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GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 29 NOVEMBER 1974

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

o. 2232.

29 November 1974.

No. 2232.

29 November 1974.

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

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

o. 88 of 1974: Revenue Laws Amendment Act, 1974.

No. 88 van 1974: Wysigingswet op Inkomstewette, 1974.

WET

Tot wysiging van die bepalinge van die Handelseffektebelastingwet, 1948, met betrekking tot die omskrywing van „gesamentlike rekening”, ten einde sekere tekstuele veranderinge in artikel 3 aan te bring en om voorsiening te maak vir ’n verdere vrystelling van handelseffektebelasting; tot wysiging van die bepalinge van die Wet op Hereregte, 1949, met betrekking tot die skale van hereregte en die beamptes aan wie hereregte betaal moet word, ten einde sekere tekstuele veranderinge in artikel 9 aan te bring en om voorsiening te maak vir die aanwending van sekere verklarings vir die doeleindes van die erkenning, deur middel van ’n masjien, van die ontvangs van hereregte; tot wysiging van die bepalinge van die Wet op Seëlregte, 1968, ten einde voorsiening te maak vir verdere vrystellings van seëlregte, om sekere tekstuele veranderinge in artikel 23 aan te bring, om voorsiening te maak vir ’n alternatiewe metode vir die betaling van seëlreg op sekere klasse van versekeringspolisse, om sekere handeling in verband met plakseëls tot misdrywe te verklaar, om sekere seëlregte af te skaf, om die seëlregtariewe wat ten opsigte van sekere verbande betaalbaar is, te verander, om sekere tekstuele veranderinge in Item 15 van Bylae 1 by bedoelde Wet aan te bring en om sekere kantoorbelastinge af te skaf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 11 November 1974.)

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

Wysiging van artikel 1 van Wet 32 van 1948, soos gewysig deur artikel 35 van Wet 77 van 1968 en artikel 1 van Wet 92 van 1971.

1. (1) Artikel 1 van die Handelseffektebelastingwet, 1948, word hierby gewysig deur die omskrywing van „gesamentlike rekening” deur die volgende omskrywing te vervang:

„„gesamentlike rekening” ’n vennootskap wat aangegaan is slegs tussen ’n lid van ’n effektebeurs in die Republiek en ’n persoon in ’n ander land wie se gewone besigheid in daardie land uit die koop en verkoop van handels-effekte bestaan of dit insluit;”.

(2) Subartikel (1) word geag op 30 Augustus 1971 in werking te getree het.

Wysiging van artikel 3 van Wet 32 van 1948, soos gewysig deur artikel 12 van Wet 64 van 1960 en artikel 36 van Wet 77 van 1968.

2. (1) Artikel 3 van die Handelseffektebelastingwet, 1948, word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) ten opsigte van die koop of die verkoop van handels-effekte wat deur die Regering van die Republiek, of van ’n Kolonie wat nou deel vorm van die Republiek, of deur ’n plaaslike bestuur, die Randwaterraad, die Land- en Landboubank van Suid-Afrika, ’n waterraad wat kragtens Hoofstuk VII van die Waterwet, 1956 (Wet No. 54 van 1956), ingestel is, ’n streekwaterdiens-korporasie ingestel kragtens artikel 7 van die Ordonnansie op Waterdienste, 1963 (Ordonnansie No. 27 van 1963), van Natal, die Elektrisiteitsvoorsieningskommissie of die Suid-Afrikaanse Uitsaai-korporasie, uitgereik is.”.

ACT

To amend the provisions of the Marketable Securities Tax Act, 1948, with regard to the definition of "joint account", so as to effect certain textual changes in section 3 and to provide for a further exemption from marketable securities tax; to amend the provisions of the Transfer Duty Act, 1949, relating to the rates of transfer duty and the officials to whom transfer duty is required to be paid, so as to effect certain textual changes in section 9 and to provide for the utilization of certain declarations for the purpose of acknowledging, by means of a machine, the receipt of transfer duty; to amend the provisions of the Stamp Duties Act, 1968, so as to provide for further exemptions from stamp duties, to effect certain textual changes in section 23, to provide for an alternative method for the payment of stamp duty on certain classes of policies of insurance, to declare certain activities in connection with adhesive stamps to be offences, to abolish certain stamp duties, to change the rates of stamp duty payable in respect of certain bonds, to effect certain textual changes in Item 15 of Schedule 1 to the said Act and to abolish certain fees of office; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 11 November 1974.)

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

1. (1) Section 1 of the Marketable Securities Tax Act, 1948, is hereby amended by the substitution for the definition of "joint account" of the following definition:

"'joint account' means any partnership entered into solely between a member of a stock exchange in the Republic and a person in any other country whose ordinary business in such country consists of or includes the buying and selling of marketable securities;"

(2) Subsection (1) shall be deemed to have come into operation on 30 August 1971.

2. (1) Section 3 of the Marketable Securities Tax Act, 1948, is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) in respect of the purchase or the sale of marketable securities issued by the Government of the Republic or of any colony now forming part of the Republic, or by any local authority, the Rand Water Board, the Land and Agricultural Bank of South Africa, a water board established under Chapter VII of the Water Act, 1956 (Act No. 54 of 1956), a Regional Water Services Corporation constituted under section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal, the Electricity Supply Commission or the South African Broadcasting Corporation."

Amendment of section 1 of Act 32 of 1948, as amended by section 35 of Act 77 of 1968 and section 1 of Act 92 of 1971.

Amendment of section 3 of Act 32 of 1948, as amended by section 12 of Act 64 of 1960 and section 36 of Act 77 of 1968.

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(2) Subartikel (1) word geag op 1 November 1973 in werking te getree het.

Wysiging van artikel 2 van Wet 40 van 1949, soos vervang deur artikel 2 van Wet 77 van 1964 en gewysig deur artikel 1 van Wet 56 van 1966 en artikel 2 van Wet 66 van 1973.

