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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1779.

22 Augustus 1984

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

No. 118 van 1984: Wysigingswet op Inkomstewette, 1984.

No. 1779.

22 August 1984

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

No. 118 of 1984: Revenue Laws Amendment Act, 1984.

Wet No. 118, 1984

WYSIGINGSWET OP INKOMSTEWETTE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Handelseffektebelastingwet, 1948, ten einde 'n teksverandering aan te bring; om die Wet op Hereregte, 1949, te wysig ten einde voorsiening te maak vir 'n vrystelling van die betaling van hereregte ten opsigte van sekere eiendom wat deur 'n behuisingsnudsmaatskappy verkry word; om die Wet op Seëlregte, 1968, te wysig ten einde seëlreg te hef op sekere debetposte in rekenings; 'n teksverandering aan te bring; voorsiening te maak vir vrystelling van die betaling van seëlregte ten gunste van die Ontwikkelingsbank van Suid-Afrika; die seëlregte betaalbaar op tjeks af te skaf; bankiers te magtig om tjekboeke uit te reik sonder betaling van seëlreg; en weg te doen met 'n vrystelling van die betaling van seëlregte ten opsigte van sekere registrasies van oordrag van handelseffekte wat in takregisters wat buite die Republiek gehou word, geskied; om voorsiening te maak vir 'n terugbetaling van seëlregte betaal ten opsigte van ongebruikte tjekvorms, en 'n vrystelling van die betaling van hereregte en seëlregte ten opsigte van die oorgang van die bates, regte, laste en verpligtinge van sekere korporasies; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)

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

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

“(d) ten opsigte van die koop van rentedraende skuldbriewe, met inbegrip van skuldbriefeffekte, skuldbriefverbande en enige ander sekuriteite van 'n **[maatskappy]** regspersoon, hetsy dit 'n las teen die bates van die **[maatskappy]** regspersoon uitmaak al dan nie, wat deur 'n erkende effektebeurs in die Republiek genoteer is.”

(2) Subartikel (1) word geag op 1 Julie 1983 in werking te getree het.

Wysiging van artikel 3 van Wet 32 van 1948, soos gewysig deur artikel 12 van Wet 64 van 1960, artikel 36 van Wet 77 van 1968, artikel 2 van Wet 88 van 1974, artikel 2 van Wet 114 van 1977, artikel 1 van Wet 95 van 1978, artikel 2 van Wet 106 van 1980, artikel 1 van Wet 87 van 1982 en artikel 1 van Wet 92 van 1983.

Wysiging van artikel 9 van Wet 40 van 1949, soos gewysig deur artikel 3 van Wet 31 van 1953, artikel 12 van Wet 80 van 1959,

2. (1) Artikel 9 van die Wet op Hereregte, 1949, word hierby gewysig deur die volgende subartikel by te voeg:

“(13) (a) Geen hereregte is betaalbaar nie ten opsigte van die verkryging van eiendom deur 'n behuisingsnudsmaatskappy van 'n ander behuisingsnudsmaatskappy kragtens 'n transaksie gesluit op of na 1 Oktober 1983,

REVENUE LAWS AMENDMENT ACT, 1984

Act No. 118, 1984

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 amend the Marketable Securities Tax Act, 1948, so as to effect a textual amendment; to amend the Transfer Duty Act, 1949, so as to provide for an exemption from the payment of transfer duty in respect of certain property acquired by a housing utility company; to amend the Stamp Duties Act, 1968, so as to levy stamp duty on certain debit entries in accounts; to effect a textual amendment; to provide for an exemption from the payment of stamp duty in favour of the Southern African Development Bank; to abolish the stamp duty payable on cheques; to authorize bankers to issue cheque books without the payment of stamp duty; and to do away with an exemption from the payment of stamp duty in respect of certain registrations of transfer of marketable securities effected in branch registers kept outside the Republic; to provide for a refund of stamp duty paid in respect of unused cheque forms, and an exemption from the payment of transfer duty and stamp duty in respect of the passing of the assets, rights, liabilities and obligations of certain corporations; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 12 July 1984.)

