

REPUBLIEK  
VAN  
SUID-AFRIKA



REPUBLIC  
OF  
SOUTH AFRICA

# Staatskoerant Government Gazette

*Regulasiekoerant  
Regulation Gazette*

No. 5261

Vol. 344

PRETORIA, 18 FEBRUARIE  
FEBRUARY 1994

No. 15520

## GOEWERMENTSKENNISGEWINGS

### DEPARTEMENT VAN FINANSIES

No. R. 340 18 Februarie 1994

INKOMSTEBELASTINGWET, 1993

REGULASIES BETREFFENDE BEDINGE EN VOORWAARDES WAARKRAGTENS DIE KOMMISSARIS VAN BINNELANDSE INKOMSTE GESKILLE MET BELASTINGPLIGTIGES RAKENDE BELASTINGVERMYDINGSKEMAS TEN OPSIGTE VAN BELEGGINGS IN VLIETGUITIE KAN BESLEG

Die Minister van Finansies het kragtens artikel 61 van die Inkomstebelastingwet, 1993 (Wet No. 113 van 1993), die regulasies in die Bylae uitgevaardig.

### BYLAE

#### Woordomskrywings

1. In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daarvan geheg en, tensy uit die samhang anders blyk, beteken—

“**die Wet**” die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962);

“**vennootskap**” ook 'n ooreenkoms of reëling wat voorgee om 'n vennootskap te wees;

“**vliegtuigskema**” 'n skema wat voor 17 Desember 1993 aangegaan is vir die verkryging en benutting van 'n vliegtuig, indien daar deur die belastingpligtige bewys word dat die vliegtuig deur hom vir die doeleindes van bedryf in gebruik geneem is.

#### Ooreenkoms vir besleeting van geskille

2. (1) Op skriftelike aanvaardiging van 'n aanbod deur die Kommissaris gemaak deur 'n belastingpligtige wat, individueel of as 'n lid van 'n vennootskap, gedurende enige jaar van aanslag in 'n vliegtuigskema deelgeneem het, kan die Kommissaris en daardie belastingpligtige, behoudens die bepalings van regulasie 3, 'n ooreenkoms beoog in artikel 61 van die Inkomstebelastingwet, 1993 (Wet No. 113 van 1993), aangaan.

## GOVERNMENT NOTICES

### DEPARTMENT OF FINANCE

No. R. 340 18 February 1994

INCOME TAX ACT, 1993

REGULATIONS CONCERNING TERMS AND CONDITIONS UNDER WHICH THE COMMISSIONER FOR INLAND REVENUE MAY SETTLE DISPUTES WITH TAXPAYERS REGARDING TAX AVOIDANCE SCHEMES IN RESPECT OF INVESTMENTS IN AIRCRAFT

The Minister of Finance has under section 61 of the Income Tax Act, 1993 (Act No. 113 of 1993), made the regulations in the Schedule.

### SCHEDULE

#### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned thereto and, unless the context otherwise indicates—

“**aircraft scheme**” means a scheme entered into prior to 17 December 1993 for the acquisition and exploitation of an aircraft, if it is shown by the taxpayer that the aircraft was brought into use by him for the purposes of trade;

“**partnership**” includes any agreement or arrangement purporting to be a partnership;

“**the Act**” means the Income Tax Act, 1962 (Act No. 58 of 1962).

#### Agreements for settlement of disputes

2. (1) On written acceptance of an offer made by the Commissioner by any taxpayer who, whether individually or as a member of a partnership, has during any year of assessment participated in an aircraft scheme, the Commissioner and that taxpayer may, subject to the provisions of regulation 3, enter into an agreement contemplated in section 61 of the Income Tax Act, 1993 (Act No. 113 of 1993).

(2) 'n Aanvaarding bedoel in subregulasie (1) word, in die vorm wat die Kommissaris goedkeur, aan hom voorgelê voor of op 28 Februarie 1994.

(3) Die bepalings van hierdie regulasies is nie van toepassing nie—

- (a) op 'n vliegtuig ten opsigte waarvan die aftrekings wat ooreenkoms met die bepalings van die Wet deur die belastingpligtige geëis is, deur die Kommissaris toegestaan is of sal word; en
- (b) in enige geval waar die belastingpligtige as lid van 'n vennootskap in die vliegtuigmekaar deelgeneem het indien die verhouding waarin die belastingpligtige in die winste of verliese van die vennootskap sal deel ingevolge die skema verander mag word, behalwe waar bedoelde verandering as gevolg van die dood, insolvencie, wanprestasie of ontrekking van 'n vennoot in die vennootskap nodig word.