3. (1) Artikel 2 van die Wet op Hereregte, 1949, word hierby gewysig—

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

„(1) Behoudens die bepalinge van artikel 9, word daar ten bate van die Gekonsolideerde Inkomstefonds hereregte op die waarde van enige eiendom gehef (watter waarde bepaal word ooreenkomstig die bepalinge van artikels 5, 6, 7 en 8) wat op of na die datum van die inwerkingtreding van hierdie Wet deur enige persoon by wyse van 'n transaksie of op enige ander wyse verkry word, of op die bedrag waarmee die waarde van enige eiendom verhoog word ten gevolge van die afstand, op of na bedoelde datum, van 'n belang in of beperking op die gebruik van of beskikking oor daardie eiendom, teen die skaal van—

(a) vyf persent van bedoelde waarde of bedoelde bedrag, na gelang van die geval, indien die persoon deur wie die eiendom verkry word of ten gunste of ten voordele van wie van bedoelde belang of beperking afstand gedoen word 'n ander persoon as 'n natuurlike persoon is; of

(b) behoudens die bepalinge van subartikel (5)—

(i) een persent van soveel van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat twintigduisend rand nie te bowe gaan nie; en

(ii) drie persent van soveel van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat twintigduisend rand te bowe gaan, indien die persoon deur wie die eiendom verkry word of ten gunste of ten voordele van wie van bedoelde belang of beperking afstand gedoen word 'n natuurlike persoon is.”;

(b) deur subartikels (2), (3) en (4) te skrap; en

(c) deur die volgende subartikels by te voeg:

„(5) Waar 'n natuurlike persoon eiendom verkry wat uit 'n onverdeelde aandeel in eiendom (hierna in hierdie subartikel die gesamentlike eiendom genoem) bestaan of dit insluit, word die hereregte wat ten opsigte van bedoelde verkryging betaalbaar is, ooreenkomstig die formule

$$y = \frac{a}{b} \times c$$

bereken, in welke formule—

(a) „y” die hereregte wat betaalbaar is, voorstel;

(b) „a” die waarde waarop die hereregte ingevolge subartikel (1) hefbaar is, voorstel;

(c) „b” 'n bedrag voorstel wat gelyk is aan die som van—

(i) die bedrag deur „a” voorgestel; en

(ii) die waarde van die restant van die gesamentlike eiendom (synde die aandeel of aandele in die gesamentlike eiendom wat oorbly nadat voormelde onverdeelde aandeel uitgesluit is), met die veronderstelling dat daardie waarde 'n bedrag is wat in dieselfde verhouding tot die waarde van bedoelde onverdeelde aandeel (synde die waarde daarvan wat deur „a” voorgestel word of daarby ingesluit is) staan as die verhouding waarin bedoelde restant (uitgedruk as 'n persentasie van die volle eien-

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(2) Subsection (1) shall be deemed to have come into operation on 1 November 1973.

3. (1) Section 2 of the Transfer Duty Act, 1949, is hereby amended—

Amendment of section 2 of Act 40 of 1949, as substituted by section 2 of Act 77 of 1964 and amended by section 1 of Act 56 of 1966 and section 2 of Act 66 of 1973.

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

“(1) Subject to the provisions of section 9, there shall be levied for the benefit of the Consolidated Revenue Fund a transfer duty (hereinafter referred to as the duty) on the value of any property (which value shall be determined in accordance with the provisions of sections 5, 6, 7 and 8) acquired by any person on or after the date of commencement of this Act by way of a transaction or in any other manner, or on the amount by which the value of any property is enhanced by the renunciation, on or after the said date, of an interest in or restriction upon the use or disposal of that property, at the rate of—

(a) five per cent of the said value or the said amount, as the case may be, if the person by whom the property is acquired or in whose favour or for whose benefit the said interest or restriction is renounced is a person other than a natural person; or

(b) subject to the provisions of subsection (5)—

(i) one per cent of so much of the said value or the said amount, as the case may be, as does not exceed twenty thousand rand; and

(ii) three per cent of so much of the said value or the said amount, as the case may be, as exceeds twenty thousand rand, if the person by whom the property is acquired or in whose favour or for whose benefit the said interest or restriction is renounced is a natural person.”;

(b) by the deletion of subsections (2), (3) and (4); and

(c) by the addition of the following subsections:

“(5) Where a natural person acquires any property consisting of or including an undivided share in any property (hereafter in this subsection referred to as the joint property), the duty payable in respect of such acquisition shall be calculated in accordance with the formula

$$y = \frac{a}{b} \times c,$$

in which formula—

(a) ‘y’ represents the duty payable;

(b) ‘a’ represents the value on which the duty is leviable in terms of subsection (1);

(c) ‘b’ represents an amount equal to the sum of—

(i) the amount represented by ‘a’; and

(ii) the value of the remainder of the joint property (being the share or shares in the joint property remaining after excluding the afore-said undivided share), assuming such value to be an amount which bears to the value of the said undivided share (being the value thereof represented by or included in ‘a’) the same ratio as the said remainder (expressed as a percentage of the full ownership of the joint property without regard to the value of that property or any share therein) bears to the

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domsreg in die gesamentlike eiendom sonder inagneming van die waarde van dié eiendom of enige aandeel daarin) tot bedoelde onverdeelde aandeel (uitgedruk as 'n persentasie van die volle eiendomsreg in die gesamentlike eiendom sonder inagneming van die waarde van dié eiendom of enige aandeel daarin) staan; en

- (d) „c’ die hereregte voorstel wat, teen die skaal wat in subartikel (1) (b) voorgeskryf word, hefbaar sou gewees het op die bedrag wat deur die simbool „b’ in die formule voorgestel word indien daardie bedrag die waarde was waarop hereregte ingevolge subartikel (1) hefbaar was.

(6) Die bepaling van subartikel (5) is nie van toepassing nie ten opsigte van die verkryging van 'n onverdeelde aandeel in gemeenskaplike eiendom wat ingevolge die bepaling van die Wet op Deeltitels, 1971 (Wet No. 66 van 1971), aan 'n deel soos omskryf in artikel 1 van daardie Wet toegedeel is en deel vorm van 'n eenheid soos aldus omskryf, maar is van toepassing ten opsigte van die verkryging van 'n onverdeelde aandeel in so 'n eenheid.

(7) Waar 'n persoon handelende in 'n fidusiêre hoedanigheid eiendom verkry of waar die waarde van eiendom wat deur 'n persoon handelende in 'n fidusiêre hoedanigheid besit word, verhoog word as gevolg van die afstand van 'n belang in of van 'n beperking op die gebruik van of beskikking oor daardie eiendom soos beoog in subartikel (1), word daardie persoon, by die toepassing van hierdie artikel—

- (a) indien die eiendom ingevolge die bepaling van 'n testament of ander stuk aldus verkry of aldus gehou word uitsluitlik ten voordele van 'n natuurlike persoon (hetsy regstreeks of onregstreeks), geag 'n natuurlike persoon te wees;
- (b) indien die eiendom anders as in paragraaf (a) beoog aldus verkry of aldus gehou word, geag 'n ander persoon as 'n natuurlike persoon te wees.”