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

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

“(d) in respect of the purchase of any interest-bearing debentures, including debenture stock, debenture bonds and any other securities of a **[company]** juristic person, whether constituting a charge on the assets of the **[company]** juristic person or not, listed by any recognized stock exchange in the Republic.”.
 - 10 (2) Subsection (1) shall be deemed to have come into operation on 1 July 1983.
- Amendment of section 3 of Act 32 of 1948, as amended by section 12 of Act 64 of 1960, section 36 of Act 77 of 1968, section 2 of Act 88 of 1974, section 2 of Act 114 of 1977, section 1 of Act 95 of 1978, section 2 of Act 106 of 1980, section 1 of Act 87 of 1982 and section 1 of Act 92 of 1983.
2. (1) Section 9 of the Transfer Duty Act, 1949, is hereby amended by the addition of the following subsection:

“(13) (a) No duty shall be payable in respect of the acquisition of any property by a housing utility company from another housing utility company under a transaction concluded on or after 1 October 1983, if that prop-
- Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, section 12 of Act 80 of 1959,

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artikel 3 van
Wet 70 van 1963,
artikel 3 van
Wet 77 van 1964,
artikel 1 van
Wet 81 van 1965,
artikel 7 van
Wet 103 van 1969,
artikel 2 van
Wet 89 van 1972,
artikel 3 van
Wet 66 van 1973,
artikel 5 van
Wet 88 van 1974,
artikel 77 van
Wet 54 van 1976,
artikel 2 van
Wet 95 van 1978,
artikel 6 van
Wet 106 van 1980
en artikel 2 van
Wet 99 van 1981.

Wysiging van
artikel 1 van
Wet 77 van 1968,
soos gewysig deur
artikel 16 van
Wet 103 van 1969,
artikel 5 van
Wet 66 van 1973,
artikel 7 van
Wet 88 van 1974
en artikel 19 van
Wet 106 van 1980.

Wysiging van
artikel 4 van
Wet 77 van 1968,
soos gewysig deur
artikel 17 van
Wet 103 van 1969,
artikel 5 van
Wet 72 van 1970,
artikel 6 van
Wet 66 van 1973,
artikel 8 van
Wet 88 van 1974,
artikel 4 van
Wet 95 van 1978,
artikel 7 van
Wet 99 van 1981
en artikel 4 van
Wet 87 van 1982.

Wysiging van
artikel 5 van
Wet 77 van 1968,
soos gewysig deur
artikel 9 van
Wet 89 van 1972,
artikel 7 van
Wet 66 van 1973
en artikel 9 van
Wet 114 van 1977.

indien dié eiendom ingevolge 'n skema, goedgekeur deur die Direkteur-generaal: Gemeenskapsontwikkeling, vir die samesmelting van die belange en bedrywighede van daardie maatskappye verkry is en ingevolge dié skema eersgenoemde maatskappy al die bates en laste van die ander maatskappy verkry en aanvaar het.

- (b) By die toepassing van hierdie subartikel beteken 'behuisingnutsmaatskappy' 'n vereniging waarvan die ontvangste en toevallings van normale belasting vrygestel is ingevolge artikel 10 (1) (cC) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962)."

(2) Subartikel (1) word geag op 1 Oktober 1983 in werking te getree het.

3. Artikel 1 van die Wet op Seëlregte, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die volgende voorbehoudsbepaling by paragraaf (b) van die omskrywing van "seël" te voeg:

"Met dien verstande dat in die geval waar die betaling van seëlreg nie by wyse van 'n plakseël of andersins op 'n stuk aangedui hoef te word nie, 'seël', wanneer dit as 'n werkwoord gebruik word, die betaling van daardie seëlreg beteken,"; en

- (b) deur die omskrywing van "stuk" deur die volgende omskrywing te vervang:

"'stuk' ook 'n geskrewe dokument of 'n geskrif en vir die doeleindes van die seëlreg beoog in Item 6 van Bylae 1 ten opsigte van 'n debetpos in 'n rekening, so 'n debetpos;"

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

- (a) deur paragraaf (a) van subartikel (1) deur die volgende 30 paragraaf te vervang:

"(a) 'n stuk indien die seëlreg daarop wettiglik deur die Regering (met inbegrip van 'n provinsiale administrasie, die administrasie van die gebied en die [spoorwegadministrasie] Suid-Afrikaanse Vervoerdienste) of deur die regering van 'n ander land betaalbaar sou wees en gedra sou moet word;" en

- (b) deur aan die end van subparagraaf (vi) van paragraaf (b) van subartikel (1) die woord "of" by te voeg, en deur die volgende subparagraaf by daardie paragraaf te voeg:

"(vii) die Ontwikkelingsbank van Suider-Afrika gestig op 30 Junie 1983;"

(2) Subartikel (1) (b) word geag op 30 Junie 1983 in werking te getree het.

5. Artikel 5 van die Hoofwet word hierby gewysig deur paragraaf (iii) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:

"(iii) waar die Kommissaris oortuig is dat dit vir 'n persoon of kategorie van persone ongerieflik is om die seëlreg 50 ten opsigte van [tjeks of] vaste deposito-kwitansies of die oorspronklike uitreiking van handelseffekte deur middel van die plakking van seëls op sodanige [tjeks] vaste deposito-kwitansies of handelseffekte aan te dui, hy onderworpe aan die voorwaardes wat hy opla en onderworpe aan die uitoefening van die beheer wat hy nodig ag, kan instem dat betaling van bedoelde seëlreg deur middel van die uitreiking van 'n spesiale kwitansie erken kan word, en so 'n [tjek] vaste deposito-kwitansie of handelseffek op die voorkant waarvan die voor- 60 de 'seëlreg betaal' voorkom, word by die toepassing van hierdie Wet geag behoorlik geseël te wees."