#### **Bedinge, voorwaardes en belasbare inkomste**

3. Waar 'n ooreenkoms beoog in regulasie 2 tussen die Kommissaris en 'n belastingpligtige aangegaan is—

- (a) is die aftrekking ingevolge paragraaf (b) van subartikel (1) van artikel 14bis van die Wet toelaatbaar, of die vliegtuig op die wyse beoog in daardie paragraaf gebruik is of sal word al dan nie en of 40 persent van die kosprys van die vliegtuig binne die tydperk beoog in daardie paragraaf deur hom betaal is al dan nie;
- (b) word die kosprys van die vliegtuig by die toepassing van artikel 14bis van die Wet—
  - (i) geag in te sluit enige onkoste wat deur die belastingpligtige aangegaan is ten opsigte van enige opknapping, herstel of onderhoud van die vliegtuig wat uitgevoer is voor die datum waarop die vliegtuig deur hom in gebruik geneem is; en
  - (ii) behoudens die bepalings van subartikel (4) van genoemde artikel vasgestel, ongeag die datum waarop die vliegtuig deur die belastingpligtige verkry is;
- (c) indien enige bedrag deur die belastingpligtige verskuldig ten opsigte van die kosprys van die vliegtuig of enige onkoste in paragraaf (d) bedoel tesame met rente op 'n toekomstige datum betaalbaar is, is die bedrag aan bedoelde rente wat in 'n jaar van aanslag geag word deur hom aangegaan te gewees het nie meer nie as 'n bedrag vasgestel ten opsigte van bedoelde jaar deur die berekening van saamgestelde maandelikse rente op die som van die kapitaal verskuldig plus die saamgestelde bedrag van alle vorige rente aldus bereken, teen die koers wat tot gevolg sal hê dat die som van die kapitaal en alle bedrae rente aldus bereken gelyk is aan die totale bedrag deur die belastingpligtige betaalbaar;

(2) An acceptance referred to in subregulation (1) shall, in such form as the Commissioner may approve, be submitted to him not later than 28 February 1994.

(3) The provisions of these regulations shall not apply—

- (a) to any aircraft in respect of which the deductions claimed by the taxpayer in accordance with the provisions of the Act have been or will be allowed by the Commissioner; and
- (b) in any case where the taxpayer participated in the aircraft scheme as a member of a partnership if the ratio in which the taxpayer is to share in the profits or losses of the partnership may in terms of the scheme be varied, except where such variation is required by reason of the death, insolvency, default or withdrawal of any partner in the partnership.

#### **Terms, conditions and taxable income**

3. Where an agreement contemplated in regulation 2 has been concluded between the Commissioner and a taxpayer—

- (a) the deduction in terms of paragraph (b) of subsection (1) of section 14bis of the Act shall be allowable whether or not the aircraft is or will be used by the taxpayer in the manner contemplated in that paragraph and whether or not 40 per cent of the cost of the aircraft has been paid by him within the period contemplated in that paragraph;
- (b) the cost price of the aircraft shall for the purposes of section 14bis of the Act—
  - (i) be deemed to include any expenditure incurred by the taxpayer in respect of any refurbishment, repair or maintenance of the aircraft effected prior to the date upon which the aircraft was brought into use by him; and
  - (ii) be determined subject to the provisions of subsection (4) of the said section, regardless of the date upon which the aircraft was acquired by the taxpayer;
- (c) if any amount due by the taxpayer in respect of the purchase price of the aircraft or any expenditure referred to in paragraph (d) is payable with interest at a future date, the amount of such interest deemed to have been incurred by him in any year of assessment shall not exceed an amount determined in respect of such year by calculating compound interest monthly on the sum of the capital owing plus the compounded amount of all previous interest so calculated, at such rate as will result in the sum of the capital and all amounts of interest so calculated being equal to the total amount payable by the taxpayer;

