



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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[No. 6569

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1532.

13 Julie 1979.

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

No. 104 van 1979: Inkomstebelastingwet, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 1532.

13 July 1979.

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

No. 104 of 1979: Income Tax Act, 1979.

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INCOME TAX ACT, 1979.

GENERAL EXPLANATORY NOTE:**[]**

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

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 1980 and 30 June 1980, and by companies in respect of taxable incomes for years of assessment ending during the period of twelve months ending on 31 March 1980; to provide for the repayment to taxpayers concerned of a certain portion of normal tax paid; to amend the Income Tax Act, 1962; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 2 July 1979.)*

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 1980 or 30 June 1980; and
 - (b) the taxable income of any company determined under the principal Act to have been derived elsewhere than in the territory of South West Africa for any year of assessment ending during the period of twelve months ending on 31 March 1980,
 shall be as set forth in the Schedule to this Act.

Certain portion of normal tax repayable to taxpayers.

2. The portion of the normal tax determined in accordance with the provisions of paragraph 1 (h) or (i) 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

3. (1) Section 1 of the principal Act is hereby amended—
 - (a) by the substitution in the definition of “dependant” for the expression “one hundred rand”, wherever it occurs, of the expression “R200”;
 - (b) by the addition at the end of paragraph (b) of the definition of “married person” of the word “or” and by the addition to the said definition of the following paragraph:

“(c) any person who is in respect of such period entitled to any abatement under section 5A (3) (a) in respect of a child who is proved to the satisfaction of the Secretary to have been maintained by him during such period wholly or mainly from his own resources derived otherwise than by way of any

ALGEMENE VERDUIDELIKENDE NOTA:

I **I** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

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 1980 en 30 Junie 1980, en deur maatskappye ten opsigte van belasbare inkomstes vir jare van aanslag wat eindig gedurende die tydperk van twaalf maande eindigende op 31 Maart 1980; om voorsiening te maak vir die terugbetaling aan betrokke belastingpligtiges van 'n sekere gedeelte van normale belasting betaal; om die Inkomstebelastingwet, 1962, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1979.)

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 5
5 (2) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962),
hieronder the Hoofwet genoem, gehef moet word ten opsigte
van—
 - (a) die belasbare inkomste van 'n ander persoon as 'n
10 maatskappy vir die jaar van aanslag eindigende op 29
Februarie 1980 of 30 Junie 1980; en
 - (b) die belasbare inkomste van 'n maatskappy wat volgens
15 'n vasstelling ingevolge die Hoofwet elders as in die
gebied Suidwes-Afrika verkry is, vir 'n jaar van aanslag
wat eindig gedurende die tydperk van twaalf maande
eindigende op 31 Maart 1980,
is soos uiteengesit in die Bylae by hierdie Wet.
2. Die gedeelte van die normale belasting wat ooreenkomstig 20
die bepalings van paragraaf 1 (h) of (i) van die Bylae by hierdie
Wet vasgestel is, is 'n leningsgedeelte van daardie belasting. 20
3. (1) Artikel 1 van die Hoofwet word hierby gewysig—
 - (a) deur in die omskrywing van „afhanklike” die uitdruk-
king „honderd rand”, waar dit ook al voorkom, deur die
uitdrukking „R200” te vervang;
 - (b) deur die omskrywing van „bepaalde tydperk” deur die
25 volgende omskrywing te vervang:
„bepaalde tydperk” met betrekking tot 'n jaar van
aanslag van 'n maatskappy wat op of na 1 April
1977 begin het of begin—
 - (a) waar daardie jaar van aanslag die eerste
30 boekjaar van daardie maatskappy is, die tyd-
perk beginnende op die eerste dag van daardie
jaar en eindigende ses maande na die bepaalde
datum ten opsigte van daardie jaar; en

Skale van normale belasting.

Sekere gedeelte van normale belasting is terugbetaalbaar aan belastingpligtiges.

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

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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,
section 4 of
Act 85 of 1974,
section 4 of
Act 69 of 1975,
section 4 of
Act 103 of 1976,
section 4 of
Act 113 of 1977
and section 3 of
Act 101 of 1978.

alimony or allowance or maintenance received from the other parent of such child, and who is not a child in respect of whose maintenance his taxable income has been reduced in terms of section 21;";

- (c) by the substitution for the words preceding the proviso to the definition of "pension fund" of the following words:

"'pension fund' means a superannuation, pension, provident, widows' or orphans fund or pension scheme established by law or any such fund established for the benefit of the employees of any local authority, and any fund (other than a retirement annuity fund) not so established which is approved by the Secretary in respect of the year of assessment in question;";

- (d) by the insertion after the definition of "retirement annuity fund" of the following definition:

"'retirement-funding employment' means—

- (a) in relation to any employee or the holder of an office (including a member of a body of persons whether or not established by or in terms of any law), the employment of such employee or the holding of such office, as the case may be, if—

- (i) in the case of such employee, he derives in respect of such employment any income constituting remuneration as defined in paragraph 1 of Schedule 4 (but leaving out of account the provisions of paragraph (iv) of that definition) and is a member of or, as an employee, contributes to a pension fund or provident fund established for the benefit of employees of the employer from whom such income is derived; or

- (ii) in the case of such holder of an office, he derives in respect of his office any income by way of salary, emoluments, fees or other remuneration and is, as respects such office, a member of or contributes to a pension fund or provident fund established—

(aa) by law or for the benefit of holders of offices; or

(bb) for the benefit of employees of the person from whom such income is derived; or

- (b) in relation to any member of a partnership who has retained his membership of a pension fund as contemplated in paragraph (b) (v) of the proviso to the definition of 'pension fund' in section 1, his membership of the partnership, as respects that part of his income from the partnership in the form of his share of profits as does not exceed the amount of his pensionable emoluments contemplated in the said paragraph (b) (v);"; and

- (e) by the substitution for the definition of "specified period" of the following definition:

"'specified period', in relation to a year of assessment of any company commencing on or after 1 April 1977, means—

- (a) where such year of assessment is the first financial year of such company, the period

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(b) waar daardie jaar van aanslag 'n daaropvolgende boekjaar van daardie maatskappy is, die tydperk beginnende die dag na die einde van die bepaalde tydperk ten opsigte van die onmiddellik voorafgaande jaar van aanslag en eindigende ses maande na die bepaalde datum ten opsigte van die betrokke jaar van aanslag: Met dien verstande dat waar as gevolg van die amalgamasie ingevolge artikel 94 van die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), van twee of meer landboukoöperasies (soos omskryf in artikel 27 (9) van hierdie Wet), die bate en laste van bedoelde koöperasies op 'n nuwe landboukoöperasie (soos aldus omskryf) oorgegaan het, kan die Sekretaris, met inagneming van die omstandighede van die geval, gelas dat die bepaalde tydperk van elk van die koöperasies wat aldus geamalgameer het, soos van toepassing op die finale jaar van aanslag van die betrokke koöperasie, verleng word om op 'n datum te eindig wat die Sekretaris bepaal;";

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,
artikel 4 van
Wet 85 van 1974,
artikel 4 van
Wet 69 van 1975,
artikel 4 van
Wet 103 van 1976,
artikel 4 van
Wet 113 van 1977 en
artikel 3 van
Wet 101 van 1978.

(c) deur die woord „of” aan die einde van paragraaf (b) van die omskrywing van „getroude persoon” by te voeg en deur die volgende paragraaf by genoemde omskrywing by te voeg:

„(c) iemand wat ten opsigte van bedoelde tydperk ingevolge artikel 5A (3) (a) op 'n inkomstekorting geregtig is ten opsigte van 'n kind wat, na tot bevrediging van die Sekretaris bewys word, gedurende dié tydperk geheel en al of hoofsaaklik deur hom onderhou is uit sy eie middele wat op 'n ander wyse verkry is as by wyse van onderhoud of toelae van die ander ouer van dié kind ontvang, en wat nie 'n kind is ten opsigte van wie se onderhoud sy belasbare inkomste ingevolge artikel 21 verminder is nie;”;

(d) deur die woorde wat die voorbehoudsbepaling by die omskrywing van „pensioenfonds” voorafgaan, deur die volgende woorde te vervang:

„„pensioenfonds” 'n ouderdomsvoorsorgs-, pensioen-, voorsorgs-, weduwees- of wesefonds of pensioenskema by wet ingestel of so 'n fonds ten voordele van werknemers van 'n plaaslike bestuur ingestel ek ook 'n fonds (behalwe 'n uittredingannuïteitsfonds) wat nie aldus ingestel is nie en deur die Sekretaris ten opsigte van die betrokke jaar van aanslag goedgekeur word;” en

(e) deur na die omskrywing van „uittredingannuïteitsfonds” die volgende omskrywing in te voeg:

„„uittredingfunderingsdiens” met betrekking tot—

(a) 'n werknemer of die bekleder van 'n amp (met inbegrip van 'n lid van 'n liggaam van persone, hetsy by of ingevolge 'n wet ingestel of nie,) die diens van bedoelde werknemer of die bekleding van bedoelde amp, al na die geval, indien—

(i) in die geval van bedoelde werknemer, hy ten opsigte van bedoelde diens enige inkomste verkry wat besoldiging uitmaak soos omskryf in paragraaf 1 van Bylae 4 (maar sonder om rekening te hou met die bepaling van paragraaf (iv) van bedoelde omskrywing) en 'n lid is van, of as 'n werknemer bydra tot, 'n pensioenfonds of voorsorgsfonds ingestel ten voordele van werknemers van die werkgewer van wie bedoelde inkomste verkry is; of

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commencing on the first day of such year and ending six months after the specified date in respect of such year; and

- (b) where such year of assessment is a subsequent financial year of such company, the period 5
commencing the day after the end of the specified period in respect of the immediately preceding year of assessment and ending six months after the specified date in respect of the year of assessment in question: 10

Provided that where by reason of the amalgamation under section 94 of the Co-operative Societies Act, 1939 (Act No. 29 of 1939), of two or more agricultural co-operatives (as defined in section 27 (9) of this Act), the assets and liabilities of such 15
co-operatives have vested in a new agricultural co-operative (as so defined), the Secretary may, having regard to the circumstances of the case, direct that the specified period of each of the co-operatives which have so amalgamated, as 20
applicable in relation to the final year of assessment of the co-operative in question be extended so as to end on such day as the Secretary may determine;".

(2) The amendment effected by subsection (1) (e) shall, for the purposes of assessments made upon co-operative societies and 25
companies and their members under the principal Act, be deemed to have taken effect from the commencement of years of assessment commencing on or after 1 April 1977.

Amendment of
section 4 of
Act 58 of 1962,
as amended by
section 6 of
Act 55 of 1966.

4. Section 4 of the principal Act is hereby amended by the substitution for the provisos to subsection (1) of the following 30
proviso:

"Provided that—

- (a) any information obtained by the Secretary in the performance of his duties under the provisions of this Act or any previous Income Tax Act may be used by 35
him for the purposes of the provisions of any other fiscal law administered by him; **Provided further that**
(b) the **Controller and** Auditor-General shall in the performance of his duties in terms of section **[11 (1)]** 40
42 (1) of the Exchequer and Audit Act, **[1956] 1975** (Act No. **[23] 66** of **[1956] 1975**), have access to documents in the possession or custody of the Secretary."

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,
section 5 of
Act 69 of 1975
and section 6 of
Act 113 of 1977.

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

- (a) by the substitution in subsection (2) (a) for the 45
expression "one thousand two hundred rand" of the expression "R1 500";
(b) by the substitution in subsection (2) (b) for the expression "seven hundred rand" of the expression 50
"R1 000";
(c) by the substitution in subsection (3) (a) for the expression "five hundred rand" of the expression "R600";
(d) by the substitution in paragraph (aa) of the proviso to subsection (3) (a) for the expression "six hundred rand" 55
of the expression "R700";
(e) by the deletion of paragraph (dd) of the said proviso;
(f) by the substitution in subsection (3) (d) for the words following subparagraph (iv) and preceding the provisos 60
of the following words:

"but subject to a maximum abatement under this paragraph of **[one thousand rand] R1 200** where the taxpayer is a married person or is entitled to **[the further abatement referred to in paragraph (dd) of the proviso to paragraph (a) 65**
or] an abatement under paragraph (f), or **[seven**

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- (ii) in die geval van bedoelde ampsbekleder, hy ten opsigte van sy amp enige inkomste verkry by wyse van salaris, vergoeding, gelde of enige ander besoldiging en, met betrekking tot bedoelde amp, 'n lid is van of bydra tot 'n pensioenfonds of voorsorgsfonds ingestel—
- (aa) by wet of ten voordele van bekleders van ampte; of
- (bb) ten voordele van werknemers van die persoon van wie bedoelde inkomste verkry is; of
- (b) met betrekking tot 'n lid van 'n vennootskap wat sy lidmaatskap van 'n pensioenfonds behou het soos beoog in paragraaf (b) (v) van die voorbehoudsbepaling by die omskrywing van 'pensioenfonds' in artikel 1, sy lidmaatskap van die vennootskap, met betrekking tot daardie gedeelte van sy inkomste uit die vennootskap in die vorm van sy winsgedeelte as wat die bedrag van sy pensioengewende besoldiging in bedoelde paragraaf (b) (v) beoog, nie te bowe gaan nie.”

(2) Die wysiging deur subartikel (1) (b) aangebring, word, vir die doeleindes van aanslae gehef op koöperatiewe verenigings en maatskappye en hul lede ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 April 1977 begin het of begin.