(2) Die wysigings deur subartikel (1) aangebring, word geag op 15 Augustus 1974 in werking te getree het en is van toepassing ten opsigte van enige verkryging van eiendom of enige afstand van 'n belang in of beperking op die gebruik van of beskikking oor eiendom op of na daardie datum.

Wysiging van
artikel 3 van
Wet 40 van 1949.

4. (1) Artikel 3 van die Wet op Hereregte, 1949, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Hereregte en enige kragtens artikel 4 betaalbare boete en hereregte en rente betaalbaar kragtens 'n wet wat deur hierdie Wet herroep is, word betaal aan 'n ontvanger van inkomste, op die diensstaat van die Departement van Binnelandse Inkomste (hierna in hierdie subartikel die departementele ontvanger van inkomste genoem), van die gebied waarin die betrokke eiendom geleë is of, indien die eiendom in die gebied van meer dan een departementele ontvanger van inkomste geleë is, aan engeen van daardie departementele ontvangers van inkomste, of, in of die een of die ander geval, aan die departementele ontvanger van inkomste in wie se gebied die registrasiekantoor van aktes vir die eiendom geleë is.”

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

Wysiging van
artikel 9 van
Wet 40 van 1949,
soos gewysig deur
artikel 3 van
Wet 31 van 1953,

5. Artikel 9 van die Wet op Hereregte, 1949, word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

„(8) Geen hereregte is betaalbaar nie ten opsigte van die verkryging op of na die sestiende dag van Maart 1964 van

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said undivided share (expressed as a percentage of the full ownership of the joint property without regard to the value of that property or any share therein); and

- (d) 'c' represents the duty which would have been leviable at the rate prescribed in subsection (1) (b) on the amount represented by the symbol 'b' in the formula if that amount had been the value on which duty was leviable under subsection (1).

(6) The provisions of subsection (5) shall not apply in respect of the acquisition of an undivided share in common property which is in terms of the provisions of the Sectional Titles Act, 1971 (Act No. 66 of 1971), apportioned to a section as defined in section 1 of that Act and forms part of a unit as so defined but shall apply in respect of the acquisition of an undivided share in such unit.

(7) Where any person acting in a fiduciary capacity acquires any property or where the value of any property held by any person acting in a fiduciary capacity is enhanced as a result of the renunciation of an interest in or of a restriction upon the use or disposal of that property as contemplated in subsection (1), such person shall, for the purposes of this section—

- (a) if the property is in terms of the provisions of a will or other instrument so acquired or so held solely for the benefit of a natural person (whether directly or indirectly), be deemed to be a natural person;
- (b) if the property is so acquired or so held otherwise than contemplated in paragraph (a), be deemed to be a person other than a natural person."

(2) The amendments effected by subsection (1) shall be deemed to have come into operation on 15 August 1974 and shall apply in respect of any acquisition of property or any renunciation of an interest in or restriction upon the use or disposal of property on or after that date.

4. (1) Section 3 of the Transfer Duty Act, 1949, is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 3 of Act 40 of 1949.

"(3) The duty and any penalty payable under section 4 and any transfer duty and interest payable under any law repealed by this Act shall be paid to a receiver of revenue, on the establishment of the Department of Inland Revenue (hereafter in this subsection referred to as the departmental receiver of revenue), for the area in which the property in question is situate or, if the property is situate in the area of more than one departmental receiver of revenue, to any one of those departmental receivers of revenue, or, in either case, to the departmental receiver of revenue in whose area the deeds registry for the property is situate."

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

5. Section 9 of the Transfer Duty Act, 1949, is hereby amended by the substitution for subsection (8) of the following subsection:

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953,

"(8) No duty shall be payable in respect of the acquisition on or after the sixteenth day of March, 1964, of proper-

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artikel 12 van
Wet 80 van 1959,
artikel 3 van
Wet 70 van 1963,
artikel 3 van
Wet 77 van 1964,
artikel 1 van
Wet 81 van 1965,
artikel 7 van
Wet 103 van 1969,
artikel 2 van
Wet 89 van 1972
en artikel 3 van
Wet 66 van 1973.

eiendom deur 'n maatskappy (hieronder die filiaalmaatskappy genoem) wat in die Republiek ingelyf is en bestuur en beheer word, van 'n ander maatskappy (hieronder die buitelandse maatskappy genoem) wat buite die Republiek ingelyf is en bestuur en beheer word, indien daar tot bevrediging van die Sekretaris bewys word—

- (a) dat ten tyde van bedoelde verkryging al die uitgereikte aandele van die filiaalmaatskappy vir sy eie voordeel besit is deur die buitelandse maatskappy of 'n maatskappy wat buite die Republiek ingelyf, bestuur en beheer was en deur die buitelandse maatskappy beheer was of dit beheer het; en
- (b) dat die filiaalmaatskappy ingevolge 'n reëling met die buitelandse maatskappy al die bates, met inbegrip van bedoelde eiendom, wat met enige industriële of kommersiële of ander besigheidsonderneming van die buitelandse maatskappy in die Republiek in verband staan, van die buitelandse maatskappy verkry het.”.

Wysiging van
artikel 14 van
Wet 40 van 1949.

6. (1) Artikel 14 van die Wet op Hereregte, 1949, word hierby gewysig—

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

„(1) Gepaste verklarings volgens die wyse van verkryging van eiendom in enige besondere geval moet, in wese so na as moontlik aan die bewoording van die formuliere deur die Sekretaris by kennisgewing in die *Staatskoerant* voorgeskryf, voltooi word deur die partye by die transaksie waarby die eiendom verkry is, en indien die Sekretaris dit gelas, ook deur die agent, afslaer, makelaar of ander persoon wat namens of ten behoeve van enigeen van die partye by die transaksie opgetree het of, indien die eiendom op 'n ander wyse dan by wyse van 'n transaksie verkry is, deur die persoon wat die eiendom verkry het.”; en

- (b) deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Die Sekretaris kan gelas dat enige in subartikel (1) bedoelde verklaring, wat in 'n kategorie val wat hy vasstel, gebruik moet word vir die erkenning, deur die gebruik van 'n masjien, van die ontvangs van hereregte, en in so 'n geval kan hy die aantal afskrifte van bedoelde verklaring wat voltooi moet word, die vorm, grootte en ontwerp van so 'n verklaring of van 'n afskrif daarvan, en die wyse waarop bedoelde verklaring en afskrifte voltooi moet word, voorskryf.”.