- (d) word enige onkoste waarvoor die belastingpligtige aanspreeklik geword het ingevolge 'n ooreenkoms vir die toekomstige onderhoud, herstel of bedryf van die vliegtuig of die bestuur van die vliegtuigskema—
- (i) waar bedoelde onkoste werklik deur hom betaal is, geag deur hom aangegaan te gewees het in die jaar van aanslag waarin dit aldus betaal is; or
  - (ii) waar bedoelde onkoste nie deur hom betaal is nie, en of die betaling daarvan deur die uitreiking van 'n promesse of dergelike stuk gedek is al dan nie, geag deur hom aangegaan te gewees het in gelyke maandelikse bedrae gedurende die tydperk waarop die betrokke ooreenkoms betrekking het;
- (e) word soveel van enige bedrag wat uit die vandiehandsetting van die betrokke vliegtuig deur die belastingpligtige verkry is as wat die veranderbare kosprys daarvan wat ingevolge artikel 14bis van die Wet in aanmerking geneem is, te bowe gaan, by sy inkomste ingerekken in die jaar van aanslag waarin bedoelde vandiehandsetting plaasgevind het;
- (f) word die vliegtuig nie by die toepassing van artikel 22 van die Wet as handelsvoorraad beskou nie en word dit nie by die toepassing van artikel 23A van die Wet as 'n geaffekteerde bate beskou nie;
- (g) indien enige bedrag deur die belastingpligtige verskuldig ten opsigte van die kosprys van die vliegtuig of enige onkoste in paragraaf (d) bedoel sonder rente op 'n toekomstige datum betaalbaar is, word bedoelde bedrag geag rente in te sluit wat maandeliks bereken en saamgestel is, en word die koers van bedoelde rente geag 18 persent per jaar te wees, tensy daar deur die belastingpligtige bewys word dat 'n ander koers toepaslik is;
- (h) is geen rente, met betrekking tot 'n jaar van aanslag ten opsigte waarvan die belastingpligtige ooreenkomsdig die bedinge en voorwaardes van die betrokke vliegtuigskema 'n aftrekking by die vasstelling van sy belasbare inkomste geëis het, ingevolge die bepalings van artikels 89 en 89<sup>quat</sup> van die Wet deur hom betaalbaar nie ten opsigte van die tydperk eindigende op 28 Februarie 1994, tot die mate waarin bedoelde rente betrekking het op 'n bedrag belasting wat betaalbaar geword het as gevolg van die weiering van die aftrekking wat aldus geëis is; en
- (i) word geen rente ingevolge die bepalings van artikels 88 en 89<sup>quat</sup> van die Wet aan die belastingpligtige betaal nie ten opsigte van soveel van enige bedrag wat aan hom terugbetaalbaar is as wat toeskryfbaar is aan 'n bedrag in paragraaf (b), (c) of (d) bedoel wat as aftrekking toegelaat is by die vasstelling van sy belasbare inkomste in enige jaar van aanslag.
- (d) any expenditure for which the taxpayer has become liable under an agreement for the future maintenance, repair or operation of the aircraft or the management of the aircraft scheme shall—
- (i) where such expenditure has been actually paid by him, be deemed to have been incurred by him in the year of assessment in which it was so paid; or
  - (ii) where such expenditure has not been paid by him, and whether or not the payment thereof has been secured by the issue of a promissory note or similar instrument, be deemed to have been incurred by him in equal monthly amounts over the period to which the relevant agreement relates;
- (e) so much of any amount derived by the taxpayer from the disposal of the relevant aircraft as exceeds the adjustable cost price thereof taken into account under section 14bis of the Act shall be included in his income in the year of assessment in which such disposal took place;
- (f) the aircraft shall not be regarded as trading stock for the purposes of section 22 of the Act, nor shall it be regarded as an affected asset for the purposes of section 23A of the Act;
- (g) if any amount due by the taxpayer in respect of the purchase price of the aircraft or any expenditure referred to in paragraph (d) is payable at a future date without interest, such amount shall be deemed to include interest calculated and compounded monthly, and the rate of such interest shall be deemed to be 18 per cent per annum, unless it is shown by the taxpayer that some other rate is appropriate;
- (h) no interest shall, in relation to any year of assessment in respect of which the taxpayer has in accordance with the terms and conditions of the relevant aircraft scheme claimed a deduction in the determination of his taxable income, be payable by him in terms of the provisions of sections 89 and 89<sup>quat</sup> of the Act in respect of the period ending on 28 February 1994, to the extent that such interest relates to an amount of tax which became payable in consequence of the disallowance of the deduction so claimed; and
- (i) no interest shall be payable to the taxpayer in terms of the provisions of sections 88 and 89<sup>quat</sup> of the Act in respect of so much of any amount refundable to him as is attributable to any amount referred to in paragraph (b), (c) or (d) which has been allowed to be deducted in the determination of his taxable income in any year of assessment.

**No. R. 341****18 Februarie 1994****INKOMSTEBELASTINGWET, 1993**

REGULASIES BETREFFENDE BEDINGE EN VOORWAARDES WAARKRAGTENS DIE KOMMISSARIS VAN BINNELANDSE INKOMSTE GESKILLE MET BELASTINGPLIGTIGES RAKENDE BELASTINGVERMYDINGSKEMAS TEN OPSIGTE VAN BELEGGINGS IN PLANTASIES KAN BESLEG

Die Minister van Finansies het kragtens artikel 61 van die Inkomstebelastingwet, 1993 (Wet No. 113 van 1993), die regulasies in die Bylae uitgevaardig.