4. Artikel 4 van die Hoofwet word hierby gewysig deur die voorbehoudsbepalings by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat—

- (a) inligting deur die Sekretaris by die vervulling van sy pligte ingevolge die bepaling van hierdie Wet of 'n vorige Inkomstebelastingwet bekom, deur hom gebruik kan word vir die doeleindes van die bepaling van ander belastingwette wat deur hom uitgevoer word; **[Met dien verstande voorts dat]**
- (b) die **[Kontroleur en]** Ouditeur-generaal by die uitvoering van sy pligte ingevolge artikel **[11 (1)]** 42 (1) van die Skatkis- en Ouditwet, **[1956]** 1975 (Wet No. **[23]** 66 van **[1956]** 1975), tot dokumente in die besit of bewaring van die Sekretaris toegang het.”

Wysiging van artikel 4 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 55 van 1966.

5. Artikel 5A van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) (a) die uitdrukking „eenduisend tweehonderd rand” deur die uitdrukking „R1 500” te vervang;
- (b) deur in subartikel (2) (b) die uitdrukking „sewehonderd rand” deur die uitdrukking „R1 000” te vervang;
- (c) deur in subartikel (3) (a) die uitdrukking „vyfhonderd rand” deur die uitdrukking „R600” te vervang;
- (d) deur in paragraaf (aa) van die voorbehoudsbepaling by subartikel (3) (a) die uitdrukking „seshonderd rand” deur die uitdrukking „R700” te vervang;
- (e) deur paragraaf (dd) van genoemde voorbehoudsbepaling te skrap;
- (f) deur in subartikel (3) (d) die woorde wat op subparagraaf (iv) volg en wat die voorbehoudsbepalings voorafgaan deur die volgende woorde te vervang:
- „maar onderworpe aan 'n maksimum inkomstekorting ingevolge hierdie paragraaf van **[eenduisend rand]** R1 200 waar die belastingpligtige 'n getroude persoon is of geregtig is op **[die verdere inkomstekorting bedoel in paragraaf (dd) van die voorbehoudsbepaling by paragraaf (a) of]** 'n inkomstekorting ingevolge paragraaf (f), of

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, artikel 5 van Wet 69 van 1975 en artikel 6 van Wet 113 van 1977.

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hundred and fifty rand] R950 in any other case;";

- (g) by the substitution in subsection (3) (e) for the expression "one hundred rand" of the expression "R200";
- (h) by the substitution in subsection (3) (f) for the expression "two hundred and fifty rand", wherever it occurs, of the expression "R350";
- (i) by the substitution in subsection (3) (g) for the expression "seven hundred rand", wherever it occurs, of the expression "R1 000";
- (j) by the substitution in subsection (5) for the expression "two rand", wherever it occurs, of the expression "one rand".

Insertion of section 6quin in Act 58 of 1962.

6. (1) The following section is hereby inserted in the principal Act after section 6quat:

6quin. (1) In respect of the years of assessment mentioned in paragraphs (a), (b), (c) and (d) of subsection (2), there shall be deducted from the normal tax (as calculated before the addition of any sum which in terms of any Income Tax Act is a loan portion of such tax) payable by any person (other than a company) who—

- (a) was ordinarily resident in the port or settlement of Walvis Bay for a period of not less than 183 days in the aggregate during the year of assessment; and
- (b) was so ordinarily resident on the last day of such year of assessment,

an amount (to be known as the Walvis Bay rebate) determined in accordance with the provisions of subsection (2).

(2) The Walvis Bay rebate shall be determined on the amount by which the normal tax (calculated as aforesaid) payable by the person referred to in subsection (1) exceeds the normal tax which was payable in respect of an equivalent taxable income by any person (other than a company) ordinarily resident in the port or settlement of Walvis Bay for the year of assessment ended 28 February 1977, and shall be—

- (a) in respect of the year of assessment ended 28 February 1978, an amount equal to 100 per cent of such excess;
- (b) in respect of the year of assessment ended 28 February 1979, an amount equal to 75 per cent of such excess;
- (c) in respect of the year of assessment ending 29 February 1980, an amount equal to 50 per cent of such excess;
- (d) in respect of the year of assessment ending 28 February 1981, an amount equal to 25 per cent of such excess."

(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 28 February 1978.

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,

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

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

"(ii) so much of the interest on Post Office Savings Bank Certificates held by any one person as does not exceed **[the sum of eight hundred rand] the interest which would be derived in the year of assessment on an amount of R10 000 invested in such certificates;**"
- (b) by the deletion of subparagraph (vi) of the said paragraph (i);

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[sewehonderd-en-vyftig rand] R950 in enige ander geval.”;

- (g) deur in subartikel (3) (e) die uitdrukking „honderd rand” deur die uitdrukking „R200” te vervang;
- 5 (h) deur in subartikel (3) (f) die uitdrukking „tweehonderd-en-vyftig rand”, waar dit ook al voorkom, deur die uitdrukking „R350” te vervang;
- (i) deur in subartikel (3) (g) die uitdrukking „sewehonderd rand”, waar dit ook al voorkom, deur die uitdrukking „R1 000” te vervang;
- 10 (j) deur in subartikel (5) die uitdrukking „twee rand”, waar dit ook al voorkom, deur die uitdrukking „’n rand” te vervang.

6. (1) Die volgende artikel word hierby in die Hoofwet na 15 artikel 6 *quat* ingevoeg:

Invoeging van artikel 6*quin* in Wet 58 van 1962.

- „Korting ten opsigte van normale belasting betaalbaar deur persone (behalwe maatskappye) wat gewoonlik in die hawe of nedersetting Walvisbaai woonagtig is.
- 20 **6quin.** (1) Ten opsigte van die jare van aanslag in paragrafe (a), (b), (c) en (d) van subartikel (2) gemeld, word daar van die normale belasting (soos bereken voor byvoeging van enige som wat ingevolge ’n Inkomstebelastingwet ’n leningsgedeelte van bedoelde belasting is) betaalbaar deur enige persoon (behalwe ’n maatskappy) wat—
- (a) vir ’n tydperk van altesaam minstens 183 dae gedurende die jaar van aanslag gewoonlik in die hawe of nedersetting Walvisbaai woonagtig was; en
- 25 (b) op die laaste dag van dié jaar van aanslag aldus gewoonlik woonagtig was,
- afgetrek ’n bedrag (die Walvisbaaikorting genoem) bereken ooreenkomstig die bepalinge van subartikel (2).
- (2) Die Walvisbaaikorting word bereken op die bedrag waarby die normale belasting (bereken soos voormeld) betaalbaar deur dié persoon in subartikel (1) gemeld, die normale belasting oorskry wat ten opsigte van ’n gelykstaande belasbare inkomste deur ’n persoon (behalwe ’n maatskappy) wat gewoonlik in die hawe of nedersetting Walvisbaai woonagtig was, vir die jaar van aanslag geëindig op 28 Februarie 1977 betaalbaar was, en is—
- 30 (a) ten opsigte van die jaar van aanslag geëindig op 28 Februarie 1978, ’n bedrag gelykstaande met 100 persent van bedoelde oorskot;
- 35 (b) ten opsigte van die jaar van aanslag geëindig op 28 Februarie 1979, ’n bedrag gelykstaande met 75 persent van bedoelde oorskot;
- 40 (c) ten opsigte van die jaar van aanslag eindigende op 29 Februarie 1980, ’n bedrag gelykstaande met 50 persent van bedoelde oorskot;
- 45 (d) ten opsigte van die jaar van aanslag eindigende op 28 Februarie 1981, ’n bedrag gelykstaande met 25 persent van bedoelde oorskot.”

(2) Die wysiging deur subartikel (1) aangebring, word vir die doeleindes van aanslae ingevolge die Hoofwet geag in werking te 55 getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1978 geëindig het of eindig.

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

- (a) deur subparagraaf (ii) van paragraaf (i) van subartikel (1) deur die volgende subparagraaf te vervang:
- 60 „(ii) soveel van die rente op Posspaarbanksertifikate deur ’n enkele persoon besit as wat die **[bedrag van agthonderd rand]** rente wat in die jaar van aanslag op ’n belegging van R10 000 in sodanige sertifikate verkry kan word, nie te bowe gaan nie;”;
- 65 (b) deur subparagraaf (vi) van genoemde paragraaf (i) te skrap;

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,

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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 7 of
Act 90 of 1972,
section 7 of
Act 65 of 1973,
section 10 of
Act 85 of 1974,
section 8 of
Act 69 of 1975,
section 9 of
Act 103 of 1976,
section 8 of
Act 113 of 1977
and section 4 of
Act 101 of 1978.

- (c) by the deletion of subparagraph (xi) of the said paragraph (i);
- (d) by the deletion of subparagraph (xiB) of the said paragraph (i);
- (e) by the insertion after subparagraph (xiD) of the said paragraph (i) of the following subparagraph: 5
 “(xiDA) so much of the interest on Republic of South Africa
7 per cent Treasury Bonds as in the case of any
taxpayer is derived in respect of that portion of the
total amount invested in such bonds which is equal 10
to the amount of R40 000 less the total amount
invested in 8 per cent Treasury Bonds;”;
- (f) by the substitution for subparagraph (xiii) of the said paragraph (i) of the following subparagraph: 15
 “(xiii) in the case of a taxpayer who is a natural person, so
 much of the aggregate of the amounts received or
 accrued as dividends on Special Tax-Free Indefinite
 Period shares in building societies as does not
exceed eight hundred rand in any year of
 assessment exceed— 20
 (aa) in the case of such shares as were applied for
 on or before 30 September 1978, R800;
 (bb) in the case of such shares as were or are
 applied for after 30 September 1978, so much 25
 of the dividends on such shares as are derived
 in respect of that portion of the total amount
 invested in such shares which is equal to the
 amount of R10 000 less the total amount
 invested in such shares as were applied for on
 or before 30 September 1978; 30
 Provided that this exemption shall not apply—
 (aa) in respect of any such dividend the rate of
 which exceeds—
 (i) in the case of such shares applied for on
or before 30 September 1978, 8 per cent 35
per annum; or
 (ii) in the case of such shares applied for
after 30 September 1978, 7 per cent per
annum; or
 (bb) in respect of any such dividend which 40
 becomes payable by a building society after
 the expiration of a period of five years
 reckoned from the date of the application to
 the building society concerned for the shares
 on which such dividend is payable; or 45
 (cc) in respect of any dividend on any such shares
 for which application is made to a building
 society on or after a date notified by the
 Minister of Finance in the *Gazette*;”;
- (g) by the addition to paragraph (t) of subsection (1) of the 50
 following subparagraph:
 “(ix) of the South African Special Risks Insurance
 Association (Incorporated Association not for
 Gain), a company registered under the Companies
 Act, 1973 (Act No. 61 of 1973), on 25 January 55
1979.”;
- (h) by the substitution in subsection (1) (x) for the
 expression “twelve thousand rand” of the expression
 “R15 000”.

(2) The amendments effected by subsections (1) (e) and (g) 60
 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 1 January 1979.

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- (c) deur subparagraaf (xi) van genoemde paragraaf (i) te skrap;
- (d) deur subparagraaf (xiB) van genoemde paragraaf (i) te skrap;
- 5 (e) deur die volgende subparagraaf na subparagraaf (xiD) van genoemde paragraaf (i) in te voeg:
 „(xiDA) soveel van die rente op Republiek van Suid-Afrika 7 persent-Tesourie-obligasies as wat in die geval van 'n belastingpligtige verkry is ten opsigte van die gedeelte van die totale bedrag belê in bedoelde obligasies wat gelyk is aan die bedrag van R40 000 min die totale bedrag belê in 8 persent-Tesourie-obligasies;”;
- 10 (f) deur subparagraaf (xiii) van genoemde paragraaf (i) deur die volgende subparagraaf te vervang:
 „(xiii) in die geval van 'n belastingpligtige wat 'n natuurlike persoon is, soveel van die totaal van die bedrae ontvang of toegeval as dividende op Spesiale Belastingvrye Onbepaalde Termynaande in bouverenigings as wat in die jaar van aanslag **lagthonderd rand nie te bowe gaan nie** nie meer is nie as—
- 15 (aa) in die geval van bedoelde aandeel waarom aansoek gedoen is op of voor 30 September 1978, R800;
- 25 (bb) in die geval van bedoelde aandeel waarom aansoek gedoen is of word na 30 September 1978, soveel van die dividende op bedoelde aandeel as wat verkry word ten opsigte van die gedeelte van die totale bedrag in bedoelde aandeel belê wat gelyk is aan die bedrag van R10 000 min die totale bedrag in bedoelde aandeel belê waarom aansoek gedoen is voor of op 30 September 1978;
- 30 Met dien verstande dat hierdie vrystelling nie van toepassing is nie—
- 35 (aa) ten opsigte van 'n bedoelde dividend waarvan die koers—
- 40 (i) in die geval van bedoelde aandeel waarom aansoek gedoen is op of voor 30 September 1978, 8 persent per jaar te bowe gaan; of
- 45 (ii) in die geval van bedoelde aandeel waarom aansoek gedoen is na 30 September 1978, 7 persent per jaar te bowe gaan; of
- 50 (bb) ten opsigte van 'n bedoelde dividend wat deur 'n bouvereniging betaalbaar word na die verstryking van 'n tydperk van vyf jaar, gereken vanaf die datum waarop daar by die betrokke bouvereniging aansoek gedoen is om die aandeel waarop daardie dividend betaalbaar is; of
- 55 (cc) ten opsigte van 'n dividend op bedoelde aandeel waarom aansoek by 'n bouvereniging gedoen is op of na 'n datum wat deur die Minister van Finansies in die *Staatskoerant* aangekondig word;”;
- 60 (g) deur die volgende subparagraaf by paragraaf (t) van subartikel (1) by te voeg:
 „(ix) van die Suid-Afrikaanse Versekeringsvereniging vir Spesiale Risiko's (Ingelyfde Vereniging sonder Winsoogmerk), 'n maatskappy wat op 25 Januarie 1979 ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), geregistreer is;”;
- 65 (h) deur in subartikel (1) (x) die uitdrukking „twaalfduisend rand” deur die uitdrukking „R15 000” te vervang.
- (2) Die wysigings deur subartikel (1) (e) en (g) aangebring, word vir die doeleindes van aanslae ingevolge die Hoofwet geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1979 geëindig het of eindig.

