



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price

Oorsee 30c Overseas

POSVRY—POST FREE

[Vol. 121]

KAAPSTAD, 23 JULIE 1975

CAPE TOWN, 23 JULY 1975

[No. 4797]

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1374.

23 Julie 1975.

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

No. 69 van 1975: Inkomstebelastingwet, 1975.

No. 1374.

23 July 1975.

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

No. 69 of 1975: Income Tax Act, 1975.

Act No. 69, 1975

INCOME TAX ACT, 1975.

ACT

To fix the rates of normal tax payable by persons other than companies in respect of taxable incomes for the years of assessment ending on 29 February 1976 and 30 June 1976, and by companies in respect of taxable incomes for years of assessment ending during the period of twelve months ending on 31 March 1976; to provide for the payment of a portion of the normal tax payable by certain companies into the Revenue Fund of the territory of South West Africa; to provide for the repayment to the taxpayers concerned of a certain portion of the normal tax paid by those taxpayers; to amend the Income Tax Act, 1962; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 30 June 1975.)*

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

Rates of
normal tax.

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

- (a) the taxable income of any person other than a company for the year of assessment ending 29 February 1976 or 30 June 1976; and
- (b) the taxable income of any company for any year of assessment ending during the period of twelve months ending on 31 March 1976,

shall be as set forth in the Schedule to this Act.

Portion of normal
tax payable by
certain companies
to be paid into the
Revenue Fund of
the territory of
South West Africa.

2. (1) Notwithstanding the provisions of section 5 (1) of the principal Act, a portion equal to one-seventh of any amount of tax determined in accordance with item (i) of subparagraph (b) of paragraph 1 of the Schedule to this Act, before the addition of the sum referred to in the proviso to the said subparagraph, shall accrue for the benefit of the Revenue Fund of the territory of South West Africa and shall be paid into the said fund in the

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappye ten opsigte van belasbare inkomstes vir die jare van aanslag eindigende op 29 Februarie 1976 en 30 Junie 1976, en deur maatskappye ten opsigte van belasbare inkomstes vir jare van aanslag eindigende gedurende die tydperk van twaalf maande eindigende op 31 Maart 1976; om voorsiening te maak vir die storting in die Inkomstefonds van die gebied Suidwes-Afrika van 'n gedeelte van die normale belasting deur sekere maatskappye betaalbaar; om voorsiening te maak vir die terugbetaling aan die betrokke belastingpligtiges van 'n sekere gedeelte van die normale belasting wat deur daardie belastingpligtiges betaal is; om die Inkomstebelastingwet, 1962, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Junie 1975.)

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

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

- (a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op 29 Februarie 1976 of 30 Junie 1976; en
- (b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag eindigende gedurende die tydperk van twaalf maande eindigende op 31 Maart 1976,

is soos uiteengesit in die Bylae by hierdie Wet.

2. (1) Ondanks die bepalings van artikel 5 (1) van die Hoofwet val 'n gedeelte gelyk aan een-sewende van 'n bedrag van belasting bereken ooreenkomstig item (i) van subparagraaf (b) van paragraaf 1 van die Bylae by hierdie Wet, voor die byvoeging van die som bedoel in die voorbehoudsbepaling by bedoelde subparagraaf, toe ten bate van die Inkomstefonds van die gebied Suidwes-Afrika, en word dit in genoemde fonds gestort op die wyse voorgeskryf in artikel 22 (2) (c) van die Wet op Aange-

Gedeelte van normale belasting betaalbaar deur sekere maatskappye word in die Inkomstefonds van die gebied Suidwes-Afrika gestort.

Act No. 69, 1975

INCOME TAX ACT, 1975.

manner prescribed in section 22 (2) (c) of the South-West Africa Affairs Act, 1969 (Act No. 25 of 1969).

(2) The provisions of subsection (1) shall be deemed to have come into operation on 1 April 1975.

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

3. The portion of the normal tax determined in accordance with the provisions of paragraph 1 (h) of the Schedule to this Act shall be a loan portion of that tax.

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 95 of 1967, section 5 of Act 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of Act 90 of 1972, section 4 of Act 65 of 1973 and section 4 of Act 85 of 1974.

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

(a) by the substitution for the definition of “assessment” of the following definition:

“‘assessment’ means the determination by the Secretary, by way of a notice of assessment served in a manner contemplated in section 106 (2)—

(a) of an amount upon which any tax leviable under this Act is chargeable; or

(b) of the amount of any such tax; or

(c) of any loss ranking for set-off,

and for the purposes of Part III of Chapter III includes any determination by the Secretary in respect of any of the abatements referred to in section 5A and any decision of the Secretary which is in terms of this Act subject to objection and appeal;”;

(b) by the insertion after the definition of “date of deep level production” of the following definition:

“‘date of assessment’, in relation to any assessment, means the date specified in the notice of such assessment as the due date or, where a due date is not so specified, the date of such notice;”;

(c) by the substitution for paragraph (a) of the definition of “dividend” of the following paragraph:

“(a) in relation to a company that is being wound up or liquidated, any profits distributed, whether in cash or otherwise, other than those of a capital nature, earned before or during the winding-up or liquidation (any such profits distributed by the liquidator of the company being deemed for the purposes of this definition to have been distributed by the company);”;

(d) by the substitution for paragraphs (c) and (d) of the definition of “dividend” of the following paragraphs:

“(c) in the event of the partial reduction or redemption of the capital of a company, so much of the sum of any cash and the value of any asset given to a shareholder as exceeds the cash equivalent of the amount by which the nominal value of the shares of that shareholder is reduced; and

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

leenthede met betrekking tot Suidwes-Afrika, 1969 (Wet No. 25 van 1969).

(2) Die bepalinge van subartikel (1) word geag in werking te getree het op 1 April 1975.

3. Die gedeelte van die normale belasting wat ooreenkomstig die bepalinge van paragraaf 1 (h) van die Bylae by hierdie Wet vasgestel is, is 'n leningsgedeelte van daardie belasting.

Sekere gedeelte van die normale belasting is terugbetaalbaar aan belastingpligtiges.

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

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van Wet 95 van 1967, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973 en artikel 4 van Wet 85 van 1974.

(a) deur die omskrywing van „aanslag” deur die volgende omskrywing te vervang:

„aanslag” die vasstelling deur die Sekretaris, by wyse van 'n kennisgewing van aanslag bestel op 'n wyse beoog in artikel 106 (2)—

(a) van 'n bedrag waarop 'n ingevolge hierdie Wet hefbare belasting opgelê kan word; of

(b) van die bedrag van so 'n belasting; of

(c) van 'n verlies wat in vergelyking gebring kan word,

en by die toepassing van Deel III van Hoofstuk III, ook 'n vasstelling deur die Sekretaris ten opsigte van 'n inkomstekorting in artikel 5A bedoel en enige beslissing van die Sekretaris wat kragtens hierdie Wet aan beswaar en appèl onderhewig is;”;

(b) deur die voorbehoudsbepaling by paragraaf (c) van die omskrywing van „bruto inkomste” te skrap;

(c) deur na die omskrywing van „bystandsfonds” die volgende omskrywing in te voeg:

„datum van aanslag”, met betrekking tot 'n aanslag, die datum wat in die kennisgewing van daardie aanslag as die vervaldatum aangedui word of, waar 'n vervaldatum nie aldus aangedui word nie, die datum van dié kennisgewing;”;

(d) deur paragraaf (a) van die omskrywing van „dividend” deur die volgende paragraaf te vervang:

„(a) met betrekking tot 'n maatskappy wat gelikwider word, alle uitgekeerde winste (behalwe dié van 'n kapitale aard), hetsy in kontant of andersins, wat voor of gedurende die likwidasië verdien is (terwyl enige sodanige winste wat deur die likwidateur van die maatskappy uitgekeer word, by die toepassing van hierdie omskrywing geag word deur die maatskappy uitgekeer te wees);”;

(e) deur paragrafe (c) en (d) van die omskrywing van „dividend” deur die volgende paragrafe te vervang:

„(c) in die geval van die gedeeltelike vermindering of aflossing van die kapitaal van 'n maatskappy, soveel van die som van enige kontant en die waarde van enige bate wat aan 'n aandeelhouer gegee word as wat die ekwivalent in kontant van die bedrag waarmee die nominale waarde van die aandele van daardie aandeelhouer verminder word, te bowe gaan; en

Act No. 69, 1975

INCOME TAX ACT, 1975.

- (d) in the event of the reconstruction of a company, so much of the sum of any cash and the value of any asset given to a shareholder as exceeds the nominal value of the shares held by him before the reconstruction,";
- (e) by the substitution for paragraphs (f), (g) and (h) of the definition of "dividend" of the following paragraphs:

"(f) subject to the provisions of the second proviso to this definition, any cash and the value of any asset given to a shareholder to the extent to which the cash and the value of the asset represents a reduction of the share premium account of a company; or

(g) so much of the nominal value of any capitalization shares awarded to shareholders on or before 30 June 1975 as part of the equity share capital of a company by a company which during the period of ten years ending the day before the date of such award has made any partial reduction of its paid-up share capital involving a distribution to shareholders of cash or other assets, as exceeds the sum of the amounts which in the opinion of the Secretary were available for distribution to shareholders on each and every date on which the company made a partial reduction of its paid-up share capital during the said period, less the sum of so much of the nominal values of all capitalization shares awarded by such company during that period (excluding any portion of that period occurring prior to 1 July 1957) as constituted dividends for the purposes of this definition or the definition of 'dividend' in section 1 of the Income Tax Act, 1941: Provided that for the purposes of this paragraph the amount available for distribution on any date on which the company made a partial reduction of its paid-up share capital shall, if that amount exceeds the nominal amount of such reduction, be deemed to be an amount equal to such nominal amount; or

(h) the nominal value of any capitalization shares awarded to shareholders as part of the equity share capital of a company, if—

(i) such shares are or were awarded on or before 30 June 1975 and during the period of ten years ending the day before the date of such award the company has not made any partial reduction of its paid-up share capital involving a distribution to shareholders of cash or other assets; or

(ii) such shares are awarded on or after 1 July 1975:";

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (d) in die geval van die rekonstruksie van 'n maatskappy, soveel van die som van enige kontant en die waarde van enige bate wat aan 'n aandeelhouer gegee word as wat die nominale waarde van die aandeel voor die rekonstruksie deur hom besit te bowe gaan,";
- (f) deur paragrawe (f), (g) en (h) van die omskrywing van „dividend” deur die volgende paragrawe te vervang:
- „(f) behoudens die bepalings van die tweede voorbehoudsbepaling by hierdie omskrywing, kontant en die waarde van 'n bate aan 'n aandeelhouer gegee vir sover die kontant en die waarde van die bate 'n vermindering van die aandeelpremierekening van 'n maatskappy verteenwoordig; of
- (g) soveel van die nominale waarde van kapitalisasie-aandeel aan aandeelhouders toegeken op of voor 30 Junie 1975 as deel van die ekwiteitsaandeelkapitaal van 'n maatskappy, deur 'n maatskappy wat gedurende die tydperk van tien jaar wat die dag voor die datum van bedoelde toekenning eindig, 'n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal gemaak het wat 'n uitkering aan aandeelhouders van kontant of ander bates meebring het, as wat die som van die bedrae wat volgens die Sekretaris se oordeel beskikbaar was vir uitkering aan aandeelhouders op elke en iedere datum waarop die maatskappy 'n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal gedurende bedoelde tydperk gemaak het, min die som van soveel van die nominale waardes van al die kapitalisasie-aandeel deur bedoelde maatskappy gedurende daardie tydperk (uitgesonderd enige gedeelte van bedoelde tydperk wat voor 1 Julie 1957 val) toegeken, as wat dividende by die toepassing van hierdie omskrywing of die omskrywing van „dividend” in artikel 1 van die Inkomstebelastingwet, 1941, uitgemaak het, te bowe gaan: Met dien verstande dat by die toepassing van hierdie paragraaf die bedrag beskikbaar vir uitkering op 'n datum waarop die maatskappy 'n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal gemaak het, indien daardie bedrag die nominale bedrag van sodanige vermindering te bowe gaan, geag word 'n bedrag gelyk aan sodanige nominale bedrag te wees; of
- (h) die nominale waarde van kapitalisasie-aandeel aan aandeelhouders toegeken as deel van die ekwiteitsaandeelkapitaal van 'n maatskappy, indien—
- (i) bedoelde aandeel op of voor 30 Junie 1975 toegeken is of word en gedurende die tydperk van tien jaar wat die dag voor die datum van bedoelde toekenning eindig, die maatskappy nie 'n gedeeltelike vermindering van sy opbetaalde aandeelkapitaal wat 'n uitkering aan aandeelhouders van kontant of ander bates meebring het, gemaak het nie; of
- (ii) bedoelde aandeel op of na 1 Julie 1975 toegeken word:";

Act No. 69, 1975

INCOME TAX ACT, 1975.

- (f) by the insertion after paragraph (ii) of the second proviso to the definition of "dividend" of the following paragraphs:

"(iiA) where any amount is under the provisions of paragraph (i) of this proviso or that paragraph as applied by paragraph (ii) of this proviso, deemed to be a profit available for distribution to shareholders and any of the shares of any class (hereinafter referred to as the original shares) held by any such shareholders are converted into shares of any other class or the original shares are cancelled and shares of any other class are issued in place of the original shares, the said amount shall, to the extent that it relates to or may have been apportioned to the original shares, be deemed to relate to and to be a profit available for distribution to the shareholders in respect of the shares of such other class and the provisions of this proviso shall, to the extent that the said amount is deemed to consist of a profit as aforesaid, apply in respect of such amount as though it were an amount referred to in paragraph (i) of this proviso, and the shareholders in respect of the shares of such other class shall, regardless of the rights attaching to such shares, be deemed as respects the said amount to be entitled to participate in profits of the same nature as the profit deemed by this paragraph to be available for distribution to the shareholders, whether such profit is of a capital nature or is not of a capital nature;

(iiB) subject to the provisions of paragraphs (iiA) and (iv) of this proviso, where any amount is under the provisions of paragraph (i) of this proviso or that paragraph as applied by paragraph (ii) of this proviso, deemed to be a profit available for distribution to shareholders and any shares issued by the company are cancelled without a return of the share capital or any share premium relating to such shares, such share capital or share premium or any reserve created by reason of the cancellation of such shares shall, to the extent that the said profit may be apportioned to the said shares, be deemed to consist of a profit (of the same nature as the aforesaid profit) available for distribution to shareholders who are or may become interested in such share capital, share premium or reserve, and where any cash is or any assets are given to shareholders by way of a return of or a distribution out of such share capital, share premium or reserve, the sum of the amount of such cash and the value of such assets shall, to the extent that such sum does not exceed the amount deemed by this paragraph to consist of a profit available for distribution to shareholders, be deemed to be a profit (of the same nature as the first-mentioned profit) distributed to the shareholders;"

- (g) by the substitution in paragraph (iii) of the second proviso to the definition of "dividend" for the words preceding subparagraph (aa) of that paragraph of the following words:

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (g) deur na paragraaf (ii) van die tweede voorbehoudsbepaling by die omskrywing van „dividend” die volgende paragrawe in te voeg:

„(iiA) waar 'n bedrag ingevolge die bepaling van paragraaf (i) van hierdie voorbehoudsbepaling of daardie paragraaf soos toegepas deur paragraaf (ii) van hierdie voorbehoudsbepaling geag word 'n wins te wees wat beskikbaar is vir uitkering aan aandeelhouders en aandele van enige klas (hieronder die oorspronklike aandele genoem) deur bedoelde aandeelhouders besit in aandele van 'n ander klas omgeskep word of die oorspronklike aandele ingetrek word en aandele van 'n ander klas in die plek van die oorspronklike aandele uitgereik word, bedoelde bedrag, vir sover dit betrekking het op, of toegedeel kon geword het aan, die oorspronklike aandele, geag word betrekking te hê op, en 'n wins te wees wat beskikbaar is vir uitkering aan, aandeelhouders ten opsigte van die aandele van bedoelde ander klas en is die bepaling van hierdie voorbehoudsbepaling, vir sover bedoelde bedrag aldus geag word 'n wins te wees, van toepassing ten opsigte van daardie bedrag asof dit 'n in paragraaf (i) van hierdie voorbehoudsbepaling bedoelde bedrag was, en word die aandeelhouders ten opsigte van die aandele van bedoelde ander klas, ongeag die regte verbonde aan daardie aandele, geag met betrekking tot bedoelde bedrag geregtig te wees om in winste te deel wat van dieselfde aard is as die wins wat ingevolge hierdie paragraaf geag word beskikbaar te wees vir uitkering aan die aandeelhouders, ongeag of bedoelde wins van 'n kapitale aard is of nie van 'n kapitale aard is nie;

(iiB) behoudens die bepaling van paragrawe (iiA) en (iv) van hierdie voorbehoudsbepaling, waar 'n bedrag ingevolge die bepaling van paragraaf (i) van hierdie voorbehoudsbepaling of daardie paragraaf soos toegepas deur paragraaf (ii) van hierdie voorbehoudsbepaling, geag word 'n wins te wees wat aan aandeelhouders beskikbaar is vir uitkering en enige aandele deur die maatskappy uitgereik, ingetrek word sonder dat die aandeelkapitaal of enige aandeelpremie wat op bedoelde aandele betrekking het, teruggegee word, dié aandeelkapitaal of aandeelpremie of 'n reserwe geskep omrede van die intrekking van bedoelde aandele geag word, vir sover bedoelde wins aan bedoelde aandele toegedeel kan word, uit 'n wins (van dieselfde aard as eersbedoelde wins) te bestaan wat beskikbaar is vir uitkering aan aandeelhouders wat 'n belang het of mag verkry in bedoelde aandeelkapitaal, aandeelpremie of reserwe, en waar kontant of enige bates aan aandeelhouders gegee word by wyse van 'n terugbetaling van of uitkering uit bedoelde aandeelkapitaal, aandeelpremie of reserwe, die som van die bedrag van daardie kontant en die waarde van daardie bates, vir sover dié som nie meer is nie as die bedrag wat ingevolge hierdie paragraaf geag word uit 'n wins te bestaan wat beskikbaar is vir uitkering aan aandeelhouders, geag word 'n wins (van dieselfde aard as eersgenoemde wins) te wees wat aan die aandeelhouders uitgekeer is;” en

Act No. 69, 1975

INCOME TAX ACT, 1975.

“(iii) if, in the event of the subsequent partial reduction or redemption of the share capital (including any share premium) of the company or the reconstruction of the company, any cash or any asset is given to shareholders and such cash or asset (or a portion thereof) represents a return of share capital or share premium, the amount of share capital or share premium so returned—”; and

(h) by the deletion of the proviso to paragraph (c) of the definition of “gross income”.

(2) (a) The amendments effected by subsection (1) (a) and (b) shall take effect on the date of promulgation of this Act and shall, in appropriate circumstances, apply in respect of every tax levied under the principal Act, regardless of when such tax is or was assessed and regardless of when it becomes or became payable and in respect of every year of assessment under the principal Act in respect of which the tax in question becomes or became payable: Provided that the amendment effected by subsection (1) (a) shall for the purposes of Part III of Chapter III of the principal Act not apply in respect of any assessment under the principal Act in relation to which the date of the assessment (as defined in the principal Act) is a date before the date of promulgation of this Act.

(b) Save where the context otherwise indicates the amendments effected by paragraphs (c) to (g), inclusive, of subsection (1) shall be deemed to have taken effect on 6 June 1975 and shall in appropriate circumstances apply in respect of amounts accruing to shareholders on or after that date.

Amendment of section 5A of Act 58 of 1962, as inserted by section 6 of Act 88 of 1971 and amended by section 5 of Act 85 of 1974.

