,2 miljoen] te bowe gegaan het of dit waarskynlik te bowe sal gaan, na gelang van die geval, slegs as gevolg van—”.

(2) Subartikel (1) tree in werking op 1 Maart 2008 en is van toepassing ten opsigte van 'n belastingtydperk wat op of na daardie datum begin.

Tlhabololo ya karolo 5 ya Molao wa bo 14 wa 2007

26. Karolo 5 ya Molao wa Lekgethwana la Thomelontle (Tsamaiso) ya Taemanane wa 2007 o tlhabololwa fano ka go tsenngwa ga ntlha morago ga karolwana (1) ya karolwana e e latelang:

“(1A) Go sa tlhokomologwe karolwana (1), Mokomisenara a ka batla go re—
 (a) motho yo a kwadisitsweng; kgotsa
 (b) motho yo a nang le tshwanelo ya kwadiso go ya ka karolo 2,
 yo a sa nneng mo Repaboliking kgotsa a sa amege thata le ka metlha mo ditirong tse di amanang ka thamalalo le go nna le tshiamelo ya taemanane e e sa pholisiwang, tlhagiso kgotsa dithekiso mo Repaboliking go ntsha tuelo ya lekgethwana ka mokgwa, sebopego (go akaretswa le ka ileketeroniki) le lefelo le le tlhomamisitsweng ke Mokomisenara.”.

Wysiging van artikel 3 van Wet 26 van 2007

27. Artikel 3 van die Wet op die Administrasie van Belasting op Oordrag van Sekuriteite, 2007, word hierby gewysig deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) artikel 6 van die Wet op Belasting op Oordrag van Sekuriteite, 2007 (Wet No. 25 van 2007), wat betaalbaar word gedurende 'n maand ten opsigte van [die] 'n oordrag van 'n ongenoteerde sekuriteit, moet deur die maatskappy wat [die ongenoteerde] daardie sekuriteit uitgereik het binne twee maande vanaf die [datum van die oordrag] einde van daardie maand aan die Kommissaris betaal word.”.

Kort titel en inwerkingtreding

28. (1) Hierdie Wet heet die Tweede Wysigingswet op Belastingwette, 2008.

Act No. 4, 2008**TAXATION LAWS SECOND AMENDMENT ACT, 2008**

(2) Save in so far as is otherwise provided for in this Act or the context indicates otherwise, the amendments effected to the Income Tax Act, 1962, by this Act are deemed for the purposes of assessments in respect of normal tax under the Income Tax Act, 1962, to have come into operation as from the commencement of years of assessment ending on or after 1 January 2009.

(2) Tensy hierdie Wet anders bepaal of dit uit die samehang anders blyk, word die wysings aan die Inkomstebelastingwet, 1962, deur hierdie Wet aangebring, vir die doeleindes van aanslae ten opsigte van normale belasting kragtens die Inkomstebelastingwet, 1962, geag in werking te getree het met ingang van die begin van jare van aanslag wat op of na 1 Januarie 2009 eindig.