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erty was acquired under a scheme approved by the Director-General: Community Development for the merger of the interests and activities of those companies and under that scheme the first-mentioned company acquired all the assets and assumed all the liabilities of the other company.

(b) For the purposes of this subsection 'housing utility company' means an association the receipts and accruals of which are exempt from normal tax under section 10 (1) (cC) of the Income Tax Act, 1962 (Act No. 58 of 1962)."

(2) Subsection (1) shall be deemed to have come into operation on 1 October 1983.

section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972, section 3 of Act 66 of 1973, section 5 of Act 88 of 1974, section 77 of Act 54 of 1976, section 2 of Act 95 of 1978, section 6 of Act 106 of 1980 and section 2 of Act 99 of 1981.

3. Section 1 of the Stamp Duties Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "instrument" of the following definition:

"instrument" includes any written document or writing and for the purposes of the duty contemplated in Item 6 of Schedule 1 in respect of any debit entry in an account, such a debit entry;"; and

(b) by the addition to paragraph (b) of the definition of "stamp" of the following proviso:

"Provided that in the case where the payment of duty is not required to be denoted on an instrument by means of an adhesive stamp or otherwise, 'stamp', when used as a verb, means to make payment of that duty."

Amendment of section 1 of Act 77 of 1968, as amended by section 16 of Act 103 of 1969, section 5 of Act 66 of 1973, section 7 of Act 88 of 1974 and section 19 of Act 106 of 1980.

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

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

"(a) any instrument if the duty thereon would be legally payable and borne by the Government (including any provincial administration, the administration of the territory and the [railway administration] South African Transport Services) or by the government of any other country;"; and

(b) by the addition at the end of subparagraph (vi) of paragraph (b) of subsection (1) of the word "or", and by the addition to that paragraph of the following subparagraph:

"(vii) the Development Bank of Southern Africa established on 30 June 1983;".

Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 1969, section 5 of Act 72 of 1970, section 6 of Act 66 of 1973, section 8 of Act 88 of 1974, section 4 of Act 95 of 1978, section 7 of Act 99 of 1981 and section 4 of Act 87 of 1982.

(2) Subsection (1) (b) shall be deemed to have come into operation on 30 June 1983.

5. Section 5 of the principal Act is hereby amended by the substitution for paragraph (iii) of the proviso to subsection (1) of the following paragraph:

"(iii) where the Commissioner is satisfied that any person or class of persons cannot conveniently denote the duty in respect of [cheques or] fixed deposit receipts or the original issue of marketable securities by means of stamps affixed to such [cheques] fixed deposit receipts or marketable securities, he may, subject to such conditions as he may impose and subject to the exercise of such control as he considers necessary, agree that payment of such duty may be acknowledged by means of the issue of a special receipt, and any such [cheque] fixed deposit receipt or marketable security which bears on its face the words 'duty paid', shall for the purposes of this Act be deemed to be duly stamped."

Amendment of section 5 of Act 77 of 1968, as amended by section 9 of Act 89 of 1972, section 7 of Act 66 of 1973 and section 9 of Act 114 of 1977.

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Wysiging van
artikel 6 van
Wet 77 van 1968,
soos gewysig deur
artikel 10 van
Wet 114 van 1977.

6. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke stuk (behalwe ’n debetpos in Item 6 van Bylae 1 bedoel) moet op so ’n wyse geskryf word en moet so ge- 5
seël word dat die seël op die voorkant van die stuk voor-
kom.”.

Wysiging van
artikel 7 van
Wet 77 van 1968,
soos gewysig deur
artikel 18 van
Wet 103 van 1969,
artikel 10 van
Wet 89 van 1972,
artikel 8 van
Wet 66 van 1973,
artikel 3 van
Wet 70 van 1975
en artikel 5 van
Wet 87 van 1982.

7. Artikel 7 van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (iA) die volgende paragraaf in te
voeg:

“(iB) in die geval van ’n debetpos in ’n rekening, die 10
bankier of persoon wat die betrokke kredietkaart-
skema bedryf;” en

(b) deur die volgende subartikel by te voeg terwyl die be-
staande artikel subartikel (1) word:

“(2) Die bepalinge van subartikel (1) (iB) word nie 15
uitgelê as sou dit die betrokke bankier of persoon belet
om die seëlreg bedoel in daardie subartikel op die be-
trokke houer van die rekening te verhaal nie.”.