5. Section 5A of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (3) of the following paragraph:

“(g) if the taxpayer was or would had he lived have been over the age of sixty years on the last day of the year of assessment, an amount of six hundred rand, if the period assessed is twelve months, or, where the period assessed is less than twelve months, an amount which bears to six hundred rand the same ratio as the period assessed bears to twelve months.”.

Insertion of section 7A in Act 58 of 1962.

6. The following section is hereby inserted in the principal Act after section 7:

“Date of receipt or accrual of antedated salaries or pensions and of certain retirement gratuities.

7A. (1) For the purposes of this section—

‘antedated salary or pension’ means an amount of salary or pension which has become payable to any person under a permanent grant, made with retrospective effect, of a salary or pension or of an increase in a salary or pension, and which in terms of such grant is payable in respect of a period ending on or before the date on which the grant has become effective;

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (h) deur in paragraaf (iii) van die tweede voorbehoudsbepaling by die omskrywing van „dividend” die woorde wat subparagraaf (aa) van daardie paragraaf voorafgaan, deur die volgende woorde te vervang:

„(iii) indien, in geval van ’n daaropvolgende gedeeltelike vermindering of aflossing van die aandeelkapitaal (met inbegrip van enige aandeelpremie) van die maatskappy of die rekonstruksie van die maatskappy, enige kontant of enige bate aan aandeelhouders gegee word en daardie kontant of bate (of ’n gedeelte daarvan) ’n terugbetaling van aandeelkapitaal of aandeelpremie verteenwoordig, die bedrag aan aandeelkapitaal of aandeelpremie wat aldus teruggegee word—”.

- (2) (a) Die wysigings deur subartikel (1) (a) en (c) aangebring, tree in werking op die datum van afkondiging van hierdie Wet en is in toepaslike omstandighede van toepassing ten opsigte van elke belasting wat ingevolge die Hoofwet gehef word, ongeag wanneer daardie belasting aangeslaan word of aangeslaan is en ongeag wanneer dit betaalbaar word of geword het, en ten opsigte van elke jaar van aanslag ingevolge die Hoofwet ten opsigte waarvan die betrokke belasting betaalbaar is of geword het: Met dien verstande dat die wysiging deur subartikel (1) (a) aangebring, by die toepassing van Deel III van Hoofstuk III van die Hoofwet nie van toepassing is nie ten opsigte van ’n aanslag ingevolge die Hoofwet met betrekking waartoe die datum van die aanslag (soos in die Hoofwet omskryf) ’n datum voor die datum van inwerkingtreding van hierdie Wet is.

- (b) Behalwe waar uit die samehang anders blyk, word die wysigings wat deur paragrafe (d) tot en met (h) van subartikel (1) aangebring word, geag op 6 Junie 1975 in werking te getree het en is dit in toepaslike omstandighede van toepassing ten opsigte van bedrae wat aan aandeelhouders op of na daardie datum toeval.

5. Artikel 5A van die Hoofwet word hierby gewysig deur paragraaf (g) van subartikel (3) deur die volgende paragraaf te vervang:

- „(g) indien die belastingpligtige op die laaste dag van die jaar van aanslag bo die ouderdom van sestig jaar was of sou gewees het indien hy die lewe gehou het, ’n bedrag van seshonderd rand, indien die aanslagtydperk twaalf maande is, of, waar die aanslagtydperk minder as twaalf maande is, ’n bedrag wat in dieselfde verhouding tot seshonderd rand staan as die verhouding waarin die aanslagtydperk tot twaalf maande staan.”.

Wysiging van artikel 5A van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 88 van 1971 en gewysig deur Artikel 5 van Wet 85 van 1974.

6. Die volgende artikel word hierby in die Hoofwet na artikel 7 ingevoeg:

Invoeging van artikel 7A in Wet 58 van 1962.

„Datum van ontvangs of toevalling van teruggedateerde salarisse of pensioene en van sekere uittredingsgratifikasies.

7A. (1) By die toepassing van hierdie artikel, beteken—
„pensioen” ’n jaargeld wat betaalbaar is ingevolge ’n wet of ingevolge die reëls van ’n pensioenfonds of voorsorgsfonds of deur ’n werkgever aan ’n vorige werknemer van daardie werkgever of aan die weduwee, kind of afhanklike van ’n oorlede persoon wat by daardie werkgever in diens was;

Act No. 69, 1975

INCOME TAX ACT, 1975.

'pension' means an annuity payable under any law or under the rules of a pension fund or provident fund or by an employer to a former employee of that employer or to the widow, child or dependant of a deceased person who was employed by such employer;

'salary' means salary, wages or similar remuneration payable by an employer to an employee, but does not include any bonus or any amount referred to in subsection (4).

(2) Where any antedated salary or pension has been received by or has accrued to any person during any year or period of assessment and the period in respect of which such antedated salary or pension has become payable (hereinafter referred to as the accrual period) commenced before the commencement of the said year or period of assessment, such antedated salary or pension shall at the option of the taxpayer be deemed—

- (a) if the accrual period commenced not more than two years before the commencement of the said year or period of assessment, to have been received by or to have accrued to the said person in part during each of the years or periods of assessment in which any portion of the accrual period falls (the part of the said amount relating to any such year or period of assessment being determined on the basis of a reasonable apportionment of the whole of the said amount between all the said years or periods of assessment); or
- (b) if the accrual period commenced more than two years before the commencement of the first-mentioned year or period of assessment, to have been received by or to have accrued to the said person in three equal annual instalments (the first and second instalments two years and one year respectively before the date on which the said amount accrued to the said person and the third instalment on the said date).

(3) Where any member of the active citizen force or of the commandos has volunteered to serve in such force or the commandos for a continuous period of service of at least eighteen months instead of rendering service as contemplated in section 22 or 44 of the Defence Act, 1957 (Act No. 44 of 1957), the provisions of subsection (2) shall *mutatis mutandis* apply in respect of any bonus which has become payable to him by the State upon and by reason of the completion of such period of service, as though such bonus were antedated salary or pension granted permanently and with retrospective effect, in respect of the said period of service.

(4) Any amount received by or accrued to an employee or the holder of any office by way of bonus, gratuity or compensation upon or because of the termination of his services or because of the

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

,salaris' salaris, loon of dergelike besoldiging wat deur 'n werkgewer aan 'n werknemer betaalbaar is, maar val 'n bonus of 'n bedrag in subartikel (4) bedoel nie daaronder nie;

,teruggedateerde salaris of pensioen' 'n bedrag aan salaris of pensioen wat aan iemand betaalbaar geword het ingevolge 'n permanente toekenning, met terugwerkende krag gemaak, van 'n salaris of pensioen of 'n verhoging van 'n salaris of pensioen, en wat ingevolge dié toekenning betaalbaar is ten opsigte van 'n tydperk wat eindig op of voor die datum waarop die toekenning van krag geword het.

(2) Waar teruggedateerde salaris of pensioen gedurende 'n jaar of tydperk van aanslag deur iemand ontvang is of aan hom toegeval het en die tydperk ten opsigte waarvan die teruggedateerde salaris of pensioen betaalbaar geword het (hieronder die toevallingstydperk genoem) voor die begin van bedoelde jaar of tydperk van aanslag begin het, word, indien die belastingpligtige dit verkies, daardie teruggedateerde salaris of pensioen geag—

(a) indien die toevallingstydperk nie meer nie as twee jaar voor die begin van bedoelde jaar of tydperk van aanslag begin het, ten dele deur bedoelde persoon ontvang te gewees het of aan hom toe te geval het gedurende elk van die jare of tydperke van aanslag waarin 'n gedeelte van die toevallingstydperk val (terwyl die gedeelte van bedoelde bedrag wat op so 'n jaar of tydperk van aanslag betrekking het, vasgestel word op die grondslag van 'n redelike toedeling van bedoelde bedrag as geheel tussen al die bedoelde jare of tydperke van aanslag); of

(b) indien die toevallingstydperk meer as twee jaar voor die begin van eersbedoelde jaar of tydperk van aanslag begin het, in drie gelyke jaarlikse paaielemente deur bedoelde persoon ontvang te gewees het of aan hom toe te geval het (die eerste en tweede paaielemente onderskeidelik twee jaar en een jaar voor die datum waarop bedoelde bedrag aan bedoelde persoon toegeval het en die derde paaielement op daardie dag).

(3) Waar 'n lid van die burgermag of van die kommando's vrywillig diens geneem het in die burgermag of die kommando's vir 'n ononderbroke dienstydperk van minstens agtien maande in plaas daarvan dat hy diens doen soos in artikel 22 of 44 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), beoog, is die bepalings van subartikel (2) *mutatis mutandis* van toepassing ten opsigte van 'n bonus wat aan hom deur die Staat betaalbaar geword het by en uit hoofde van die voltooiing van bedoelde dienstydperk, asof daardie bonus teruggedateerde salaris of pensioen was wat permanent, met terugwerkende krag, toegeken is ten opsigte van bedoelde dienstydperk.

(4) 'n Bedrag wat by wyse van bonus, gratifikasie of vergoeding deur 'n werknemer of ampsbekleër ontvang word of aan hom toeval by of omrede van die beëindiging van sy dienste of omrede van die na-

Act No. 69, 1975

INCOME TAX ACT, 1975.

impending termination of his services within five years (or such longer period as the Secretary may approve) from the date of receipt or accrual of such amount (less so much thereof as is exempt from tax under section 10 (1) (x)), shall at the option of the taxpayer be deemed to have been received or to have accrued in three successive equal annual instalments of which the first shall be deemed to have been received or to have accrued on the date of receipt or accrual of such amount and each of the other two on an appropriate anniversary of that date, if—

- (a) the termination or impending termination of the services of such employee or office holder is due to superannuation, ill-health or other infirmity; or
- (b) the Secretary is satisfied that the circumstances of the case warrant this concession.

(5) Any amount which but for the deletion, by section 4 (1) (h) of the Income Tax Act, 1975, of the proviso to paragraph (c) of the definition of 'gross income', would in terms of paragraph (i) of that proviso have been deemed to have been received or to have accrued on any date, shall for the purposes of this Act be deemed to have been received or to have accrued on that date."

Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966, section 10 of Act 89 of 1969, section 6 of Act 90 of 1972 and section 8 of Act 85 of 1974.

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

- (a) by the addition to subsection (2) of the following proviso:

"Provided further that so much of the sum of the amount of any cash and the value of any asset so given to any shareholder of the company as by virtue of the provisions of the definition of 'dividend' in section 1 constitutes a dividend in the hands of such shareholder, shall not be included in the company's taxable income under this subsection."; and

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

"(a) There shall be included in the taxpayer's income all amounts allowed to be deducted or set off under the provisions of sections 11 to 20, inclusive, of this Act, except section 11 (k), (p) and (q), section 11quin, section 12 (2) or section 12 (2) as applied by section 12 (3), section 12A (3), section 13 (5) or section 13 (5) as applied by section 13 (8), or section 13bis (7), or section 15 (a), or section 15A, or under the corresponding provisions of any previous Income Tax Act, or, in the case of a company, under the said provisions or the provisions of section 11 (2), except paragraph (r) thereof, of the Income Tax Ordinance, 1961 (Ordinance No. 10 of 1961), of the territory, or section 11 (3) of that Ordinance, or the corres-

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

derende beëindiging van sy dienste binne vyf jaar (of die langer tydperk wat die Sekretaris goedkeur) vanaf die datum van ontvangs of toevalling van bedoelde bedrag (min soveel daarvan as wat ingevolge artikel 10 (1) (x) van belasting vrygestel is), word geag, indien die belastingpligtige dit verkies, in drie agtereenvolgende gelyke jaarlikse paaientente ontvang te gewees het of toe te geval het, waarvan die eerste geag word op die datum van ontvangs of toevalling van bedoelde bedrag ontvang te gewees of toe te geval het en elk van die orige twee op 'n toepaslike verjaardag van daardie datum, indien—

- (a) die beëindiging of naderende beëindiging van bedoelde werknemer of ampsbekleër se diens aan afdanking weens ouderdom, swak gesondheid of ander gebrek te wyte is; of
- (b) die Sekretaris oortuig is dat die omstandighede van die geval hierdie toegewing regverdig.

(5) 'n Bedrag wat by ontstentenis van die skraping, deur artikel 4 (1) (b) van die Inkomstebelastingwet, 1975, van die voorbehoudsbepaling by paragraaf (c) van die omskrywing van 'bruto inkomste', ingevolge paragraaf (i) van daardie voorbehoudsbepaling geag sou gewees het op enige datum ontvang te gewees het of toe te geval het, word by die toepassing van hierdie Wet geag op bedoelde datum ontvang te gewees het of toe te geval het."

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

- (a) deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:

„Met dien verstande voorts dat soveel van die som van die bedrag van enige kontant en die waarde van enige bate wat aldus aan 'n aandeelhouer van die maatskappy gegee word as wat uit hoofde van die bepalings van die omskrywing van 'dividend' in artikel 1 'n dividend in die hande van daardie aandeelhouer uitmaak, nie ingevolge hierdie subartikel by die maatskappy se belasbare inkomste ingesluit word nie.”; en

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van 1972 en artikel 8 van Wet 85 van 1974.

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

„(a) By die belastingpligtige se inkomste word ingereken alle bedrae wat ingevolge die bepalings van artikels 11 tot en met 20 van hierdie Wet, behalwe artikel 11 (k), (p) en (q), artikel 11quin, artikel 12 (2), of artikel 12 (2) soos toegepas deur artikel 12 (3), artikel 12A (3), artikel 13 (5), of artikel 13 (5) soos toegepas deur artikel 13 (8), of artikel 13bis (7), of artikel 15 (a), of artikel 15A, of ingevolge die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet of, in die geval van 'n maatskappy, ingevolge bedoelde bepalings of die bepalings van artikel 11 (2), behalwe paragraaf (r) daarvan, van die Inkomstebelastingordonnansie, 1961 (Ordonnansie No. 10 van 1961), van die gebied, of artikel 11 (3) van daardie Ordon-

Act No. 69, 1975

INCOME TAX ACT, 1975.

ponding provisions of any previous Income Tax Ordinance of the territory, whether in the current or any previous year of assessment or any year of assessment under any such Ordinance, which have been recovered or recouped during the current year of assessment.”

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

- (a) the amendment effected by subsection (1) (a) shall be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 1 January 1974; and
- (b) the amendment effected by subsection (1) (b) shall be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 27 March 1975.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 9 of Act 88 of 1971, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973 and section 10 of Act 85 of 1974.

8. (1) Section 10 of the principal Act is hereby amended—

- (a) by the substitution for subparagraph (ii) of paragraph (c) of subsection (1) of the following subparagraph:

“(ii) any amount which becomes or became payable on or after 1 March 1973 by way of any pension which is payable or continues to be payable in terms of section 15 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or section 13 of the Pension Laws Amendment Act, 1971 (Act No. 93 of 1971), or section 8 of the Pension Laws Amendment Act, 1975, to any person who has occupied the office of State President or to the widow of any such person or to the widow of any person who occupied the office of Governor-General;”;

- (b) by the substitution for subparagraph (i) of paragraph (cC) of the said subsection of the following subparagraph:

“(i) the sole or principal object of the association is to build dwelling houses or other residential accommodation or to purchase newly built dwelling houses or other newly built residential accommodation for occupation by persons who are—

(aa) employees of any employer who is a member of the association or of an employer who is associated with the aforesaid employer; or

(bb) members of the general public, or to assist such persons to build dwelling houses for occupation by the persons building such houses or to purchase newly built dwelling houses or other newly built residential accommodation for occupation by the persons purchasing such houses or accommodation;”;

- (c) by the substitution in paragraph (e) of the said subsection for the words “is the exemption” of the words “if the exemption”; and

- (d) by the substitution for paragraph (x) of the said subsection of the following paragraph:

“(x) so much of any amount (being a lump sum) referred to in paragraph (d) of the definition of

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

nansie of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingordonnansie van die gebied, toegelaat is, hetsy in die lopende of 'n vorige jaar van aanslag of 'n jaar van aanslag ingevolge so 'n Ordonnansie, om afgetrek of verrekken te word, en gedurende die lopende jaar van aanslag verhaal of vergoed is."

(2) Vir die doeleindes van aanslae ingevolge die Hoofwet—

- (a) word die wysiging deur subartikel (1) (a) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 January 1974 geëindig het of eindig; en
- (b) word die wysiging deur subartikel (1) (b) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na 27 Maart 1975 geëindig het of eindig.

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

- (a) deur subparagraaf (ii) van paragraaf (c) van subartikel (1) deur die volgende subparagraaf te vervang:

„(ii) enige bedrag wat op of na 1 Maart 1973 betaalbaar word of geword het by wyse van 'n pensioen wat ingevolge artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of artikel 13 van die Wysigingswet op die Pensioenwette, 1971 (Wet No. 93 van 1971), of artikel 8 van die Wysigingswet op die Pensioenwette, 1975, betaalbaar is of nog betaalbaar is aan iemand wat die amp van Staatspresident beklee het of aan die weduwee van so iemand of aan die weduwee van iemand wat die amp van Goewerneur-generaal beklee het;”;

- (b) deur subparagraaf (i) van paragraaf (cC) van genoemde subartikel deur die volgende subparagraaf te vervang:

„(i) dit die enigste of vernaamste oogmerk van die vereniging is om woonhuise of ander huisvesting op te rig of om pas opgerigte woonhuise of ander pas opgerigte huisvesting te koop, vir okkupering deur persone wat—

(aa) werknemers is van 'n werkgewer wat 'n lid van die vereniging is of van 'n werkgewer wat met eersbedoelde werkgewer geassosieerd is; of

(bb) lede van die algemene publiek is, of om aan bedoelde persone hulp te verleen om woonhuise op te rig vir okkupering deur die persone wat dié huise oprig of om pas opgerigte woonhuise of ander pas opgerigte huisvesting te koop vir okkupering deur die persone wat dié huise of huisvesting koop;”;

- (c) deur in die Engelse teks van paragraaf (e) van genoemde subartikel die woorde „is the exemption” deur die woorde „if the exemption” te vervang; en

- (d) deur paragraaf (x) van genoemde subartikel deur die volgende paragraaf te vervang:

„(x) soveel van enige bedrag (synde 'n enkelbedrag) bedoel in paragraaf (d) van die omskrywing van

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 9 van Wet 88 van 1971, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973 en artikel 10 van Wet 85 van 1974.

Act No. 69, 1975

INCOME TAX ACT, 1975.

'gross income' in section 1 or in section 7A (4) or (5) as does not exceed twelve thousand rand less the sum of any other amounts which have been excluded from the taxpayer's income by virtue of the exemption conferred by this paragraph, whether in the current or any previous year of assessment: Provided that the exemption under this paragraph shall not apply in respect of any amount received by or accrued to any person upon or because of the termination or because of the impending termination of the services required to be rendered by him as the holder of any office or employment or in respect of the relinquishment, termination, loss, repudiation, cancellation or variation of his office or employment or in respect of his appointment (or right or claim to be appointed) to any office or employment, unless—

- (i) such person has attained the age of fifty-five years in the case of a male or fifty years in the case of a female; or
- (ii) the Secretary is satisfied that the termination or impending termination of such person's services or the relinquishment, termination, loss, repudiation, cancellation or variation of his office or employment or of his appointment (or right or claim to be appointed) to any office or employment is due to superannuation, ill-health or other infirmity; or
- (iii) in the case of a female, the Secretary is satisfied that she relinquished or terminated her office or services in order to marry;".

(2) The amendments effected by subsection (1) (a) and (b) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 1 January 1974.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973 and section 12 of Act 85 of 1974.