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

Wysiging van
artikel 1 van
Wet 77 van 1968,
soos gewysig deur
artikel 16 van
Wet 103 van 1969
en artikel 5 van
Wet 66 van 1973.

7. Artikel 1 van die Wet op Seëlregte, 1968, word hierby gewysig deur die omskrywing van „makelaarsnota” te skrap.

Wysiging van
artikel 4 van
Wet 77 van 1968,
soos gewysig deur
artikel 17 van
Wet 103 van 1969,
artikel 5 van
Wet 72 van 1970
en artikel 6 van
Wet 66 van 1973.

8. Artikel 4 van die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

- „(b) 'n stuk, indien die seëlreg daarop wettiglik deur 'n afdelingsraad, landelike raad, munisipale raad, stadsraad, dorpsraad, stadskomitee, plaaslike bestuursraad, dorpsbestuursraad, gesondheidskomitee of ander komitee van 'n soortgelyke aard, of 'n distriksraad of 'n plaaslike of algemene raad ingestel of geag ingestel te wees kragtens die Wet op Bantoesake, 1959 (Wet No. 55 van 1959), of die Randwaterraad, of 'n streek-

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ty by any company (hereinafter referred to as the subsidiary company) which has been incorporated, and is managed and controlled, in the Republic from any other company (hereinafter referred to as the foreign company) which has been incorporated, and is managed and controlled, outside the Republic if it is proved to the satisfaction of the Secretary—

- (a) that at the time of such acquisition all the issued shares of the subsidiary company were held for its own benefit by the foreign company or a company which was incorporated, managed and controlled outside the Republic and was controlled by or controlled the foreign company; and
- (b) that the subsidiary company has under an arrangement with the foreign company acquired from the foreign company all the assets, including the said property, relating to any industrial or commercial or other business undertaking of the foreign company in the Republic.”.

section 12 of Act 80 of 1959, section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972 and section 3 of Act 66 of 1973.

6. (1) Section 14 of the Transfer Duty Act, 1949, is hereby amended—

Amendment of section 14 of Act 40 of 1949.

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

“(1) Declarations appropriate to the manner of the acquisition of property in any particular case shall, in substance as near as possible to the wording of the forms prescribed by the Secretary by notice in the *Gazette*, be completed by the parties to the transaction whereby the property has been acquired and, if the Secretary so directs, also by the agent, auctioneer, broker or other person who acted for or on behalf of either party to the transaction or, if the property has been acquired otherwise than by way of a transaction, by the person who acquired the property.”; and

- (b) by the insertion after subsection (1) of the following subsection:

“(1A) The Secretary may direct that any declaration referred to in subsection (1), falling within any category which he may determine, shall be used for the purpose of acknowledging, by the use of a machine, the receipt of duty, and in such case he may prescribe the number of copies of such declaration to be completed, the shape, size and lay-out of such declaration or of any copy thereof, and the manner in which such declaration and copies shall be completed.”.

(2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

7. Section 1 of the Stamp Duties Act, 1968, is hereby amended by the deletion of the definition of “broker’s note”.

Amendment of section 1 of Act 77 of 1968, as amended by section 16 of Act 103 of 1969 and section 5 of Act 66 of 1973.

8. Section 4 of the Stamp Duties Act, 1968, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 1969, section 5 of Act 72 of 1970 and section 6 of Act 66 of 1973.

- “(b) any instrument if the duty thereon would be legally payable and borne by any divisional council, rural council, municipal council, town council, village council, town board, local board, village management board, health committee or other committee of a similar nature, or any district council or any local or general council established or deemed to have been established under the Bantu Affairs Act, 1959 (Act No. 55 of 1959), or the Rand Water Board, or any

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waterdienskorporasie ingestel kragtens artikel 7 van die Ordonnansie op Waterdienste, 1963 (Ordonnansie No. 27 van 1963), van Natal, of 'n wateraad ingestel kragtens Hoofstuk VII van die Waterwet, 1956 (Wet No. 54 van 1956), of die Elektrisiteitsvoorsieningskommissie, of die Skakelkomitee vir Evaton-Bantoe-dorp soos ingestel kragtens Deel II van Bylae B by Proklamasie No. 54 van 1959, of die liggaam ingestel ingevolge artikel 2 van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal, of die Landdros van die distrik Rehoboth in die uitoefening en uitvoering van die bevoegdhede, funksies en pligte aan hom verleen en oorgedra en op hom gelê deur artikel 1 van die Rehoboth-Aangelegenheden Proklamasie, 1924 (Proklamasie No. 31 van 1924), van die Administrateur van die gebied Suidwes-Afrika, betaalbaar sou wees en gedra sou moet word;".

Herroeping van artikel 19 van Wet 77 van 1968.

9. Artikel 19 van die Wet op Seëlregte, 1968, word hierby herroep.

Wysiging van artikel 23 van Wet 77 van 1968, soos gewysig deur artikel 20 van Wet 103 van 1969, artikel 13 van Wet 92 van 1971, artikel 11 van Wet 89 van 1972 en artikel 10 van Wet 66 van 1973.

10. Artikel 23 van die Wet op Seëlregte, 1968, word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (b) van die omskrywing van „oordragstuk” deur die volgende paragraaf te vervang:
 - „(b) 'n behoorlik voltooië sekuriteite-oordragvorm of maakelaarsoordragvorm soos in artikel 134 van die Maatskappywet, 1973 (Wet No. 61 van 1973), omskryf; of”; en
- (b) deur in paragraaf (i) van die voorbehoudsbepaling by subartikel (3) die uitdrukking „die Wet op Oordrag van Sekuriteite, 1965,” deur die uitdrukking „artikel 135 van die Maatskappywet, 1973,” te vervang.

Wysiging van artikel 24 van Wet 77 van 1968, soos gewysig deur artikel 21 van Wet 103 van 1969.