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 7 van
Wet 90 van 1972,
artikel 7 van
Wet 65 van 1973,
artikel 10 van
Wet 85 van 1974,
artikel 8 van
Wet 69 van 1975,
artikel 9 van
Wet 103 van 1976,
artikel 8 van
Wet 113 van 1977
en artikel 4 van
Wet 101 van 1978.

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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,
section 12 of
Act 85 of 1974,
section 11 of
Act 69 of 1975,
section 9 of
Act 113 of 1977
and section 5 of
Act 101 of 1978.

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

(a) by the substitution for the proviso to subparagraph (i) of paragraph (k) of the following proviso:

“Provided that the total deduction to be allowed in respect of contributions by such person to any pension fund or funds not established by law or for the benefit of employees of a local authority shall not in the year of assessment exceed **[the sum of one thousand seven hundred and fifty rand]** the greater of R1 750 or 7,5 per cent of the remuneration (being the income or part thereof referred to in the definition of ‘retirement-funding employment’ in section 1) derived by such person during such year in respect of his retirement-funding employment;”;

(b) by the substitution for paragraph (l) of the following paragraph:

“(l) any sum contributed by **[the taxpayer]** an employer during the year of assessment for the benefit of his employees to any pension fund, provident fund or benefit fund: Provided that—

(i) in respect of any lump sum contribution, the Secretary may determine that the said sum shall be deducted in a series of annual instalments, so that only a portion thereof is deducted in the year of assessment in which it is contributed, and the residue in such subsequent years of assessment and in such proportions as the Secretary may determine, until the contribution is extinguished;

(ii) if the contributions (including any lump sum payments) made by the **[taxpayer]** employer in respect of any employee during any year of assessment to such funds exceed an amount equal to ten per cent of the approved remuneration of such employee for such year of assessment, and the Secretary is satisfied that the aggregate of such contributions and the total remuneration accrued during such year of assessment to such employee in respect of his employment by the **[taxpayer]** employer is excessive or unjustifiable in relation to the value of the services rendered by such employee to the **[taxpayer]** employer, and having regard to other benefits, if any, derived by him from his employment by the **[taxpayer]** employer, only so much of such contributions as appears to the Secretary to be reasonable, but not less than an amount equal to ten per cent of the approved remuneration of such employee for such year of assessment, shall be allowed to be deducted under this paragraph;

(iii) **[and]** for the purposes of paragraph (ii) of this proviso ‘approved remuneration’, in relation to any employee for any year of assessment, means so much of the total remuneration accrued to such employee during such year of assessment in respect of his employment by the **[taxpayer]** employer concerned

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

- (a) deur die voorbehoudsbepaling by subparagraaf (i) van paragraaf (k) deur die volgende voorbehoudsbepaling te vervang:

5 „Met dien verstande dat die totale aftrekking toegestaan ten opsigte van bydraes deur so iemand tot enige pensioenfonds of -fondse wat nie by wet of ten voordele van werknemers van 'n plaaslike bestuur ingestel is nie, in die jaar van aanslag **[die bedrag van eenduisend sewehonderd-en-vyftig rand]** die grootste van R1 750 of 7,5 persent van die besoldiging (synde die inkomste of gedeelte daarvan bedoel in die omskrywing van „uittreding-funderingsdiens” in artikel 1) deur so iemand ten opsigte van sy uittredingfunderingsdiens in dié jaar verkry, nie te bowe gaan nie;”;

- (b) deur paragraaf (l) deur die volgende paragraaf te vervang:

20 „(l) 'n som deur **[die belastingpligtige]** 'n werkge-
wer gedurende die jaar van aanslag ten bate van sy werknemers tot 'n pensioenfonds, voorsorgsfonds of bystandsfonds bygedra: Met dien verstande dat—

25 (i) die Sekretaris ten opsigte van 'n bydrae in 'n enkele bedrag kan bepaal dat bedoelde bedrag by wyse van 'n reeks jaarlikse paaielemente afgetrek word, sodat slegs 'n gedeelte daarvan afgetrek word in die jaar van aanslag waarin dit bygedra word, en die oorskot in dié daaropvolgende jare van aanslag en in dié verhoudings wat die Sekretaris bepaal, totdat die bydrae uitgewis is;

30 (ii) indien die bydraes (met inbegrip van enkel-bedragbetalings) wat deur die **[belastingpligtige]** werkge-
35 wer gedurende 'n jaar van aanslag tot bedoelde fondse gemaak is, 'n bedrag gelyk aan tien persent van die goedgekeurde besoldiging van so 'n werknemer vir bedoelde jaar van aanslag te bowe gaan, en die Sekretaris oortuig is dat die som van bedoelde bydraes en die totaalbedrag van die besoldiging wat gedurende bedoelde jaar van aanslag aan so 'n werknemer ten opsigte van sy diens by bedoelde werkge-
40 wer toegeval het, buitensporig of ongeregtvaardig is in verhouding tot die waarde van die dienste deur so 'n werknemer aan die **[belastingpligtige]** werkge-
45 wer gelewer en met inagneming van ander voordele, as daar is, wat hy ten opsigte van sy diens by die **[belastingpligtige]** werkge-
50 wer verkry het, slegs soveel van bedoelde bydraes as wat vir die Sekretaris redelik blyk, maar minstens 'n bedrag gelyk aan tien persent van die goedgekeurde besoldiging van die betrokke werknemer vir bedoelde jaar van aanslag, toegelaat word om ingevolge hierdie paragraaf afgetrek te word;

55 (iii) **[en]** by die toepassing van paragraaf (ii) van hierdie voorbehoudsbepaling **[beteken]**
60 „goedgekeurde besoldiging”, met betrekking tot 'n werknemer vir 'n jaar van aanslag, **[beteken]** soveel van die totaalbedrag van die besoldiging wat gedurende bedoelde jaar van aanslag ten opsigte van sy diens by die betrokke **[belastingpligtige]** werkge-
65 wer aan hom toegeval het, as wat die Sekretaris billik

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, artikel 12 van Wet 85 van 1974, artikel 11 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977 en artikel 5 van Wet 101 van 1978.

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as the Secretary considers to be fair and reasonable in relation to the value of the services rendered by such employee during such year of assessment to the **["taxpayer"]** employer and having regard to other benefits, 5
if any, derived by him from his employment by the **["taxpayer"]** employer;

- (iv) where any contributions are made to any such fund by the members of a partnership in their capacity as employers, the references in paragraph (ii) of this proviso to an employer shall be construed as applying to the partnership as though its members were one person; 10
- (v) the references in this paragraph to employees or any employee shall, where the employer is a partnership and contributions are made by the employer to a pension fund, be construed as including references to any member of such partnership who was previously an employee in the undertaking carried on by the partnership and who has been permitted to retain his membership of such pension fund as contemplated in paragraph (b) (v) of the definition of 'pension fund' in section 1, and, for the purposes of paragraphs (ii) and (iii) of this proviso 'approved remuneration', in relation to such member, shall be construed as including the amount of his pensionable emoluments referred to in the said paragraph (b) (v); 15 20 25

[(iii)] (vi) any decision of the Secretary under this paragraph, not being a decision under paragraph (i) of this proviso, shall be subject to objection and appeal;"; 30

(c) by the substitution for subparagraph (aa) of paragraph (n) of the following subparagraph: 35

“(aa) so much of the total current contributions to any retirement annuity fund or funds made by any **["person"]** taxpayer as a member of such fund or funds during a year of assessment during which **["such person"]** the taxpayer 40
has carried on any trade as does not in the year of assessment exceed **["three thousand five hundred rand"]** in the case of the taxpayer **["or, where the taxpayer is entitled to a deduction under paragraph (k) (i), the amount by which the amount of the deduction under the said paragraph is less than three thousand five hundred rand"]** the greatest of— 45

- (A) 15 per cent of an amount equal to the amount remaining after deducting from the income derived by the taxpayer from trade during the year of assessment (excluding income derived from any retirement-funding employment (being the income or part thereof referred to in the definition of retirement-funding employment in section 1)) the deductions admissible against such income under this Act, excluding this paragraph, section 17A of this Act and paragraph 12 (1) (c) to (j), inclusive, of the First Schedule; 50 55 60
- (B) the amount, if any, by which the amount of R3 500 exceeds the amount of any

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en redelik ag in verhouding tot die waarde van die dienste wat deur bedoelde werknemer gedurende bedoelde jaar van aanslag aan die **【belastingpligtige】** werkgewer gelewer is en met inagneming van ander voordele, as daar is, wat hy ten opsigte van sy diens by die **【belastingpligtige】** werkgewer ontvang het;

(iv) waar enige bydraes aan 'n bedoelde fonds deur

die lede van 'n vennootskap in hul hoedanigheid as werkgewers gemaak word, die verwysings in paragraaf (ii) van hierdie voorbehoudsbepaling na 'n werkgewer só uitgelê word dat dit op die vennootskap van toepassing is asof sy lede een persoon was;

(v) die verwysings in hierdie paragraaf na werknemers of 'n werknemer, waar die werkgewer 'n vennootskap is en bydraes deur die werkgewer aan 'n pensioenfonds gemaak word, uitgelê word asof dit ook verwysings is na 'n lid van bedoelde vennootskap wat voorheen 'n werknemer was in die onderneming wat deur die vennootskap bedryf word, en wat toegelaat is om sy lidmaatskap van bedoelde pensioenfonds te behou soos in paragraaf (b) (v) van die omskrywing van 'pensioenfonds' in artikel 1 beoog, en, by die toepassing van paragrafe (ii) en (iii) van hierdie voorbehoudsbepaling, 'goedgekeurde besoldiging', met betrekking tot daardie lid, uitgelê word asof dit die bedrag van sy pensioengewende besoldiging bedoel in genoemde paragraaf (b) (v), insluit;

【(iii)】 (vi) 'n beslissing van die Sekretaris ingevolge hierdie paragraaf, behalwe 'n beslissing kragtens paragraaf (i) van hierdie voorbehoudsbepaling, aan beswaar en appèl onderhewig is;";

(c) deur subparagraaf (aa) van paragraaf (n) deur die volgende subparagraaf te vervang:

„(aa) soveel van die totale lopende bydraes aan enige uittredingannuïteitsfonds of -fondse wat deur **【iemand】** 'n belastingpligtige as 'n lid van daardie fonds of fondse gemaak word gedurende 'n jaar van aanslag waarin **【so iemand】** die belastingpligtige 'n bedryf beoefen het, as wat nie in die jaar van aanslag meer bedra nie **【as drieduisend vyfhonderd rand】** in die geval van die belastingpligtige **【of, waar die belastingpligtige op 'n aftrekking ingevolge paragraaf (k) (i) geregtig is, die bedrag waarmee die aftrekking ingevolge daardie paragraaf minder is as drieduisend vyfhonderd rand】** as die grootste van—

(A) 15 persent van 'n bedrag gelykstaande met die bedrag wat oorbly na aftrekking van die bedryfsinkomste deur die belastingpligtige gedurende die jaar van aanslag verkry (uitgesonderd inkomste verkry uit enige uittredingfunderingsdiens (synde die inkomste of gedeelte daarvan bedoel in die omskrywing van 'uittredingfunderingsdiens' in artikel 1)) van die aftrekkings wat teen daardie inkomste ingevolge hierdie Wet (behalwe hierdie paragraaf, artikel 17A van hierdie Wet en paragraaf 12 (1) (c) tot en met (j) van die Eerste Bylae) toelaatbaar is; of

(B) die bedrag, as daar is, waarby die bedrag van R3 500 die bedrag van 'n aftrekking

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deduction to which the taxpayer is entitled under paragraph (k) (i) in respect of the said year; or

(C) the amount of R1 750:

Provided that—

(i) where any person has become a member of a retirement annuity fund before the date of commencement of the Income Tax Act, 1968, such person's contributions to such fund during the year of assessment shall qualify for deduction under this paragraph in the same manner as the aforesaid contributions if the Secretary is satisfied that the contributions would, in accordance with the general practice prevailing immediately prior to the said date, have qualified for deduction under this **[paragraph]** subparagraph before the amendment thereof by the said Act;

(ii) no deduction shall be made under this subparagraph in respect of any amount paid into a retirement annuity fund for the benefit of a member of such fund where such amount is a lump sum benefit derived by the member from a pension fund, a provident fund or a retirement annuity fund and that amount has under the provisions of paragraph 6 (a), (b) or (c) of the Second Schedule qualified for deduction from any amount to be included in the member's gross income;

[(ii)] (iii) the deductions under the foregoing provisions of this subparagraph shall not exceed an amount equal to the amount remaining after deducting from the income derived by the taxpayer from trade during the year of assessment the deductions admissible against such income under this Act, excluding this **[paragraph]** subparagraph, section 17A of this Act and paragraph 12 (1) (c) to (j), inclusive, of the First Schedule;