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

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

“(k) any sum contributed during the year of assessment by way of current contribution to any pension fund by any person holding any office or employment, where the making of such a contribution is a condition of the holding of such office or employment: Provided that the deduction to be allowed in respect of contributions to a pension fund not established by law or for the benefit of employees of any local authority shall not exceed the sum of one thousand five hundred rand;”;

- (b) by the substitution in paragraph (n) for the words preceding the provisos of the following words:

“(n) so much of the current contributions to any retirement annuity fund made by any person as a member of such fund during a year of assessment during which such person has carried on any trade as does not exceed three thousand rand in the case of the taxpayer or, where the taxpayer is entitled to a deduction under paragraph (k), the amount by

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

„bruto inkomste” in artikel 1 of in artikel 7A (4) of (5) as wat twaalfduisend rand, min die som van enige ander bedrae wat ingevolge die vrystelling by hierdie paragraaf verleen van die belastingpligtige se inkomste uitgesluit is, hetsy in die lopende of ’n vorige jaar van aanslag, nie te bowe gaan nie: Met dien verstande dat die vrystelling ingevolge hierdie paragraaf nie van toepassing is nie ten opsigte van ’n bedrag ontvang deur of toegeval aan iemand by of omrede van die beëindiging of omrede van die naderende beëindiging van die dienste wat deur hom verrig moet word as die bekleër van ’n amp of diensbetrekking of ten opsigte van die afstand, beëindiging, verlies, verwerping, herroeping of verandering van sy amp of diensbetrekking of ten opsigte van sy aanstelling (of reg of aanspraak om aangestel te word) in ’n amp of diensbetrekking, tensy—

- (i) bedoelde persoon die ouderdom van vyf-en-vyftig jaar in die geval van ’n manspersoon of vyftig jaar in die geval van ’n vrouspersoon bereik het; of
- (ii) die Sekretaris oortuig is dat die beëindiging of naderende beëindiging van bedoelde persoon se dienste of die afstand, beëindiging, verlies, verwerping, herroeping of verandering van sy amp of diensbetrekking of sy aanstelling (of reg of aanspraak om aangestel te word) in ’n amp of diensbetrekking aan afdanking weens ouderdom, swak gesondheid of ander gebrek te wyte is; of
- (iii) in die geval van ’n vrouspersoon, die Sekretaris oortuig is dat sy haar amp of diensbetrekking afgestaan of beëindig het ten einde in die huwelik te tree;”.

(2) Die wysigings deur subartikel (1) (a) en (b) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1974 geëindig het of eindig.

9. Artikel 11 van die Hoofwet word hierby gewysig—

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

„(k) ’n som gedurende die jaar van aanslag bygedra by wyse van lopende bydrae tot ’n pensioenfonds deur iemand wat ’n amp of betrekking beklee, waar die storting van so ’n bydrae ’n voorwaarde van die bekleding van dié amp of betrekking is: Met dien verstande dat die aftrekking toegestaan ten opsigte van bydraes tot ’n pensioenfonds wat nie by wet of ten voordeel van werknemers van ’n plaaslike bestuur ingestel is nie, die bedrag van eenduisend vyfhonderd rand nie te bowe gaan nie;”;

- (b) deur in paragraaf (n) die woorde wat die voorbehoudsbepalings voorafgaan deur die volgende woorde te vervang:

„(n) soveel van die lopende bydraes aan ’n uittreding-annuïteitsfonds wat deur iemand as ’n lid van daardie fonds gemaak word gedurende ’n jaar van aanslag waarin so iemand ’n bedryf beoefen het, as wat nie meer bedra nie as drieduisend rand in die geval van die belastingpligtige of, waar die belastingpligtige op ’n aftrekking ingevolge paragraaf (k) geregtig is, die bedrag waarmee die af-

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973 en artikel 12 van Wet 85 van 1974.

Act No. 69, 1975

INCOME TAX ACT, 1975.

which the amount of the deduction under the said paragraph is less than three thousand rand;"; and

- (c) by the substitution for paragraph (ii) of the proviso to paragraph (i) of the following paragraph:

"(ii) the aggregate of all the allowances made under this paragraph or the corresponding provisions of any previous Income Tax Act in respect of the erection of any one dwelling shall not exceed the sum of two thousand five hundred rand;".

Amendment of section 11*bis* of Act 58 of 1962, as inserted by section 10 of Act 90 of 1962 and amended by section 9 of Act 72 of 1963, section 13 of Act 55 of 1966, section 12 of Act 95 of 1967, section 10 of Act 76 of 1968, section 11 of Act 52 of 1970, section 9 of Act 90 of 1972, section 10 of Act 65 of 1973 and section 13 of Act 85 of 1974.

10. (1) Section 11*bis* of the principal Act is hereby amended—

- (a) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

"(4) For the purposes of subsection (3) the marketing expenditure on which the exporters' allowance is to be calculated shall be the sum of any special discounts granted by the exporter during the year of assessment (as determined under subsection (4E)) and so much of the expenditure incurred by the exporter during such year and allowed to be deducted from his income under sections 11 and 17 as is proved to the satisfaction of the Secretary to have been incurred directly—";

- (b) by the deletion of paragraph (h) of subsection (4); and

- (c) by the insertion after subsection (4D) of the following subsection:

"(4E) (a) Where the Secretary for Commerce, having regard to the circumstances of the case, is satisfied that an exporter has, in respect of goods exported by him, granted special discounts on the prices of such goods to agents, distributors or purchasers in any export country, and that such discounts have been granted instead of commissions or have been granted at an abnormally high rate in order to penetrate or maintain a market in an export country, the said Secretary shall determine the amounts of such discounts to be included in the exporter's marketing expenditure under subsection (4).

- (b) Any decision of the Secretary for Commerce in the exercise of his discretion under paragraph (a) shall be final and conclusive: Provided that the said Secretary may, if it appears to him that such decision was based on false or incorrect information or is arithmetically incorrect, withdraw such decision and substitute a fresh decision therefor."

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 28 March 1973.

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

11. (1) Section 12 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (iv) of subsection (2) of the following paragraph:

"(iv) such machinery or plant, not being machinery or plant qualifying for the allowance under the provisions of paragraph (ii) or (iii), is brought into use by any taxpayer on or after 13 August 1970 but not later than 30 June 1979.";

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

trekking ingevolge daardie paragraaf minder is as drieduisend rand.”; en

- (c) deur paragraaf (ii) van die voorbehoudsbepaling by paragraaf (f) deur die volgende paragraaf te vervang:

„(ii) die totaalbedrag van al die verminderings wat ingevolge hierdie paragraaf of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet ten opsigte van die oprigting van 'n enkele woning toegestaan word, die bedrag van tweeduisend vyfhonderd rand nie te bowe gaan nie;”.

10. (1) Artikel 11*bis* van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„(4) By die toepassing van subartikel (3) is die bemerkingskoste waarop die uitvoerderstoelae bereken moet word die som van enige spesiale diskonto's wat die uitvoerder gedurende die jaar van aanslag gegee het (soos ingevolge subartikel (4E) vasgestel) en soveel van die onkoste deur die uitvoerder gedurende bedoelde jaar aangegaan wat ingevolge artikels 11 en 17 toegelaat is om van sy inkomste afgetrek te word as wat, na tot bevrediging van die Sekretaris bewys word, regstreeks aangegaan is—”;

- (b) deur paragraaf (h) van subartikel (4) te skrap; en

- (c) deur na subartikel (4D) die volgende subartikel in te voeg:

„(4E) (a) Waar die Sekretaris van Handel, met inagneming van die omstandighede van die geval, oortuig is dat 'n uitvoerder ten opsigte van goedere wat hy uitgevoer het, spesiale diskonto's op die pryse van bedoelde goedere toegestaan het aan agente, distribueerders of kopers in 'n uitvoerland en dat bedoelde diskonto's in plaas van kommissies toegestaan is of teen 'n abnormaal hoë koers toegestaan is ten einde die mark in 'n uitvoerland binne te dring of te handhaaf, doen genoemde Sekretaris 'n vasstelling van die bedrae van bedoelde diskonto's wat by die uitvoerder se bemerkingskoste ingevolge subartikel (4) ingesluit moet word.

- (b) 'n Beslissing van die Sekretaris van Handel by die uitoefening van sy diskresie ingevolge paragraaf (a) is finaal en afdoende: Met dien verstande dat indien genoemde Sekretaris oortuig is dat bedoelde beslissing op valse of onjuiste inligting gegrond is of rekenkundig foutief is, hy daardie beslissing kan intrek en dit met 'n nuwe beslissing kan vervang.”.

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 28 Maart 1973 geëindig het of eindig.

11. (1) Artikel 12 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (iv) van subartikel (2) deur die volgende paragraaf te vervang:

„(iv) dié masjinerie of installasie (behalwe masjinerie of installasie wat ingevolge die bepalings van paragraaf (ii) of (iii) vir die vermindering in aanmerking kom) deur 'n belastingpligtige op of na 13 Augustus 1970 maar nie later nie as 30 Junie 1979 in gebruik geneem word.”;

Wysiging van artikel 11*bis* van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 90 van 1962 en gewysig deur artikel 9 van Wet 72 van 1963, artikel 13 van Wet 55 van 1966, artikel 12 van Wet 95 van 1967, artikel 10 van Wet 76 van 1968, artikel 11 van Wet 52 van 1970, artikel 9 van Wet 90 van 1972, artikel 10 van Wet 65 van 1973 en artikel 13 van Wet 85 van 1974.

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

Act No. 69, 1975

INCOME TAX ACT, 1975.

section 11 of
Act 90 of 1972,
section 12 of
Act 65 of 1973
and section 15 of
Act 85 of 1974.

- (b) by the substitution for subparagraph (iiA) of paragraph (c) of subsection (2A) of the following subparagraph:
“(iiA) in respect of machinery or plant brought into use on or after 15 August 1974 and on or before 26 March 1975, twenty-five per cent of such cost, plus such further percentage, not exceeding thirty-five per cent, of such cost as the said Minister, having regard to the circumstances of the case, may direct; or”;
- (c) by the insertion after subparagraph (iiA) of paragraph (c) of subsection (2A) of the following subparagraph:
“(iiB) in respect of machinery or plant brought into use on or after 27 March 1975 but not later than 30 June 1979, thirty per cent of such cost, plus such further percentage, not exceeding thirty-five per cent, of such cost as the said Minister, having regard to the circumstances of the case, may direct; or”;
- (d) by the substitution for subparagraph (iii) of paragraph (c) of subsection (2A) of the following subparagraph:
“(iii) in respect of machinery or plant brought into use on or after 1 July 1979, such percentage, not exceeding thirty-five per cent, of such cost as the said Minister, having regard to the circumstances of the case, may direct; or”;
- (e) by the substitution for subparagraph (iii) of paragraph (d) of subsection (2A) of the following subparagraph:
“(iii) in respect of machinery or plant brought into use on or after 15 August 1974 but not later than 26 March 1975, twenty-five per cent of such cost; or”;
and
- (f) by the addition to paragraph (d) of subsection (2A) of the following subparagraph:
“(iv) in respect of machinery or plant brought into use on or after 27 March 1975 but not later than 30 June, 1979, thirty per cent of such cost.”.

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 27 March 1975.

Amendment of
section 12A of
Act 58 of 1962,
as inserted by
section 16 of
Act 55 of 1966
and amended by
section 13 of
Act 95 of 1967
and section 12 of
Act 88 of 1971.

12. Section 12A of the principal Act is hereby amended by the substitution in subsection (4) for the expression “1967 (Ordinance No. 29 of 1967)” of the expression “1973 (Ordinance No. 20 of 1973)”.

Amendment of
section 13 of
Act 58 of 1962,
as amended by
section 12 of
Act 90 of 1962,
section 5 of
Act 6 of 1963,
section 11 of
Act 72 of 1963,
section 12 of
Act 90 of 1964,
section 14 of
Act 88 of 1965,
section 17 of

13. (1) Section 13 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of subsection (5) of the following paragraph:
“(d) of any building (other than a building qualifying for the allowance under paragraph (c)) the erection of which was commenced on or after 13 August 1970 but not later than 26 March 1975, and of any improvements (other than repairs and other than improvements qualifying for the allowance under paragraph (c)) commenced on or after 13 August 1970 but not later than 26 March 1975,

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (b) deur subparagraaf (iiA) van paragraaf (c) van subartikel (2A) deur die volgende subparagraaf te vervang:
- „(iiA) ten opsigte van masjinerie of installasie wat op of na 15 Augustus 1974 en op of voor 26 Maart 1975 in gebruik geneem is, vyf-en-twintig persent van bedoelde koste, plus die verdere persentasie, maar hoogstens vyf-en-dertig persent, van bedoelde koste wat bedoelde Minister, met inagneming van die omstandighede van die geval, gelas; of”;
- (c) deur na subparagraaf (iiA) van paragraaf (c) van subartikel (2A) die volgende subparagraaf in te voeg:
- „(iiB) ten opsigte van masjinerie of installasie wat op of na 27 Maart 1975 maar nie later nie as 30 Junie 1979 in gebruik geneem is of word, dertig persent van bedoelde koste, plus die verdere persentasie, maar hoogstens vyf-en-dertig persent, van bedoelde koste wat bedoelde Minister, met inagneming van die omstandighede van die geval, gelas; of”;
- (d) deur subparagraaf (iii) van paragraaf (c) van subartikel (2A) deur die volgende subparagraaf te vervang:
- „(iii) ten opsigte van masjinerie of installasie wat op of na 1 Julie 1979 in gebruik geneem word, die persentasie, maar hoogstens vyf-en-dertig persent, van bedoelde koste wat bedoelde Minister, met inagneming van die omstandighede van die geval, gelas; of”;
- (e) deur subparagraaf (iii) van paragraaf (d) van subartikel (2A) deur die volgende subparagraaf te vervang:
- „(iii) ten opsigte van masjinerie of installasie wat op of na 15 Augustus 1974 maar nie later nie as 26 Maart 1975 in gebruik geneem is, vyf-en-twintig persent van bedoelde koste; of” en
- (f) deur die volgende subparagraaf by paragraaf (d) van subartikel (2A) te voeg:
- „(iv) ten opsigte van masjinerie of installasie wat op of na 27 Maart 1975 maar nie later nie as 30 Junie 1979 in gebruik geneem is of word, dertig persent van bedoelde koste.”.

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 27 Maart 1975 geëindig het of eindig.

12. Artikel 12A van die Hoofwet word hierby gewysig deur in subartikel (4) die uitdrukking „1967 (Ordonnansie No. 29 van 1967)” deur die uitdrukking „1973 (Ordonnansie No. 20 van 1973)” te vervang.

Wysiging van artikel 12A van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 55 van 1966 en gewysig deur artikel 13 van Wet 95 van 1967 en artikel 12 van Wet 88 van 1971.

13. (1) Artikel 13 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (5) deur die volgende paragraaf te vervang:
- „(d) van enige gebou (behalwe 'n gebou wat ingevolge paragraaf (c) vir die vermindering in aanmerking kom), waarvan die oprigting op of na 13 Augustus 1970 maar nie later as 26 Maart 1975 nie, 'n aanvang geneem het, en van verbeterings (behalwe herstelwerk en behalwe verbeterings wat ingevolge paragraaf (c) vir die vermindering in aanmerking kom) wat op of na 13 Augustus 1970 maar nie later

Wysiging van artikel 13 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 90 van 1962, artikel 5 van Wet 6 van 1963, artikel 11 van Wet 72 van 1963, artikel 12 van Wet 90 van 1964, artikel 14 van Wet 88 van 1965, artikel 17 van

Act No. 69, 1975

INCOME TAX ACT, 1975.

Act 55 of 1966,
section 13 of
Act 52 of 1970,
section 13 of
Act 88 of 1971,
section 12 of
Act 90 of 1972,
section 13 of
Act 65 of 1973
and section 16 of
Act 85 of 1974.

to any building, if the building in question was wholly or mainly used by him for the purpose of carrying on therein in the course of his trade (other than mining or farming) any process of manufacture or any other process which in the opinion of the Secretary is of a similar nature, or if such building was let by him and was wholly or mainly used for the purpose of carrying on therein any process as aforesaid in the course of any trade (other than mining or farming);”;

- (b) by the addition to subsection (5) of the following paragraph:

“(e) of any building (other than a building qualifying for the allowance under paragraph (c)) the erection of which was commenced on or after 27 March 1975 but not later than 30 June 1979, and of any improvements (other than repairs and other than improvements qualifying for the allowance under paragraph (c)) commenced on or after 27 March 1975 but not later than 30 June 1979, to any building, if the building in question was wholly or mainly used by him for the purpose of carrying on therein in the course of his trade (other than mining or farming) any process of manufacture or any other process which in the opinion of the Secretary is of a similar nature, or if such building was let by him and was wholly or mainly used for the purpose of carrying on therein any process as aforesaid in the course of any trade (other than mining or farming);”;

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

“(ii) the allowance under subsection (5) (d) or (e) shall not be made in respect of any building brought into use or in respect of any improvements completed after 30 June 1980.”;

- (d) by the substitution for subparagraph (ii) of paragraph (a) of subsection (6A) of the following subparagraph:

“(ii) if the erection of such building was commenced on or after 1 April 1973 and on or before 26 March 1975, or such improvements were commenced on or after 1 April 1973 and on or before 26 March 1975, and such building is brought into use or such improvements are completed on or before 30 June 1980, fifteen per cent of such cost, plus such further percentage (not exceeding twenty-five per cent) of such cost as the said Minister, having regard to the circumstances of the case, may direct; or”;

- (e) by the insertion after subparagraph (ii) of paragraph (a) of subsection (6A) of the following subparagraph:

“(iiA) if the erection of such building was or is commenced on or after 27 March 1975 but not later than 30 June 1979, or such improvements were or are commenced on or after 27 March 1975 but not later than 30 June 1979, and such building is brought into use or such improvements are completed on or before 30 June 1980, twenty per cent of such cost, plus such further percentage (not exceeding twenty-five per cent) of such cost as the said Minister, having regard to the circumstances of the case, may direct; or”;

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

as 26 Maart 1975 nie, 'n aanvang geneem het, aan 'n gebou, indien die betrokke gebou geheel en al of hoofsaaklik deur hom in die loop van sy bedryf (behalwe mynbou of boerdery) gebruik is ten einde daarin 'n vervaardigingsproses of 'n ander proses wat volgens die Sekretaris se oordeel van dergelike aard is, uit te voer, of indien bedoelde gebou deur hom verhuur is en geheel en al of hoofsaaklik in die loop van 'n bedryf (behalwe mynbou of boerdery) gebruik is ten einde daarin 'n proses soos voormeld uit te voer;";

Wet 55 van 1966, artikel 13 van Wet 52 van 1970, artikel 13 van Wet 88 van 1971, artikel 12 van Wet 90 van 1972, artikel 13 van Wet 65 van 1973 en artikel 16 van Wet 85 van 1974.