11. Artikel 24 van die Wet op Seëlregte, 1968, word hierby gewysig deur die volgende subartikels by te voeg:

„(10) Indien 'n versekeraar wat enige klas van versekeringspolis uitreik wat ingevolge paragraaf (1), (2), (2A) of (3) van Item 18 van Bylae 1 aan seëlreg onderworpe is, die Sekretaris oortuig—

- (a) dat die seëlreg op al die polisse van die klas wat die versekeraar aldus uitreik en wat onderworpe is aan seëlreg ingevolge enige van genoemde paragrawe, bereken kan word deur middel van 'n rekenaar wat deur die versekeraar gebruik en beheer word;
- (b) dat prosedures ontwerp is waarby seëlreg op al die in paragraaf (a) bedoelde polisse bereken sal word; en
- (c) dat die bedrag van die seëlreg wat aldus bereken word ten opsigte van enigeen van bedoelde polisse te alle tye geredelik vasgestel kan word van rekenaar-tabulasies wat deur die versekeraar behou word,

kan die Sekretaris na goeddunke die versekeraar magtig om, onderworpe aan enige voorwaardes wat die Sekretaris opleë, die seëlreg ten opsigte van die in paragraaf (a) bedoelde polisse te betaal op die wyse in subartikel (11) voorgeskryf, in welke geval die seëlreg wat ten opsigte van enige van bedoelde polisse betaalbaar is nie aangedui word deur middel van die aanhegting van seëls daarop nie maar bedoelde polis, mits die bedrag van seëlreg ten opsigte van daardie polis en die woorde „seëlreg betaal” op die voorkant daarvan voorkom, geag word behoorlik geseël te wees.

(11) 'n Versekeraar wat gemagtig is soos beoog in subartikel (10) moet die seëlreg ten opsigte van versekeringspolisse van die klas waarop die magtiging betrekking het op die volgende wyse betaal, te wete:

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regional water services corporation constituted under section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal, or any water board established under Chapter VII of the Water Act, 1956 (Act No. 54 of 1956), or the Electricity Supply Commission, or the Evaton Bantu Township Liaison Committee as constituted under Part II of Schedule B to Proclamation No. 54 of 1959, or the body established under section 2 of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal, or the Magistrate of the District of Rehoboth in the exercise and execution of the powers, functions and duties vested in and conferred and imposed upon him by section 1 of the Rehoboth Affairs Proclamation, 1924 (Proclamation No. 31 of 1924), of the Administrator of the territory of South-West Africa;”

9. Section 19 of the Stamp Duties Act, 1968, is hereby repealed. Repeal of section 19 of Act 77 of 1968.

10. Section 23 of the Stamp Duties Act, 1968, is hereby amended— Amendment of section 23 of Act 77 of 1968, as amended by section 20 of Act 103 of 1969, section 13 of Act 92 of 1971, section 11 of Act 89 of 1972 and section 10 of Act 66 of 1973.

(a) by the substitution in subsection (1) for paragraph (b) of the definition of “instrument of transfer” of the following paragraph:

“(b) a duly completed securities transfer form or broker’s transfer form as defined in section 134 of the Companies Act, 1973 (Act No. 61 of 1973); or”;

and

(b) by the substitution in paragraph (i) of the proviso to subsection (3) for the expression “the Securities Transfer Act, 1965,” of the expression “section 135 of the Companies Act, 1973,”.

11. Section 24 of the Stamp Duties Act, 1968, is hereby amended by the addition of the following subsections: Amendment of section 24 of Act 77 of 1968, as amended by section 21 of Act 103 of 1969.

“(10) If any insurer who issues any class of policy of insurance chargeable with duty under paragraph (1), (2), (2A) or (3) of Item 18 of Schedule 1 satisfies the Secretary—

- (a) that the duty on all policies of the class so issued by the insurer and which are chargeable with duty under any of the said paragraphs can be calculated by means of a computer which is used and controlled by the insurer;
- (b) that procedures have been devised whereby duty will be calculated on all the policies referred to in paragraph (a); and
- (c) that the amount of duty so calculated in respect of any one of such policies will at all times be readily ascertainable from computer tabulations retained by the insurer,

the Secretary may, at his discretion, authorize the insurer, subject to any conditions the Secretary may impose, to pay the duty in respect of the policies referred to in paragraph (a) in the manner prescribed in subsection (11), in which case the duty chargeable in respect of any of such policies shall not be denoted by means of stamps affixed thereto but such policy shall, provided the amount of duty in respect of such policy and the words ‘duty paid’ appear on the face thereof, be deemed to be duly stamped.

(11) An insurer authorized as contemplated in subsection (10) shall pay the duty in respect of policies of insurance of the class to which the authorization relates in the following manner, namely:

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- (a) Die totaalbedrag van die seëlreg betaalbaar ten opsigte van polisse van bedoelde klas wat die versekeraar uitgereik het gedurende 'n in paragraaf (b) bedoelde betalingstydperk, soos deur middel van die rekenaar bereken, moet binne veertien dae na die end van daardie betalingstydperk of binne die verdere tydperk wat die Sekretaris, met inagneming van die spesiale omstandighede van die geval, goedkeur, vasgestel en aan 'n ontvanger van inkomste betaal word;
- (b) die betalingstydperk is die tydperk, wat twee-en-veertig dae nie te bowe gaan nie, wat die versekeraar bepaal: Met dien verstande dat die eerste dag van elke betalingstydperk (behalwe die eerste betalings-tydperk) die dag is wat op die laaste dag van die voorafgaande betalingstydperk volg;
- (c) wanneer betaling van seëlreg ingevolge hierdie subartikel geskied, moet die versekeraar terselfdertyd 'n opgawe in 'n deur die Sekretaris voorgeskrewe vorm en 'n ouditeur se sertifikaat wat die juistheid van die opgawe bevestig, aan die ontvanger van inkomste verstrek.

(12) Indien 'n versekeraar versuim om volgens voorskrif van subartikel (11) 'n opgawe of ouditeur se sertifikaat te verstrek of 'n opgawe of 'n ouditeur se sertifikaat verstrek wat vals, onvolledig of onjuis is of, nadat hy deur die Sekretaris versoek is om verdere inligting te verstrek of om enige boek of dokument oor te lê wat benodig is vir die vasstelling of kontrolering van die betaalbare seëlreg, versuim om die inligting te verstrek of om bedoelde boek of dokument oor te lê, kan die Sekretaris die seëlreg wat ten opsigte van die betrokke betalingstydperk betaalbaar is, raam en die aldus geraamde seëlreg word, totdat die teendeel bewys word, by die toepassing van hierdie Wet geag die seëlreg te wees wat deur die versekeraar ten opsigte van bedoelde betalingstydperk betaalbaar is.

(13) Indien 'n in subartikel (11) bedoelde versekeraar versuim om binne die tydperk van veertien dae in daardie subartikel beoog of binne die verdere tydperk wat die Sekretaris kragtens daardie subartikel mag goedgekeur het, 'n bedrag aan seëlreg wat ingevolge daardie subartikel betaal moet word, te betaal, moet die versekeraar, benevens bedoelde bedrag aan seëlreg, 'n boete betaal gelyk aan tien persent van bedoelde bedrag vir elke maand of gedeelte daarvan, gereken vanaf die begin van eersbedoelde tydperk tot die datum van die betaling van bedoelde bedrag: Met dien verstande dat die Sekretaris, met inagneming van die omstandighede van die geval, bedoelde boete in sy geheel of ten dele kan kwytsteld."