[(iii)] (iv) **[any amount disallowed as a deduction solely under proviso (ii)]** any current contributions (excluding any amount referred to in paragraph (ii) of this proviso) to any retirement annuity fund or funds which are made by such person as a member of such fund or funds during a year of assessment during which he has carried on any trade and do not qualify for deduction from his income for that year shall be carried forward and, except to the extent that such contributions have been accounted for under paragraph (d) of the definition of 'formula B' in paragraph 1 of the Second Schedule or the first proviso to paragraph 6 of that Schedule, be deemed for the purposes of this paragraph to be current contributions made to the fund or funds in question during the next succeeding year of assessment;"

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waarop die belastingpligtige ingevolge paragraaf (k) (i) ten opsigte van bedoelde jaar geregtig is, te bowe gaan; of

(C) die bedrag van R1 750:

Met dien verstande dat—

(i) waar 'n persoon voor die datum van inwerkingtreding van die Inkomstebelastingwet, 1968, 'n lid van 'n uittreding-anuïteitsfonds geword het, daardie persoon se bydraes aan daardie fonds gedurende die jaar van aanslag vir aftrekking ingevolge hierdie paragraaf in aanmerking kom op dieselfde manier as voormelde bydraes, indien die Sekretaris oortuig is dat, volgens die algemene gebruik wat onmiddellik voor gemelde datum geheers het, die bydraes ingevolge hierdie **[paragraaf]** subparagraaf, voordat dit deur genoemde Wet gewysig is, vir aftrekking in aanmerking sou gekom het;

(ii) geen vermindering ingevolge hierdie subparagraaf toegestaan word nie ten opsigte van 'n bedrag wat in 'n uittreding-anuïteitsfonds betaal word vir die voordeel van 'n lid van bedoelde fonds waar bedoelde bedrag 'n enkelbedragvoordeel is wat deur die lid verkry is van 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds en daardie bedrag ingevolge die bepalinge van paragraaf 6 (a), (b) of (c) van die Tweede Bylae in aanmerking gekom het vir aftrekking van 'n bedrag wat by die lid se bruto inkomste ingesluit staan te word;

[(ii)] (iii) die aftrekkings ingevolge die voorgaande bepalinge van hierdie subparagraaf nie meer bedra nie as 'n bedrag gelyk aan die bedrag wat oorbly na aftrekking van die bedryfsinkomste deur die belastingpligtige gedurende die jaar van aanslag verkry, van die aftrekkings wat teen daardie inkomste ingevolge hierdie Wet (behalwe hierdie **[paragraaf]** subparagraaf, artikel 17A van hierdie Wet en paragraaf 12 (1) (c) tot en met (j) van die Eerste Bylae) toelaatbaar is;

[(iii)] (iv) [enige bedrag wat slegs ingevolge voorbehoudsbepaling (ii) as 'n aftrekking - verwerp word] enige lopende bydraes (uitgesonderd 'n bedrag bedoel in paragraaf (ii) van hierdie voorbehoudsbepaling) aan 'n uittredingannuïteitsfonds of -fondse wat deur so iemand gemaak word as 'n lid van bedoelde fonds of fondse gedurende 'n jaar van aanslag waarin hy enige bedryf beoefen het en wat nie in aanmerking kom vir aftrekking van sy inkomste vir bedoelde jaar nie, oorgedra word en, behalwe in soverre bedoelde bydraes ingevolge paragraaf (d) van die omskrywing van 'formule B' in paragraaf 1 van die Tweede Bylae of die eerste voorbehoudsbepaling by paragraaf 6 van dié Bylae in rekening geneem is, by die toepassing van hierdie paragraaf geag word lopende bydraes te wees wat gedurende die daaropvolgende jaar van aanslag aan die betrokke fonds of fondse gemaak is;”.

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(2) The amendment effected by subsection (1) (b) 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 28 February 1979.

Substitution of section 11sept of Act 58 of 1962, as inserted by section 14 of Act 85 of 1974 and amended by section 11 of Act 103 of 1976 and section 12 of Act 113 of 1977.

9. (1) The following section is hereby substituted for section 5 11sept of the principal Act:

“Employees training allowance. **11sept.** (1) For the purposes of this section—

(a) in relation to any Black, an employee as defined in section 1 of the Black Employees' In-Service Training Act, 1976 (Act No. 86 of 1976); 10

(b) in relation to any person other than a Black, an employee as defined in section 1 of the In-Service Training Act, 1979;

‘registrar’ means the Registrar of Training Schemes appointed under section 6 of the In-Service Training Act, 1979; 15

‘training premises’ means any building or other premises used wholly or mainly for the purposes of any training centre or scheme; 20

‘training centre or scheme’ means a centre or scheme for the training of **[Black workers]** employees which is established, approved or recognized under the Black Employees' In-Service Training Act, 1976 (Act No. 86 of 25 1976), or the In-Service Training Act, 1979, or is deemed to have been established, approved or recognized under the provisions of **[that]** the former Act, provided—

(a) the training provided in such centre or under 30 such scheme has been approved by the Secretary for **[Black]** Education and Training or the registrar for the purposes of this section; and

(b) such centre or scheme has not, as it 35 concerns the taxpayer, ceased to be a training centre or scheme, as contemplated in subsection (2).

(2) For the purposes of this section, where the Secretary for **[Black]** Education and Training or the registrar has, by way of a written notification addressed to the administrator, manager or controller of a training centre or scheme or to the employer concerned, notified such person that the training provided in such centre or under such scheme is no 45 longer approved as contemplated in paragraph (a) of the definition of ‘training centre or scheme’ in subsection (1), or where, under the provisions of the Black Employees' In-Service Training Act, 1976, or the In-Service Training Act, 1979, any training centre 50 has been closed or the approval or recognition of any training centre or scheme has been withdrawn, the training centre or scheme in question shall, as it concerns any taxpayer, be deemed to have ceased to be a training centre or scheme as from the beginning 55 of the first year of assessment of the taxpayer succeeding the year of assessment of the taxpayer during which the said notification was issued or such training centre was closed or the approval or recogni-

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(2) Die wysiging deur subartikel (1) (b) aangebring, word vir die doeleindes van aanslae ingevolge die Hoofwet geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1979 geëindig het of eindig.

5 9. (1) Artikel 11sept van die Hoofwet word hierby deur die volgende artikel vervang:

„Werknemers-
opleidingver-
mindering.

11sept. (1) By die toepassing van hierdie artikel, beteken—

Vervanging van
artikel 11sept van
Wet 58 van 1962,
soos ingevoeg deur
artikel 14 van
Wet 85 van 1974
en gewysig deur
artikel 11 van
Wet 103 van 1976
en artikel 12 van
Wet 113 van 1977.

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,opleidingsentrum of -skema' 'n sentrum of skema vir die opleiding van **[Swart werkers]** werknemers wat ingevolge die Wet op Indiensopleiding van Swart Werknemers, 1976 (Wet No. 86 van 1976), of die Wet op Indiensopleiding, 1979, ingestel, goedgekeur of erken is of geag word ingevolge 'n bepaling van **[daardie]** eersgenoemde Wet ingestel, goedgekeur of erken te wees, mits—

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(a) die opleiding wat in bedoelde sentrum of ingevolge bedoelde skema voorsien word deur die Sekretaris van **[Swart]** Onderwys en Opleiding of die registrateur vir die doeleindes van hierdie artikel goedgekeur is; en

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(b) bedoelde sentrum of skema nie soos dit die belastingpligtige raak, opgehou het om 'n opleidingsentrum of -skema te wees nie, soos in subartikel (2) beoog;

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,opleidingsperseel' 'n gebou of ander perseel wat geheel en al of hoofsaaklik vir die doeleindes van 'n opleidingsentrum of -skema gebruik word;

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,registrateur' die Registrateur van Opleidingskemas wat kragtens artikel 6 van die Wet op Indiensopleiding, 1979, aangestel is;

35

,werknemer'—

(a) met betrekking tot 'n Swarte, 'n werknemer soos omskryf in artikel 1 van die Wet op Indiensopleiding van Swart Werknemers, 1976 (Wet No. 86 van 1976);

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(b) met betrekking tot 'n persoon behalwe 'n Swarte, 'n werknemer soos omskryf in artikel 1 van die Wet op Indiensopleiding, 1979.

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(2) By die toepassing van hierdie artikel, waar die Sekretaris van **[Swart]** Onderwys en Opleiding of die registrateur by wyse van 'n skriftelike kennisgewing gerig aan die administrateur, bestuurder of

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beheerder van 'n opleidingsentrum of -skema of aan die betrokke werkgewer, daardie persoon in kennis gestel het dat die opleiding wat in bedoelde sentrum of ingevolge bedoelde skema voorsien word nie meer goedgekeur word soos in paragraaf (a) van die omskrywing van ,opleidingsentrum of -skema' in

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subartikel (1) beoog nie, of waar, ingevolge die bepalings van die Wet op Indiensopleiding van Swart Werkers, 1976, of die Wet op Indiensopleiding, 1979,

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'n opleidingsentrum gesluit is of die goedkeuring of erkenning van 'n opleidingsentrum of -skema ingetrek is, word die betrokke opleidingsentrum of -skema, soos dit 'n belastingpligtige raak, geag op te gehou

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het om 'n opleidingsentrum of -skema te wees met ingang van die begin van die eerste jaar van aanslag van die belastingpligtige wat volg op die jaar van aanslag van die belastingpligtige waarin bedoelde kennisgewing uitgereik is of bedoelde opleidingsentrum gesluit is of die goedkeuring of erkenning van

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tion of such training centre or scheme was withdrawn, as the case may be.

(3) If any taxpayer in the course of any trade (other than mining) carried on by him in the Republic has during any year of assessment incurred training expenses, determined as provided in subsections (5), (6) and (7), in respect of **Black workers** employees employed by him for the purposes of the said trade, there shall be allowed as a deduction from his income for that year of assessment an allowance (to be known as the **Black workers** employees training allowance) the amount of which shall, subject to the provisions of subsection (4), be a sum equal to one hundred per cent of such training expenses.

(4) Where the aforesaid training expenses in whole or in part consist of an amount, determined to the satisfaction of the Secretary, which represents training expenses incurred in respect of **Black workers** employees employed by the taxpayer for the purposes of any trade carried on by him in an economic development area and in the course of which a process of manufacture, or any other process which in the opinion of the Secretary is of a similar nature, is carried on, the **Black workers** employees training allowance in respect of the said amount shall, if the Minister of Finance, having regard to the circumstances of the case, so directs, be calculated at such percentage exceeding one hundred per cent, but not exceeding one hundred and twenty-five per cent, of the said amount as the said Minister may direct.

(5) For the purposes of this section the training expenses incurred by a taxpayer in the course of any trade (other than mining) shall, subject to the provisions of subsections (6) and (7), be determined as the sum of so much of the amounts which have been allowed under section 11 to be deducted from the income derived by him from carrying on that trade during the relevant year of assessment as the Secretary is satisfied relates to the training of **Black workers** employees employed by the taxpayer for the purposes of such trade and consist of—

- (a) the remuneration of instructional, supervisory and clerical personnel in respect of the services of such personnel which are directly connected with the operation of a training centre or scheme, including so much of the contributions made by the taxpayer to any benefit fund, pension fund or provident fund, as relate to such personnel and would, if treated as remuneration, relate to the said services;
- (b) the remuneration of **Black** trainees in respect of training periods under a training centre or scheme, less so much of such remuneration as may, on the basis of a fair and reasonable apportionment, be regarded as having been incurred in respect of productive work done by such trainees during the training periods in question;
- (c) expenditure in respect of training premises or equipment used wholly or mainly for the purposes of a training centre or scheme, including—

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bedoelde opleidingsentrum of -skema ingetrek is, na gelang van die geval.

(3) Indien 'n belastingpligtige in die loop van 'n bedryf (behalwe mynbou) wat deur hom in die Republiek beoefen word, opleidingskoste (soos volgens voorskrif van subartikels (5), (6) en (7) vasgestel) gedurende 'n jaar van aanslag aangegaan het ten opsigte van **Swart werkers** werknemers wat hy vir die doeleindes van bedoelde bedryf geëmplojeer het, word daar as 'n aftrekking op sy inkomste yir daardie jaar van aanslag 'n vermindering (die **Swart werkersopleidingvermindering**) werknemersopleidingvermindering genoem) toegelaat waarvan die bedrag (behoudens die bepaling van subartikel (4)) 'n som is gelyk aan honderd persent van daardie opleidingskoste.

(4) Waar voormelde opleidingskoste geheel en al of gedeeltelik bestaan uit 'n bedrag (tot bevrediging van die Sekretaris vasgestel) wat opleidingskoste voorstel wat aangegaan is ten opsigte van **Swart werkers** werknemers wat die belastingpligtige geëmplojeer het vir die doeleindes van 'n bedryf deur hom in 'n ekonomiese ontwikkelingsgebied beoefen en in die loop waarvan 'n vervaardigingsproses of 'n ander proses wat volgens die Sekretaris se oordeel van dergelike aard is, uitgevoer word, word, indien die Minister van Finansies, met inagneming van die omstandighede van die geval, aldus gelas, die **Swart werkersopleidingvermindering** werknemersopleidingvermindering ten opsigte van bedoelde bedrag bereken teen die persentasie (wat hoër as honderd persent, maar hoogstens honderd vyf-en-twintig persent, van bedoelde bedrag is) wat genoemde Minister gelas.