(b) deur die volgende paragraaf by subartikel (5) te voeg:

„(e) van enige gebou (behalwe 'n gebou wat ingevolge paragraaf (c) vir die vermindering in aanmerking kom), waarvan die oprigting op of na 27 Maart 1975 maar nie later as 30 Junie 1979 nie, 'n aanvang geneem het, en van verbeterings (behalwe herstelwerk en behalwe verbeterings wat ingevolge paragraaf (c) vir die vermindering in aanmerking kom) wat op of na 27 Maart 1975 maar nie later as 30 Junie 1979 nie, 'n aanvang geneem het aan 'n gebou, indien die betrokke gebou geheel en al of hoofsaaklik deur hom in die loop van sy bedryf (behalwe mynbou of boerdery) gebruik is ten einde daarin 'n vervaardigingsproses of 'n ander proses wat volgens die Sekretaris se oordeel van dergelike aard is, uit te voer, of indien bedoelde gebou deur hom verhuur is en geheel en al of hoofsaaklik in die loop van 'n bedryf (behalwe mynbou of boerdery) gebruik is ten einde daarin 'n proses soos voormeld uit te voer;";

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

„(ii) die vermindering ingevolge subartikel (5) (d) of (e) nie ten opsigte van 'n gebou in gebruik geneem of nie ten opsigte van verbeterings voltooi na 30 Junie 1980 toegestaan word nie.”;

(d) deur subparagraaf (ii) van paragraaf (a) van subartikel (6A) deur die volgende subparagraaf te vervang:

„(ii) indien die oprigting van bedoelde gebou op of na 1 April 1973 en op of voor 26 Maart 1975 'n aanvang geneem het, of bedoelde verbeterings op of na 1 April 1973 en op of voor 26 Maart 1975 'n aanvang geneem het, en bedoelde gebou in gebruik geneem of bedoelde verbeterings voltooi word op of voor 30 Junie 1980, vyftien persent van bedoelde koste, plus die verdere persentasie, maar hoogstens vyf-en-twintig persent, van bedoelde koste wat bedoelde Minister, met inagneming van die omstandighede van die geval, gelas; of”;

(e) deur die volgende subparagraaf na subparagraaf (ii) van paragraaf (a) van subartikel (6A) in te voeg:

„(iiA) indien die oprigting van bedoelde gebou op of na 27 Maart 1975 maar nie later nie as 30 Junie 1979 'n aanvang geneem het of neem, of bedoelde verbeterings op of na 27 Maart 1975 maar nie later nie as 30 Junie 1979 'n aanvang geneem het of neem en bedoelde gebou in gebruik geneem of bedoelde verbeterings voltooi word op of voor 30 Junie 1980, twintig persent van bedoelde koste, plus die verdere persentasie, maar hoogstens vyf-en-twintig persent, van bedoelde koste wat bedoelde Minister, met inagneming van die omstandighede van die geval, gelas; of”;

Act No. 69, 1975

INCOME TAX ACT, 1975.

(f) by the substitution for subparagraph (iii) of paragraph (a) of subsection (6A) of the following subparagraph:

“(iii) if the provisions of subparagraph (i), (ii) or (iiA) are not applicable, such percentage (not exceeding twenty-five per cent) of such cost as the said Minister, having regard to the circumstances of the case, may direct;”;

(g) by the deletion of the word “and” at the end of paragraph (aA) of subsection (6A); and

(h) by the insertion after paragraph (aA) of subsection (6A) of the following paragraph:

“(aB) in the case of any building or improvements referred to in subsection (5) (e), twenty per cent of such cost; and”.

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 27 March 1975.

Amendment of section 13bis of Act 58 of 1962, as inserted by section 15 of Act 88 of 1965, and amended by section 18 of Act 55 of 1966 and section 14 of Act 95 of 1967.

14. Section 13bis of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (9) for the expression “1967 (Ordinance No. 29 of 1967)” of the expression “1973 (Ordinance No. 20 of 1973)”;
- (b) by the substitution in subsection (10) for the expression “1967” of the expression “1973”; and
- (c) by the substitution in subsection (11) for the expression “1967” of the expression “1973”.

Insertion of section 15A in Act 58 of 1962.

15. (1) The following section is hereby inserted in the principal Act after section 15:

“Beneficiation allowance:

15A. (1) For the purposes of this section—

‘base mineral’ means any base mineral (as defined in the Mining Rights Act, 1967 (Act No. 20 of 1967)), which has been mined in the Republic;

‘beneficiation process’ means—

- (a) any process whereby any base mineral is refined or otherwise processed to yield any intermediate product the value of which is substantially higher than the value of the base mineral from which such product is derived; or
- (b) any process whereby an intermediate product yielded by a process referred to in paragraph (a) is further refined or processed without such product ceasing to be an intermediate product, or is further refined or processed in order to yield some other intermediate product,

but does not include any process which the Minister of Finance is satisfied is either a simple purification process in consequence of which the base mineral or intermediate product in question remains unchanged except for the removal of impurities or a physical process resulting merely in a change of shape;

‘export trade’ means such trade or branch of any trade as the Secretary is satisfied is carried on by the taxpayer wholly or mainly in order to produce any intermediate product for export;

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (f) deur subparagraaf (iii) van paragraaf (a) van subartikel (6A) deur die volgende subparagraaf te vervang:
 - „(iii) indien die bepalings van subparagraaf (i), (ii) of (iiA) nie van toepassing is nie, die persentasie, maar hoogstens vyf-en-twintig persent, van bedoelde koste wat bedoelde Minister, met inagneming van die omstandighede van die geval, gelas;”;
- (g) deur die woord “en” aan die end van paragraaf (aA) van subartikel (6A) te skrap; en
- (h) deur na paragraaf (aA) van subartikel (6A) die volgende paragraaf in te voeg:
 - „(aB) in die geval van ’n gebou of verbeterings in subartikel (5) (e) bedoel, twintig persent van bedoelde koste; en”.

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 27 Maart 1975 geëindig het of eindig.

14. Artikel 13bis van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (9) die uitdrukking „1967 (Ordonnansie No. 29 van 1967)” deur die uitdrukking „1973 (Ordonnansie No. 20 van 1973)” te vervang;
- (b) deur in subartikel (10) die uitdrukking „1967” deur die uitdrukking „1973” te vervang; en
- (c) deur in subartikel (11) die uitdrukking „1967” deur die uitdrukking „1973” te vervang.

Wysiging van artikel 13bis van Wet 58 van 1962, soos ingevoeg deur artikel 15 van Wet 88 van 1965 en gewysig deur artikel 18 van Wet 55 van 1966 en artikel 14 van Wet 95 van 1967.

15. (1) Die volgende artikel word hierby in die Hoofwet na artikel 15 ingevoeg:

Invoeging van artikel 15A in Wet 58 van 1962.

„Veredelingsvermindering.

15A. (1) By die toepassing van hierdie artikel, beteken—

„onedele mineraal” ’n onedele mineraal (soos in die Wet op Mynregte, 1967 (Wet No. 20 van 1967), omskryf) wat in die Republiek gemyn is;

„tussenproduk” ’n stof of materiaal wat, volgens die oortuiging van die Minister van Finansies, deur die betrokke belastingpligtige geproduseer word sodat dit deur iemand as ’n grondstof gebruik kan word;

„uitvoerbedryf” ’n bedryf of tak van ’n bedryf wat, volgens die oortuiging van die Sekretaris, deur die belastingpligtige beoefen word geheel en al of hoofsaaklik ten einde ’n tussenproduk vir uitvoer te produseer;

„veredelingsproses—

(a) ’n proses waarby ’n onedele mineraal veredel of op ’n ander wyse verwerk word ten einde ’n tussenproduk op te lewer waarvan die waarde aansienlik hoër is as die waarde van die onedele mineraal waaruit bedoelde produk verkry word; of

(b) ’n proses waarby ’n tussenproduk wat deur ’n in paragraaf (a) bedoelde proses opgelewer is, verder veredel of verwerk word sonder dat daardie produk ophou om ’n tussenproduk te wees, of verder veredel of verwerk word ten einde ’n ander tussenproduk op te lewer,

maar val nie daaronder nie ’n proses wat, volgens die oortuiging van die Minister van Finansies, of ’n eenvoudige reinigingsproses is as gevolg waarvan die betrokke onedele mineraal of tussenproduk onveranderd bly

Act No. 69, 1975

INCOME TAX ACT, 1975.

'intermediate product' means any substance or material which the Minister of Finance is satisfied is produced by the taxpayer concerned in order to be used by any person as a raw material;

'prescribed period' means the period commencing on 27 March 1975 and ending on 30 June 1980.

(2) Subject to the provisions of subsection (3), where any taxpayer brings into use wholly or mainly for the purposes of his export trade—

(a) any new or unused machinery or plant which is—

- (i) used by the taxpayer directly in a beneficiation process; and
- (ii) is so brought into use during the prescribed period; or

(b) any building erected by the taxpayer if—

- (i) the erection of such building was commenced during the prescribed period;
- (ii) such building is so brought into use by the taxpayer not later than 30 June 1981; and
- (iii) such building is wholly or mainly used by the taxpayer for the purpose of carrying on therein any beneficiation process; or

(c) any improvements (other than repairs) effected by the taxpayer to a building, if—

- (i) such improvements were commenced during the prescribed period;
- (ii) such improvements are completed not later than 30 June 1981; and
- (iii) such building is wholly or mainly used by the taxpayer for the purpose of carrying on therein any beneficiation process,

there shall, if the Minister of Finance (hereinafter referred to as the Minister), having regard to the circumstances of the case, so directs, be allowed to be deducted from the income of the taxpayer for the year of assessment during which such machinery, plant or building is brought into use as aforesaid or such improvements are completed, as the case may be, an allowance (to be known as the beneficiation allowance) in respect of such machinery, plant, building or improvements, as the case may be, calculated on the cost (as established to the satisfaction of the Secretary) to the taxpayer of such machinery, plant, building or improvements, as the case may be, at such rate, expressed as a percentage of such cost, as the Minister, having regard to the circumstances of the case, may direct, but not exceeding—

(aa) twenty per cent of the cost of the machinery or plant in respect of which the allowance is granted; and

(bb) fifteen per cent of the cost of the building or improvements in respect of which the allowance is granted.

(3) The beneficiation allowance shall not be granted in respect of any machinery, plant, building or building improvements used in the course of mining operations or operations which, in the opinion of the Minister, are normally carried on in

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

behalwe dat onsuierhede verwyder word of 'n fisiese proses is wat slegs op 'n vormverandering uitloop;

,voorgeskrewe tydperk' die tydperk wat op 27 Maart 1975 begin en op 30 Junie 1980 eindig.

(2) Behoudens die bepalings van subartikel (3), waar 'n belastingpligtige geheel en al of hoofsaaklik vir die doeleindes van sy uitvoerbedryf die volgende in gebruik neem, naamlik—

(a) enige nuwe of ongebruikte masjinerie of installasie wat—

(i) deur die belastingpligtige regstreeks by 'n veredelingsproses gebruik word; en

(ii) gedurende die voorgeskrewe tydperk aldus in gebruik geneem word; of

(b) enige gebou deur die belastingpligtige opgerig, indien—

(i) die oprigting van daardie gebou gedurende die voorgeskrewe tydperk 'n aanvang geneem het;

(ii) bedoelde gebou deur die belastingpligtige nie later nie as 30 Junie 1981 aldus in gebruik geneem word; en

(iii) bedoelde gebou geheel en al of hoofsaaklik deur die belastingpligtige gebruik word ten einde daarin 'n veredelingsproses uit te voer; of

(c) enige verbeterings (behalwe herstelwerk) wat deur die belastingpligtige aan 'n gebou aangebring is, indien—

(i) daardie verbeterings gedurende die voorgeskrewe tydperk 'n aanvang geneem het;

(ii) bedoelde verbeterings nie later nie as 30 Junie 1981 voltooi word; en

(iii) bedoelde gebou geheel en al of hoofsaaklik deur die belastingpligtige gebruik word ten einde daarin 'n veredelingsproses uit te voer,

word, indien die Minister van Finansies (hieronder die Minister genoem), met inagneming van die omstandighede van die geval, aldus gelas, daar as 'n aftrekking op die inkomste van die belastingpligtige vir die jaar van aanslag waarin bedoelde masjinerie, installasie of gebou aldus in gebruik geneem word of bedoelde verbeterings voltooi word, na gelang van die geval, 'n vermindering (genoem die veredelingsvermindering) toegelaat ten opsigte van bedoelde masjinerie, installasie, gebou of verbeterings, na gelang van die geval, wat bereken word op die koste (soos ten genoë van die Sekretaris vasgestel) vir die belastingpligtige van bedoelde masjinerie, installasie, gebou of verbeterings, na gelang van die geval, teen die skaal, as 'n persentasie van bedoelde koste uitgedruk, wat die Minister, met inagneming van die omstandighede van die geval, gelas, maar hoogstens—

(aa) twintig persent van die koste van die masjinerie of installasie ten opsigte waarvan die vermindering toegestaan word; en

(bb) vyftien persent van die koste van die gebou of verbeterings ten opsigte waarvan die vermindering toegestaan word.

(3) Die veredelingsvermindering word nie toegestaan nie ten opsigte van enige masjinerie, installasie, gebou of verbeterings wat gebruik word in die loop van mynbouwerkzaamhede of werkzaamhede wat, volgens die oortuiging van die Minister,

Act No. 69, 1975

INCOME TAX ACT, 1975.

the course of mining operations, unless the Minister, having regard to the circumstances of the case, is satisfied that the beneficiation process in question is additional to the processes normally carried on in the course of any of the said operations or that it is introduced as part of a scheme for the creation of extensive extra capacity to be used wholly or mainly for export.

(4) Any application for the beneficiation allowance shall be addressed to the Secretary for Industries."

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 27 March 1975.

Amendment of section 18A of Act 58 of 1962, as inserted by section 15 of Act 52 of 1970 and amended by section 16 of Act 88 of 1971, section 13 of Act 90 of 1972 and section 14 of Act 65 of 1973.

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

"'college' means a college for advanced technical education established or deemed to have been established under the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), or any other Act of Parliament, or any other educational institution established by or under any other law if the Secretary, in consultation with the Secretary for National Education or with the Secretary for Bantu Education in the case of an institution established for Bantu persons, is satisfied that such institution is in all material respects similar to any aforesaid college; and".

Amendment of section 20A of Act 58 of 1962, as inserted by section 19 of Act 89 of 1969 and amended by section 16 of Act 52 of 1970, section 15 of Act 90 of 1972 and section 19 of Act 85 of 1974.

17. Section 20A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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

Amendment of section 21*bis* of Act 58 of 1962, as inserted by section 7 of Act 6 of 1963 and substituted by section 20 of Act 85 of 1974.

18. Section 21*bis* of the principal Act is hereby amended by the substitution in subsection (5) for the words "transition year" of the words "transition period".

Amendment of section 21*ter* of Act 58 of 1962, as inserted by section 20 of Act 89 of 1969 and amended by section 17 of Act 52 of 1970, section 18 of Act 88 of 1971, section 17 of Act 90 of 1972, section 16 of Act 65 of 1973 and section 21 of Act 85 of 1974.

19. Section 21*ter* of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (5).

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

normaalweg in die loop van mynbouwerkzaamhede beoefen word, tensy die Minister, met inagneming van die omstandighede van die geval, oortuig is dat die betrokke veredelingsproses bykomend is by die prosesse wat normaalweg in die loop van enige van bedoelde werkzaamhede uitgevoer word of dat dit ingevoer word as deel van 'n skema vir die skepping van ekstensiewe bykomende kapasiteit wat geheel en al of hoofsaaklik vir uitvoer aangewend gaan word.

(4) 'n Aansoek om die veredelingsvermindering word aan die Sekretaris van Nywerheidswese gerig."

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 27 Maart 1975 geëindig het of eindig.

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

„kollege” 'n kollege vir gevorderde tegniese onderwys wat ingevolge die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967), of 'n ander Parlements-wet ingestel is of geag word daarkragtens ingestel te gewees het, of 'n ander opvoedkundige inrigting ingestel by of ingevolge 'n ander wet indien die Sekretaris, in oorleg met die Sekretaris van Nasionale Opvoeding of met die Sekretaris van Bantoe-onderwys in die geval van 'n inrigting ingestel vir Bantoeopersone, oortuig is dat bedoelde inrigting in alle wesentlike opsigte soortgelyk is aan 'n voormelde kollege; en”.

Wysiging van artikel 18A van Wet 58 van 1962, soos ingevoeg deur artikel 15 van Wet 52 van 1970 en gewysig deur artikel 16 van Wet 88 van 1971, artikel 13 van Wet 90 van 1972 en artikel 14 van Wet 65 van 1973.

17. Artikel 20A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

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

Wysiging van artikel 20A van Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 89 van 1969 en gewysig deur artikel 16 van Wet 52 van 1970, artikel 15 van Wet 90 van 1972 en artikel 19 van Wet 85 van 1974.

18. Artikel 21 *bis* van die Hoofwet word hierby gewysig deur in subartikel (5) die woord „oorgangsjaar” deur die woord „oorgangstydperk” te vervang.

Wysiging van artikel 21*bis* van Wet 58 van 1962, soos ingevoeg deur artikel 7 van Wet 6 van 1963 en vervang deur artikel 20 van Wet 85 van 1974.

19. Artikel 21*ter* van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (5) te skrap.

Wysiging van artikel 21*ter* van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 89 van 1969 en gewysig deur artikel 17 van Wet 52 van 1970, artikel 18 van Wet 88 van 1971, artikel 17 van Wet 90 van 1972, artikel 16 van Wet 65 van 1973 en artikel 21 van Wet 85 van 1974.

Act No. 69, 1975

INCOME TAX ACT, 1975.

Amendment of section 22 of Act 58 of 1962, as amended by section 8 of Act 6 of 1963, section 14 of Act 90 of 1964 and section 21 of Act 89 of 1969.

20. (1) Section 22 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) For the purpose of determining the cost price of any trading stock, any person may, subject to such conditions as the Secretary, having regard to the circumstances of the case, may determine (including any condition resulting in an increase of or decrease in the amount which but for such condition would have been determined under this Act as the taxable income of such person or as a loss ranking for set-off against the income of such person), and if and as long as he maintains records in respect of his trading stock which the Secretary considers to be satisfactory, adopt the basis of trading stock valuation whereunder the last item of any class of trading stock purchased by any person on any date is deemed to be the first item of that class of trading stock sold by such person on or after that date: Provided that any person electing to adopt the aforesaid basis of trading stock valuation shall give the Secretary written notice thereof when he renders his return of income for the first year of assessment in respect of which the said basis is adopted, and any such election shall be binding upon such person and may not be varied by him in respect of any subsequent year of assessment, save with the consent of the Secretary and subject to such conditions (including any aforesaid conditions) as the Secretary, having regard to the circumstances of the case, may determine.”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 1 January 1975.

Amendment of section 38 of Act 58 of 1962, as amended by section 21 of Act 90 of 1962, section 16 of Act 90 of 1964, section 28 of Act 89 of 1969 and section 31 of Act 85 of 1974.

21. Section 38 of the principal Act is hereby amended by the substitution in the Afrikaans version of subparagraph (v) of paragraph (a) of subsection (4) for the words “gewone aandeel” of the word “ekwiteitsaandeel”.

Amendment of section 42 of Act 58 of 1962, as amended by section 21 of Act 88 of 1965, section 17 of Act 95 of 1967, section 29 of Act 89 of 1969, section 19 of Act 52 of 1970, section 23 of Act 88 of 1971, section 18 of Act 90 of 1972, section 22 of Act 65 of 1973 and section 32 of Act 85 of 1974.

22. Section 42 of the principal Act is hereby amended by the addition of the following subsection:

“(5) For the purposes of this Part, where any cash is given or any assets are given—

- (a) by a company to shareholders of that company otherwise than by way of a formal declaration of a dividend; or
- (b) by the liquidator of a company to the shareholders of that company in the course of the winding-up or liquidation of that company,

and the amount of such cash or the value of such assets, in whole or in part constitutes a dividend in terms of the definition of ‘dividend’ in section 1, such dividend shall be deemed to have been declared by the company concerned on the date on which the shareholders became entitled to such cash or such assets.”.

Amendment of section 49 of Act 58 of 1962, as amended by section 22 of

23. (1) Section 49 of the principal Act is hereby amended by the substitution for paragraphs (ii) and (iiA) of the definition of “distributable income” of the following paragraphs:

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

20. (1) Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

Wysiging van artikel 22 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 6 van 1963, artikel 14 van Wet 90 van 1964 en artikel 21 van Wet 89 van 1969.