**BYLAE****Woordomskrywing**

1. In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daarvan geheg en, tensy uit die samenhing anders blyk, beteken—

**"die Wet"** die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962);

**"plantasieskema"** 'n skema wat aangegaan is vir die aanplanting en benutting van 'n plantasie, indien daar deur die belastingpligtige bewys word dat die plantasie werklik voor 18 Februarie 1994 aangeplant is;

**"vennootskap"** ook 'n ooreenkoms of reëling wat voorgee om 'n vennootskap te wees.

**Ooreenkomste vir beslegting van geskille**

2. (1) Op skriftelike aanvaarding van 'n aanbod deur die Kommissaris gemaak deur 'n belastingpligtige wat, individueel of as lid van 'n vennootskap, gedurende enige jaar van aanslag in 'n plantasieskema deelgeneem het, kan die Kommissaris en daardie belastingpligtige, behoudens die bepalings van regulasie 3, 'n ooreenkoms beoog in artikel 61 van die Inkomstebelastingwet, 1993 (Wet No. 113 van 1993), aangaan.

(2) 'n Aanvaarding bedoel in subregulasie (1) word, in die vorm wat die Kommissaris goedkeur, aan hom voorgelê voor of op 28 Februarie 1994.

**Bedinge en voorwaardes**

3. Waar 'n ooreenkoms beoog in regulasie 2 tussen die Kommissaris en 'n belastingpligtige aangegaan is—

- (a) word die belastingpligtige geag plantasieboerdery te beoefen;
- (b) word onkoste (behalwe rente) deur die belastingpligtige aangegaan ten opsigte van 'n kontrak vir die aanplanting, instandhouding of bestuur van die plantasie of vir enige ander diens wat gelewer moet word in verband met die benutting van die plantasie of die bestuur van die plantasieskema, waar bedoelde onkoste werklik deur hom betaal is of waar die betaling daarvan deur die uitreiking van 'n promesse of dergelyke stuk gedek is, geag deur hom aangegaan te gewees het op die datum waarop bedoelde onkoste aldus betaal is of die datum waarop bedoelde promesse of dergelyke stuk uitgereik is, na gelang van die geval;

**No. R. 341****18 February 1994****INCOME TAX ACT, 1993**

REGULATIONS CONCERNING TERMS AND CONDITIONS UNDER WHICH THE COMMISSIONER FOR INLAND REVENUE MAY SETTLE DISPUTES WITH TAXPAYERS REGARDING TAX AVOIDANCE SCHEMES IN RESPECT OF INVESTMENTS IN PLANTATIONS

The Minister of Finance has under section 61 of the Income Tax Act, 1993 (Act No. 113 of 1993), made the regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned thereto and, unless the context otherwise indicates—

**"partnership"** includes any agreement or arrangement purporting to be a partnership;

**"plantation scheme"** means a scheme entered into for the establishment and exploitation of a plantation, if it is shown by the taxpayer that the plantation was actually established before 18 February 1994;

**"the Act"** means the Income Tax Act, 1962 (Act No. 58 of 1962).

**Agreements for settlement of disputes**

2. (1) On written acceptance of an offer made by the Commissioner by any taxpayer who, whether individually or as a member of a partnership, has during any year of assessment participated in a plantation scheme, the Commissioner and that taxpayer may, subject to the provisions of regulation 3, enter into an agreement contemplated in section 61 of the Income Tax Act, 1993 (Act No. 113 of 1993).

(2) An acceptance referred to in subregulation (1) shall, in such form as the Commissioner may approve, be submitted to him not later than 28 February 1994.

**Terms and conditions**

3. Where an agreement contemplated in regulation 2 has been concluded between the Commissioner and a taxpayer—

- (a) the taxpayer shall be deemed to be carrying on plantation farming operations;
- (b) expenditure (other than interest) incurred by the taxpayer in respect of any contract for the establishment, maintenance or management of the plantation or for any other service to be rendered in connection with the exploitation of the plantation or the management of the plantation scheme, shall, where such expenditure has been actually paid by him or where the payment thereof has been secured by the issue of a promissory note or similar instrument, be deemed to have been incurred by him on the date of which such expenditure was so paid or the date on which such promissory note or similar instrument was issued, as the case may be;