Invoeging van
artikel 28A in
Wet 77 van 1968.

12. Die volgende artikel word hierby in die Wet op Seëlregte, 1968, na artikel 28 ingevoeg:

„Misdrywe
ten opsigte
van
plakseëls.

28A. (1) 'n Persoon—

- (a) (uitgesonderd 'n beampte in die staatsdiens wat in sy amptelike hoedanigheid optree of 'n persoon wat kragtens 'n skriftelike magtiging van die Sekretaris optree) wat 'n plakseël, hetsy gebruik of ongebruik, aan iemand anders verkoop of op 'n ander wyse vervreem;
- (b) wat 'n plakseël van iemand anders as 'n in paragraaf (a) bedoelde beampte of persoon wat kragtens 'n skriftelike magtiging van die Sekretaris optree, koop of op enige ander wyse verkry;

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- (a) The total amount of duty chargeable in respect of policies of such class issued by the insurer during any payment period referred to in paragraph (b), as calculated by means of the computer, shall be determined and paid to a receiver of revenue within fourteen days after the end of such payment period or within such further period as the Secretary, having regard to the special circumstances of the case, may approve;
- (b) the payment period shall be such period, not exceeding forty-two days, as the insurer may determine: Provided that the first day of every payment period (other than the first payment period) shall be the day following the last day of the preceding payment period;
- (c) when payment of duty is made under this subsection the insurer shall at the same time furnish the receiver of revenue with a statement in such form as the Secretary may prescribe and an auditor's certificate testifying to the accuracy of the statement.

(12) If any insurer fails to furnish any statement or auditor's certificate as required by subsection (11) or furnishes a statement or auditor's certificate which is false, incomplete or inaccurate or, after having been requested by the Secretary to furnish further information or to produce any book or document required for the purpose of determining or verifying the duty payable, fails to furnish such information or to produce such book or document, the Secretary may estimate the duty payable in respect of the payment period in question and the duty so estimated shall, until the contrary is proved, for the purposes of this Act be deemed to be the duty payable by the insurer in respect of such payment period.

(13) If any insurer referred to in subsection (11) fails to pay within the period of fourteen days contemplated in that subsection or within any such further period as the Secretary may have approved under that subsection, any amount of duty required to be paid under that subsection, the insurer shall, in addition to such amount of duty, pay a penalty equal to ten per cent of the said amount for every month or part thereof reckoned from the beginning of such first-mentioned period to the date of payment of such amount: Provided that the Secretary may, having regard to the circumstances of the case, remit the whole or any part of such penalty."

12. The following section is hereby inserted in the Stamp Duties Act, 1968, after section 28:

Insertion of section 28A in Act 77 of 1968.

"Offences in respect of adhesive stamps.

28A. (1) Any person—

- (a) (excluding an officer in the public service acting in his official capacity or any person acting under a written authority of the Secretary) who sells or otherwise disposes of any adhesive stamp, whether used or unused, to any other person;
- (b) who purchases or in any other manner acquires any adhesive stamp from any person other than an officer or a person acting under a written authority of the Secretary referred to in paragraph (a);

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- (c) wat 'n gebruikte plakseël (soos omskryf in subartikel (3)) wat nie op 'n stuk geplak is nie in sy besit het met die wete dat dit van 'n stuk verwyder is en met die opset om dit te gebruik ten einde die betaling van seëlreg op 'n ander stuk aan te dui of om dit in stryd met die bepalings van hierdie subartikel te verkoop of te vervreem,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(2) Iemand in wie se besit 'n gebruikte plakseël (soos omskryf in subartikel (3)) gevind word wat nie op 'n stuk geplak is nie, word, tensy die teen-deel bewys word, geag die seël in sy besit te hê met die wete dat dit van 'n stuk verwyder is en met die opset om die seël te gebruik ten einde die betaling van seëlreg op 'n ander stuk aan te dui of om dit in stryd met die bepalings van subartikel (1) te verkoop of vervreem.

(3) By die toepassing van hierdie artikel beteken „gebruikte plakseël” 'n plakseël wat op enige wyse gerojeer of skynbaar gerojeer is, of waarop daar geskryf is of skynbaar geskryf was, of wat beskadig is of skynbaar op 'n stuk geplak was en daarvan verwyder is.”.

Skrapping van
Item 1 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 23 van
Wet 103 van 1969.

13. (1) Item 1 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Wysiging van
Item 2 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 8 van
Wet 72 van 1970
en artikel 11 van
Wet 66 van 1973.

14. (1) Item 2 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur die volgende paragraaf by die Vry-stellings te voeg:

„(d) 'n Ooreenkoms vir die vervreemding of verkryging van eiendom (soos in artikel 1 van die Wet op Here-regte, 1949 (Wet No. 40 van 1949), omskryf) of vir die afstanddoening van 'n belang in of beperking op die gebruik van of beskikking oor sodanige eiendom of vir die aanname van 'n voordeel verleen deur so 'n afstanddoening en enige ooreenkoms by voormelde ooreenkoms ingesluit met betrekking tot aangeleent-hede wat in verband staan met sodanige vervreemding, verkryging, afstanddoening of aanname.”.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Skrapping van
Item 4 van
Bylae 1 by
Wet 77 van 1968.

15. (1) Item 4 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Wysiging van
Item 5 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 24 van
Wet 103 van 1969.

16. Item 5 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur die volgende paragraaf by die Vrystellings te voeg:

„(g) Promesse van die Nywerheid-ontwikkelingskorporasie van Suid-Afrika, Beperk, ten gunste van 'n bank-instelling, indien daardie promesse 'n likwiede bate uitmaak soos beoog in paragraaf (j) van die omskrywing van „likwiede bates” in artikel 1 van die Bankwet, 1965 (Wet No. 23 van 1965).”.

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- (c) who has in his possession any used adhesive stamp (as defined in subsection (3)) which is not affixed to any instrument, knowing it to have been removed from an instrument and with intent to use it to denote the payment of duty on any other instrument or to sell or dispose of it in contravention of the provisions of this subsection,

shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Any person in whose possession is found any used adhesive stamp (as defined in subsection (3)) which is not affixed to an instrument shall, unless the contrary is proved, be deemed to have the stamp in his possession knowing the same to have been removed from an instrument and with intent to use the stamp to denote the payment of duty on any other instrument or to sell or dispose of it in contravention of the provisions of subsection (1).