„(5) Ten einde die kosprys van handelsvoorraad vas te stel, kan 'n persoon, onderworpe aan die voorwaardes wat die Sekretaris, met inagneming van die omstandighede van die geval, mag bepaal (met inbegrip van 'n voorwaarde wat tot gevolg het 'n vermeerdering of vermindering van die bedrag wat, as dit nie vir daardie voorwaarde was nie, in-gevolge hierdie Wet vasgestel sou gewees het as die belasbare inkomste van daardie persoon of as 'n verlies wat teen daardie persoon se inkomste in vergelyking gebring kan word) en indien en vir solank hy ten opsigte van sy handelsvoorraad aantekening hou wat die Sekretaris bevredigend ag, die basis van handelsvoorraad-waardering toepas waarvolgens die laaste item van die een of ander klas handelsvoorraad wat op enige datum deur 'n persoon aangekoop word, geag word die eerste item van daardie klas handelsvoorraad te wees wat op of na daardie datum deur dié persoon verkoop word: Met dien verstande dat 'n persoon wat voormelde basis van handelsvoorraadwaardering kies, die Sekretaris skriftelik daarvan in kennis moet stel wanneer hy sy opgawe van inkomste instuur vir die eerste jaar van aanslag ten opsigte waarvan bedoelde basis toegepas word, en so 'n keuse is vir dié persoon bindend en kan nie ten opsigte van enige daaropvolgende jaar van aanslag deur hom gewysig word nie, dan alleen met toestemming van die Sekretaris en onderworpe aan die voorwaardes (met inbegrip van 'n voormelde voorwaarde) wat die Sekretaris, met inagneming van die omstandighede van die geval, mag bepaal.”.

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1975 geëindig het of eindig.

21. Artikel 38 van die Hoofwet word hierby gewysig deur in subparagraaf (v) van paragraaf (a) van subartikel (4) die woorde „gewone aandele” deur die woord „ekwiteitsaandele” te vervang.

Wysiging van artikel 38 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 90 van 1962, artikel 16 van Wet 90 van 1964, artikel 28 van Wet 89 van 1969 en artikel 31 van Wet 85 van 1974.

22. Artikel 42 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 42 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 88 van 1965, artikel 17 van Wet 95 van 1967, artikel 29 van Wet 89 van 1969, artikel 19 van Wet 52 van 1970, artikel 23 van Wet 88 van 1971, artikel 18 van Wet 90 van 1972, artikel 22 van Wet 65 van 1973 en artikel 32 van Wet 85 van 1974.

„(5) By die toepassing van hierdie Deel, waar kontant of bates gegee word—

(a) deur 'n maatskappy aan aandeelhouders van daardie maatskappy anders as by wyse van 'n formele verklaring van 'n dividend; of

(b) deur die likwidateur van 'n maatskappy aan die aandeelhouders van daardie maatskappy, in die loop van die likwidasië van daardie maatskappy,

en die bedrag van bedoelde kontant of die waarde van bedoelde bates in sy geheel of gedeeltelik ingevolge die omskrywing van „dividend” in artikel 1 'n dividend uitmaak, word bedoelde dividend geag deur die betrokke maatskappy verklaar te gewees het op die datum waarop die aandeelhouders op bedoelde kontant of bedoelde bates geregtig geword het.”.

23. (1) Artikel 49 van die Hoofwet word hierby gewysig deur paragrafe (ii) en (iiA) van die omskrywing van „uitkeerbare inkomste” deur die volgende paragrafe te vervang:

Wysiging van artikel 49 van Wet 58 van 1962, soos gewysig deur artikel 22 van

Act No. 69, 1975

INCOME TAX ACT, 1975.

Act 90 of 1962,
section 9 of
Act 6 of 1963,
section 17 of
Act 90 of 1964,
section 31 of
Act 89 of 1969,
section 24 of
Act 88 of 1971,
section 24 of
Act 65 of 1973
and section 34 of
Act 85 of 1974.

“(ii) an allowance equal to fifty-five per cent of the sum of so much of the adjusted total net profits of the company for the year of assessment as is not attributable to the inclusion therein of any dividends received by or accrued to the company, and any amount accounted for in respect of such year under paragraph (b) of this definition;

(iiA) in the case of a public company, an allowance equal to thirty-five per cent of so much of the adjusted total net profits of the company for the year of assessment as is attributable to the inclusion therein of any dividends received by or accrued to it;”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments of undistributed profits tax under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 27 March 1975.

Amendment of
section 70 of
Act 58 of 1962,
as amended by
section 11 of
Act 6 of 1963,
section 20 of
Act 90 of 1964
and section 43 of
Act 85 of 1974.

24. Section 70 of the principal Act is hereby amended by the substitution for subsection (3A) of the following subsection:

“(3A) Where any cash or any asset (including any asset, interest, benefit or advantage referred to in the third proviso to the definition of ‘dividend’ in section 1) is given to any shareholder of a company in consequence of the winding-up, liquidation or reconstruction of the company or the partial reduction or redemption of its share capital (including any share premium), and the amount of such cash or the value of such asset or a portion of such amount or value constitutes a dividend in terms of the said definition the company shall, before payment to the shareholders is effected or within such period as the Secretary may approve, calculate the amount of such dividend and furnish the Secretary with a written statement setting forth the facts necessary for a determination by the Secretary of the amount of such dividend and giving details of the company’s calculation of that amount.”.

Amendment of
section 77 of
Act 58 of 1962.

25. Section 77 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) Upon recording or filing the particulars of any assessment the Secretary shall give notice of the assessment to the taxpayer assessed.”;

(b) by the deletion of subsection (4); and

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

“(5) The Secretary shall, in the notice of assessment, give notice to the taxpayer that any objection to the assessment made must be sent to him within twenty-one days after the date of the assessment.”.

Amendment of
section 79 of
Act 58 of 1962.

26. (1) Section 79 of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections:

“(1) If at any time the Secretary is satisfied—

(a) that any amount which was subject to tax and should have been assessed to tax under this Act has not been assessed to tax; or

(b) that any amount of tax which was chargeable and should have been assessed under this Act has not been assessed; or

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- „(ii) 'n vermindering gelyk aan vyf-en-vyftig persent van die som van soveel van die veranderbare totale netto winste van die maatskappy vir die jaar van aanslag as wat nie toe te skryf is nie aan die inrekening daarby van enige dividende wat deur die maatskappy ontvang is of aan hom toegeval het, en enige bedrag wat ingevolge paragraaf (b) van hierdie omskrywing ten opsigte van bedoelde jaar in aanmerking geneem is;
- (iiA) in die geval van 'n publieke maatskappy, 'n vermindering gelyk aan vyf-en-dertig persent van soveel van die veranderbare totale netto winste van die maatskappy vir die jaar van aanslag as wat toe te skryf is aan die inrekening daarby van dividende wat deur die maatskappy ontvang is of aan hom toegeval het;”
- (2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae van belasting op onuitgekeerde winste ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 27 Maart 1975 geëindig het of eindig.

Wet 90 van 1962, artikel 9 van Wet 6 van 1963, artikel 17 van Wet 90 van 1964, artikel 31 van Wet 89 van 1969, artikel 24 van Wet 88 van 1971, artikel 24 van Wet 65 van 1973 en artikel 34 van Wet 85 van 1974.

24. Artikel 70 van die Hoofwet word hierby gewysig deur subartikel (3A) deur die volgende subartikel te vervang:

Wysiging van artikel 70 van Wet 58 van 1962, soos gewysig deur artikel 11 van Wet 6 van 1963, artikel 20 van Wet 90 van 1964 en artikel 43 van Wet 85 van 1974.

„(3A) Waar kontant of 'n bate (met inbegrip van 'n bate, belang of voordeel bedoel in die derde voorbehoudsbepaling by die omskrywing van 'dividend' in artikel 1) aan 'n aandeelhouer van 'n maatskappy gegee word vanweë die likwidasie of rekonstruksie van die maatskappy of die gedeeltelike vermindering of affossing van sy aandelekapitaal (met inbegrip van enige aandelepremie), en die bedrag van daardie kontant of die waarde van daardie bate of 'n gedeelte van daardie bedrag of waarde 'n dividend ingevolge bedoelde omskrywing uitmaak, moet die maatskappy, voordat betaling aan die aandeelhouders geskied of binne die tydperk wat die Sekretaris goedkeur, die bedrag van daardie dividend bereken en 'n skriftelike staat aan die Sekretaris verstrek waarin die feite uiteengesit word wat nodig is vir 'n vasstelling deur die Sekretaris van die bedrag van bedoelde dividend en besonderhede van die maatskappy se berekening van daardie bedrag gegee word.”

25. Artikel 77 van die Hoofwet word hierby gewysig—

Wysiging van artikel 77 van Wet 58 van 1962.

(a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Wanneer hy die besonderhede van 'n aanslag aanteken of bêre, gee die Sekretaris aan die aangeslane belastingpligtige kennis van die aanslag.”;

(b) deur subartikel (4) te skrap; en

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

„(5) Die Sekretaris gee in die kennisgewing van aanslag kennis aan die belastingpligtige dat 'n beswaar teen die gedane aanslag aan hom gestuur moet word binne een-en-twintig dae na die datum van die aanslag.”

26. (1) Artikel 79 van die Hoofwet word hierby gewysig—

Wysiging van artikel 79 van Wet 58 van 1962.

(a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:

“(1) Indien die Sekretaris te eniger tyd oortuig is—

(a) dat 'n bedrag wat aan belasting onderhewig was en ingevolge hierdie Wet vir belasting aangeslaan behoort te gewees het, nie vir belasting aangeslaan is nie; of

(b) dat 'n bedrag aan belasting wat hefbaar was en ingevolge hierdie Wet aangeslaan behoort te gewees het, nie aangeslaan is nie; of

Act No. 69, 1975

INCOME TAX ACT, 1975.

- (c) that, as respects any tax which is chargeable and has become payable under this Act otherwise than under an assessment, such tax has not been paid in respect of any amount upon which such tax is chargeable or an amount is owing in respect of such tax,

he shall raise an assessment or assessments in respect of the said amount or amounts, notwithstanding that an assessment or assessments may have been made upon the person concerned in respect of the year or years of assessment in respect of which the amount or amounts in question is or are assessable, and notwithstanding the provisions of sections 81 (5) and 83 (18): Provided that the Secretary shall not raise an assessment under this subsection—

- (i) after the expiration of three years from the date of the assessment (if any) in terms of which any amount which should have been assessed to tax under such assessment was not so assessed or in terms of which the amount of tax assessed was less than the amount of such tax which was properly chargeable, unless the Secretary is satisfied that the fact that the amount which should have been assessed to tax was not so assessed or the fact that the full amount of tax chargeable was not assessed, was due to fraud or misrepresentation or non-disclosure of material facts; or
- (ii) in respect of any tax referred to in paragraph (c), after the expiration of three years from the date of payment of any amount paid in respect of such tax unless the Secretary is satisfied that the fact that such tax was not paid in full was due to fraud or misrepresentation or non-disclosure of material facts; or
- (iii) if the amount which should have been assessed to tax under the assessment referred to in paragraph (i) of this proviso was, in accordance with the practice generally prevailing at the date of the assessment, not assessed to tax, or the full amount of tax which should have been assessed under such assessment was, in accordance with such practice, not assessed; or
- (iv) in respect of any amount, if any previous assessment made on the person concerned has in respect of that amount been amended or reduced pursuant to any order made by a special court for hearing income tax appeals constituted under the provisions of this Act, unless the Secretary is satisfied that the order in question was obtained by fraud or misrepresentation or non-disclosure of material facts:

Provided further that where the Secretary has in respect of any year of assessment made an assessment upon any company for normal tax purposes he shall not after the expiration of three years from the date of the said assessment (or, where more than one such assessment has been made, from the date of the latest of such assessments) make any assessment in respect of any amount of undistributed profits tax payable by the company in respect of the said year, unless the Secretary is satisfied that the fact that an assessment in respect of the said amount was not previously made was due to fraud or misrepresentation or non-disclosure of material facts.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (c) dat, met betrekking tot 'n belasting wat ingevolge hierdie Wet hefbaar is en betaalbaar geword het op 'n ander wyse as ingevolge 'n aanslag, daardie belasting nie betaal is nie ten opsigte van 'n bedrag waarop dié belasting hefbaar is of 'n bedrag ten opsigte van dié belasting verskuldig is,

moet hy 'n aanslag of aanslae ten opsigte van bedoelde bedrag of bedrae doen, nieëstaande dat die betrokke persoon aangeslaan mag gewees het ten opsigte van die jaar of jare van aanslag ten opsigte waarvan die betrokke bedrag of bedrae aangeslaan kan word, en ondanks die bepalings van artikel 81 (5) en 83 (18): Met dien verstande dat die Sekretaris nie 'n aanslag ingevolge hierdie subartikel doen nie—

- (i) na verstryking van drie jaar vanaf die datum van die aanslag (indien daar een is) ingevolge waarvan 'n bedrag onder so 'n aanslag vir belasting aangeslaan behoort te gewees het maar nie aldus aangeslaan is nie of ingevolge waarvan die aangeslane bedrag van belasting minder was as die bedrag van daardie belasting wat na regte hefbaar was, tensy die Sekretaris oortuig is dat die feit dat die bedrag wat vir belasting aangeslaan moet gewees het nie aldus aangeslaan is nie of die feit dat die volle bedrag van die hefbare belasting nie aangeslaan is nie, te wyte is aan bedrog of wanvoorstelling of verswyging van ter sake dienende feite; of
- (ii) ten opsigte van 'n in paragraaf (c) bedoelde belasting, na verstryking van drie jaar vanaf die datum van betaling van enige bedrag ten opsigte van daardie belasting, tensy die Sekretaris oortuig is dat die feit dat bedoelde belasting nie ten volle betaal is nie, te wyte is aan bedrog of wanvoorstelling of verswyging van ter sake dienende feite; of
- (iii) indien die bedrag wat ingevolge die in paragraaf (i) van hierdie voorbehoudsbepaling bedoelde aanslag vir belasting aangeslaan behoort te gewees het, ooreenkomstig die algemene gebruik wat op die datum van die aanslag geheers het, nie vir belasting aangeslaan is nie, of die volle bedrag van belasting wat ingevolge bedoelde aanslag aangeslaan behoort te gewees het, ooreenkomstig bedoelde gebruik, nie aangeslaan is nie; of
- (iv) ten opsigte van enige bedrag, indien 'n vorige aanslag in die geval van die betrokke persoon ingevolge 'n bevel van 'n spesiale hof vir die verhoor van inkomstebelastingappelle ingestel ooreenkomstig die bepalings van hierdie Wet ten opsigte van daardie bedrag gewysig of verminder is, tensy die Sekretaris oortuig is dat die betrokke bevel deur bedrog of wanvoorstelling of verswyging van ter sake dienende feite verkry is:

Met dien verstande voorts dat waar die Sekretaris ten opsigte van 'n jaar van aanslag 'n aanslag vir 'n maatskappy vir normale belastingdoeleindes gedoen het, hy nie na verstryking van drie jaar vanaf die datum van bedoelde aanslag (of, waar meer as een so 'n aanslag gedoen is, vanaf die datum van die jongste van bedoelde aanslae) 'n aanslag doen nie ten opsigte van 'n bedrag aan belasting op onuitgekeerde winste wat deur die maatskappy ten opsigte van bedoelde jaar betaalbaar is, tensy die Sekretaris oortuig is dat die feit dat 'n aanslag ten opsigte van bedoelde bedrag nie voorheen gedoen is nie, te wyte is aan bedrog of wanvoorstelling of verswyging van ter sake dienende feite.

Act No. 69, 1975

INCOME TAX ACT, 1975.

(2) For the purposes of this section any amount referred to in subsection (1) (a) shall include an amount the incorporation of which in an assessment would result in the reduction of any loss ranking for set-off or in only a portion of such amount becoming chargeable with tax.”; and

(b) by the insertion after subsection (2) of the following subsection:

“(2A) For the purposes of paragraph (ii) of the first proviso to subsection (1) the date of payment of any amount referred to in that paragraph shall be deemed to be the date of the official receipt acknowledging the receipt of such amount, and, where more than one such payment was made, the date from which the period of three years referred to in that paragraph shall be reckoned shall be the date of the official receipt acknowledging the latest of such payments.”.

(2) The amendments effected by subsection (1) shall take effect on the date of promulgation of this Act and shall, in appropriate circumstances, apply in respect of every tax levied under the principal Act, regardless of when such tax is or was assessed and regardless of when it becomes or became payable and in respect of every year of assessment under the principal Act in respect of which the tax in question becomes or became payable.

Amendment of
section 81 of
Act 58 of 1962.

27. Section 81 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Objections to any assessment made under this Act may be made within twenty-one days after the date of the assessment, in the manner and under the terms prescribed by this Act by any taxpayer who is aggrieved by any assessment in which he is interested.”.

Substitution of
section 102 of
Act 58 of 1962.

28. (1) The following section is hereby substituted for section 102 of the principal Act:

“Refunds.

102. (1) If it is proved to the satisfaction of the Secretary that any amount paid by a taxpayer was in excess of the amount properly chargeable under this Act, the Secretary may authorize a refund to such taxpayer of any tax overpaid: Provided that no amount paid in respect of an assessment accepted by the taxpayer and made in accordance with the practice generally prevailing at the date of that assessment shall be deemed to have been otherwise than properly so chargeable.

(2) The Secretary shall not authorize any refund under this section unless the claim therefor is made within three years after the date of the assessment under which such tax was payable or, where such tax was chargeable and was payable under this Act otherwise than under an assessment, the date of payment of such tax (which date shall for the purposes of this subsection be deemed to be the date of the official receipt acknowledging such payment or, where more than one such payment was made, the date of the official receipt acknowledging the latest of such payments).”.

(2) The amendment effected by subsection (1) shall apply in respect of all claims for refunds made to the Secretary for Inland Revenue under the said section on or after the date of promulgation of this Act.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

(2) By die toepassing van hierdie artikel sluit 'n bedrag in subartikel (1) (a) bedoel 'n bedrag in waarvan die opname in 'n aanslag tot gevolg sal hê dat 'n verlies wat in vergelyking gebring kan word, verminder word, of dat slegs deel van sodanige bedrag vir belasting aangeslaan kan word."; en

(b) deur na subartikel (2) die volgende subartikel in te voeg:

„(2A) By die toepassing van paragraaf (ii) van die eerste voorbehoudsbepaling by subartikel (1), word die datum van betaling van 'n in daardie paragraaf bedoelde bedrag geag die datum te wees van die amptelike kwitansie waarby die ontvangs van daardie bedrag erken word, en, waar meer as een sodanige betaling gemaak is, is die datum waarvan die in daardie paragraaf bedoelde tydperk van drie jaar gereken moet word, die datum van die amptelike kwitansie waarby die jongste van bedoelde betalings erken word.”.

(2) Die wysiging deur subartikel (1) aangebring, tree in werking op die datum van afkondiging van hierdie Wet en is in toepaslike omstandighede van toepassing ten opsigte van elke belasting wat ingevolge die Hoofwet gehef word, ongeag wanneer daardie belasting aangeslaan word of aangeslaan is en ongeag wanneer dit betaalbaar word of geword het, en ten opsigte van elke jaar van aanslag ingevolge die Hoofwet ten opsigte waarvan die betrokke belasting betaalbaar is of geword het.

27. Artikel 81 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 81 van
Wet 58 van 1962.

„(1) Besware teen 'n aanslag ingevolge hierdie Wet gedoen, kan binne een-en-twintig dae na die datum van die aanslag en op die wyse en op die voorwaardes by hierdie Wet voorgeskryf, gemaak word deur 'n belastingpligtige wat hom veronreg ag deur 'n aanslag waarby hy belang het.”.

28. (1) Artikel 102 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 102 van
Wet 58 van 1962.

„Terug-
betalings.

102. (1) Indien daar tot bevrediging van die Sekretaris bewys word dat 'n bedrag wat 'n belastingpligtige betaal het, die bedrag behoorlik hefbaar ingevolge hierdie Wet te bowe gegaan het, kan die Sekretaris magtiging verleen om die bedrag wat te veel aan belasting betaal is, aan so 'n belastingpligtige terug te betaal: Met dien verstande dat geen bedrag betaal ten opsigte van 'n aanslag wat deur die belastingpligtige aanvaar is en ooreenkomstig die algemeen heersende praktyk op die datum van daardie aanslag gedoen is, geag word anders as behoorlik aldus hefbaar te gewees het nie.