- (c) indien enige bedrag deur die belastingpligtige verskuldig ten opsigte van enige onkoste in paragraaf (b) bedoel tesame met rente op 'n toekomstige datum betaalbaar is, is die bedrag aan bedoelde rente wat in 'n jaar van aanslag geag word deur hom aangegaan te gewees het nie meer nie as 'n bedrag vasgestel ten opsigte van bedoelde jaar deur die berekening van saamgestelde maandelikse rente op die som van die kapitaal verskuldig plus die saamgestelde bedrag van alle vorige rente aldus bereken, teen die koers wat tot gevvolg sal hê dat die som van die kapitaal en alle bedrae rente aldus bereken gelyk is aan die totale bedrag deur die belastingpligtige betaalbaar;
- (d) indien enige bedrag deur die belastingpligtige verskuldig ten opsigte van enige onkoste in paragraaf (b) bedoel sonder rente op 'n toekomstige datum betaalbaar is, word bedoelde bedrag geag rente in te sluit wat maandeliks bereken en saamgestel is, en word die koers van bedoelde rente geag 18 persent per jaar te wees, tensy daar deur die belastingpligtige bewys word dat 'n ander koers toepaslik is;
- (e) is geen rente, met betrekking tot 'n jaar van aanslag ten opsigte waarvan die belastingpligtige ooreenkomsdig die bedinge en voorwaardes van die betrokke plantasieskema 'n aftrekking by die vasstelling van sy belasbare inkomste geeis het, ingevolge die bepalings van artikels 89 en 89<sup>quat</sup> van die Wet deur hom betaalbaar nie ten opsigte van die tydperk eindigende op 28 Februarie 1994, tot die mate waarin bedoelde rente betrekking het op 'n bedrag belasting wat betaalbaar geword het as gevolg van die weiering van die aftrekking wat aldus geeis is;
- (f) Indien—
- (i) as gevolg van 'n reëling tussen die belastingpligtige en die Kommissaris met betrekking tot die belastingpligtige se deelname in die plantasieskema, die belastingpligtige ten opsigte van 'n jaar van aanslag 'n addisionele bedrag na die effektiewe datum met betrekking tot bedoelde jaar betaal het;
  - (ii) die Kommissaris gelas het dat geen rente ten opsigte van bedoelde betaling deur die belastingpligtige betaalbaar is nie; en
  - (iii) 'n bedrag ten opsigte van bedoelde jaar aan die belastingpligtige terugbetaalbaar is,
- word enige rente wat ingevolge die bepalings van artikel 89<sup>quat</sup> van die Wet ten opsigte van bedoelde bedrag terugbetaalbaar as wat nie bedoelde addisionele bedrag betaal te bowe gaan nie, bereken vanaf die datum van betaling deur die belastingpligtige van bedoelde addisionele bedrag tot die datum waarop bedoelde bedrag terugbetaalbaar aan die belastingpligtige terugbetaal word; en
- (c) if any amount due by the taxpayer in respect of any expenditure referred to in paragraph (b) is payable with interest at a future date, the amount of such interest deemed to have been incurred by him in any year of assessment shall not exceed an amount determined in respect of such year by calculating compound interest monthly on the sum of the capital owing plus the compounded amount of all previous interest so calculated, at such rate as will result in the sum of the capital and all amounts of interest so calculated being equal to the total amount payable by the taxpayer;
- (d) if any amount due by the taxpayer in respect of any expenditure referred to in paragraph (b) is payable at a future date without interest, such amount shall be deemed to include interest calculated and compounded monthly, and the rate of such interest shall be deemed to be 18 per cent per annum, unless it is shown by the taxpayer that some other rate is appropriate;
- (e) no interest shall, in relation to any year of assessment in respect of which the taxpayer has in accordance with the terms and conditions of the relevant plantation scheme claimed a deduction in the determination of his taxable income, be payable by him in terms of the provisions of sections 89 and 89<sup>quat</sup> of the Act in respect of the period ending on 28 February 1994, to the extent that such interest relates to an amount of tax which became payable by the taxpayer in consequence of the disallowance of the deduction so claimed;
- (f) If—
- (i) in consequence of any arrangement between the taxpayer and the Commissioner relating to the taxpayer's participation in the plantation scheme, the taxpayer has in respect of any year of assessment paid an additional amount after the effective date in relation to such year;
  - (ii) the Commissioner has directed that no interest shall be payable by the taxpayer in respect of such payment; and
  - (iii) an amount is refundable to the taxpayer in respect of such year,
- any interest which is payable to the taxpayer under the provisions of section 89<sup>quat</sup> of the Act in respect of so much of such amount refundable as does not exceed such additional amount paid shall be calculated from the date of payment by the taxpayer of such additional amount until the date on which such amount refundable is refunded to the taxpayer; and

(g) word geen rente ingevolge die bepalings van artikel 88 van die Wet aan die belastingpligtige betaal nie ten opsigte van enige bedrag wat aan hom terugbetaalbaar geword het omrede 'n bedrag in paragraaf (b) of (c) bedoel as aftrekking toegelaat is by die vasstelling van sy belasbare inkomste vir 'n jaar van aanslag, ondanks die feit dat die belastingpligtige appéel aangeteken het teen die vroeëre weiering van bedoelde aftrekking.