Invoeging van
artikel 19 in
Wet 77 van 1968.

8. Die volgende artikel word hierby in die Hoofwet na artikel
18 ingevoeg: 20

“Debetposte.

19. Die seëlreg wat ingevolge Item 6 van Bylae 1

betaalbaar is ten opsigte van ’n debetpos in ’n reke-
ning word nie deur middel van seëls aangedui nie
maar word betaal deur die bankier of persoon wat
die betrokke kredietkaartschema bedryf binne ’n tyd- 25
perk van 21 dae na die einde van die maand waarin
daardie pos gemaak word of, waar hy die Kommissa-
ris oortuig dat as gevolg van die rekeningkundige
prosedures wat deur hom toegepas word dit nie ge-
leë is om die seëlreg binne daardie tydperk te betaal 30
nie, binne die verdere tydperk wat die Kommissaris
toelaat, en indien hy versuim om dit te doen, moet
hy benewens die bedrag aan seëlreg, ’n boete betaal
gelyk aan 10 persent van dié bedrag vir elke maand
of gedeelte daarvan, gereken van die einde van die 35
tydperk waarin die bedrag volgens voorskrif van
hierdie artikel betaalbaar was tot die datum van die
betaling van die bedrag: Met dien verstande dat die
Kommissaris, met inagneming van die omstandig-
hede van die geval, die boete in sy geheel of ten dele 40
kan kwytsteld.”.

Wysiging van
Item 5 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 24 van
Wet 103 van 1969,
artikel 16 van
Wet 88 van 1974,
artikel 14 van
Wet 114 van 1977
en artikel 9 van
Wet 92 van 1983.

9. (1) Item 5 van Bylae 1 by die Hoofwet word hierby gewy-
sig—

(a) deur die woorde wat die opskrif “Vrystellings” vooraf- 45
gaan deur die volgende woorde te vervang:

“Wissel of promesse:

[(1) Tjek 0 05

(2) Enige [ander] wissel (behalwe ’n tjek)

of enige promesse, ongeag of dit op sig of and-
ersins betaalbaar is: vir elke R100 of deel 50
daarvan van die bedrag of waarde 0 05”;
en

(b) deur paragrawe (a) en (f) onder die opskrif “Vrystel-
lings” te skrap.

(2) Waar die Kommissaris van Binnelandse Inkomste kragtens 55
paragraaf (iii) van die voorbehoudsbepaling by artikel 5 (1) van
die Hoofwet met ’n bankier ooreengekom het om betaling van
die seëlreg te aanvaar wat hefbaar is ten opsigte van tjeks wat
op die bankier getrek word en die seëlreg ingevolge die ooreen-
koms vooruit betaalbaar is ten tyde van die uitreiking van tjek- 60
boeke deur die bankier, is hy nie verplig om seëlreg te betaal
ten opsigte van tjekboeke wat op of na 1 Junie 1984 deur hom
uitgereik word nie.

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6. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 6 of Act 77 of 1968, as amended by section 10 of Act 114 of 1977.

“(1) Every instrument (other than any debit entry contemplated in Item 6 of Schedule 1) shall be written in such manner, and shall be so stamped, that the stamp appears on the face of the instrument.”.

7. Section 7 of the principal Act is hereby amended—

Amendment of section 7 of Act 77 of 1968, as amended by section 18 of Act 103 of 1969, section 10 of Act 89 of 1972, section 8 of Act 66 of 1973, section 3 of Act 70 of 1975 and section 5 of Act 87 of 1982.

(a) by the insertion after paragraph (iA) of the following paragraph:

“(iB) in the case of any debit entry in an account, the banker or person carrying on the credit card scheme concerned”;

(b) by the addition of the following subsection, the existing section becoming subsection (1):

“(2) The provisions of subsection (1) (iB) shall not be construed as prohibiting the banker or person concerned from recovering the duty contemplated in that subsection from the holder of the account concerned.”.

8. The following section is hereby inserted in the principal Act after section 18:

Insertion of section 19 in Act 77 of 1968.

“Debit entries. 19. The duty payable in terms of Item 6 of

Schedule 1 in respect of any debit entry in an account shall not be denoted by means of stamps but shall be paid by the banker or person carrying on the credit card scheme concerned within a period of 21 days after the end of the month in which that entry is made or, where he satisfies the Commissioner that by reason of the accounting procedures adopted by him the duty cannot conveniently be paid within that period, within such further period as the Commissioner may allow, and if he fails to do so he shall, in addition to the amount of that duty, pay a penalty equal to 10 per cent of that amount for every month or part thereof reckoned from the end of the period within which that amount was payable as provided in this section to the date of payment of that amount: Provided that the Commissioner may, having regard to the circumstances of the case, remit the whole or any part of that penalty.”.