(2) Die Sekretaris magtig nie 'n terugbetaling ingevolge hierdie artikel nie tensy aanspraak daarop gemaak word binne drie jaar na die datum van die aanslag waarvolgens bedoelde belasting betaalbaar was of, waar bedoelde belasting ingevolge hierdie Wet hefbaar was en betaalbaar geword het op 'n ander wyse as ingevolge 'n aanslag, die datum van betaling van daardie belasting (welke datum by die toepassing van hierdie subartikel geag word die datum te wees van die amptelike kwitansie waarby bedoelde betaling erken word of, waar meer as een sodanige betaling gemaak is, die datum van die amptelike kwitansie waarby die jongste van bedoelde betalings erken word).”.

(2) Die wysiging deur subartikel (1) aangebring, is van toepassing op alle aansprake op terugbetalings wat aan die Sekretaris van Binnelandse Inkomste ingevolge genoemde artikel gemaak word op of na die datum van afkondiging van hierdie Wet.

Act No. 69, 1975

INCOME TAX ACT, 1975.

Substitution of section 106 of Act 58 of 1962, as amended by section 30 of Act 90 of 1962.

29. The following section is hereby substituted for section 106 of the principal Act:

"Authentification and service of documents.

106. (1) Any form, notice, demand or other document issued or given by or on behalf of the Secretary or any other officer under this Act shall be sufficiently authenticated if the name or official designation of the Secretary or officer by whom the same is issued or given is stamped or printed thereon.

(2) Any form, notice, demand, document or other communication required or authorized under this Act to be issued, given or sent to or to be served upon any person shall, except as otherwise provided in this Act, be deemed to have been effectually issued, given, sent or served—

(a) if delivered to him; or

(b) if left with some adult person apparently residing at or occupying or employed at his last known abode or office or place of business in the Republic; or

(c) if despatched by registered or any other kind of post addressed to him at his last known address, which may be any such place or office as is referred to in paragraph (b) or his last known post office box number or that of his employer; and

(d) in the case of a company—

(i) if delivered to the public officer of the company; or

(ii) if left with some adult person apparently residing at or occupying or employed at the place appointed by the company under subsection (5) of section 101 or, in the case of any unit portfolio referred to in paragraph (e) of the definition of 'company' in section 1, the public officer of which is the trustee referred to in the said subsection (5), by such trustee, or where no such place has been appointed by the company or trustee, as the case may be, if left with some adult person apparently residing at or occupying or employed at the last known office or place of business of the company or trustee, as the case may be, in the Republic; or

(iii) if despatched by registered or any other kind of post addressed to the company or its public officer at its or his last known address, which may be any such office or place as is referred to in subparagraph (ii) or its or his last known post office box number or that of his employer.

(3) Any form, notice, demand, document or other communication referred to in subsection (2) which has been issued, given, sent or served in the manner contemplated in paragraph (c) or (d) (iii) of that subsection shall be deemed to have been received by the person to whom it was addressed at the time when it would, in the ordinary course of post, have arrived at the place to which it was addressed, unless the Secretary is satisfied that it was not so received or was received at some other time.

(4) If the Secretary is satisfied that any form, notice, demand, document or other communication (other than a notice of assessment) issued, given,

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

29. Artikel 106 van die Hoofwet word hierby deur die volgende artikel vervang:

„Waarmede
king en bestel-
ling van
dokumente.

106. (1) Enige vorm, kennisgewing, aanskrywing of ander dokument uitgereik of gegee deur of namens die Sekretaris of 'n ander amptenaar ingevolge hierdie Wet, is voldoende gewaarmerk indien die naam of ampsbenaming van die Sekretaris of amptenaar deur wie dit uitgereik of gegee word, daarop gestempel of gedruk is.

(2) 'n Vorm, kennisgewing, aanskrywing, dokument of ander mededeling wat ingevolge hierdie Wet aan 'n persoon uitgereik, gegee, gestuur of bestel moet of kan word, word, behalwe waar daar in hierdie Wet anders bepaal word, geag behoorlik uitgereik, gegee, gestuur of bestel te gewees het—

- (a) indien aan hom afgelewer; of
- (b) indien gelaat by 'n volwasse persoon wat oënskynlik by sy laasbekende woonplek of kantoor of besigheidsplek in die Republiek woon of dit okkupeer of aldaar in diens is; of
- (c) indien per aangetekende of enige ander soort pos gestuur wat aan hom gerig is by sy laasbekende adres, wat 'n plek of kantoor in paragraaf (b) bedoel of sy laasbekende posbusnommer of dié van sy werkgewer kan wees; en
- (d) in die geval van 'n maatskappy—
 - (i) indien aan die openbare amptenaar van die maatskappy afgelewer; of
 - (ii) indien gelaat by 'n volwasse persoon wat oënskynlik die plek ingevolge subartikel (5) van artikel 101 deur die maatskappy of, in die geval van 'n effektegroepe bedoel in paragraaf (e) van die omskrywing van 'maatskappy' in artikel 1, waarvan die openbare amptenaar die trustee bedoel in genoemde subartikel (5) is, deur bedoelde trustee, aangedui, bewoon of okkupeer of aldaar in diens is, of, waar so 'n plek nie deur die maatskappy of trustee, na gelang van die geval, aangedui is nie, indien gelaat by 'n volwasse persoon wat oënskynlik die laasbekende kantoor of besigheidsplek van die maatskappy of trustee, na gelang van die geval, in die Republiek bewoon of okkupeer of aldaar in diens is; of
 - (iii) indien per aangetekende of enige ander soort pos gestuur wat aan die maatskappy of sy openbare amptenaar gerig is by sy laasbekende adres, wat 'n kantoor of plek in subparagraaf (ii) bedoel of sy laasbekende posbusnommer of dié van sy werkgewer kan wees.

(3) 'n Vorm, kennisgewing, aanskrywing, dokument of ander mededeling bedoel in subartikel (2) wat op die wyse beoog in paragraaf (c) of (d) (iii) van daardie subartikel uitgereik, gegee, gestuur of bestel is, word geag ontvang te gewees het deur die persoon aan wie dit gerig is, op die tyd waarop dit in die gewone loop van die posdiens sou uitkom op die plek waarheen dit gerig is, tensy die Sekretaris oortuig is dat dit nie aldus ontvang is nie of op 'n ander tyd ontvang is.

(4) Indien die Sekretaris oortuig is dat 'n vorm, kennisgewing, aanskrywing, dokument of ander mededeling (behalwe 'n kennisgewing van aan-

Vervanging van
artikel 106 van
Wet 58 van 1962,
soos gewysig deur
artikel 30 van
Wet 90 van 1962.

Act No. 69, 1975

INCOME TAX ACT, 1975.

sent or served in a manner contemplated in paragraph (b), (c) or (d) (ii) or (iii) of subsection (2), has not been received by the person to whom it was addressed or has been received by such person considerably later than it should have been received by him and that such person has in consequence been placed at a disadvantage, the Secretary may, if he is satisfied that the circumstances warrant such action, direct that such form, notice, demand, document or other communication be withdrawn and be issued, given, sent or served anew.”.

Amendment of paragraph 15 of First Schedule to Act 58 of 1962, as amended by section 25 of Act 88 of 1965, section 26 of Act 95 of 1967 and section 31 of Act 88 of 1971.

30. (1) Paragraph 15 of the First Schedule to the principal Act is hereby amended by the substitution for subparagraph (3) of the following subparagraph:

“(3) If in any year of assessment the income of any farmer other than a company includes income derived from the disposal of plantations or forest produce and the taxable income derived by him in that year from the disposal of plantations and forest produce (determined as though the income derived by him from that source were his only income) exceeds the annual average taxable income derived by him from that source (as so determined) over the three years of assessment immediately preceding the said year of assessment, the normal tax chargeable in the case of such farmer for the said year of assessment shall, subject to the provisions of section 5 of this Act, be determined in accordance with the provisions of subsection (10) of that section: Provided that—

- (i) the provisions of this subparagraph shall not apply unless the Secretary is satisfied that the disposal of plantations or forest produce forms part of the normal farming operations of the farmer concerned;
- (ii) for the purposes of this subparagraph, where the farmer has in respect of any of the aforesaid years of assessment derived any excess plantation farming profits determined under paragraph 20 (3) (g) such excess plantation farming profits shall—
 - (aa) where such excess plantation farming profits have been derived during the first-mentioned year of assessment, be excluded from the farmer's taxable income derived in that year from the disposal of plantations and forest produce;
 - (bb) where such excess plantation farming profits have been derived during any of the aforesaid three years of assessment, not be taken into account in the determination of the aforesaid average taxable income derived by the farmer over those years;
- (iii) the Secretary's determination as to what portion of a farmer's taxable income is derived from the disposal of plantations and forest produce shall be final;
- (iv) nothing in this paragraph contained shall be construed as relieving any farmer from liability for taxation under this Act upon any portion of his taxable income;
- (v) the provisions of this subparagraph shall not apply if the normal tax chargeable in the case of such farmer in respect of the first-mentioned year of assessment is required to be determined under the provisions of paragraph 19.”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 30 June 1973.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

slag) wat uitgereik, gegee, gestuur of bestel is op 'n wyse beoog in paragraaf (b), (c) of (d) (ii) of (iii), van subartikel (2), nie ontvang is nie deur die persoon aan wie dit gerig is of deur daardie persoon ontvang is heelwat na die tyd wanneer dit deur hom behoort ontvang te gewees het en dat bedoelde persoon gevolglik benadeel is, kan die Sekretaris, indien hy oortuig is dat die omstandighede die optrede regverdig, gelas dat bedoelde vorm, kennisgewing, aanskrywing, dokument of ander mededeling ingetrek word en opnuut uitgereik, gegee, gestuur of bestel word."

30. (1) Paragraaf 15 van die Eerste Bylae by die Hoofwet word hierby gewysig deur subparagraaf (3) deur die volgende subparagraaf te vervang:

Wysiging van paragraaf 15 van Eerste Bylae by Wet 58 van 1962, soos gewysig deur artikel 25 van Wet 88 van 1965, artikel 26 van Wet 95 van 1967 en artikel 31 van Wet 88 van 1971.

„(3) Indien in enige jaar van aanslag die inkomste van 'n boer (behalwe 'n maatskappy) inkomste afkomstig van die vandiehandsetting van plantasies of bosprodukte insluit en die belasbare inkomste deur hom in daardie jaar van die vandiehandsetting van plantasies en bosprodukte verkry (vasgestel asof die inkomste wat hy uit daardie bron verkry het, sy enigste inkomste was), die jaarlikse gemiddelde belasbare inkomste deur hom uit daardie bron verkry (soos aldus vasgestel) gedurende die drie jare van aanslag wat bedoelde jaar van aanslag onmiddellik voorafgaan, te bowe gaan, word, behoudens die bepalings van artikel 5 van hierdie Wet, die normale belasting wat in die geval van bedoelde boer ten opsigte van bedoelde jaar van aanslag hefbaar is, ooreenkomstig die bepalings van subartikel (10) van daardie artikel vasgestel: Met dien verstande dat—

- (i) die bepalings van hierdie subparagraaf nie van toepassing is nie tensy die Sekretaris oortuig is dat die vandiehandsetting van plantasies of bosprodukte deel van die normale boerderybedrywighede van die betrokke boer uitmaak;
- (ii) by die toepassing van hierdie subparagraaf, waar die boer ten opsigte van 'n voormelde jaar van aanslag plantasioerdersoorwinste verkry het wat ingevolge paragraaf 20 (3) (g) vasgestel is, dié plantasioerdersoorwinste—
 - (aa) waar daardie plantasioerdersoorwinste gedurende eersbedoelde jaar van aanslag verkry is, uitgesluit word van die boer se belasbare inkomste wat in bedoelde jaar uit die vandiehandsetting van plantasies en bosprodukte verkry is;
 - (bb) waar daardie plantasioerdersoorwinste gedurende enige van genoemde drie jare van aanslag verkry is, nie in berekening gebring word nie by die vasstelling van voormelde gemiddelde belasbare inkomste wat die boer gedurende daardie jare verkry het;
- (iii) die Sekretaris se vasstelling omtrent die gedeelte van 'n boer se belasbare inkomste wat van die vandiehandsetting van plantasies en bosprodukte afkomstig is, afdoende is;
- (iv) die bepalings van hierdie paragraaf nie so uitgelê word dat 'n boer van aanspreeklikheid vir belasting ingevolge hierdie Wet op enige gedeelte van sy belasbare inkomste onthef word nie;
- (v) die bepalings van hierdie subparagraaf nie van toepassing is nie indien die normale belasting wat in die geval van bedoelde boer ten opsigte van eersbedoelde jaar van aanslag hefbaar is, ingevolge die bepalings van paragraaf 19 vasgestel moet word."

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 30 Junie 1973 geëindig het of eindig.

Act No. 69, 1975

INCOME TAX ACT, 1975.

Amendment of paragraph 16 of First Schedule to Act 58 of 1962, as substituted by section 28 of Act 55 of 1966.

31. (1) Paragraph 16 of the First Schedule to the principal Act is hereby amended by the substitution for the words preceding the definitions of the following words:

"16. For the purposes of paragraphs 14, 15 and 20—".

(2) The amendment effected by subsection (1) shall, for the purposes of assessments in respect of normal tax under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 30 June 1973.

Amendment of paragraph 19 of First Schedule to Act 58 of 1962, as added by section 28 of Act 95 of 1967 and amended by section 43 of Act 89 of 1969, section 33 of Act 88 of 1971 and section 22 of Act 90 of 1972.

32. (1) Paragraph 19 of the First Schedule to the principal Act is hereby amended—

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

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

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

"(a) where the taxpayer or his wife carried on farming operations before the commencement of the relevant period, such amount as the Secretary may determine as representing the taxpayer's annual average taxable income (if any) from farming in respect of the periods of assessment—

(aa) for which the taxpayer was assessable under this Act (but excluding in the case of a woman any period assessable under section 77 (6) of this Act) and which fall within the period of five years ending on the last day of the relevant period; and

(bb) during which such farming operations were carried on or farming income was derived by the taxpayer:

Provided that any excess farming profits derived by the taxpayer in any of the said periods of assessment, as determined by the Secretary under paragraph 20 (3) (a), shall not be taken into account in the determination of such annual average taxable income: Provided further that in the case of the estate of a deceased or insolvent person any farming operations carried on by such person prior to his death or insolvency, any income derived by him from such operations and any deductions allowable against such income under this Act shall, so far as such estate is concerned, be deemed for the purposes of this item to be respectively operations, income or deductions of such estate, and the annual average

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

31. (1) Paragraaf 16 van die Eerste Bylae by die Hoofwet word hierby gewysig deur die woorde wat die omskrywings voorafgaan deur die volgende woorde te vervang:

„16. By die toepassing van paragrawe 14, 15 en 20, beteken—”.

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ten opsigte van normale belasting ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 30 Junie 1973 geëindig het of eindig.

Wysiging van paragraaf 16 van Eerste Bylae by Wet 58 van 1962, soos vervang deur artikel 28 van Wet 55 van 1966.

32. (1) Paragraaf 19 van die Eerste Bylae by die Hoofwet word hierby gewysig—

(a) deur item (k) van subparagraaf (1) deur die volgende item te vervang:

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

Wysiging van paragraaf 19 van Eerste Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 95 van 1967 en gewysig deur artikel 43 van Wet 89 van 1969, artikel 33 van Wet 88 van 1971 en artikel 22 van Wet 90 van 1972.

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

„(a) waar die belastingpligtige of sy eggenote voor die begin van die toepaslike tydperk boerderybedrywighede beoefen het, die bedrag wat deur die Sekretaris vasgestel word as voorstellende die belastingpligtige se jaarlikse gemiddelde belasbare inkomste (as daar is) uit boerdery ten opsigte van die aanslagtydperke—

(aa) waarvoor die belastingpligtige ingevolge hierdie Wet aangeslaan kon word (maar behalwe, in die geval van 'n vrouspersoon, 'n tydperk wat ingevolge artikel 77 (6) van hierdie Wet aangeslaan kon word) en wat in die tydperk van vyf jaar eindigende op die laaste dag van die toepaslike tydperk val; en

(bb) waarin bedoelde boerderybedrywighede beoefen is of boerderyinkomste deur die belastingpligtige verkry is:

Met dien verstande dat enige boerdery-oorwinste wat die belastingpligtige in enigen van bedoelde aanslagtydperke verkry het, soos deur die Sekretaris ingevolge paragraaf 20 (3) (a) vasgestel, nie by die vasstelling van bedoelde jaarlikse gemiddelde belasbare inkomste in berekening gebring word nie: Met dien verstande voorts dat in die geval van die boedel van 'n oorlede of insolvente persoon enige boerderybedrywighede deur bedoelde persoon voor sy afsterwe of insolvensie beoefen, enige inkomste deur hom uit daardie bedrywighede verkry en enige aftrekkings wat teen daardie inkomste ingevolge hierdie Wet toelaatbaar is, geag word by die toepassing van hierdie item, vir sover bedoelde boedel geraak word, onderskeidelik bedrywighede, inkomste of aftrekkings van daardie bedoel te wees, en word die jaarlikse

Act No. 69, 1975

INCOME TAX ACT, 1975.

taxable income derived by such estate from farming shall be determined accordingly, but subject to such adjustments as the Secretary may make; or"; and

- (c) by the substitution for subparagraph (3) of the following subparagraph:

"(3) Where the taxpayer's assessment for a relevant period has in terms of section 81 (5) of this Act become final and conclusive, the Secretary shall not, merely by reason of the fact that the amount determined under subparagraph (2) (a), as the taxpayer's annual average taxable income from farming in relation to such period is incorrect, be required to make a further assessment upon the taxpayer for such period in terms of section 79 of this Act or to authorize a refund under section 102 of this Act of any tax overpaid in respect of such period, unless it appears that such annual average taxable income from farming should be increased or reduced by at least six hundred rand."

- (2) For the purposes of assessments under the principal Act—

- (a) the amendment effected by subsection (1) (b) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 30 June 1973; and
- (b) the amendment effected by subsection (1) (c) shall take effect on the date of promulgation of this Act and shall apply in respect of all years of assessment under the principal Act.

Addition of paragraph 20 to First Schedule to Act 58 of 1962.

33. (1) The following paragraph is hereby added to the First Schedule to the principal Act:

"20. (1) If any taxpayer (other than a company) who derives income from farming operations submits an application to the Secretary as provided in subparagraph (6) and proves to the satisfaction of the Secretary—

- (a) that his income was in whole or in part derived from farming operations carried on on any land acquired by the South African Bantu Trust under section 10 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936);
- (b) that in consequence of the acquisition of such land by the said Trust as aforesaid the farming undertaking on such land (hereinafter referred to as the undertaking) has been or is being wound up; and
- (c) that the taxpayer's income for any year of assessment (being the year of assessment during which the said land was acquired by the said Trust as aforesaid or the first or the second year of assessment succeeding the first-mentioned year of assessment) includes any abnormal farming receipts or accruals referred to in subparagraph (2) which relate to the aforesaid farming operations,

the normal tax chargeable in respect of the taxpayer's taxable income for such year of assessment shall, notwithstanding any other provisions of this Act to the contrary, be determined at an amount equal to the sum of—

- (i) an amount equal to nine per cent (or, in the case of a person who is not a married person, twelve per cent) of so much of the taxpayer's excess farming profits for the year of assessment (as determined in accordance with subparagraph (3) (a)), as remains after deducting any amount allowable by way of abatements under subparagraph (5) (b); and

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

gemiddelde belasbare inkomste deur die boedel uit boerdery verkry, dienoooreenkomstig vasgestel, maar onderworpe aan die aanpassings wat deur die Sekretaris gemaak word; of"; en

- (c) deur subparagraaf (3) deur die volgende subparagraaf te vervang:

„(3) Waar die belastingpligtige se aanslag vir 'n toepaslike tydperk ingevolge artikel 81 (5) van hierdie Wet finaal en afdoende geword het, word daar nie, slegs uit hoofde van die feit dat die bedrag wat as die belastingpligtige se jaarlikse gemiddelde belasbare inkomste uit boerdery ingevolge subparagraaf (2) (a) met betrekking tot bedoelde tydperk vasgestel is, verkeerd is, vereis dat die Sekretaris ingevolge artikel 79 van hierdie Wet 'n verdere aanslag vir die belastingpligtige vir bedoelde tydperk doen nie of ingevolge artikel 102 van hierdie Wet 'n terugbetaling van enige belasting wat ten opsigte van bedoelde tydperk te veel betaal is, magtig nie, tensy dit blyk dat bedoelde jaarlikse gemiddelde belasbare inkomste uit boerdery met minstens seshonderd rand vermeerder of verminder moet word.”