### DEPARTEMENT VAN FINANSIES

#### AANBOD DEUR WAARNEMENDE KOMMISSARIS VAN BINNELANDSE INKOMSTE OM OOREENKOMSTE INGEVOLGE ARTIKEL 61 VAN DIE INKOMSTEBELASTINGWET, 1993 (WET NO. 113 VAN 1993), TEN OPSIGTE VAN BELEGGINGS IN VLIETGTE OF PLANTASIES AAN TE GAAN

Ek, Trevor Frederick van Heerden, Waarnemende Kommissaris van Binnelandse Inkomste, maak hiermee 'n aanbod aan iemand wat deelgeneem het in 'n vliegtuigskema of plantasieskema soos omskryf in die regulasies gemaak ingevolge artikel 61 van die Inkombstebelastingwet, 1993 (Wet No. 113 van 1993), gepubliseer in Goewermentskennisgewings Nos. R. 340 en R. 341, onderskeidelik, gedateer 18 Februarie 1994, om 'n ooreenkoms beoog in genoemde artikel, onderhewig aan genoemde regulasies, aan te gaan.

Aanvaarding van hierdie aanbod moet gemaak word in die vorm vervat in die Bylae en moet voorgelê word nie later nie as 28 Februarie 1994 aan die kantoor van die Ontvanger van Inkomste by wie die belastingpligtige vir inkombstebelastingdoeleindes geregistreer is.

**T. F. VAN HEERDEN,**  
Waarnemende Kommissaris van Binnelandse Inkomste.  
18 Februarie 1994.

(g) no interest shall be payable to the taxpayer under the provisions of section 88 of the Act in respect of any amount which has become refundable to him in consequence of an amount referred to in paragraph (b) or (c) having been allowed as a deduction in the determination of his taxable income for any year of assessment, notwithstanding the fact that the taxpayer had noted an appeal against the earlier disallowance of such deduction.

### DEPARTMENT OF FINANCE

#### OFFER BY ACTING COMMISSIONER FOR INLAND REVENUE TO CONCLUDE AGREEMENTS IN TERMS OF SECTION 61 OF THE INCOME TAX ACT, 1993 (ACT NO. 113 OF 1993), IN RESPECT OF INVESTMENTS IN AIRCRAFT OR PLANTATIONS

I, Trevor Frederick van Heerden, Acting Commissioner for Inland Revenue, hereby make an offer to any person who has participated in an aircraft scheme or plantation scheme as defined in the regulations made under section 61 of the Income Tax Act, 1993 (Act No. 113 of 1993), published in Government Notices Nos. R. 340 and R. 341, respectively, dated 18 February 1994, to conclude an agreement contemplated in the said section, subject to the said regulations.

Acceptance of this offer must be made in the form contained in the Schedule and must be delivered not later than 28 February 1994 to the office of the Receiver of Revenue at which the taxpayer is registered for income tax purposes.

**T. F. VAN HEERDEN,**  
Acting Commissioner for Inland Revenue.

18 February 1994.

## BYLAE

VIR KANTOORGEBRUIK

Datum in kantoor ontvang

INKOMSTEBELASTING:  
VLIETGUITSKEMAS  
PLANTASIESKEMASDEPARTEMENT VAN FINANSIES  
BINNELANDSE INKOMSTE

**OOREENKOMS INGEVOLGE DIE REGULASIES IN GOEWERMENTSKENNISGEWINGS NOS. R340 EN R341 ONDERSKEIDELIK GEПUBLISEER IN STAATSKOERANT NO. 15520 GEDATEER 18 FEBRUARIE 1994 WAT DIE KOMMISSARIS VAN BINNELANDSE INKOMSTE MAGTIG OM 'N GESKIL TE BESLEG, SOOS BEOOG IN ARTIKEL 61 VAN DIE INKOMSTEBELASTINGWET, 1993 (die Wet).**

AANNAME VAN AANBOD

(Sien Notas 1 &amp; 2)

1. Naam van belastingpligtige


2. Inkomstebelastingverwysingsnommer


3. Naam van: Vliegtuigskema\*/

Plantasieskema\*

(indien van toepassing)


(Sien nota 3)

4. Ek (volle name)

--

synde die

belastingpligtige/behoorlik gemagtigde agent/verteenwoordigende belastingpligtige met betrekking tot die belastingpligtige \* gemeld in item 1 hierbo, aanvaar die aanbod wat in bogemelde Staatskoerant gepubliseer is, om 'n ooreenkoms aan te gaan soos in artikel 61 van die Wet beoog, ten opsigte van my/die belastingpligtige\* se deelname in bogemelde vliegtuig-/plantasieskema\*. (Sien notas 4 & 5.)