(5) By die toepassing van hierdie artikel word, behoudens die bepaling van subartikels (6) en (7), die opleidingskoste wat 'n belastingpligtige in die loop van 'n bedryf (behalwe mynbou) aangaan, vasgestel as die som van soveel van die bedrae wat ingevolge artikel 11 toegelaat is as 'n aftrekking op die inkomste wat deur hom verkry is uit die beoefening van bedoelde bedryf gedurende die betrokke jaar van aanslag as wat, volgens die oortuiging van die Sekretaris, betrekking het op die opleiding van **Swart werkers** werknemers wat die belastingpligtige vir die doeleindes van bedoelde bedryf geëmplojeer het en bestaan uit—

(a) die besoldiging van onderrigs-, toesighoudende en klerklike personeel ten opsigte van die dienste van daardie personeel wat regstreeks in verband staan met die uitvoering van 'n opleidingsentrum of -skema, met inbegrip van soveel van die bydraes deur die belastingpligtige gemaak aan 'n bystandsfonds, pensioenfonds of voorsorgsfonds as wat op bedoelde personeel betrekking het en, indien dit as besoldiging behandel was, betrekking op bedoelde dienste sou hê;

(b) die besoldiging van **Swart** kwekelinge ten opsigte van opleidingstydperke ingevolge 'n opleidingsentrum of -skema, min soveel van daardie besoldiging as wat op die grondslag van 'n billike en redelike toedeling beskou kan word as aangegaan te gewees het ten opsigte van produktiewe werk wat deur daardie kwekelinge verrig is gedurende die betrokke opleidingstydperke;

(c) onkoste ten opsigte van 'n opleidingsperseel of toerusting geheel en al of hoofsaaklik gebruik vir die doeleindes van 'n opleidingsentrum of -skema, met inbegrip van—

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- (i) rent for such premises or equipment;
- (ii) maintenance costs and the cost of repairs;
- (iii) property rates levied by a municipality or a similar authority;
- (iv) insurance of such premises or equipment; 5
- (v) interest on any loan incurred in order to finance the cost of acquisition, erection, construction of or of any extension or addition to such premises or equipment;
- (d) any allowance granted under section 11 (e) in 10 respect of equipment wholly or mainly used for the purposes of a training centre or scheme;
- (e) the cost of materials, fuel or power consumed for the purposes of a training scheme, less so much of such cost as may, on the basis of a fair and 15 reasonable apportionment, be regarded as having been incurred in respect of materials, fuel or power consumed in respect of productive work done by the trainees in such centre or under such scheme; 20
- (f) travelling expenses incurred in the operation of a training centre or scheme;
- (g) fees paid in respect of the training of **[Black]** trainees at or under a training centre or scheme not operated by the taxpayer or the tuition of 25 instructors employed for the purposes of a training centre or scheme;
- (h) expenditure of any other nature directly incurred in the operation of a training centre or scheme.

(6) Where any amounts which have been included 30 in training expenses incurred by any taxpayer (as determined under subsection (5) in respect of the current or any previous year of assessment) are recovered or recouped by the taxpayer, the training expenses incurred by the taxpayer (as determined 35 under the said subsection) during the year of assessment of the taxpayer during which the said amounts are so recovered or recouped shall be reduced by so much of those amounts as does not exceed such last-mentioned training expenses, and the amount of 40 such reduction shall not be included in the taxpayer's income under the provisions of section 8 (4) as a recovery or recoupment of an amount allowed as a deduction under this section: Provided that where any subsidy is payable to the taxpayer in respect of 45 remuneration referred to in paragraph (a) of subsection (5), such subsidy shall for the purposes of this section be deemed to be an amount recovered or recouped by the taxpayer during the year of assessment of the taxpayer in respect of which the said 50 remuneration was taken into account under the said paragraph.

(7) In the case of a training centre or scheme established, approved or recognized under the Black Employees' In-Service Training Act, 1976, the train- 55 ing expenses determined under subsection (5) shall be restricted to such expenditure as is incurred on or after 1 April 1974 and to so much of any allowance referred to in paragraph (d) of the said subsection as relates to any period commencing on or after the said 60 date.

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- (i) huurgeld vir bedoelde perseel of toerusting;
(ii) instandhoudingskoste en die koste van herstelwerk;
5 (iii) eiendomsbelastings hef deur 'n munisipaliteit of 'n dergelike bestuur;
(iv) versekering van bedoelde perseel of toerusting;
(v) rente op 'n lening aangegaan ten einde die koste van verkryging, oprigting, bou of
10 uitbreiding van of toevoeging tot bedoelde perseel of toerusting te finansier;
- (d) 'n vermindering toegestaan ingevolge artikel 11
(e) ten opsigte van toerusting wat geheel en al of hoofsaaklik vir die doeleindes van 'n opleidings-
15 sentrum of -skema gebruik word;
- (e) die koste van stowwe, brandstof of krag verbruik vir die doeleindes van 'n opleidingskema, min soveel van daardie koste as wat, op die grondslag van 'n billike en redelike toedeling, beskou kan
20 word as aangegaan te gewees het ten opsigte van stowwe, brandstof of krag verbruik ten opsigte van produktiewe werk wat verrig is deur die kwekelinge in bedoelde sentrum of ingevolge bedoelde skema;
- (f) reiskoste aangegaan in die bedryf van 'n opleidingsentrum of -skema;
- (g) gelde betaal ten opsigte van die opleiding van
25 **[Swart]** kwekelinge by of ingevolge 'n opleidingsentrum of -skema wat nie deur die belastingpligtige bedryf word nie of die onderrig van onderrigters wat vir die doeleindes van 'n opleidingsentrum of -skema geëmplojeer word;
- (h) onkoste van 'n ander aard regstreeks aangegaan in die bedryf van 'n opleidingsentrum of -skema.
- (6) Waar bedrae wat ingesluit is by opleidingskoste deur 'n belastingpligtige aangegaan (soos volgens subartikel (5) vasgestel ten opsigte van die lopende of 'n vorige jaar van aanslag), deur die belastingpligtige verhaal of aan hom vergoed is, word die opleidings-
40 koste deur die belastingpligtige aangegaan (soos volgens bedoelde subartikel vasgestel) gedurende die jaar van aanslag van die belastingpligtige waarin bedoelde bedrae aldus verhaal of vergoed is, verminder met soveel van daardie bedrae as wat nie meer is nie as laasgenoemde opleidingskoste, en word die bedrag van sodanige vermindering nie ingevolge die bepalings van artikel 8 (4) by die belastingpligtige se inkomste as 'n verhalings of vergoeding van 'n bedrag wat ingevolge hierdie artikel as 'n aftrekking toegelaat is, ingesluit nie: Met dien verstande dat waar 'n subsidie betaalbaar is aan die belastingpligtige ten opsigte van besoldiging bedoel in paragraaf (a) van subartikel (5), daardie subsidie by die toepassing van hierdie artikel geag word 'n bedrag te wees wat die belastingpligtige verhaal het of wat aan hom vergoed is gedurende die jaar van aanslag van die belastingpligtige ten opsigte waarvan bedoelde besoldiging ingevolge genoemde paragraaf in berekening gebring is.
- (7) In die geval van 'n opleidingsentrum of -skema
60 ingestel, goedgekeur of erken ingevolge die Wet op Indiensopleiding van Swart Werknemers, 1976, word die opleidingskoste wat ingevolge subartikel (5) vasgestel word, **[word]** beperk tot sodanige onkoste as wat op of na 1 April 1974 aangegaan word en tot soveel van 'n vermindering bedoel in paragraaf (d) van genoemde subartikel as wat betrekking het op 'n tydperk wat begin op of na bedoelde datum.
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(8) In the case of a training centre or scheme established, approved or recognized under the In-Service Training Act, 1979, the training expenses determined under subsection (5) shall be restricted to such expenditure as is incurred on or after the date on which that Act comes into operation and to so much of any allowance referred to in paragraph (d) of the said subsection as relates to any period commencing on or after the said date. 5

[(8)] (9) Any decision of the Secretary in the exercise of any discretionary power conferred on him by this section shall be subject to objection and appeal.”

(2) In so far as section 11 *sept* of the principal Act is amended by the replacement thereof by subsection (1) of this section, the said subsection (1) shall, for the purposes of assessments under the principal Act, take effect in respect of years of assessment ending on or after the date on which the In-Service Training Act, 1979, comes into operation. 15

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, section 11 of Act 90 of 1972, section 12 of Act 65 of 1973, section 15 of Act 85 of 1974, section 11 of Act 69 of 1975, section 13 of Act 113 of 1977 and section 6 of Act 101 of 1978.

10. Section 12 of the principal Act is hereby amended— 20
(a) by the addition to subsection (1) of the following proviso:

“Provided that no deduction shall be allowed under this subsection in respect of any machinery or plant contained in or forming part of any ship which is for the purposes of section 14 a South African ship which is used by the taxpayer for the purposes contemplated in subsection (1) (b) of that section, if the cost of such machinery or plant has been included in the adjustable cost of such ship as defined in subsection (2) of that section;” and 25

(b) by the substitution in paragraph (b) of subsection (2) for the words preceding the proviso of the following words:
“(b) was or is first let by any taxpayer on or after 17 August 1966 and on or before 30 June 1979 and is on or before the latter date brought into use by the lessee for the purposes of the lessee’s trade (other than mining or farming) and is used by the lessee directly in a process of manufacture carried on by him or any other process carried on by him which in the opinion of the Secretary is of a similar nature:” 30 40

Amendment of section 14 of Act 58 of 1962, as substituted by section 19 of Act 55 of 1966 and amended by section 17 of Act 85 of 1974 and section 12 of Act 103 of 1976.

11. Section 14 of the principal Act is hereby amended by the substitution for paragraph (c) of the definition of “foreign-going ship” in subsection (2) of the following paragraph: 45

“(c) a ship of **[more than one thousand]** not less than two hundred gross register tons exclusively employed in sea fishing or seal catching; or”

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, section 19 of Act 85 of 1974, section 17 of Act 69 of 1975 and section 15 of Act 113 of 1977.

12. Section 20A of the principal Act is hereby amended by the substitution in subsection (1) for the expression “seven hundred and fifty rand”, wherever it occurs, of the expression “R900”. 50

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(8) In die geval van 'n opleidingsentrum of -skema ingestel, goedgekeur of erken ingevolge die Wet op Indiensopleiding, 1979, word die opleidingskoste wat ingevolge subartikel (5) vasgestel word, beperk tot sodanige onkoste as wat op of na die datum van inwerkingtreding van daardie Wet aangegaan word en tot soveel van 'n vermindering bedoel in paragraaf (d) van genoemde subartikel as wat betrekking het op 'n tydperk wat begin op of na bedoelde datum.

10. **[(8)] (9)** 'n Beslissing van die Sekretaris by die uitoefening van enige diskresionêre bevoegdheid wat deur hierdie artikel aan hom verleen word, is onderhewig aan beswaar en appèl.

(2) Vir sover artikel 11 *sept* van die Hoofwet gewysig word deur die vervanging daarvan deur subartikel (1) van hierdie artikel, tree genoemde subartikel (1) vir die doeleindes van aanslae ingevolge die Hoofwet in werking ten opsigte van jare van aanslag wat op of na die datum van inwerkingtreding van die Wet op Indiensopleiding, 1979, eindig.

20 **10.** Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

25 „Met dien verstande dat geen aftrekking ingevolge hierdie subartikel toegelaat word nie ten opsigte van masjinerie of installasie wat bevat word in, of deel uitmaak van, 'n skip wat by die toepassing van artikel 14 'n Suid-Afrikaanse skip is wat deur die belastingpligtige gebruik word vir die doeleindes beoog in subartikel (1) (b) van daardie artikel, indien die koste van bedoelde masjinerie of installasie ingesluit is by die veranderbare koste van daardie skip soos in subartikel (2) van daardie artikel omskryf.”; en

35 (b) deur in paragraaf (b) van subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan, deur die volgende woorde te vervang:

40 „(b) **[wat]** vir die eerste maal op of na 17 Augustus 1966 en op of voor 30 Junie 1979 deur 'n belastingpligtige verhuur is of word en op of voor laasgenoemde datum deur die huurder vir die doeleindes van die huurder se bedryf (behalwe mynbou of boerdery) in gebruik geneem word en deur die huurder regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Sekretaris se oordeel van dergelike aard is.”

11. Artikel 14 van die Hoofwet word hierby gewysig deur paragraaf (c) van die omskrywing van „skip op vreemde vaart” in subartikel (2) deur die volgende paragraaf te vervang:

50 „(c) 'n skip van **[meer as eenduisend]** nie minder nie as tweehonderd bruto-registerton wat uitsluitend vir visvangs ter see of robbevangs gebruik word; of”.

12. Artikel 20A van die Hoofwet word hierby gewysig deur in subartikel (1) die uitdrukking „sewehonderd-en-vyftig rand”, waar dit ook al voorkom, deur die uitdrukking „R900” te vervang.

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, artikel 11 van Wet 90 van 1972, artikel 12 van Wet 65 van 1973, artikel 15 van Wet 85 van 1974, artikel 11 van Wet 69 van 1975, artikel 13 van Wet 113 van 1977 en artikel 6 van Wet 101 van 1978.

Wysiging van artikel 14 van Wet 58 van 1962, soos vervang deur artikel 19 van Wet 55 van 1966 en gewysig deur artikel 17 van Wet 85 van 1974 en artikel 12 van Wet 103 van 1976.

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, artikel 19 van Wet 85 van 1974, artikel 17 van Wet 69 van 1975 en artikel 15 van Wet 113 van 1977.

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Substitution of
section 24B of
Act 58 of 1962,
as inserted by
section 9 of
Act 101 of 1978.