- (2) Vir die doeleindes van aanslag ingevolge die Hoofwet—

- (a) word die wysiging deur subartikel (1) (b) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na 30 Junie 1973 geëindig het of eindig; en
- (b) tree die wysiging deur subartikel (1) (c) aangebring in werking op die datum van afkondiging van hierdie Wet en is dit van toepassing ten opsigte van alle jare van aanslag ingevolge die Hoofwet.

33. (1) Die volgende paragraaf word hierby by die Eerste Bylae by die Hoofwet gevoeg:

Byvoeging van paragraaf 20 by Eerste Bylae by Wet 58 van 1962.

„20. (1) Indien 'n belastingpligtige (behalwe 'n maatskappy) wat inkomste uit boerderybedrywighede verkry by die Sekretaris aansoek doen volgens voorskrif van subparagraaf (6) en tot bevrediging van die Sekretaris bewys—

- (a) dat sy inkomste geheel en al of gedeeltelik verkry is uit boerderybedrywighede beoefen op grond wat deur die Suid-Afrikaanse Bantoetrust ingevolge artikel 10 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), verkry is;
- (b) dat as gevolg van die verkryging van bedoelde grond deur bedoelde Bantoetrust soos voormeld die boerderyonderneming op daardie grond (hieronder die onderneming genoem) afgewikkel is of afgewikkel word; en
- (c) dat die belastingpligtige se inkomste vir 'n jaar van aanslag (synde die jaar van aanslag waarin bedoelde grond deur bedoelde Bantoetrust soos voormeld verkry is, of die eerste of die tweede jaar van aanslag wat op eersbedoelde jaar van aanslag volg) abnormale boerdery-ontvangste of -toevallings bedoel in subparagraaf (2), wat op voormelde boerderybedrywighede betrekking het, insluit,

word, ondanks andersluidende bepalings van hierdie Wet, die normale belasting wat hefbaar is ten opsigte van die belastingpligtige se belasbare inkomste vir bedoelde jaar van aanslag, vasgestel op 'n bedrag gelyk aan die som van—

- (i) 'n bedrag gelyk aan nege persent (of, in die geval van 'n persoon wat nie 'n getroude persoon is nie, twaalf persent) van soveel van die belastingpligtige se boerdery-oorwinste vir die jaar van aanslag (soos volgens voorskrif van subparagraaf (3) (a) vasgestel), as wat oorbly na aftrekking van enige bedrag wat ingevolge subparagraaf (5) (b) by wyse van inkomstekortings toelaatbaar is; en

Act No. 69, 1975

INCOME TAX ACT, 1975.

- (ii) an amount equal to the amount of normal tax which would have been payable by the taxpayer in respect of the year of assessment if his taxable income for that year had been an amount equal to the balance of his taxable income for that year (as determined in accordance with subparagraph (4)).

(2) For the purposes of subparagraph (1) (c), the taxpayer's abnormal farming receipts or accruals for any year of assessment referred to in subparagraph (1) (c) shall be deemed to be such amounts as are proved to the satisfaction of the Secretary to consist of—

- (a) any amounts derived from disposals, in the course of the winding-up of the undertaking, of livestock normally held for the purposes of the undertaking; or
- (b) any amounts derived from the disposal of any plantation together with the land referred to in subparagraph (1) (a) or from the disposal in the course of the winding-up of the undertaking of any plantation on such land or any forest produce from such plantation.

- (3) (a) For the purposes of this paragraph the taxpayer's excess farming profits for any year of assessment referred to in subparagraph (1) (c) shall be deemed to be the sum of the taxpayer's excess livestock profits (if any) for such year, as determined under item (b), and the taxpayer's excess plantation farming profits (if any) for such year, as determined under item (g): Provided that the amount of such excess farming profits shall not be determined at an amount exceeding the amount of the taxpayer's taxable income for such year.
- (b) The taxpayer's excess livestock profits for such year shall be so much of the sum of the amounts referred to in subparagraph (2) (a) which have been derived by the taxpayer during such year as does not exceed the taxpayer's abnormal livestock profits for such year, as determined under item (c).
- (c) The taxpayer's abnormal livestock profits for such year shall be the amount by which his livestock profits for such year, as determined under item (d) or (f), exceed his average livestock profits (as determined under item (e) or (f)) for the years of assessment (but not exceeding five years of assessment) which immediately precede the said year and during which the undertaking was carried on.
- (d) For the purposes of this subparagraph, the taxpayer's livestock profits for any year of assessment shall be the amount by which the sum of the amounts included in his income from farming for such year in respect of disposals of livestock during such year and the value (as determined under this Schedule) of the livestock held and not disposed of by him at the end of such year exceeds the sum of the amounts allowed to be deducted from such income in respect of livestock acquired by him during such year and the value (as determined under this Schedule) of the livestock held and not disposed of by him at the beginning of such year, and the taxpayer's livestock loss for such year shall be determined accordingly.
- (e) The taxpayer's average livestock profits for the years of assessment referred to in item (c) shall be the sum of his livestock profits for the said years, as determined under item (d) (reduced by any livestock loss as

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (ii) 'n bedrag gelyk aan die bedrag van normale belasting wat deur die belastingpligtige ten opsigte van die jaar van aanslag betaalbaar sou gewees het indien sy belasbare inkomte vir daardie jaar 'n bedrag was gelyk aan die saldo van sy belasbare inkomte vir daardie jaar (soos volgens voorskrif van subparagraaf (4) vasgestel).
- (2) By die toepassing van subparagraaf (1) (c), word die belastingpligtige se abnormale boerdery-ontvangste of -toevallings vir 'n in subparagraaf (1) (c) bedoelde jaar van aanslag geag die bedrae te wees wat volgens bewys, tot oortuiging van die Sekretaris, bestaan uit—
 - (a) bedrae verkry uit vandiehandsettings, in die loop van die afwikkeling van die onderneming, van lewende hawe wat normaalweg vir die doeleindes van die onderneming besit is; of
 - (b) enige bedrag verkry uit die vandiehandsetting van 'n plantasie tesame met die in subparagraaf (1) (a) bedoelde grond, of uit die vandiehandsetting, in die loop van die afwikkeling van die onderneming, van 'n plantasie op bedoelde grond of bosprodukte van so 'n plantasie.
- (3) (a) By die toepassing van hierdie paragraaf, word die belastingpligtige se boerdery-oorwinste vir 'n in subparagraaf (1) (c) bedoelde jaar van aanslag geag die som te wees van die belastingpligtige se vee-oorwinste (as daar is) vir bedoelde jaar, soos volgens voorskrif van item (b) vasgestel, en die belastingpligtige se plantasioerwinste (as daar is) vir bedoelde jaar, soos volgens voorskrif van item (g) vasgestel: Met dien verstande dat bedoelde boerdery-oorwinste nie vasgestel word nie op 'n bedrag wat die belastingpligtige se belasbare inkomte vir bedoelde jaar oorskry.
- (b) Die belastingpligtige se vee-oorwinste vir bedoelde jaar is soveel van die som van die in subparagraaf (2) (a) bedoelde bedrae wat deur die belastingpligtige gedurende daardie jaar verkry is as wat die belastingpligtige se abnormale veewinste vir daardie jaar, soos volgens voorskrif van item (c) vasgestel, nie oorskry nie.
- (c) Die belastingpligtige se abnormale veewinste vir bedoelde jaar is die bedrag waarmee sy veewinste vir daardie jaar, soos volgens voorskrif van item (d) of (f) vasgestel, sy gemiddelde veewinste (soos volgens voorskrif van item (e) of (f) vasgestel) vir die jare van aanslag (maar hoogstens vyf jare van aanslag) wat bedoelde jaar onmiddellik voorafgaan en waarin die onderneming in bedryf gehou is, oorskry.
- (d) By die toepassing van hierdie subparagraaf, is die belastingpligtige se veewinste vir 'n jaar van aanslag die bedrag waarmee die som van die bedrae wat by sy inkomte uit boerdery vir daardie jaar ingesluit is ten opsigte van vandiehandsettings gedurende bedoelde jaar van lewende hawe en die waarde (soos volgens voorskrif van hierdie Bylae vasgestel) van die lewende hawe wat hy aan die end van bedoelde jaar besit en nog nie van die hand gesit het nie, die som van die bedrae wat as aftrekkings op bedoelde inkomte toegelaat is ten opsigte van lewende hawe wat hy gedurende bedoelde jaar verkry het en die waarde (soos volgens voorskrif van hierdie Bylae vasgestel) van die lewende hawe wat hy aan die begin van bedoelde jaar besit en nog nie van die hand gesit het nie, oorskry, en word die belastingpligtige se veeverliese vir bedoelde jaar dienoreenkomstig vasgestel.
- (e) Die belastingpligtige se gemiddelde veewinste vir die in item (c) bedoelde jare van aanslag is die som van sy veewinste vir bedoelde jare, soos volgens voorskrif van item (d) vasgestel (verminder met enige veeverliese

Act No. 69, 1975

INCOME TAX ACT, 1975.

determined under that item in respect of any such years), divided by the number of such years of assessment.

- (f) If by reason of disposals of livestock otherwise than in the ordinary course of farming or because of any unusual circumstances the Secretary is of opinion that the taxpayer's livestock profits or loss for any year of assessment cannot be determined in a satisfactory manner under item (d) or that the taxpayer's average livestock profits for the years of assessment referred to in item (c) cannot be determined in a satisfactory manner under item (e), the Secretary shall determine such livestock profits or loss or such average livestock profits in such other manner as he may consider appropriate.
- (g) The taxpayer's excess plantation farming profits for any year of assessment referred to in item (a) shall be so much of the sum of the amounts referred to in subparagraph (2) (b) which have been derived by the taxpayer during such year, as does not exceed the amount by which the taxpayer's taxable income (as determined under subparagraph (3) of paragraph 15 before applying paragraph (ii) of the proviso to the said subparagraph) derived during such year from the disposal of plantations and forest produce exceeds the annual average taxable income (as determined under paragraph 15 (3)) derived by him from that source over the three years of assessment immediately preceding the said year of assessment.
- (4) For the purposes of this paragraph, the balance of the taxpayer's taxable income for a year of assessment referred to in subparagraph (1) (c) shall be deemed to be the amount remaining after deducting the taxpayer's excess farming profits for that year (as determined under subparagraph (3) (a)) from the full amount of the taxpayer's taxable income for such year, as determined under this Act.
- (5) (a) The amount allowable to the taxpayer by way of abatements under the provisions of section 5A of this Act in the determination of the amount calculated under the provisions of subparagraph (1) (ii), shall be the amount which would have been allowable to the taxpayer under the said section if his taxable income for the year of assessment in question had been an amount equal to the balance of his taxable income for that year (as determined under subparagraph (4)).
- (b) The amount allowable by way of abatements against the taxpayer's excess farming profits for the said year shall be the amount which would have been allowable under the provisions of section 5A of this Act by way of abatements against the full amount of the taxpayer's taxable income for such year if the provisions of this paragraph had not been applicable, less so much of the amount allowable by way of abatements under item (a) as does not exceed the balance of the taxpayer's taxable income for the said year.
- (6) (a) Any taxpayer (other than a company) may, at his option, make written application to the Secretary for the normal tax payable by him to be determined under this paragraph.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

wat ingevolge daardie item ten opsigte van sodanige jare vasgestel is), gedeel deur die getal van bedoelde jare van aanslag.

- (f) Indien uit hoofde van vandiehandsettings van lewende hawe op 'n ander wyse as in die gewone loop van boerdery of weens buitengewone omstandighede, die Sekretaris van oordeel is dat die belastingpligtige se veewinste of veeverlies vir die een of ander jaar van aanslag nie op 'n bevredigende wyse ingevolge item (d) vasgestel kan word nie, of dat die belastingpligtige se gemiddelde veewinste vir die in item (c) bedoelde jare van aanslag nie op 'n bevredigende wyse ingevolge item (e) vasgestel kan word nie, maak die Sekretaris 'n vasstelling van bedoelde veewinste of veeverlies of van bedoelde gemiddelde veewinste op die ander wyse wat hy paslik beskou.

- (g) Die belastingpligtige se plantasieboerdery-oorwinste vir 'n jaar van aanslag in item (a) bedoel, is soveel van die som van die in subparagraaf (2) (b) bedoelde bedrae wat die belastingpligtige gedurende daardie jaar verkry het as wat nie meer is nie as die bedrag waarmee die belastingpligtige se belasbare inkomste (soos volgens voorskrif van subparagraaf (3) van paragraaf 15 vasgestel voordat paragraaf (ii) van die voorbehoudsbepaling by genoemde subparagraaf toegepas word) wat uit die vandiehandsetting van plantasies en bosprodukte gedurende bedoelde jaar verkry is, die jaarlikse gemiddelde belasbare inkomste (soos volgens voorskrif van paragraaf 15 (3) vasgestel) oorskry wat hy uit daardie bron verkry het gedurende die drie jare van aanslag wat bedoelde jaar van aanslag onmiddellik voorafgaan.

(4) By die toepassing van hierdie paragraaf, word die saldo van die belastingpligtige se belasbare inkomste vir 'n in subparagraaf (1) (c) bedoelde jaar van aanslag geag die bedrag te wees wat oorbly nadat die belastingpligtige se boerdery-oorwinste vir daardie jaar (soos volgens voorskrif van subparagraaf (3) (a) vasgestel) afgetrek is van die volle bedrag van die belastingpligtige se belasbare inkomste vir daardie jaar, soos ingevolge hierdie Wet vasgestel.

- (5) (a) Die bedrag wat ingevolge die bepalinge van artikel 5A van hierdie Wet aan die belastingpligtige by wyse van inkomstekortings toelaatbaar is by die vasstelling van die bedrag bereken ingevolge die bepalinge van subparagraaf (1) (ii), is die bedrag wat aan die belastingpligtige ingevolge bedoelde artikel toelaatbaar sou gewees het indien sy belasbare inkomste vir die betrokke jaar van aanslag 'n bedrag was gelyk aan die saldo van sy belasbare inkomste vir daardie jaar (soos volgens voorskrif van subparagraaf (4) vasgestel).

- (b) Die bedrag wat by wyse van inkomstekortings teen die belastingpligtige se boerdery-oorwinste vir bedoelde jaar toegelaat kan word, is die bedrag wat ingevolge die bepalinge van artikel 5A van hierdie Wet by wyse van inkomstekortings teen die volle bedrag van die belastingpligtige se belasbare inkomste vir bedoelde jaar toelaatbaar sou gewees het indien die bepalinge van hierdie paragraaf nie van toepassing was nie, min soveel van die bedrag wat ingevolge item (a) by wyse van inkomstekortings toelaatbaar is as wat die saldo van die belastingpligtige se belasbare inkomste vir bedoelde jaar nie oorskry nie.

- (6) (a) 'n Belastingpligtige (behalwe 'n maatskappy) kan, na sy keuse, 'n skriftelike aansoek by die Sekretaris indien vir die vasstelling ingevolge hierdie paragraaf van die normale belasting wat deur hom betaalbaar is.

Act No. 69, 1975

INCOME TAX ACT, 1975.

- (b) Any such application shall be submitted to the Secretary and shall be accompanied by a certificate by the Secretary for Bantu Administration and Development to the effect that the land in question was acquired as contemplated in subparagraph (1) (a)."

(2) The amendment effected by subsection (1) shall, for the purposes of assessments in respect of normal tax under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 30 June 1973.

Amendment of paragraph 1 of Second Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 23 of Act 90 of 1964 and section 34 of Act 88 of 1971.

34. Paragraph 1 of the Second Schedule to the principal Act is hereby amended—

- (a) by the substitution in the definition of "formula A" for the words "fifteen thousand" of the words "twenty thousand"; and
- (b) by the substitution in paragraph (b) of the definition of "formula B" for the words "thirty thousand" of the words "forty thousand".

Amendment of paragraph 5 of Second Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 21 of Act 72 of 1963, section 25 of Act 90 of 1964 and section 35 of Act 98 of 1971.

35. Paragraph 5 of the Second Schedule to the principal Act is hereby amended—

- (a) by the substitution in item (a) of subparagraph (2) for the words "six thousand" of the words "eight thousand";
- (b) by the substitution in item (b) of the said subparagraph for the expression "fifteen thousand", wherever it occurs, of the expression "twenty thousand"; and
- (c) by the substitution in item (d) of the said subparagraph for the words "thirty thousand" of the words "forty thousand".

Amendment of paragraph 20 of Fourth Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 25 of Act 72 of 1963, section 29 of Act 88 of 1965, section 47 of Act 89 of 1969, section 44 of Act 88 of 1971 and section 51 of Act 85 of 1974.

36. Paragraph 20 of the Fourth Schedule to the principal Act is hereby amended by the substitution in subparagraph (1) for the expression "item (c)", in both places where it occurs, of the expression "item (b)".

Amendment of paragraph 11 of Sixth Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972 and amended by section 34 of Act 65 of 1973 and section 65 of Act 85 of 1974.

37. (1) Paragraph 11 of the Sixth Schedule to the principal Act is hereby amended by the addition of the following subparagraph:

"(5) An insurance policy shall for the purposes of this Part be deemed to satisfy the requirements prescribed in subparagraph (1) (c), if in terms of the policy, as in force from the commencement date thereof—

- (a) the premiums payable thereunder from time to time are fixed, equal amounts which are not variable except when increased as contemplated in item (b); and
- (b) it is in effect provided that on each of a number of specified or ascertainable dates occurring at regular yearly or longer intervals (the first of such intervals commencing on the commencement date of the policy and the subsequent intervals commencing on the said

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

- (b) So 'n aansoek word by die Sekretaris ingedien en word vergesel van 'n sertifikaat deur die Sekretaris van Bantoe-administrasie en -ontwikkeling ten effekte dat die betrokke grond verkry is soos in subparagraaf (1) (a) beoog.”.

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ten opsigte van normale belasting ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 30 Junie 1973 geëindig het of eindig.

34. Paragraaf 1 van die Tweede Bylae by die Hoofwet word hierby gewysig—

- (a) deur in die omskrywing van „formule A” die woord „vyftienduisend” deur die woord „twintigduisend” te vervang; en
- (b) deur in paragraaf (b) van die omskrywing van „formule B” die woord „dertigduisend” deur die woord „veertigduisend” te vervang.

Wysiging van paragraaf 1 van Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 23 van Wet 90 van 1964 en artikel 34 van Wet 88 van 1971.

35. Paragraaf 5 van die Tweede Bylae by die Hoofwet word hierby gewysig—

- (a) deur in item (a) van subparagraaf (2) die woord „sesduisend” deur die woord „agtduisend” te vervang;
- (a) deur in item (b) van genoemde subparagraaf die woord „vyftienduisend”, waar dit ook al voorkom, deur die woord „twintigduisend” te vervang; en
- (c) deur in item (d) van genoemde subparagraaf die woord „dertigduisend” deur die woord „veertigduisend” te vervang.