5. Hiermee bevestig ek dat ek ten volle bewus is van die gevolge van hierdie ooreenkoms.

6. Handtekening ..... Hoedanigheid

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Plek

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Datum

				1	9	
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## NOTAS

1. Twee kopieë van hierdie aansoek moet ingedien word, waarvan een as ontvangsterkennung teruggestuur sal word.
2. Die aansoek moet die kantoor van die Ontvanger van Inkomste waar die belastingpligtige op register is, nie later nie as 28 Februarie 1994 bereik. Geen uitstel kan verleen word nie.
3. 'n Aparte vorm ten opsigte van elke vliegtuig-/plantasieskema\* moet ingevul word.
4. Verteenwoordigende belastingpligtige beteken 'n "verteenwoordigende belastingpligtige" soos in artikel 1 van die Inkomstebelastingwet, 1962 omskryf.
5. Daar moet seker gemaak word dat indien 'n aanname deur 'n behoorlik gemagtigde agent van die belastingpligtige gedoen word, 'n volmag by hierdie aanname aangeheg is.

\* Skrap wat nie van toepassing is nie.

**SCHEDULE****FOR OFFICE USE**

Date received in office

**INCOME TAX:  
AIRCRAFT SCHEMES  
PLANTATION SCHEMES**

DEPARTMENT OF FINANCE  
INLAND REVENUE

**AGREEMENT IN TERMS OF THE REGULATIONS IN GOVERNMENT NOTICES NOS. R340 AND R341, RESPECTIVELY, PUBLISHED IN GOVERNMENT GAZETTE NO. 15520 DATED 18 FEBRUARY 1994 AUTHORISING THE COMMISSIONER FOR INLAND REVENUE TO SETTLE A DISPUTE, AS CONTEMPLATED IN SECTION 61 OF THE INCOME TAX ACT, 1993 (the Act).**

**ACCEPTANCE OF OFFER**

(See notes 1 &amp; 2)

1. Name of taxpayer


2. Income tax reference number

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3. Name of: Aircraft scheme\*/

Plantation scheme\*

(if applicable)

(See note 3)

4. I (full name)

--

being the

taxpayer/duly authorised agent/representative taxpayer in relation to the taxpayer \* mentioned in item 1 above, hereby accept the offer published in the above-mentioned Government Gazette to enter into an agreement as contemplated in section 61 of the Act, in respect of my/the taxpayer's\* participation in the above-mentioned aircraft/plantation scheme. (See notes 4 & 5.)

5. I hereby confirm that I am fully aware of the implications of this agreement.

6. Signature .....

Capacity

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Place

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Date

					1	9	
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**NOTES**

1. Two copies of this application must be submitted, one of which will be returned as an acknowledgement of receipt.
2. The application must reach the office of the Receiver of Revenue where the taxpayer is on register, not later than 28 February 1994. No extension can be granted.
3. A separate form must be completed in respect of each aircraft \*/plantation scheme\*.
4. Representative taxpayer means a "representative taxpayer" as defined in section 1 of the Income Tax Act, 1962.
5. It must be ensured that if an acceptance is made by the duly authorised agent of the taxpayer, a power of attorney is attached to this acceptance.

\* Delete which is not applicable.

17 FEBRUARIE 1994

## MEDIAVERKLARING (No. 3 van 1994)

### DEPARTEMENT VAN FINANSIES: BINNELANDSE INKOMSTE

#### AFTREKKING VIR BELASTINGPLIGTIGES WAT IN VLIEGTUIG-/PLANTASIESKEMAS BELÊ HET: OOREENKOMS VIR BESLEGTING

Aandag word gevestig op die volgende dokumente wat in *Staatskoerant* No. 15520 gedateer 18 Februarie 1994 gepubliseer sal word:

1. Regulasies deur die Minister van Finansies gemaak waarvolgens die Kommissaris van Binnelandse Inkomste gemagtig word om ooreenkoms met belastingpligtiges aan te gaan om geskille met betrekking tot vliegtuig- of plantasieskemas te skik.
2. 'n Aanbod deur die Waarnemende Kommissaris van Binnelandse Inkomste aan belastingpligtiges wat in sodanige skemas belê het, om so 'n ooreenkoms te sluit.
3. 'n Voorbeeld van die vorm wat voltooi moet word deur belastingpligtiges wat die aanbod wil aanvaar.

Belastingpligtiges wat 'n skikkingsooreenkoms wil sluit, moet die vorm vir aanvaarding aan die Ontvanger van Inkomste voorlê nie later nie as 28 Februarie 1994. Dit is die laaste datum waarop 'n ooreenkoms ingevolge die Wet aangegaan mag word, en geen uitstel kan verleen word nie.

**Uitgereik deur:** Die Waarnemende Kommissaris van Binnelandse Inkomste  
Posbus 402  
PRETORIA  
0001.

17 FEBRUARY 1994

## MEDIA RELEASE (No. 3 of 1994)

### DEPARTMENT OF FINANCE: INLAND REVENUE

#### DEDUCTION FOR TAXPAYERS WHO HAVE INVESTED IN AIRCRAFT/PLANTATION SCHEMES: SETTLEMENT AGREEMENT

Attention is drawn to the following documents which will be published in *Government Gazette* No. 15520 dated 18 February 1994:

1. Regulations made by the Minister of Finance in terms of which the Commissioner for Inland Revenue is authorised to enter into agreements with taxpayers to settle disputes in relation to aircraft or plantation schemes.
2. An offer by the Acting Commissioner for Inland Revenue to taxpayers who have invested in such schemes to conclude such an agreement.
3. A specimen form to be completed by taxpayers wishing to accept the offer.