13. (1) The following section is hereby substituted for section 24B of the principal Act:

"Gains or
losses on
foreign ex-
change trans-
actions.

24B. (1) Where any taxpayer has on or after 29
March 1978 **[repaid]** paid any amount owed by
him in respect of any loan or advance in a foreign 5
currency or of any debt incurred **[any credit]** in a
foreign currency **[which was utilized by the tax-
payer for the purpose of incurring expenditure
designed to produce income derived by the tax-
payer from carrying on in the Republic any 10
commercial, industrial or mining undertaking]**
and in **[repaying]** paying such **[credit]** amount,
has realized a gain or sustained a loss, such gain shall
in the determination of the taxpayer's taxable income
be included in the taxpayer's income or such loss 15
shall in the said determination be deducted from the
taxpayer's income, **[unless, when such credit was
so utilized, a forward exchange contract was
available to the taxpayer in respect of the repay-
ment of the credit]** if such loan or advance was 20
utilized or such debt was incurred by the taxpayer for
the purpose of incurring or financing expenditure
incurred by the taxpayer or, where the taxpayer is a
company, by an associated company in relation to the
taxpayer, in order to produce income derived by the 25
taxpayer or associated company, as the case may be,
from carrying on any business undertaking in the
Republic.

(2) Such gain or loss shall be deemed to be the
difference between the equivalent in the currency of 30
the Republic of the amount **[of the credit]** referred
in in subsection (1), when **[it]** the loan or advance
in question was utilized or the debt was incurred by
the taxpayer as aforesaid, and the equivalent amount
in the currency of the Republic actually required to 35
[repay] pay the **[credit]** said amount, and such
gain or loss shall be deemed to have been realized or
sustained at the time when the **[credit]** said amount
was **[repaid]** paid: Provided that where, subsequent
to the date on which the **[credit]** loan or advance 40
was utilized or the debt was incurred, any change in
foreign currency rates occurred in consequence of
which the **[taxpayer's income or taxable income
was adjusted for normal tax purposes, such
adjustment]** difference between the value of the said 45
amount (or a portion thereof) on the said date and the
value thereof when the change in foreign currency
rates occurred was taken into account for normal tax
purposes, the amount so taken into account shall be
[taken into account] suitably accounted for for the 50
purposes of determining the said gain or loss.

(3) Any gain realized or any loss sustained by
reason of a change in foreign currency exchange rates
shall, to the extent that such gain is required to be 55
included in the taxpayer's income under any other
provision of this Act or to the extent that such loss is
allowable as a deduction from the taxpayer's income
under any other provision of this Act, not be included

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13. (1) Artikel 24B van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 24B van Wet 58 van 1962, soos ingevoeg deur artikel 9 van Wet 101 van 1978.

„Winst of verlies op transaksies met buitelandse valuta.

24B. (1) Waar 'n belastingpligtige op of na 29 Maart 1978 'n bedrag deur hom verskuldig ten opsigte van 'n lening of voorskot in buitelandse valuta of van 'n skuld deur hom aangegaan [**'n krediet**] in buitelandse valuta, [**terugbetaal**] betaal het [**wat deur die belastingpligtige aangewend is met die doel om uitgawes aan te gaan vir doeleindes van die voortbrenging van inkomste wat die belastingpligtige by die beoefening in die Republiek van 'n kommersiële, industriële of mynonderneming verkry het**] en by die [**terugbetaling**] betaling van bedoelde [**krediet**] bedrag 'n wins gemaak het of 'n verlies gely het, word, by die vasstelling van die belastingpligtige se belasbare inkomste, daardie wins by die belastingpligtige se inkomste ingesluit of word, by bedoelde vasstelling, daardie verlies van die belastingpligtige se inkomste afgetrek, [**tensy, toe bedoelde krediet aldus aangewend is, 'n termynvalutakontrak aan die belastingpligtige ten opsigte van die terugbetaling van die krediet beskikbaar was**] indien bedoelde lening of voorskot deur die belastingpligtige aangewend is of bedoelde skuld deur die belastingpligtige aangegaan is met die doel om uitgawes aan te gaan of te finansier wat deur die belastingpligtige of, waar die belastingpligtige 'n maatskappy is, deur 'n verwante maatskappy met betrekking tot die belastingpligtige, aangegaan is ten einde inkomste wat deur die belastingpligtige of verwante maatskappy, al na die geval, uit die beoefening in die Republiek van 'n besigheidsonderneming verkry is, voort te bring.

(2) Bedoelde wins of verlies word geag die verskil te wees tussen die ekwivalent in die valuta van die Republiek van die bedrag [**van die krediet**] in subartikel (1) gemeld toe [**dit**] die betrokke lening of voorskot deur die belastingpligtige aldus aangewend is of toe die skuld aldus deur die belastingpligtige aangegaan is, en die ekwivalente bedrag in die valuta van die Republiek wat inderdaad nodig was om die [**krediet**] bedoelde bedrag [**terug**] te betaal, en bedoelde wins of verlies word geag gemaak of gely te gewees het op die tydstip toe die [**krediet**] bedoelde bedrag [**terugbetaal**] betaal is: Met dien verstande dat waar, na die datum waarop die [**krediet**] lening of voorskot aangewend is of die skuld aangegaan is, 'n verandering in die wisselkoerse met betrekking tot buitelandse valuta plaasgevind het as gevolg waarvan die [**belastingpligtige se inkomste of belasbare inkomste vir normale belastingdoeleindes aangepas is, daardie aanpassing in aanmerking geneem**] verskil tussen die waarde van bedoelde bedrag (of 'n gedeelte daarvan) op die bedoelde datum en die waarde daarvan toe die verandering in buitelandse valutakoerse plaasgevind het, vir normale belastingdoeleindes in aanmerking geneem is, die bedrag aldus in aanmerking geneem paslik in berekening gebring word ten einde bedoelde wins of verlies vas te stel.

(3) Enige wins gemaak of verlies gely weens 'n verandering in buitelandse valutakoerse word, vir sover dat bedoelde wins ingevolge enige ander bepaling van hierdie Wet by die belastingpligtige se inkomste ingesluit moet word of vir sover dat bedoelde verlies ingevolge enige ander bepaling van hierdie Wet as 'n aftrekking van die belastingpligtige

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in or be allowed as a deduction from the taxpayer's income under this section, as the case may be.

(4) There shall be included in the taxpayer's income for any year of assessment so much of any loss allowed to be deducted from his income under this section as has been recovered or recouped by him during such year, whether the loss was incurred in that year or in any previous year of assessment.

(5) Where any taxpayer has obtained and utilized any loan or advance in a foreign currency for the purpose of repaying any amount owed by him in respect of a loan or advance in foreign currency utilized for a purpose contemplated in subsection (1) or of any debt incurred by him for such a purpose, the loan or advance so obtained shall, to the extent that it does not exceed the said amount, be deemed for the purposes of this section to have been utilized by the taxpayer for the said purpose.

(6) (a) Any loss sustained upon the repayment of the amount referred to in subsection (5) shall not be allowed as a deduction from the taxpayer's income under the provisions of subsection (1) unless the Secretary is satisfied that in obtaining the loan or advance which was obtained, as contemplated in subsection (5), the obtaining of the loan or advance was not arranged solely or mainly for the purpose of benefiting by a deduction from income: Provided that the Secretary may authorize that such loss be carried forward to a subsequent year of assessment in order to be dealt with in such manner and in such circumstances as the Secretary may direct.

(b) Any decision of the Secretary in the exercise of his discretion under paragraph (a) shall be subject to objection and appeal.

(7) There shall be allowed as a deduction from the income of any taxpayer who has obtained foreign currency under a forward exchange contract and has utilized such currency for a purpose contemplated in subsection (1), any premium or other consideration paid by him under such contract for the purpose of obtaining such currency and which is not deductible from his income under any other provision of this Act.

[(3)] (8) For the purposes of this section—
‘associated company’, in relation to another company, means a company which, in the opinion of the Secretary, is associated with such other company by reason of the fact that both companies are managed or controlled directly or indirectly by substantially the same persons;

‘forward exchange contract’ means any agreement with an authorized dealer in foreign currencies in the Republic, whereby currency of the Republic is exchanged for a foreign currency at some future date at a specified rate of exchange.”

(2) In so far as section 24B of the principal Act is amended by the replacement thereof by subsection (1) of this section, the said 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 29 March 1978.

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

(a) by the substitution for paragraph (i) of the proviso to paragraph (fA) of the following paragraph:

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se inkomste toelaatbaar is, nie ingesluit by of toegelaat as 'n aftrekking van die belastingpligtige se inkomste ingevolge hierdie artikel nie, al na die geval.

5 (4) By die belastingpligtige se inkomste vir enige jaar van aanslag word ingereken soveel van enige verlies wat ingevolge hierdie artikel as 'n aftrekking van sy inkomste toegelaat is, as wat in bedoelde jaar deur hom verhaal of vergoed is, hetsy die verlies in bedoelde jaar of 'n vorige jaar van aanslag gely is.

10 (5) Waar 'n belastingpligtige 'n lening of voorskot in buitelandse valuta verkry en aangewend het ten einde 'n bedrag deur hom verskuldig ten opsigte van 'n lening of voorskot in buitelandse valuta wat aangewend is vir 'n doel in subartikel (1) beoog, of 'n skuld deur hom aangegaan vir bedoelde doel, terug te betaal, word die lening of voorskot aldus verkry vir sover dat dit nie bedoelde bedrag oorskry nie, by die toepassing van hierdie artikel geag deur die belastingpligtige vir bedoelde doel aangewend te gewees het.

20 (6) (a) 'n Verlies gely by die terugbetaling van 'n in subartikel (5) bedoelde bedrag, word nie ingevolge die bepalings van subartikel (1) as 'n aftrekking van die belastingpligtige se inkomste toegelaat nie tensy die Sekretaris oortuig is dat met die verkryging van die lening of voorskot wat verkry is soos in subartikel (5) beoog, die verkryging van die lening of voorskot nie gereël is uitsluitlik of hoofsaaklik ten einde voordeel te trek uit 'n aftrekking van inkomste nie: Met dien verstande dat die Sekretaris kan magtig dat bedoelde verlies na 'n daaropvolgende jaar van aanslag oorgedra word om op sodanige wyse en in sodanige omstandighede mee gehandel te word as wat die Sekretaris gelas.

35 (b) 'n Beslissing van die Sekretaris by die uitoefening van sy diskresie ingevolge paragraaf (a) is aan beswaar en appèl onderhewig.

40 (7) Daar word as 'n aftrekking van die inkomste van 'n belastingpligtige wat buitelandse valuta ingevolge 'n termynvalutakontrak bekom het en wat bedoelde valuta aangewend het vir 'n doel in subartikel (1) beoog, toegelaat 'n premie of ander vergoeding ingevolge bedoelde kontrak deur hom betaal ten einde bedoelde valuta te bekom en wat nie ingevolge 'n ander bepaling van hierdie Wet van sy inkomste aftrekbaar is nie.

45 **[(3)] (8)** By die toepassing van hierdie artikel beteken—

50 'verwante maatskappy', met betrekking tot 'n ander maatskappy, 'n maatskappy wat volgens die Sekretaris se oordeel aan bedoelde ander maatskappy verbonde is vanweë die feit dat albei maatskappye regstreeks of onregstreeks in hoofsaak deur dieselfde persone bestuur of beheer word;

55 'termynvalutakontrak' 'n ooreenkoms met 'n gemagtigde handelaar in buitelandse valutas in die Republiek, waarvolgens valuta van die Republiek op 'n toekomstige datum teen 'n bepaalde wisselkoers vir buitelandse valuta geruil word.''

60 (2) Vir sover artikel 24B van die Hoofwet gewysig word deur die vervanging daarvan deur subartikel (1) van hierdie artikel, word genoemde subartikel (1) vir die doeleindes van aanslae ingevolge die Hoofwet geag van toepassing te wees ten opsigte van 65 van jare van aanslag wat op of na 29 Maart 1978 geëindig het of eindig.

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

(a) deur paragraaf (i) van die voorbehoudsbepaling by paragraaf (fA) deur die volgende paragraaf te vervang:

Wysiging van artikel 64C van Wet 58 van 1962, soos ingevoeg deur artikel 20 van

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Act 95 of 1967
and amended by
section 15 of
Act 76 of 1968,
section 36 of
Act 89 of 1969,
section 21 of
Act 52 of 1970,
section 26 of
Act 88 of 1971,
section 20 of
Act 90 of 1972,
section 42 of
Act 85 of 1974
and section 22 of
Act 113 of 1977.

- “(i) in respect of any such dividend the rate of which exceeds—
 (aa) in the case of any of the said shares applied for on or before 30 September 1978, 8 per cent per annum; or
 (bb) in the case of any of the said shares applied for after 30 September 1978, 7 per cent per annum; or”;
- (b) by the insertion after paragraph (fB) of the following paragraph:
 “(fC) interest accruing to any person (other than a company) who is ordinarily resident in a country other than the Republic in which a banking institution registered under the Banks Act, 1965 (Act No. 23 of 1965), carries on business, or to a company which is managed and controlled in such country, in respect of any loan to or deposit in such banking institution made through any branch or agency of such banking institution in that country;”;
- (c) by the substitution for subparagraph (i) of paragraph (k) of the following subparagraph:
 “(i) the loan will be used for long-term industrial or mining development in the Republic (including the territory) or for such housing or community development schemes in the Republic as the said Minister, in consultation with the Minister of Community Development, may approve;”.