Wysiging van paragraaf 5 van Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 21 van Wet 72 van 1963, artikel 25 van Wet 90 van 1964 en artikel 35 van Wet 88 van 1971.

36. Paragraaf 20 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in subparagraaf (1) die uitdrukking „item (c)”, op albei plekke waar dit voorkom, deur die uitdrukking „item (b)” te vervang.

Wysiging van paragraaf 20 van Vierde Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 25 van Wet 72 van 1963, artikel 29 van Wet 88 van 1965, artikel 47 van Wet 89 van 1969, artikel 44 van Wet 88 van 1971 en artikel 51 van Wet 85 van 1974.

37. (1) Paragraaf 11 van die Sesde Bylae by die Hoofwet word hierby gewysig deur die volgende subparagraaf by te voeg:

„(5) 'n Versekeringspolis word, by die toepassing van hierdie Deel, geag aan die vereistes in subparagraaf (1) (c) voorgeskryf, te voldoen, indien ingevolge die polis, soos van krag vanaf die aanvangsdatum daarvan—

- (a) die premies wat daarvolgens van tyd tot tyd betaalbaar is vaste, gelyke bedrae is wat nie verander kan word nie behalwe waar dit verhoog word soos in item (b) beoog; en
- (b) daar in werklikheid bepaal word dat op elk van 'n aantal aangeduide of bepaalbare datums wat met gereelde jaarlikse of langer tussenpose val (waarvan die eerste tussenpos op die aanvangsdatum van die polis begin en die daaropvolgende tussenpose op bedoelde datums

Wysiging van paragraaf 11 van Sesde Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 90 van 1972 en gewysig deur artikel 34 van Wet 65 van 1973 en artikel 65 van Wet 85 van 1974.

Act No. 69, 1975

INCOME TAX ACT, 1975.

dates) each and every premium falling due under the policy on or after such date may (by reason of an increase in the insurance benefits payable under the policy) be increased by a fixed or ascertainable amount in such manner that the total amount of the premiums payable under the policy in any period of twelve months ending after the said date does not exceed an amount equal to one hundred and fifteen per cent of the total amount of the premiums which were payable under the policy during any period of twelve months which ended during the interval which ended on the day before the said date."

(2) The amendment effected by subsection (1) shall be deemed to have taken effect on 1 May 1974.

Commencement
of certain
amendments.

38. Save in so far as is otherwise provided therein or the context otherwise indicates, the amendments effected to the principal Act by this Act, shall, for the purposes of assessments in respect of normal tax and undistributed profits tax under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ending on or after 1 January 1976.

Application
of Act in
South West
Africa.

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

Short title.

40. This Act shall be called the Income Tax Act, 1975.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

begin) elke en iedere premie wat ingevolge die polis op of na bedoelde datum verskuldig word, met 'n vaste of bepaalbare bedrag verhoog kan word (uit hoofde van 'n verhoging van die versekeringsvoordele wat ingevolge die polis betaalbaar is) op so 'n wyse dat die totaalbedrag van die premies wat ingevolge die polis betaalbaar is in enige tydperk van twaalf maande eindigende na bedoelde datum nie meer is nie as 'n bedrag gelyk aan honderd-en-vyftien persent van die totaalbedrag van die premies wat ingevolge die polis betaalbaar was in enige tydperk van twaalf maande wat geëindig het gedurende die tussenpoos wat op die dag voor bedoelde datum geëindig het."

(2) Die wysiging deur subartikel (1) aangebring, word geag op 1 Mei 1974 in werking te getree het.

38. Behalwe vir sover daarin anders bepaal word, of uit die samehang anders blyk, word die wysigings deur hierdie Wet aan die Hoofwet aangebring, vir die doeleindes van aanslae ten opsigte van normale belasting en belasting op onuitgekeerde winste ingevolge die Hoofwet, geag in werking te getree het van die begin van die jare van aanslag wat op of na 1 Januarie 1976 eindig.

Inwerkingtreding
van sekere
wysigings.

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

Toepassing
van Wet in
Suidwes-Afrika.

40. Hierdie Wet heet die Inkomstebelastingwet, 1975.

Kort titel.

Act No. 69, 1975

INCOME TAX ACT, 1975.

Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 29 FEBRUARY 1976 AND 30 JUNE 1976, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF TWELVE MONTHS ENDING 31 MARCH 1976.

(Section 1 of this Act)

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

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

Tables

Taxable Amount	Rates of tax in respect of married persons
Where the taxable amount— does not exceed R1 000	9 per cent of each R1 of the taxable amount;
exceeds R1 000 but does not exceed R2 000	R90 plus 10 per cent of the amount by which the taxable amount exceeds R1 000;
" R2 000 " " " " R3 000	R190 plus 10 per cent of the amount by which the taxable amount exceeds R2 000;
" R3 000 " " " " R4 000	R290 plus 11 per cent of the amount by which the taxable amount exceeds R3 000;
" R4 000 " " " " R5 000	R400 plus 12 per cent of the amount by which the taxable amount exceeds R4 000;
" R5 000 " " " " R6 000	R520 plus 14 per cent of the amount by which the taxable amount exceeds R5 000;
" R6 000 " " " " R7 000	R660 plus 16 per cent of the amount by which the taxable amount exceeds R6 000;
" R7 000 " " " " R8 000	R820 plus 18 per cent of the amount by which the taxable amount exceeds R7 000;
" R8 000 " " " " R9 000	R1 000 plus 20 per cent of the amount by which the taxable amount exceeds R8 000;
" R9 000 " " " " R10 000	R1 200 plus 22 per cent of the amount by which the taxable amount exceeds R9 000;
" R10 000 " " " " R11 000	R1 420 plus 24 per cent of the amount by which the taxable amount exceeds R10 000;
" R11 000 " " " " R12 000	R1 660 plus 26 per cent of the amount by which the taxable amount exceeds R11 000;
" R12 000 " " " " R13 000	R1 920 plus 28 per cent of the amount by which the taxable amount exceeds R12 000;
" R13 000 " " " " R14 000	R2 200 plus 30 per cent of the amount by which the taxable amount exceeds R13 000;

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPY TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 29 FEBRUARIE 1976 EN 30 JUNIE 1976, EN DEUR MAATSKAPPY TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN TWAALF MAANDE EINDIGENDE OP 31 MAART 1976.

(Artikel 1 van hierdie Wet)

1. Die skale van normale belasting bedoel in artikel 1 van hierdie Wet is soos volg:—

- (a) ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n bedrag van belasting wat ooreenkomstig die tabelle hieronder op die belasbare bedrag van bedoelde persoon bereken word: Met dien verstande dat—
- (i) waar, in die geval van 'n persoon (behalwe 'n natuurlike persoon wat op die laaste dag van die jaar van aanslag bo die ouderdom van sestig jaar is en wie se belasbare inkomste vir daardie jaar van aanslag vyfduisend rand nie te bowe gaan nie), die bedrag van belasting volgens bedoelde tabelle bereken nie minder as honderd-en-vyftig rand is nie, daar by die aldus berekende bedrag van belasting 'n som gevoeg word gelyk aan vyf persent van daardie bedrag;
- (ii) 'n breukdeel van 'n rand in die som ingevolge paragraaf (i) van hierdie voorbehoudsbepaling bereken, buite rekening gelaat word:

Tabelle

Belasbare Bedrag	Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag—	
R1 000 nie te bowe gaan nie	9 persent van elke R1 van die belasbare bedrag;
R 1 000 te bowe gaan, maar nie R 2 000 nie	R90 plus 10 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R 2 000 „ „ „ R 3 000 „	R190 plus 10 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R 3 000 „ „ „ R 4 000 „	R290 plus 11 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R 4 000 „ „ „ R 5 000 „	R400 plus 12 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R 5 000 „ „ „ R 6 000 „	R520 plus 14 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R 6 000 „ „ „ R 7 000 „	R660 plus 16 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R 7 000 „ „ „ R 8 000 „	R820 plus 18 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R 8 000 „ „ „ R 9 000 „	R1 000 plus 20 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R 9 000 „ „ „ R10 000 „	R1 200 plus 22 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000 „ „ „ R11 000 „	R1 420 plus 24 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000 „ „ „ R12 000 „	R1 660 plus 26 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000 „ „ „ R13 000 „	R1 920 plus 28 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000 „ „ „ R14 000 „	R2 200 plus 30 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;

Act No. 69, 1975

INCOME TAX ACT, 1975.

Taxable Amount	Rates of tax in respect of married persons
Where the taxable amount— exceeds R14 000 but does not exceed R15 000	R2 500 plus 32 per cent of the amount by which the taxable amount exceeds R14 000;
" R15 000 " " " " R16 000	R2 820 plus 34 per cent of the amount by which the taxable amount exceeds R15 000;
" R16 000 " " " " R17 000	R3 160 plus 36 per cent of the amount by which the taxable amount exceeds R16 000;
" R17 000 " " " " R18 000	R3 520 plus 38 per cent of the amount by which the taxable amount exceeds R17 000;
" R18 000 " " " " R19 000	R3 900 plus 40 per cent of the amount by which the taxable amount exceeds R18 000;
" R19 000 " " " " R20 000	R4 300 plus 42 per cent of the amount by which the taxable amount exceeds R19 000;
" R20 000 " " " " R21 000	R4 720 plus 44 per cent of the amount by which the taxable amount exceeds R20 000;
" R21 000 " " " " R22 000	R5 160 plus 46 per cent of the amount by which the taxable amount exceeds R21 000;
" R22 000 " " " " R23 000	R5 620 plus 48 per cent of the amount by which the taxable amount exceeds R22 000;
" R23 000 " " " " R24 000	R6 100 plus 50 per cent of the amount by which the taxable amount exceeds R23 000;
" R24 000 " " " " R25 000	R6 600 plus 52 per cent of the amount by which the taxable amount exceeds R24 000;
" R25 000 " " " " R26 000	R7 120 plus 54 per cent of the amount by which the taxable amount exceeds R25 000;
" R26 000 " " " " R27 000	R7 660 plus 56 per cent of the amount by which the taxable amount exceeds R26 000;
" R27 000 " " " " R28 000	R8 220 plus 58 per cent of the amount by which the taxable amount exceeds R27 000;
" R28 000	R8 800 plus 60 per cent of the amount by which the taxable amount exceeds R28 000.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

Belasbare Bedrag	Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag— R14 000 te bowe gaan, maar nie R15 000 nie	R2 500 plus 32 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000 " " " R16 000 "	R2 820 plus 34 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000 " " " R17 000 "	R3 160 plus 36 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R17 000 " " " R18 000 "	R3 520 plus 38 persent van die bedrag waarmee die belasbare bedrag R17 000 oorskry;
R18 000 " " " R19 000 "	R3 900 plus 40 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R19 000 " " " R20 000 "	R4 300 plus 42 persent van die bedrag waarmee die belasbare bedrag R19 000 oorskry;
R20 000 " " " R21 000 "	R4 720 plus 44 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R21 000 " " " R22 000 "	R5 160 plus 46 persent van die bedrag waarmee die belasbare bedrag R21 000 oorskry;
R22 000 " " " R23 000 "	R5 620 plus 48 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R23 000 " " " R24 000 "	R6 100 plus 50 persent van die bedrag waarmee die belasbare bedrag R23 000 oorskry;
R24 000 " " " R25 000 "	R6 600 plus 52 persent van die bedrag waarmee die belasbare bedrag R24 000 oorskry;
R25 000 " " " R26 000 "	R7 120 plus 54 persent van die bedrag waarmee die belasbare bedrag R25 000 oorskry;
R26 000 " " " R27 000 "	R7 660 plus 56 persent van die bedrag waarmee die belasbare bedrag R26 000 oorskry;
R27 000 " " " R28 000 "	R8 220 plus 58 persent van die bedrag waarmee die belasbare bedrag R27 000 oorskry;
R28 000 te bowe gaan	R8 800 plus 60 persent van die bedrag waarmee die belasbare bedrag R28 000 oorskry.

Act No. 69, 1975

INCOME TAX ACT, 1975.

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

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

Belasbare Bedrag	Skale van belasting ten opsigte van persone wat nie getroude persone is nie
Waar die belasbare bedrag—	
R 1 000 nie te bowe gaan nie	12 persent van elke R1 van die belasbare bedrag;
R 1 000 te bowe gaan, maar nie R 2 000 nie	R120 plus 12 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R 2 000 " " " R 3 000 "	R240 plus 13 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R 3 000 " " " R 4 000 "	R370 plus 14 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R 4 000 " " " R 5 000 "	R510 plus 17 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R 5 000 " " " R 6 000 "	R680 plus 20 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R 6 000 " " " R 7 000 "	R880 plus 23 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R 7 000 " " " R 8 000 "	R1 110 plus 26 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R 8 000 " " " R 9 000 "	R1 370 plus 28 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R 9 000 " " " R10 000 "	R1 650 plus 30 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000 " " " R11 000 "	R1 950 plus 32 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000 " " " R12 000 "	R2 270 plus 34 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000 " " " R13 000 "	R2 610 plus 36 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000 " " " R14 000 "	R2 970 plus 38 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;
R14 000 " " " R15 000 "	R3 350 plus 40 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000 " " " R16 000 "	R3 750 plus 42 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000 " " " R17 000 "	R4 170 plus 44 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R17 000 " " " R18 000 "	R4 610 plus 46 persent van die bedrag waarmee die belasbare bedrag R17 000 oorskry;
R18 000 " " " R19 000 "	R5 070 plus 48 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;

Act No. 69, 1975

INCOME TAX ACT, 1975.

Taxable Amount	Rates of tax in respect of persons who are not married persons
Where the taxable amount—	
exceeds R19 000 but does not exceed R20 000	R5 550 plus 50 per cent of the amount by which the taxable amount exceeds R19 000;
„ R20 000 „ „ „ „ R21 000	R6 050 plus 52 per cent of the amount by which the taxable amount exceeds R20 000;
„ R21 000 „ „ „ „ R22 000	R6 570 plus 54 per cent of the amount by which the taxable amount exceeds R21 000;
„ R22 000 „ „ „ „ R23 000	R7 110 plus 56 per cent of the amount by which the taxable amount exceeds R22 000;
„ R23 000 „ „ „ „ R24 000	R7 670 plus 58 per cent of the amount by which the taxable amount exceeds R23 000;
„ R24 000	R8 250 plus 60 per cent of the amount by which the taxable amount exceeds R24 000.

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

- (i) within the territory of South West Africa, thirty-five cents;

- (ii) elsewhere than within the said territory, forty cents:

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

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

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

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

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

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

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

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

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

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

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

Belasbare Bedrag	Skale van belasting ten opsigte van persone wat nie getroude persone is nie
Waar die belasbare bedrag—	
R19 000 te bowe gaan, maar nie R20 000 nie	R5 550 plus 50 persent van die bedrag waarmee die belasbare bedrag R19 000 oorskry;
R20 000 „ „ „ R21 000 „	R6 050 plus 52 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R21 000 „ „ „ R22 000 „	R6 570 plus 54 persent van die bedrag waarmee die belasbare bedrag R21 000 oorskry;
R22 000 „ „ „ R23 000 „	R7 110 plus 56 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R23 000 „ „ „ R24 000 „	R7 670 plus 58 persent van die bedrag waarmee die belasbare bedrag R23 000 oorskry;
R24 000 te bowe gaan	R8 250 plus 60 persent van die bedrag waarmee die belasbare bedrag R24 000 oorskry.

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

(i) in die gebied Suidwes-Afrika, vyf-en-dertig sent:

(ii) elders as in bedoelde gebied, veertig sent:

Met dien verstande dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepaling van hierdie subparagraaf 'n som gevoeg word gelyk aan twee-en-'n-half persent van bedoelde bedrag;

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

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

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

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

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

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

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

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

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

Act No. 69, 1975

INCOME TAX ACT, 1975.

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

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

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

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

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

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

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

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Secretary determines to be attributable to the inclusion in its gross income of any amount under the provisions of paragraph (j) of the definition of "gross income" in section 1 of the principal Act, a rate equal to the average rate of normal tax or thirty-five cents, whichever is the higher;
- (f) on each rand of the taxable income derived by any company from mining for diamonds, forty-five cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a sum equal to ten per cent of such amount;
- (g) on each rand of the taxable income derived by any company from mining operations (other than mining for gold, diamonds or natural oil)—
- (i) within the territory of South West Africa, thirty-five cents;
 - (ii) elsewhere than within the said territory, forty cents:
- Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a sum equal to two and a half per cent of such amount;
- (h) in respect of the taxable income of any company, a sum equal to five per cent of the aggregate of the amounts of tax determined under subparagraphs (b), (c), (d), (f) and (g), before the addition of the sums referred to in the proviso to subparagraph (b), the third proviso to subparagraph (c), the second proviso to subparagraph (d), the proviso to subparagraph (f) and the proviso to subparagraph (g): Provided that any fraction of a rand of the tax calculated under this subparagraph shall be disregarded: Provided further that the tax calculated in terms of this subparagraph shall not be payable by any company whose liability under this subparagraph would, but for this proviso, be less than five rand.

2. (1) For the purposes of paragraph 1 income derived from mining for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of the mining for gold, and any income which, in the opinion of the Secretary, results directly from mining for gold.

(2) For the purposes of subparagraph (e) of paragraph 1 the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with the said subparagraph for the period assessed) paid by the company concerned in respect of its aggregate taxable income from gold mining for the period from 1 July 1916 to the end of the period assessed, by the number of rand contained in the said aggregate taxable income.

(3) The tax payable in accordance with any of the subparagraphs of paragraph 1 shall be payable in addition to the tax determined in accordance with any other of the said subparagraphs.

3. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the principal Act, bears the meaning so assigned thereto.

INKOMSTEBELASTINGWET, 1975.

Wet No. 69, 1975

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

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

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

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

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

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

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

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en die vasstelling van die belasbare inkomste van wie vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag ingevolge die bepalings van paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of vyf-en-dertig sent, watter ook al die hoogste is;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van diamante verkry word, vyf-en-veertig sent: Met dien verstande dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepalings van hierdie subparagraaf 'n som gevoeg word gelyk aan tien persent van bedoelde bedrag;
- (g) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit mynwerksaamhede (behalwe die myn van goud, diamante of aardolie)—
 (i) in die gebied Suidwes-Afrika, vyf-en-dertig sent;
 (ii) elders as in bedoelde gebied, veertig sent:
 Met dien verstande dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepalings van hierdie subparagraaf 'n som gevoeg word gelyk aan twee-en-'n-half persent van bedoelde bedrag;
- (h) ten opsigte van die belasbare inkomste van 'n maatskappy, 'n som gelyk aan vyf persent van die totaal van die bedrae van belasting wat ingevolge subparagraawe (b), (c), (d), (f) en (g) vasgestel is voor die byvoeging van die somme bedoel in die voorbehoudsbepaling by subparagraaf (b), die derde voorbehoudsbepaling by subparagraaf (c), die tweede voorbehoudsbepaling by subparagraaf (d), die voorbehoudsbepaling by subparagraaf (f) en die voorbehoudsbepaling by subparagraaf (g): Met dien verstande dat 'n breukdeel van 'n rand in die belasting ingevolge hierdie subparagraaf bereken, buite rekening gelaat word: Met dien verstande voorts dat die belasting ingevolge hierdie subparagraaf bereken, nie betaalbaar is nie deur 'n maatskappy wie se aanspreeklikheid ingevolge hierdie subparagraaf, by ontstentenis van hierdie voorbehoudsbepaling, minder as vyf rand sou wees.

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

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

(3) Die belasting ooreenkomstig enige van die subparagraawe van paragraaf 1 vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van genoemde subparagraawe vasgestel.

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