Taxpayers wishing to conclude a settlement agreement must submit the acceptance form to the Receiver of Revenue by not later than 28 February 1994. This is the last date on which an agreement can be concluded in terms of the law, and no extension can be granted.

**Issued by:** The Acting Commissioner  
for Inland Revenue  
P.O. Box 402  
PRETORIA  
0001.

# BELANGRIK!!

## Plasing van tale:

### *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëeling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerde, verwag om u kopie met bovenoemde reëeling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

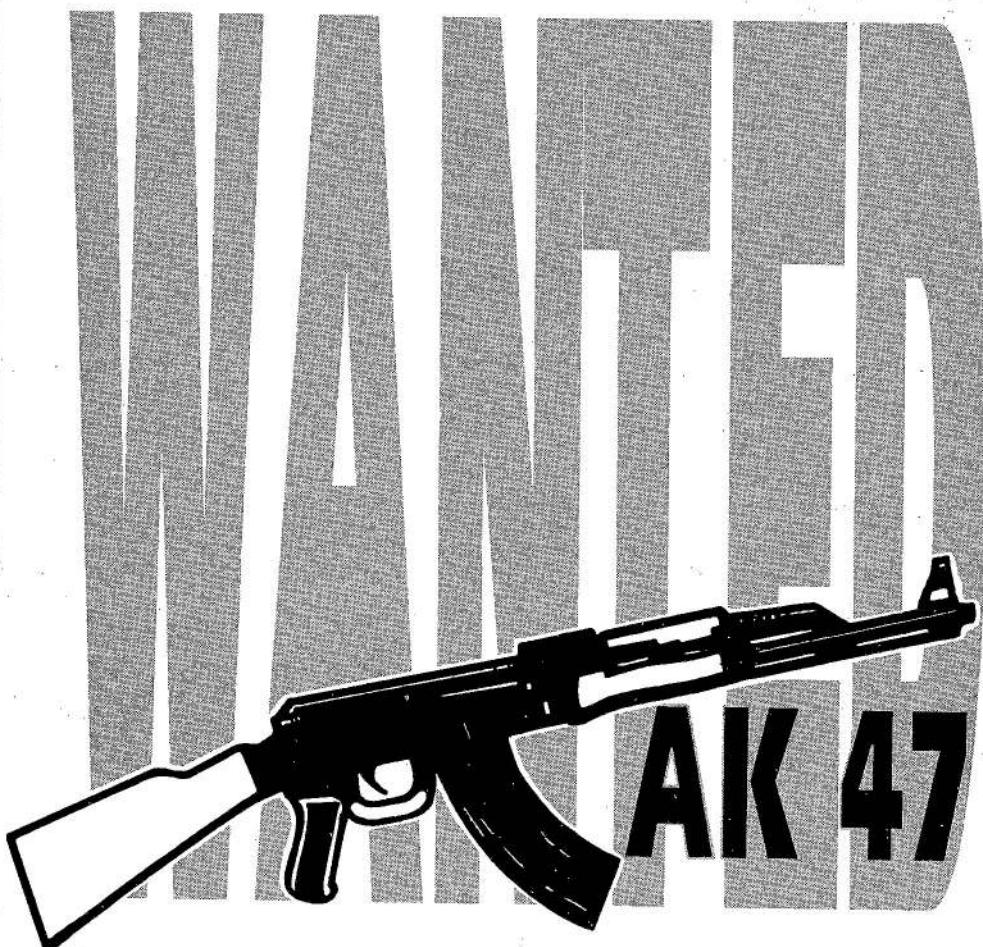
—oo—

# IMPORTANT!!

## Placing of languages:

### *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*



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you to:  
UP TO 25 YEARS IN JAIL,  
COMMUNITY AND  
FAMILY REJECTION**

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HAND IT IN**

*For the sake of your community*



WEERBURO



DEPARTEMENT VAN OMGEWINGSAKE



**WÊRELD WEERKUNDIGE DAG**  
**23-3-94**



WEATHER BUREAU



DEPARTMENT OF ENVIRONMENT AFFAIRS



**WORLD METEOROLOGICAL DAY**  
**23-3-94**

# Hou Suid-Afrika Skoon



**Gooi rommel waar dit hoort**

**INHOUD**

No.	Bladsy No.	Koerant No.
<b>GOEWERMENSKENNISGEWINGS</b>		
<b>Finansies, Departement van</b>		
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