9. (1) Item 5 of Schedule 1 to the principal Act is hereby amended—

Amendment of Item 5 of Schedule 1 to Act 77 of 1968, as amended by section 24 of Act 103 of 1969, section 16 of Act 88 of 1974, section 14 of Act 114 of 1977 and section 9 of Act 92 of 1983.

(a) by the substitution for the words preceding the heading “Exemptions” of the following words:

“*Bill of exchange or promissory note:*

45 **[(1) Cheque 0 05**
(2)] Any [other] bill of exchange (other
 than a cheque) or any promissory note,
 whether payable on demand or otherwise: for
 every R100 or part thereof of the amount or
 50 value 0 05”;
 and

(b) by the deletion of paragraphs (a) and (f) under the heading “Exemptions”.

(2) Where under paragraph (iii) of the proviso to section 5 (1) of the principal Act the Commissioner for Inland Revenue has agreed with a banker to accept payment of the stamp duty chargeable in respect of cheques drawn on the banker and the duty is in terms of the agreement payable in advance at the time of issue of cheque books by the banker, he shall not be required to make payment of stamp duty in respect of cheque books issued by him on or after 1 June 1984.

Wet No. 118, 1984

WYSIGINGSWET OP INKOMSTEWETTE, 1984

Invoeging van
Item 6 in
Bylae 1 by
Wet 77 van 1968.

(3) Subartikel (2) word geag op 1 Junie 1984 in werking te getree het.

10. Die volgende Item word hierby in Bylae 1 by die Hoofwet na Item 5 ingevoeg:

“6. *Debetpos*:..... 0 05 5

By die toepassing van hierdie Item beteken ‘debetpos’ ’n inskrywing by wyse waarvan ’n debet gepos word in—

- (a) ’n bankrekening waaruit bedrae deur middel van tjeks opvraagbaar is; of
- (b) ’n rekening ingevolge ’n kredietkaatskema soos in artikel 1 van die Wet op Beperking en Bekendmaking van Finansieringskoste, 1968 (Wet No. 73 van 1968), omskryf, behalwe so ’n skema wat bedryf word deur ’n bouvereniging of ’n skema wat bedryf word deur ’n koopvereniging ten opsigte waarvan die Kommissaris oortuig is dat dit ooreenkomstig kooperatiewe beginsels tot voordeel van sy lede gereël word.

Crystellings:

Debetposte in ’n rekening ten opsigte van—

- (a) rente, diens- of ander gelde met betrekking tot die hou of gebruik van die rekening of ’n heffing ten opsigte van die seëlreg ingevolge hierdie Item wat op die rekeninghouer verhaal is;
- (b) ’n wissel (behalwe ’n tjeke) wat deur die houer van die rekening getrek is;
- (c) die omswaaiing van ’n inskrywing;
- (d) ’n banktransaksie indien die houer van die rekening ’n bankinstelling is wat buite die Republiek bestuur of beheer word;
- (e) ’n banktransaksie indien die houer van die rekening die Regering of ’n liggaam bedoel in artikel 4 (1) is;
- (f) die vereffening of verrekening van rekenings tussen bankiers.”

11. (1) Item 15 van Bylae 1 by die Hoofwet word hierby gewysig—

- (a) deur na paragraaf (2) die volgende sin in te voeg:

“By die toepassing van paragrawe (1) en (2) word

aandeel, effekte of skuldbriewe of ’n sertifikaat of ander dergelike stuk wat ’n belang ten opsigte van aandeel, effekte of skuldbriewe voorstel wanneer dit uitgereik word deur ’n maatskappy of regpersoon wat by of ingevolge ’n wet van die Republiek geregistreer, geïnkorporeer of ingestel is, geag in die Republiek uitgereik te wees, ondanks die feit dat daardie aandeel, effekte, skuldbriewe, sertifikaat of ander stuk geregistreer of aangeteken is in ’n takregister wat deur die maatskappy of regpersoon buite die Republiek gehou word.”; en

- (b) deur by paragraaf (e) onder die opskrif “Crystellings van die seëlreg ingevolge paragraaf (3)” die volgende voorbehoudsbepaling te voeg:

“Met dien verstande dat die crystelling ingevolge

hierdie paragraaf nie van toepassing is nie ten opsigte van ’n registrasie van oordrag van handelseffekte wat op of na 5 Julie 1984 in so ’n takregister geskied, tensy—

- (i) daardie takregister dwarsdeur die tydperk van vyf jaar wat op genoemde datum eindig gebruik is vir die registrasie van oordragte van handelseffekte uitgereik deur dié maatskappy of regpersoon; of

Wysiging van
Item 15 van
Bylae 1 by
Wet 77 van 1968,
soos vervang deur
artikel 13 van
Wet 89 van 1972
en gewysig deur
artikel 16 van
Wet 66 van 1973,
artikel 21 van
Wet 88 van 1974,
artikel 3 van
Wet 104 van 1976,
artikel 20 van
Wet 114 van 1977,
artikel 8 van
Wet 95 van 1978,
artikel 8 van
Wet 102 van 1979,
artikel 21 van
Wet 106 van 1980,
artikel 9 van
Wet 99 van 1981,
artikel 7 van
Wet 97 van 1982
en artikel 14 van
Wet 92 van 1983.