(3) For the purposes of this section 'used adhesive stamp' means any adhesive stamp which has been or appears to have been defaced in any manner or has or appears to have had any writing thereon or which is damaged or appears to have been affixed to and removed from an instrument."

13. (1) Item 1 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted.

Deletion of Item 1 of Schedule 1 to Act 77 of 1968, as amended by section 23 of Act 103 of 1969.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

14. (1) Item 2 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the addition to the Exemptions of the following paragraph:

Amendment of Item 2 of Schedule 1 to Act 77 of 1968, as amended by section 8 of Act 72 of 1970 and section 11 of Act 66 of 1973.

"(d) Any agreement for the disposal or acquisition of property (as defined in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949)) or for the renunciation of any interest in or restriction upon the use or disposal of such property or for the acceptance of any benefit conferred by such renunciation and any agreement included in such aforementioned agreement as to matters connected with such disposal, acquisition, renunciation or acceptance."

(2) Section (1) shall be deemed to have come into operation on 15 August 1974.

15. (1) Item 4 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted.

Deletion of Item 4 of Schedule 1 to Act 77 of 1968.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

16. Item 5 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the addition to the Exemptions of the following paragraph:

Amendment of Item 5 of Schedule 1 to Act 77 of 1968, as amended by section 24 of Act 103 of 1969.

"(g) Promissory note by the Industrial Development Corporation of South Africa, Limited, in favour of a banking institution, if such note constitutes a liquid asset as contemplated in paragraph (j) of the definition of 'liquid assets' in section 1 of the Banks Act, 1965 (Act No. 23 of 1965)."

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Skrapping van
Item 6 van
Bylae 1 by
Wet 77 van 1968.

17. (1) Item 6 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Wysiging van
Item 7 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 12 van
Wet 66 van 1973.

18. (1) Item 7 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—

(a) deur paragraaf (1) deur die volgende paragraaf te vervang:

„(1) Verband waarby onroerende goed of 'n belang in sulke goed verhipotekeer word en enige algemene of spesiale verband voor 'n notaris gepasseer: vir elke R100 of deel daarvan van die R c skuld gesekureer of gesekureer te word . 0 20”;

(b) deur subparagraaf (b) van paragraaf (2) deur die volgende subparagraaf te vervang:

„(b) 'n Verband in (1) genoem wat aanvullend of bykomend is by of dien ter vervanging van 'n verband wat tevore verly en behoorlik geseël is, vir dieselfde skuld of verpligting, en wat verly word deur die skuldenaar of die persoon wat die skuldenaar onder die reeds verlyde en R c behoorlik geseëde verband vervang . . 5 00”;

en

(c) deur paragraaf (3) deur die volgende paragraaf te vervang:

„(3) Sessie van 'n verband in (1) genoem of 'n verband wat dit vervang: vir elke R100 of deel daarvan van die R c uitstaande balans verskuldig . . . 0 20”.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Skrapping van
Item 8 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 13 van
Wet 66 van 1973.

19. (1) Item 8 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Skrapping van
Item 9 van
Bylae 1 by
Wet 77 van 1968.

20. (1) Item 9 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Wysiging van
Item 15 van
Bylae 1 by
Wet 77 van 1968,
soos vervang deur
artikel 13 van
Wet 89 van 1972
en gewysig deur
artikel 16 van
Wet 66 van 1973.

21. Item 15 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (i) van die Vrstellings van die seëlreg ingevolge paragraaf (3) deur die volgende paragraaf te vervang:

„(i) 'n Registrasie van oordrag op of na die datum van inwerkingtreding van die Wysigingswet op Inkomstewette, 1969, bewerkstellig ten opsigte van handels-effekte verkoop of vervreem aan 'n maatskappy (hieronder die filiaalmaatskappy genoem) wat in die Republiek ingelyf is en bestuur en beheer word, deur 'n ander maatskappy (hieronder die buitelandse maatskappy genoem) wat buite die Republiek ingelyf is en bestuur en beheer word, indien daar tot bevrediging van die Sekretaris bewys word—

(i) dat ten tyde van bedoelde verkoop of vervreemding al die uitgereikte aandele van die filiaalmaatskappy vir sy eie voordeel besit is deur die buitelandse maatskappy of 'n maatskappy wat buite die Republiek ingelyf, bestuur en beheer was en deur die buitelandse maatskappy beheer was of dit beheer het; en

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17. (1) Item 6 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted. Deletion of Item 6 of Schedule 1 to Act 77 of 1968.
 (2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

18. (1) Item 7 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended— Amendment of Item 7 of Schedule 1 to Act 77 of 1968, as amended by section 12 of Act 66 of 1973.

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

“(1) Any mortgage bond hypothecating immovable property or an interest in such property and any general or special bond passed before a notary public:

for every R100 or part thereof of the R c
 debt secured or to be secured 0 20”;

(b) by the substitution for subparagraph (b) of paragraph (2) of the following subparagraph:

“(b) Any bond mentioned in (1) which is auxiliary or collateral to or substituted for a previously made and duly stamped bond for the same debt or obligation and which is executed by the debtor or the person substituted as debtor under such previously executed and duly stamped bond R c
 5 00”;

and

(c) by the substitution for paragraph (3) of the following paragraph:

“(3) Cession of any bond mentioned in (1) or of any bond substituted therefor:
 for every R100 or part thereof of the R c
 amount remaining due 0 20”.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

19. (1) Item 8 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted. Deletion of Item 8 of Schedule 1 to Act 77 of 1968, as amended by section 13 of Act 66 of 1973.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

20. (1) Item 9 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted. Deletion of Item 9 of Schedule 1 to Act 77 of 1968.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

21. Item 15 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the substitution for paragraph (i) of the Exemptions from the duty under paragraph (3) of the following paragraph: Amendment of Item 15 of Schedule 1 to Act 77 of 1968, as substituted by section 13 of Act 89 of 1972 and amended by section 16 of Act 66 of 1973.