(2) The amendment effected by subsection (1) (c) shall be deemed to have taken effect on 1 December 1978.

Amendment of
section 83 of
Act 58 of 1962,
as amended by
section 21 of
Act 90 of 1964
and section 22 of
Act 103 of 1976.

15. (1) Section 83 of the principal Act is hereby amended by the insertion after subsection (18) of the following subsection:

- “(19) (a) The President of the court may indicate which judgments or decisions of the court he considers ought to be published for general information.
- (b) A copy of any judgment or decision of the court so indicated by the President of the court shall be referred by the registrar of the court to the appellant or his representative concerned in the case in such form as does not reveal the identity of such appellant, with a written request that the appellant give his consent in writing to the publication thereof in that form or any other suitable form which the appellant may approve.
- (c) Where the appellant fails to give his written consent to such publication within 30 days after being requested by the registrar of the court to do so, or after the expiry of any extension of that period which the registrar may grant, the registrar shall refer the matter to the President of the court who, if he is satisfied—
- (i) that the appellant's consent to publication of the relevant judgment or decision in a suitable form has been unreasonably withheld; and
- (ii) that such judgment or decision is in a form which does not reveal the identity of the appellant concerned in the case,
- may authorize the publication of such judgment or decision in that form or any other form which he may deem fit.”.

(2) Regulation B.15 published in Government Notice R.105 of 22 January 1965 is hereby repealed.

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- „(i) ten opsigte van 'n bedoelde dividend waarvan die koers meer is as—
 (aa) in die geval van enige van bedoelde aandeel waarom aansoek gedoen is op of voor 30 September 1978, 8 persent per jaar **[te bowe gaan]**; of
 (bb) in die geval van enige van bedoelde aandeel waarom aansoek gedoen is of word na 30 September 1978, 7 persent per jaar; of”;
- (b) deur die volgende paragraaf na paragraaf (fB) in te voeg:
 „(fC) rente wat toeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik woonagtig is in 'n ander land as die Republiek waarin 'n bankinstelling geregistreer ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), sake doen, of aan 'n maatskappy wat in bedoelde land bestuur en beheer word, ten opsigte van 'n lening aan of deposito in bedoelde bankinstelling wat gemaak is deur 'n tak of agentskap van daardie bankinstelling in bedoelde land;”;
- (c) deur subparagraaf (i) van paragraaf (k) deur die volgende subparagraaf te vervang:
 „(i) die lening aangewend sal word vir langtermyn nywerheids- of mynbou-ontwikkeling in die Republiek (met inbegrip van die gebied) **[aangewend sal word]** of vir die behuisings- of gemeenskaps-ontwikkelingskemas in die Republiek wat bedoelde Minister, in oorleg met die Minister van Gemeenskapsbou, goedkeur.”
- (2) Die wysiging deur subartikel (1) (c) aangebring, word geag op 1 Desember 1978 in werking te getree het.

Wet 95 van 1967 en gewysig deur artikel 15 van Wet 76 van 1968, artikel 36 van Wet 89 van 1969, artikel 21 van Wet 52 van 1970, artikel 26 van Wet 88 van 1971, artikel 20 van Wet 90 van 1972, artikel 42 van Wet 85 van 1974 en artikel 22 van Wet 113 van 1977.

15. (1) Artikel 83 van die Hoofwet word hierby gewysig deur na subartikel (18) die volgende subartikel in te voeg:
 „(19) (a) Die Voorsitter van die hof kan aandui welke uitsprake of beslissings van die hof na sy mening vir algemene inligting gepubliseer behoort te word.
 (b) 'n Afskrif van 'n uitspraak of beslissing van die hof wat aldus deur die Voorsitter van die hof aangedui is, word deur die griffier van die hof voorgelê aan die appellant of sy verteenwoordiger by die saak betrokke in 'n vorm wat nie die identiteit van die appellant openbaar nie, met 'n skriftelike versoek dat hy skriftelike toestemming verleen tot publikasie daarvan in dié vorm of enige ander geskikte vorm wat die appellant mag goedkeur.
 (c) Waar die appellant versuim om sy skriftelike toestemming tot sodanige publikasie binne 30 dae te verleen nadat hy deur die griffier van die hof versoek is om dit te doen, of na verstryking van enige verlenging van sodanige tydperk wat die griffier mag verleen, verwys die griffier die saak na die Voorsitter van die hof wat, indien hy oortuig is—
 (i) dat die appellant se toestemming tot publikasie van die betrokke uitspraak of beslissing in 'n geskikte vorm onredelik weerhou is; en
 (ii) dat sodanige uitspraak of beslissing in 'n vorm is wat nie die identiteit van die appellant betrokke by die saak openbaar nie,
 die publikasie van sodanige uitspraak of beslissing in sodanige vorm of enige ander vorm wat hy geskik ag, kan magtig.”
- (2) Regulasie B15 wat in Goewermentskennisgewing R.105 van 22 Januarie 1965 gepubliseer is, word hierby herroep.

Wysiging van artikel 83 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 90 van 1964 en artikel 22 van Wet 103 van 1976.

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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, section 22 of Act 90 of 1972, section 32 of Act 69 of 1975 and section 30 of Act 103 of 1976.

16. Paragraph 19 of the First Schedule to the principal Act is hereby amended by the addition to subparagraph (1) of the following further proviso:

“Provided further that the tax payable by the taxpayer in respect of any period of assessment shall not be determined under this subparagraph at an amount exceeding the amount of tax which would have been payable by the taxpayer under the provisions of this Act if this paragraph had not been applicable.”.

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, section 34 of Act 88 of 1971, section 34 of Act 69 of 1975 and section 26 of Act 113 of 1977.

17. (1) Paragraph 1 of the Second Schedule to the principal Act 10 is hereby amended—

(a) by the addition to the proviso to the definition of “formula A” of the following paragraph:

“(c) in the case of a member of a pension fund who was permitted to retain his membership of such fund in the circumstances contemplated in paragraph (b) (v) of the definition of ‘pension fund’ in section 1 of this Act, the period of employment of such member shall be deemed to include the period during which he continued to be a member after becoming a partner, and for the purpose of determining his average salary he shall be deemed to have earned during the last-mentioned period a salary calculated at the rate at which the amount of his pensionable emoluments contemplated in the said paragraph (b) (v) was payable during the twelve months referred to in that paragraph;” and

(b) by the substitution for subparagraph (d) of the definition of “formula B” of the following subparagraph:

“(d) ‘E’ represents the sum of the taxpayer’s own contributions to any pension funds **[and]**, provident funds and retirement annuity funds of which he is or was a member and from which any lump sum benefits were or may be derived in consequence of or following upon his retirement or death on or after the fifteenth day of March, 1961, including so much of the amounts paid into such funds for his benefit by other pension funds **[or]**, provident funds or retirement annuity funds as represented his own contributions to such other funds, but excluding so much of any such contributions or amounts representing contributions as ranked for deduction against the taxpayer’s income in terms of **[paragraph (k) of]** section **[eleven]** 11 (k) or (n) of this Act or the corresponding provisions of any previous Income Tax Act: Provided that for the purposes of this definition the surrender value of any policy of insurance ceded or otherwise made over to the taxpayer by any pension **[or]**, provident or retirement annuity fund 50 and ceded or otherwise made over by the taxpayer to any other pension **[or]**, provident or retirement annuity fund, or any amount paid by the taxpayer into the latter fund in lieu of or as representing such surrender value or a portion thereof, shall be 55 deemed to be an amount paid into the latter fund by the former fund for the benefit of the taxpayer.”.

(2) The amendment effected by subsection (1) (a) shall, for the purposes of assessments under the principal Act, be deemed to

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16. Paragraaf 19 van die Eerste Bylae by die Hoofwet word hierby gewysig deur die volgende verdere voorbehoudsbepaling by subparagraaf (1) by te voeg:

- 5 „Met dien verstande voorts dat die belasting wat deur die belastingpligtige ten opsigte van 'n aanslagtydperk betaalbaar is, nie ingevolge hierdie subparagraaf vasgestel word nie op 'n bedrag wat meer is as die bedrag aan belasting wat deur die belastingpligtige ingevolge die bepalings van hierdie Wet betaalbaar sou gewees het indien hierdie paragraaf nie van toepassing was nie.”.

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, artikel 22 van Wet 90 van 1972, artikel 32 van Wet 69 van 1975 en artikel 30 van Wet 103 van 1976.

17. (1) Paragraaf 1 van die Tweede Bylae by die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf by die voorbehoudsbepaling by die omskrywing van „formule A” by te voeg:
- 15 „(c) in die geval van 'n lid van 'n pensioenfonds wat toegelaat is om sy lidmaatskap van daardie fonds te behou in die omstandighede beoog in paragraaf (b) (v) van die omskrywing van „pensioenfonds” in artikel 1 van hierdie Wet, die tydperk van diens van daardie lid geag word die tydperk in te sluit waarin hy aangehou het om 'n lid te wees nadat hy 'n vennoot geword het, en ten einde sy gemiddelde salaris vas te stel, hy geag word gedurende laasgenoemde tydperk 'n salaris te verdien het wat bereken word teen die skaal waarteen die bedrag van sy pensioengewende besoldiging beoog in genoemde paragraaf (b) (v) betaalbaar was gedurende die twaalf maande in daardie paragraaf bedoel;” en
- 20 (b) deur subparagraaf (d) van die omskrywing van „formule B” deur die volgende subparagraaf te vervang:
- 25 „(d) „E” die totaal voorstel van die belastingpligtige se eie bydraes aan pensioenfondse **[en]**, voorsorgsfondse en uittredingannuïteitsfondse waarvan hy 'n lid is of was en waaruit enkelbedragvoordele verkry is of mag word as gevolg van of na sy uittreding of dood op of na die vyftiende dag van Maart 1961, met inbegrip van soveel van die bedrae in bedoelde fondse vir sy voordeel deur ander pensioenfondse **[of]**, voorsorgsfondse of uittredingannuïteitsfondse betaal as wat sy eie bydraes aan bedoelde ander fondse voorgestel het, maar uitgesonderd soveel van bedoelde bydraes of bedrae wat bydraes voorstel as wat ingevolge **[paragraaf (k) van]** artikel **[elf]** 11 (k) of (n) van hierdie Wet of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet teen die inkomste van die belastingpligtige as 'n aftrekking toelaatbaar was: Met dien verstande dat by die toepassing van hierdie omskrywing die afkoopwaarde van 'n assuransiepolis deur 'n pensioen- **[of]**, voorsorgs- of uittredingannuïteitsfonds aan die belastingpligtige gesedeer of op ander wyse oorgedra en deur die belastingpligtige aan 'n ander pensioen- **[of]**, voorsorgs- of uittredingannuïteitsfonds gesedeer of op ander wyse oorgedra, of 'n bedrag ter vervanging van of as voorstellende bedoelde afkoopwaarde of 'n gedeelte daarvan deur die belastingpligtige in laasbedoelde fonds inbetaal, geag word 'n bedrag te wees wat ten voordele van die belastingpligtige deur eersbedoelde in laasbedoelde fonds inbetaal is;”.
- 60

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, artikel 34 van Wet 88 van 1971, artikel 34 van Wet 69 van 1975 en artikel 26 van Wet 113 van 1977.

(2) Die wysiging deur subartikel (1) (a) aangebring, word vir die doeleindes van aanslae ingevolge die Hoofwet geag in werking

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have taken effect as from the commencement of years of assessment ending or ended on or after 28 February 1979.

Amendment of paragraph 6 of Second Schedule to Act 58 of 1962, as substituted by section 26 of Act 90 of 1964.

18. Paragraph 6 of the Second Schedule to the principal Act is hereby amended by the substitution for the first proviso of the following proviso:

“Provided that in respect of any lump sum benefits so derived by the taxpayer from any pension fund **[or]**, provident fund or retirement annuity fund the sum of the deductions under this paragraph shall not be less than the lesser of either the aggregate value of such lump sum benefits or the sum of the taxpayer's own contributions to such fund, including so much of any amounts paid into such fund for his benefit by any other pension fund **[or]**, provident fund or retirement annuity fund as represented his own contributions to such other fund, but excluding so much of such contributions and amounts representing contributions as ranked for deduction against the taxpayer's income in terms of **[paragraph (k) of]** section **[eleven]** 11 (k) or (n) of this Act or the corresponding provisions of any previous Income Tax Act.”.

Amendment of paragraph 18 of Fourth Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 28 of Act 90 of 1964, section 42 of Act 88 of 1971 and section 49 of Act 85 of 1974.

19. Paragraph 18 of the Fourth Schedule to the principal Act is hereby amended by the substitution in subparagraph (1) (a) for the expression “five hundred rand” of the expression “R1 000”.

Commencement of certain amendments.

20. 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 1980.

Short title.

21. This Act shall be called the Income Tax Act, 1979.

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te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1979 geëindig het of eindig.

18. Paragraaf 6 van die Tweede Bylae by die Hoofwet word hierby gewysig deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

5 „Met dien verstande dat ten opsigte van enige enkelbedrag-
voordele wat aldus uit enige pensioenfonds **[of]**, voor-
sorgsfonds of uittredingannuïteitsfonds deur die belasting-
10 pligtige verkry is, die som van die aftrekkings ingevolge hierdie
paragraaf nie minder is nie as die minste van of die totale
waarde van dié enkelbedragvoordele of die som van die
belastingpligtige se eie bydraes tot bedoelde fonds, met
inbegrip van soveel van die bedrae in bedoelde fonds vir sy
15 voordeel deur 'n ander pensioenfonds **[of]**, voorsorgsfonds
of uittredingannuïteitsfonds inbetaal, as wat sy eie bydraes
aan sodanige ander fonds voorgestel het, maar uitgesonderd
soveel van bedoelde bydraes en bedrae wat bydraes voorstel
as wat ingevolge **[paragraaf (k) van]** artikel **[elf]** 11 (k) of
20 **(n)** van hierdie Wet of die ooreenstemmende bepalings van 'n
vorige Inkomstebelastingwet teen die inkomste van die
belastingpligtige as 'n aftrekking toelaatbaar was:”.