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(3) Subsection (2) shall be deemed to have come into operation on 1 June 1984.

10. The following Item is hereby inserted in Schedule 1 to the principal Act after Item 5:

Insertion of
Item 6 in
Schedule 1 to
Act 77 of 1968.

5 "6. *Debit entry*: 0 05

For the purposes of this Item, 'debit entry' means any entry by means of which a debit is posted to—

- (a) a bank account from which money is withdrawable by cheque; or
- 10 (b) an account in terms of a credit card scheme as defined in section 1 of the Limitation and Disclosure of Finance Charges Act, 1968 (Act No. 73 of 1968), other than such a scheme which is carried on by a building society or a scheme
- 15 carried on by a buying association in respect of which the Commissioner is satisfied that it is operated on co-operative principles for the benefit of its members.

Exemptions:

20 Debit entries in an account in respect of—

- (a) interest, service or other charges relating to the holding or use of that account or any charge in respect of the duty under this Item recovered from the holder of the account;
- 25 (b) a bill of exchange (other than a cheque) drawn by the holder of that account;
- (c) the reversal of an entry;
- (d) a banking transaction if the holder of that account is a banking institution managed or controlled outside the Republic;
- 30 (e) a banking transaction if the holder of that account is the Government or a body contemplated in section 4 (1);
- 35 (f) the settling or clearing of accounts between bankers."

11. (1) Item 15 of Schedule 1 to the principal Act is hereby amended—

Amendment of
Item 15 of
Schedule 1 to
Act 77 of 1968,
as substituted
by section 13 of
Act 89 of 1972
and amended by
section 16 of
Act 66 of 1973,
section 21 of
Act 88 of 1974,
section 3 of
Act 104 of 1976,
section 20 of
Act 114 of 1977,
section 8 of
Act 95 of 1978,
section 8 of
Act 102 of 1979,
section 21 of
Act 106 of 1980,
section 9 of
Act 99 of 1981,
section 7 of
Act 87 of 1982
and section 14 of
Act 92 of 1983.

(a) by the insertion after paragraph (2) of the following sentence:

40 "For the purposes of paragraphs (1) and (2) shares, stock or debentures or any certificate or other like instrument representing any interest in respect of shares, stock or debentures shall, when issued by a company or juristic person which is

45 registered, incorporated or established by or under any law of the Republic, be deemed to have been issued in the Republic notwithstanding the fact that such shares, stock, debentures, certificate or other instrument may be registered or noted in a branch register kept by that company or juristic person outside the Republic."; and

50 (b) by the addition to paragraph (e) under the heading "Exemptions from the duty under paragraph (3)" of the following proviso:

55 "Provided that the exemption in terms of this paragraph shall not apply in respect of any registration of transfer of any marketable security which is effected in any such branch register on or after 5 July 1984 unless—

60 (i) that branch register has throughout the period of five years ending on the said date been used for the registration of transfers of marketable securities issued by that company or juristic person; or

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- (ii) die Kommissaris oortuig is—
- (aa) dat daardie takregister gehou word in 'n land waarin daar 'n erkende effektebeurs is;
- (bb) dat handelseffekte wat deur dié maatskappy of regspersoon uitgereik is en wat van dieselfde aard is as die handelseffekte waarvan die registrasie van oordrag geskied, gereeld op daardie effektebeurs gekoop en verkoop word; en
- (cc) dat daardie takregister uitsluitlik of hoofsaaklik vir die gerief van beleggers wat nie gewoonlik in die Republiek woonagtig is nie, gehou word,
- en die Kommissaris dié maatskappy of regspersoon verwittig het dat hy aldus oortuig is en hy daardie maatskappy of regspersoon nie verwittig het dat hy nie meer aldus oortuig is nie.”

(2) Subartikel (1) word geag op 5 Julie 1984 in werking te getree het.

Terugbetalings van seëlreg betaal ten opsigte van ongebruikte tjekvorms.

12. (1) Waar seëlreg volgens voorskrif van paragraaf (iii) van die voorbehoudsbepaling by artikel 5 (1) van die Hoofwet (soos van krag voor die wysiging daarvan deur artikel 5 van hierdie Wet) betaal is ten opsigte van ongebruikte tjekvorms wat op 1 Julie 1984 deur enige persoon gehou word, kan die Kommissaris, ondanks die bepalings van artikel 32 van die Hoofwet of van enige Inkomstevoorskrifte uitgereik of geag uitgereik te wees kragtens artikel 40 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), 'n terugbetaling van daardie seëlreg maak of magtig op die wyse in subartikel (2) beoog.