“(i) Any registration of transfer effected on or after the date of commencement of the Revenue Laws Amendment Act, 1969, in respect of any marketable security sold or disposed of to any company (hereinafter referred to as the subsidiary company) which has been incorporated, and is managed and controlled, in the Republic by any other company (hereinafter referred to as the foreign company) which has been incorporated, and is managed and controlled, outside the Republic, if it is proved to the satisfaction of the Secretary—

(i) that at the time of such sale or disposal all the issued shares of the subsidiary company were held for its own benefit by the foreign company or a company which was incorporated, managed and controlled outside the Republic and was controlled by or controlled the foreign company; and

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- (ii) dat die filiaalmaatskappy ingevolge 'n reëling met die buitelandse maatskappy al die bates, met inbegrip van bedoelde handelseffekte, wat met enige industriële of kommersiële of ander besigheidsonderneming van die buitelandse maatskappy in die Republiek in verband staan, van die buitelandse maatskappy verkry het."

Skrapping van
Item 16 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 17 van
Wet 66 van 1973.

22. (1) Item 16 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Wysiging van
Item 19 van
Bylae 1 by
Wet 77 van 1968.

23. (1) Item 19 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur die Vrstelling deur die volgende Vrstellings te vervang:

„Vrstellings:

(a) Volmag om slegs teenwoordig te wees, te praat en te stem op 'n bepaalde vergadering of vergadering daarvan.

(b) Volmag aan 'n prokureur of transportbesorger op of na 15 Augustus 1974 gegee om op te tree in verband met die registrasie van 'n akte in 'n registrasiekantoor soos in artikel 1 van die Wet op Hereregte, 1949 (Wet No. 40 van 1949), omskryf."

(2) Behalwe waar die samehang anders aandui, word subartikel (1) geag op 1 Januarie 1974 in werking te getree het.

Wysiging van
Item 20 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 27 van
Wet 103 van 1969
en artikel 19 van
Wet 66 van 1973.

24. (1) Item 20 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur die volgende paragraaf by die Vrstellings te voeg:

„(g) Waarborg gegee in verband met die registrasie van oordrag van eiendom soos in artikel 1 van die Wet op Hereregte, 1949 (Wet No. 40 van 1949), omskryf, in 'n registrasiekantoor soos in genoemde artikel omskryf."

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Wysiging van
Item 21 van
Bylae 1 by
Wet 77 van 1968,
soos vervang deur
artikel 20 van
Wet 66 van 1973.

25. (1) Item 21 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur die volgende paragraaf by die Vrstellings te voeg:

„(3) Transport van onroerende goed waarvan die datum van verkryging (soos omskryf in artikel 1 van die Wet op Hereregte, 1949 (Wet No. 40 van 1949)) deur die oordrag-nemer, op of na 15 Augustus 1974 val."

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Skrapping van
Item 22 van
Wet 77 van 1968.

26. (1) Item 22 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

(2) Subartikel (1) word geag op 15 Augustus 1974 in werking te getree het.

Afskaffing van
sekere
kantoorgelde.

27. (1) Ondanks andersluidende wetsbepalings is geen kantoorgeld aan 'n registrateur van aktes of die registrateur van mynbriewe betaalbaar nie ten opsigte van die registrasie van 'n transportakte met betrekking tot onroerende goed of ten opsigte van die aanbring van 'n aantekening of die uitreiking van 'n sertifikaat wat ingevolge die bepalinge van Item 21 van Bylae 1 by die Wet op Seëlregte, 1968 (Wet No. 77 van 1968), by die toepassing van daardie Item geag word so 'n transportakte te wees, of ten opsigte van die registrasie van 'n verband waarby onroerende goed of 'n belang in sodanige goed verhipotekeer word, of ten opsigte van die registrasie van 'n algemene of spesiale verband voor 'n notaris gepasseer, of die registrasie van

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- (ii) that the subsidiary company has under an arrangement with the foreign company acquired from the foreign company all the assets, including the said marketable security, relating to any industrial or commercial or other business undertaking of the foreign company in the Republic.”.

22. (1) Item 16 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted. Deletion of Item 16 of Schedule 1 to Act 77 of 1968, as amended by section 17 of Act 66 of 1973.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

23. (1) Item 19 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the substitution for the Exemption of the following Exemptions: Amendment of Item 19 of Schedule 1 to Act 77 of 1968.

“Exemptions:

- (a) Proxy solely to attend, speak and vote at any specified meeting or adjournment thereof.
- (b) Power granted on or after 15 August 1974 to an attorney or conveyancer to act in regard to the registration of any deed in a deeds registry as defined in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949).”.

(2) Save where the context otherwise indicates, subsection (1) shall be deemed to have come into operation on 1 January 1974.

24. (1) Item 20 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the addition to the Exemptions of the following paragraph: Amendment of Item 20 of Schedule 1 to Act 77 of 1968, as amended by section 27 of Act 103 of 1969 and section 19 of Act 66 of 1973.

- “(g) Security or guarantee given in connection with the registration of transfer of property as defined in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949), in a deeds registry as defined in the said section.”.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

25. (1) Item 21 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the addition to the Exemptions of the following paragraph: Amendment of Item 21 of Schedule 1 to Act 77 of 1968, as substituted by section 20 of Act 66 of 1973.

- “(3) Transfer of immovable property the date of acquisition (as defined in section 1 of the Transfer Duty Act, 1949 (Act No. 40 of 1949)) of which by the transferee, falls on or after 15 August 1974.”.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

26. (1) Item 22 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted. Deletion of Item 22 of Act 77 of 1968.

(2) Subsection (1) shall be deemed to have come into operation on 15 August 1974.

27. (1) Notwithstanding anything to the contrary contained in any law, no fee of office shall be payable to any registrar of deeds or the registrar of mining titles in respect of the registration of any transfer deed relating to immovable property, or in respect of the making of any endorsement or the issue of any certificate which is in terms of the provisions of Item 21 of Schedule 1 to the Stamp Duties Act, 1968 (Act No. 77 of 1968), for the purposes of that Item deemed to be such a transfer deed, or in respect of the registration of any mortgage bond hypothecating immovable property or an interest in such property, or in respect of the registration of any general or special bond Abolition of certain fees of office.

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die sessie van enige sodanige verband, of die registrasie van die vervanging van 'n skuldenaar ten opsigte van enige sodanige verband.

(2) Hierdie artikel is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

(3) Subartikels (1) en (2) word geag op 15 Augustus 1974 in werking te getree het.

Kort titel

28. Hierdie Wet heet die Wysigingswet op Inkomstewette, 1974.

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passed before a notary public, or the registration of the cession of any such bond, or the registration of the substitution of any debtor in respect of any such bond.

(2) This section shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

(3) Subsections (1) and (2) shall be deemed to have come into operation on 15 August 1974.

28. This Act shall be called the Revenue Laws Amendment Short title. Act, 1974.