Wysiging van
paragraaf 6 van
Tweede Bylae by
Wet 58 van 1962,
soos vervang deur
artikel 26 van
Wet 90 van 1964.

19. Paragraaf 18 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in subparagraaf (1) (a) die uitdrukking „vyfhonderd rand” deur die uitdrukking „R1 000” te vervang.

Wysiging van
paragraaf 18 van
Vierde Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 19 van
Wet 6 van 1963
en gewysig deur
artikel 28 van
Wet 90 van 1964,
artikel 42 van
Wet 88 van 1971
en artikel 49 van
Wet 85 van 1974.

25 20. 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 vanaf
30 die begin van die jare van aanslag wat op of na 1 Januarie 1980
eindig.

Inwerkingtreding van
sekere wysigings.

21. Hierdie Wet heet die Inkomstebelastingwet, 1979.

Kort titel.

Act No. 104, 1979

INCOME TAX ACT, 1979.

Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 29 FEBRUARY 1980 AND 30 JUNE 1980, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF TWELVE MONTHS ENDING 31 MARCH 1980.

(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:

Tables

Taxable Amount	Rates of tax in respect of married persons
Where the taxable amount—	
does not exceed R1 000	7 per cent of each R1 of the taxable amount;
exceeds R 1 000 but does not exceed R 2 000	R70 plus 8 per cent of the amount by which the taxable amount exceeds R1 000;
“ R 2 000 “ “ “ “ R 3 000	R150 plus 9 per cent of the amount by which the taxable amount exceeds R2 000;
“ R 3 000 “ “ “ “ R 4 000	R240 plus 10 per cent of the amount by which the taxable amount exceeds R3 000;
“ R 4 000 “ “ “ “ R 5 000	R340 plus 11 per cent of the amount by which the taxable amount exceeds R4 000;
“ R 5 000 “ “ “ “ R 6 000	R450 plus 12 per cent of the amount by which the taxable amount exceeds R5 000;
“ R 6 000 “ “ “ “ R 7 000	R570 plus 14 per cent of the amount by which the taxable amount exceeds R6 000;
“ R 7 000 “ “ “ “ R 8 000	R710 plus 16 per cent of the amount by which the taxable amount exceeds R7 000;
“ R 8 000 “ “ “ “ R 9 000	R870 plus 18 per cent of the amount by which the taxable amount exceeds R8 000;
“ R 9 000 “ “ “ “ R10 000	R1 050 plus 20 per cent of the amount by which the taxable amount exceeds R9 000;
“ R10 000 “ “ “ “ R11 000	R1 250 plus 22 per cent of the amount by which the taxable amount exceeds R10 000;
“ R11 000 “ “ “ “ R12 000	R1 470 plus 24 per cent of the amount by which the taxable amount exceeds R11 000;
“ R12 000 “ “ “ “ R13 000	R1 710 plus 26 per cent of the amount by which the taxable amount exceeds R12 000;
“ R13 000 “ “ “ “ R14 000	R1 970 plus 28 per cent of the amount by which the taxable amount exceeds R13 000;
“ R14 000 “ “ “ “ R15 000	R2 250 plus 30 per cent of the amount by which the taxable amount exceeds R14 000;
“ R15 000 “ “ “ “ R16 000	R2 550 plus 33 per cent of the amount by which the taxable amount exceeds R15 000;
“ R16 000 “ “ “ “ R18 000	R2 880 plus 36 per cent of the amount by which the taxable amount exceeds R16 000;
“ R18 000 “ “ “ “ R20 000	R3 600 plus 39 per cent of the amount by which the taxable amount exceeds R18 000;
“ R20 000 “ “ “ “ R22 000	R4 380 plus 42 per cent of the amount by which the taxable amount exceeds R20 000;
“ R22 000 “ “ “ “ R24 000	R5 220 plus 45 per cent of the amount by which the taxable amount exceeds R22 000;
“ R24 000 “ “ “ “ R26 000	R6 120 plus 48 per cent of the amount by which the taxable amount exceeds R24 000;
“ R26 000 “ “ “ “ R28 000	R7 080 plus 51 per cent of the amount by which the taxable amount exceeds R26 000;

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Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 29 FEBRUARIE 1980 EN 30 JUNIE 1980, EN DEUR MAATSKAPPE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN TWAALF MAANDE EINDIGENDE OP 31 MAART 1980.

(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:

Tabelle

Belasbare bedrag	Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag—	
R 1 000 nie te bowe gaan nie	7 persent van elke R1 van die belasbare bedrag;
R 1 000 te bowe gaan, maar nie R 2 000 nie	R70 plus 8 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R 2 000 " " " R 3 000 "	R150 plus 9 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R 3 000 " " " R 4 000 "	R240 plus 10 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R 4 000 " " " R 5 000 "	R340 plus 11 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R 5 000 " " " R 6 000 "	R450 plus 12 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R 6 000 " " " R 7 000 "	R570 plus 14 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R 7 000 " " " R 8 000 "	R710 plus 16 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R 8 000 " " " R 9 000 "	R870 plus 18 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R 9 000 " " " R10 000 "	R1 050 plus 20 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000 " " " R11 000 "	R1 250 plus 22 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000 " " " R12 000 "	R1 470 plus 24 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000 " " " R13 000 "	R1 710 plus 26 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000 " " " R14 000 "	R1 970 plus 28 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;
R14 000 " " " R15 000 "	R2 250 plus 30 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000 " " " R16 000 "	R2 550 plus 33 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000 " " " R18 000 "	R2 880 plus 36 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R18 000 " " " R20 000 "	R3 600 plus 39 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R20 000 " " " R22 000 "	R4 380 plus 42 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R22 000 " " " R24 000 "	R5 220 plus 45 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R24 000 " " " R26 000 "	R6 120 plus 48 persent van die bedrag waarmee die belasbare bedrag R24 000 oorskry;
R26 000 " " " R28 000 "	R7 080 plus 51 persent van die bedrag waarmee die belasbare bedrag R26 000 oorskry;

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Taxable Amount	Rates of tax in respect of married persons
Where the taxable amount—	
„ R28 000 „ „ „ „ R30 000	R8 100 plus 54 per cent of the amount by which the taxable amount exceeds R28 000;
„ R30 000	R9 180 plus 55 per cent of the amount by which the taxable amount exceeds R30 000;

Taxable Amount	Rates of tax in respect of persons who are not married persons
Where the taxable amount—	
does not exceed R1 000	10 per cent of each R1 of the taxable amount;
exceeds R 1 000 but does not exceed R 2 000	R100 plus 11 per cent of the amount by which the taxable amount exceeds R1 000;
„ R 2 000 „ „ „ „ R 3 000	R210 plus 12 per cent of the amount by which the taxable amount exceeds R2 000;
„ R 3 000 „ „ „ „ R 4 000	R330 plus 13 per cent of the amount by which the taxable amount exceeds R3 000;
„ R 4 000 „ „ „ „ R 5 000	R460 plus 14 per cent of the amount by which the taxable amount exceeds R4 000;
„ R 5 000 „ „ „ „ R 6 000	R600 plus 16 per cent of the amount by which the taxable amount exceeds R5 000;
„ R 6 000 „ „ „ „ R 7 000	R760 plus 18 per cent of the amount by which the taxable amount exceeds R6 000;
„ R 7 000 „ „ „ „ R 8 000	R940 plus 20 per cent of the amount by which the taxable amount exceeds R7 000;
„ R 8 000 „ „ „ „ R 9 000	R1 140 plus 22 per cent of the amount by which the taxable amount exceeds R8 000;
„ R 9 000 „ „ „ „ R10 000	R1 360 plus 24 per cent of the amount by which the taxable amount exceeds R9 000;
„ R10 000 „ „ „ „ R11 000	R1 600 plus 27 per cent of the amount by which the taxable amount exceeds R10 000;
„ R11 000 „ „ „ „ R12 000	R1 870 plus 30 per cent of the amount by which the taxable amount exceeds R11 000;
„ R12 000 „ „ „ „ R13 000	R2 170 plus 33 per cent of the amount by which the taxable amount exceeds R12 000;
„ R13 000 „ „ „ „ R14 000	R2 500 plus 36 per cent of the amount by which the taxable amount exceeds R13 000;
„ R14 000 „ „ „ „ R15 000	R2 860 plus 39 per cent of the amount by which the taxable amount exceeds R14 000;
„ R15 000 „ „ „ „ R16 000	R3 250 plus 42 per cent of the amount by which the taxable amount exceeds R15 000;
„ R16 000 „ „ „ „ R18 000	R3 670 plus 45 per cent of the amount by which the taxable amount exceeds R16 000;
„ R18 000 „ „ „ „ R20 000	R4 570 plus 48 per cent of the amount by which the taxable amount exceeds R18 000;
„ R20 000 „ „ „ „ R22 000	R5 530 plus 52 per cent of the amount by which the taxable amount exceeds R20 000;
„ R22 000	R6 570 plus 55 per cent of the amount by which the taxable amount exceeds R22 000;

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Belasbare bedrag	Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag—	
R28 000 „ „ „ R30 000 „	R8 100 plus 54 persent van die bedrag waarmee die belasbare bedrag R28 000 oorskry;
R30 000 to bowe gaan	R9 180 plus 55 persent van die bedrag waarmee die belasbare bedrag R30 000 oorskry;

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	10 persent van elke R1 van die belasbare bedrag;
R 1 000 te bowe gaan, maar nie R 2 000 nie	R100 plus 11 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R 2 000 „ „ „ R 3 000 „	R210 plus 12 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R 3 000 „ „ „ R 4 000 „	R330 plus 13 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R 4 000 „ „ „ R 5 000 „	R460 plus 14 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R 5 000 „ „ „ R 6 000 „	R600 plus 16 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R 6 000 „ „ „ R 7 000 „	R760 plus 18 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R 7 000 „ „ „ R 8 000 „	R940 plus 20 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R 8 000 „ „ „ R 9 000 „	R1 140 plus 22 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R 9 000 „ „ „ R10 000 „	R1 360 plus 24 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000 „ „ „ R11 000 „	R1 600 plus 27 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000 „ „ „ R12 000 „	R1 870 plus 30 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000 „ „ „ R13 000 „	R2 170 plus 33 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000 „ „ „ R14 000 „	R2 500 plus 36 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;
R14 000 „ „ „ R15 000 „	R2 860 plus 39 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000 „ „ „ R16 000 „	R3 250 plus 42 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000 „ „ „ R18 000 „	R3 670 plus 45 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R18 000 „ „ „ R20 000 „	R4 570 plus 48 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R20 000 „ „ „ R22 000 „	R5 530 plus 52 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R22 000 te bowe gaan	R6 570 plus 55 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;

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- (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)), forty cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to five per cent of such amount;
- (c) on each rand of the taxable income derived by any company from mining for gold otherwise than on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Secretary determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

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

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

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

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 prescribed conditions have been complied with, the rate of tax in respect of taxable income derived from mining for gold on an assisted gold 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 surcharge equal to five per cent of such amount;

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

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

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

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

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 surcharge equal to five per cent of such amount;

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Secretary determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, a rate equal to the average rate of normal tax or thirty-five cents, whichever is 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 surcharge equal to five 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 or diamonds), forty cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to five per cent of such amount;
- (h) in respect of the taxable income of any person other than a company, a sum equal to ten per cent of the amount of tax determined in accordance with subparagraph (a), if such tax is not less than one hundred and fifty rand: Provided that any fraction of a rand of the tax calculated under this subparagraph shall be disregarded;

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- (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), veertig sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan vyf 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 bedoel in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomstig die formule:

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

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 voorgeskrewe voorwaardes nagekom is, die belastingsskaal ten opsigte van belasbare inkomste uit die myn van goud op 'n ondersteunde goudmyn verkry 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 toeslag gevoeg word gelyk aan vyf persent van bedoelde bedrag;

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

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

in welke formule (asook 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 belastingsskaal 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 belastingsskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule $y = 20 \left(1 - \frac{8}{x}\right)$ 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 volgens die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan vyf persent van bedoelde bedrag;

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of vyf-en-dertig sent, watter ook al die hoogste is;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van diamante verkry word, vyf-en-veertig sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan vyf 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 of diamante), veertig sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan vyf persent van bedoelde bedrag;
- (h) ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n som gelyk aan tien persent van die bedrag aan belasting vasgestel ooreenkomstig subparagraaf (a), indien bedoelde bedrag nie minder as honderd-en-vyftig rand is nie: Met dien verstande dat 'n breukdeel van 'n rand in die belasting ingevolge hierdie subparagraaf bereken, buite rekening gelaat word;

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- (i) in respect of the taxable income of any company, a sum equal to ten per cent of the aggregate of the amounts of tax determined under subparagraphs (b), (c), (d), (f) and (g), before the addition of the surcharges 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 other 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 rands 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, 1979.

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- (i) ten opsigte van die belasbare inkomste van 'n maatskappy, 'n som gelyk aan tien persent van die totaal van die bedrae belasting wat ingevolge subparagrafe (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 ander 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 rande wat genoemde totale belasbare inkomste bevat.

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

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