(2) Waar enige in subartikel (1) bedoelde seëlreg—

(a) deur 'n bankier betaal is ten opsigte van tjekvorms deur hom aan genoemde persoon verkoop, kan die bankier, indien die ongebruikte tjekvorms binne 'n tydperk van een jaar na 1 Julie 1984 vir sy insae voorgelê word, aan die persoon 'n terugbetaling maak van die seëlreg wat ten opsigte van die tjekvorms betaal is en die bedrag aldus terugbetaal, aftrek van enige daaropvolgende seëlreg wat die bankier ingevolge artikel 19 aan die Kommissaris verskuldig word: Met dien verstande dat geen terugbetaling ingevolge hierdie paragraaf gemaak word nie tensy die tjekvorms vervat is in 'n tjekboek wat deur die bankier uitgereik is en die seëlreg wat betaal is ten opsigte van die ongebruikte tjekvorms wat op 1 Julie 1984 in die tjekboek vervat is ten minste R1 bedra; of

(b) deur 'n drukker betaal is ten opsigte van tjekvorms wat vir sy eie gebruik of vir gebruik deur 'n ander persoon deur hom gedruk is, kan die drukker of ander persoon, na gelang van die geval, binne 'n tydperk van een jaar na 1 Julie 1984 aan die Kommissaris 'n aansoek om terugbetaling voorlê, in die vorm wat die Kommissaris voorskryf en vergesel van die staat of ouditeursertifikaat wat die Kommissaris verlang, van die seëlreg betaal ten opsigte van daardie ongebruikte tjekvorms wat op genoemde datum deur die drukker of ander persoon gehou word.

(3) Die bepalings van artikel 32 van die Hoofwet is nie op enige in subartikel (1) bedoelde seëlreg van toepassing nie.

Vrystelling van hereregte en seëlregte ten opsigte van oorgang van sekere bates, regte, laste en verpligtinge.

13. (1) Geen hereregte of seëlregte is betaalbaar nie ten opsigte van 'n oorgang van bates, regte, laste en verpligtinge op die Suid-Afrikaanse Ontwikkelingstrustkorporasie Beperk as gevolg van die oordrag aan daardie Korporasie van—

- (a) die eksplorasië-ondernemings en vakkundige diensteafdeling van Mynboukorporasie Beperk; of
- (b) die vervoerondernemings en handels- en landbou-ondernemings van die Ekonomiese Ontwikkelingskorporasie Beperk.

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- (ii) the Commissioner is satisfied—
- (aa) that such branch register is kept in a country in which there is a recognized stock exchange;
 - 5 (bb) that marketable securities which have been issued by that company or juristic person, and which are of the same kind as the marketable security the registration of transfer of which is effected, are regularly
 - 10 bought and sold on that stock exchange; and
 - (cc) that such branch register is kept solely or mainly for the convenience of investors who are not ordinarily resident in the Re-
 - 15 public,
- and the Commissioner has notified that company or juristic person that he is so satisfied and has not notified that company or juristic person that he is no longer so satisfied.”.
- 20 (2) Subsection (1) shall be deemed to have come into operation on 5 July 1984.

12. (1) Where stamp duty has been paid as provided in paragraph (iii) of the proviso to section 5 (1) of the principal Act (as in force prior to the amendment thereof by section 5 of this Act)

25 in respect of any unused cheque forms held by any person on 1 July 1984, the Commissioner may, notwithstanding the provisions of section 32 of the principal Act or of any Revenue Instructions issued or deemed to have been issued under section 40 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975),

30 make or authorize a refund of that duty in the manner contemplated in subsection (2).

Refunds of stamp duty paid in respect of unused cheque forms.

- (2) Where any duty contemplated in subsection (1)—
- (a) was paid by a banker in respect of cheque forms sold by him to the said person, that banker may, if the
 - 35 unused cheque forms are produced for his inspection within a period of one year after 1 July 1984, make a refund to that person of the stamp duty paid in respect of those cheque forms and may deduct the amount so refunded from any subsequent payment of stamp duty
 - 40 required to be made by him to the Commissioner in terms of section 19: Provided that no refund shall be made in terms of this paragraph unless the cheque forms are contained in a cheque book issued by the banker and the duty paid in respect of the unused che-
 - 45 que forms contained in the cheque book on 1 July 1984 amounts to at least R1; or
 - (b) was paid by a printer in respect of cheque forms printed by him for his own use or for use by any other person, that printer or other person, as the case may be,
 - 50 may within a period of one year after 1 July 1984 submit to the Commissioner an application for refund, in such form as the Commissioner may prescribe and accompanied by such statement or auditor's certificate as the Commissioner may require, of the duty paid in
 - 55 respect of those unused cheque forms held by that printer or other person on the said date.
- (3) The provisions of section 32 of the principal Act shall not apply to any stamp duty contemplated in subsection (1).

13. (1) No transfer duty or stamp duty shall be payable in re-
- 60 spect of any passing of assets, rights, liabilities and obligations to the South African Development Trust Corporation Limited as a result of the transfer to that Corporation of—
- (a) the exploration undertakings and technical services branch of the Mining Corporation Limited; or
 - 65 (b) the transport undertakings and commercial and agricultural undertakings of the Corporation for Economic Development Limited.

Exemption from transfer duty and stamp duty in respect of passing of certain assets, rights, liabilities and obligations.

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(2) Geen hereregte of seëlregte is betaalbaar nie ten opsigte van die oorgang van bates, regte, laste en verpligtinge op—

- (a) die KaNgwane Ekonomiese Ontwikkelingskorporasie Beperk;
 - (b) die KwaNdebele Nasionale Ontwikkelingskorporasie Beperk;
 - (c) die Lebowa Ontwikkelingskorporasie Beperk;
 - (d) die Sjangaan-Tsonga Ontwikkelingskorporasie Beperk;
 - (e) die KwaZulu Ontwikkelingskorporasie Beperk; of
 - (f) die Ciskei Peoples Development Bank Limited,
- as gevolg van die oordrag aan gemelde Korporasies of Bank van die mynbou-ondernemings waarin Mynboukorporasie Beperk 'n belang het.

(3) Subartikels (1) en (2) word geag op 1 April 1984 in werking te getree het.

Inwerkingtreding
van sekere
wysigings.

14. Die wysigings deur artikel 3, artikels 5 tot 8 en artikels 9 (1), 10 en 12 aan die Hoofwet aangebring, word geag op 1 Julie 1984 in werking te getree het en is van toepassing op debetposte wat op of na daardie datum in 'n rekening gemaak is of word.

Kort titel.

15. Hierdie Wet heet die Wysigingswet op Inkomstewette, 1984.

(1) Where any duty contemplated in subsection (1) —

(a) was paid by a bank in respect of cheque forms sold by him to the said person, that bank shall, if the unused cheque forms are produced for his inspection within a period of one year after 1 July 1984, make a refund to that person of the stamp duty paid in respect of those cheque forms and may debit the amount so refunded from any subsequent payment of stamp duty required to be made by him to the Commissioner in terms of section 19. Provided that no refund shall be made in terms of this paragraph unless the cheque forms are contained in a cheque book issued by the bank and the duty paid in respect of the unused cheque forms contained in the cheque book on 1 July 1984 amounts to at least R1; or

(b) was paid by a printer in respect of the forms printed by him for his own use or for use by any other person that printer or other person, as the case may be, may within a period of one year after 1 July 1984 submit to the Commissioner an application for refund in such form as the Commissioner may prescribe and accompanied by such statement or statements as may be required by the Commissioner in respect of the duty paid in respect of those forms held by that printer or other person on the said date.

(3) The provisions of section 32 of the principal Act shall not apply to any stamp duty contemplated in subsection (1).

13. (1) No transfer duty or stamp duty shall be payable in respect of any passing of assets, rights, liabilities and obligations to the South African Development Trust Corporation Limited as a result of the transfer to that Corporation of —

- (a) the exploration, undertaking and technical services of the Mining Corporation Limited; or
- (b) the transport, undertaking and commercial and agricultural undertakings of the Corporation for Economic Development Limited.

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- (2) No transfer duty or stamp duty shall be payable in respect of the passing of assets, rights, liabilities and obligations to—
- (a) the KaNgwane Economic Development Corporation Limited;
 - 5 (b) the KwaNdebele National Development Corporation Limited;
 - (c) the Lebowa Development Corporation Limited;
 - (d) the Shangaan-Tsonga Development Corporation Limited;
 - 10 (e) the KwaZulu Development Corporation Limited; or
 - (f) the Ciskei Peoples Development Bank Limited,
- as a result of the transfer to the said Corporations or Bank of the mining undertakings in which the Mining Corporation Limited has an interest.
- 15 (3) Subsections (1) and (2) shall be deemed to have come into operation on 1 April 1984.

14. The amendments effected to the principal Act by section 3, sections 5 to 8 and sections 9 (1), 10 and 12 shall be deemed to have come into operation on 1 July 1984 and shall apply in respect of debit entries made in an account on or after that date.

Commencement
of certain
amendments.

15. This Act shall be called the Revenue Laws Amendment Act, 1984.

Short title.