



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 10330

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1418.

4 Julie 1986

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

No. 65 van 1986: Inkomstebelastingwet, 1986.

No. 1418.

4 July 1986

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

No. 65 of 1986: Income Tax Act, 1986.

Wet No. 65, 1986

INKOMSTEBELASTINGWET, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verorderings 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 inkomste vir die jare van aanslag eindigende op 28 Februarie 1987 en 30 Junie 1987, en deur maatskappye ten opsigte van belasbare inkomste vir jare van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1987; tot wysiging van die Inkomstebelastingwet, 1962; tot wysiging van die Inkomstebelastingwet, 1984; tot wysiging van die Inkomstebelastingwet, 1985; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Junie 1986.)

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

Skale van
normale
belasting.

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

- (a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op 28 Februarie 1987 of 30 Junie 1987; en
 - (b) die belasbare inkomste van 'n maatskappy vir 'n jaar 10 van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1987,
- is soos uiteengesit in die Bylae by hierdie Wet.

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

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

- (a) deur die voorbehoudsbepaling by paragraaf (d) van die omskrywing van "bruto inkomste" deur die volgende voorbehoudsbepaling te vervang:
"Met dien verstande dat—
(i) die bepalinge van hierdie paragraaf nie op 'n enkelbedragtoekenning uit 'n pensioenfonds, voorsorgs fonds of uittredingannuïteitsfonds [of bystands fonds] van toepassing is nie;
(ii) so 'n bedrag wat as gevolg van of na die dood van 'n persoon betaalbaar word, geag word 'n bedrag te wees wat onmiddellik voor sy dood aan be- 25 doelde persoon toegeval het;"
- (b) deur paragraaf (a) van die omskrywing van "bystands fonds" deur die volgende paragraaf te vervang:
"(a) 'n onderlinge hulpvereniging ingevolge die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), geregistreer, of 'n fonds wat voor 13 Junie 1986 ingestel is en wat nie aldus geregistreer is nie alleenlik vanweë die bepalinge van artikel 2 (2) (a) van daardie Wet; of";

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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 28 February 1987 and 30 June 1987, and by companies in respect of taxable incomes for years of assessment ending during the period of 12 months ending on 31 March 1987; to amend the Income Tax Act, 1962; to amend the Income Tax Act, 1984; to amend the Income Tax Act, 1985; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 25 June 1986.)

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

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 on 28 February 1987 or 30 June 1987; and
- (b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 1987,

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

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

(a) by the substitution for paragraph (a) of the definition of “benefit fund” of the following paragraph:

“(a) any friendly society registered under the Friendly Societies Act, 1956 (Act No. 25 of 1956), or any fund established before 13 June 1986 which is not so registered solely because of the provisions of section 2 (2) (a) of that Act; or”;

(b) by the substitution for the proviso to paragraph (d) of the definition of “gross income” of the following proviso:

“Provided that—

(i) the provisions of this paragraph shall not apply to any lump sum award from any pension fund, provident fund or retirement annuity fund **[or benefit fund]**;

(ii) any such amount which becomes payable in consequence of or following upon the death of any person shall be deemed to be an amount which accrued to such person immediately prior to his **death**”;

Rates of normal tax.

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

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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,
artikel 3 van
Wet 101 van 1978,
artikel 3 van
Wet 104 van 1979,
artikel 2 van
Wet 104 van 1980,
artikel 2 van
Wet 96 van 1981,
artikel 3 van
Wet 91 van 1982,
artikel 2 van
Wet 94 van 1983,
artikel 1 van
Wet 30 van 1984,
artikel 2 van
Wet 121 van 1984
en artikel 2 van
Wet 96 van 1985.

- (c) deur in paragraaf (c) van die omskrywing van "pensioenfondse" die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
" 'n fonds (behalwe 'n uittredingannuïteitsfonds) wat nie aldus ingestel is nie en deur die Kommissaris ten opsigte van die betrokke jaar van aanslag goedgekeur word en, in die geval van so 'n fonds wat op of na 1 Julie 1986 ingestel is, wat kragtens die bepalings van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer is:"; 5 10
- (d) deur in die omskrywing van "uittredingannuïteitsfondse" die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
" "uittredingannuïteitsfondse" 'n fonds (behalwe 'n pensioenfondse, voorsorgsfonds of bystandsfonds) wat deur die Kommissaris ten opsigte van die betrokke jaar van aanslag goedgekeur word en, in die geval van so 'n fonds wat op of na 1 Julie 1986 ingestel is, wat kragtens die bepalings van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer is:"; en 15 20
- (e) deur in die omskrywing van "voorsorgsfonds" die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
" "voorsorgsfonds" 'n fonds (behalwe 'n pensioenfondse, bystandsfonds of uittredingannuïteitsfonds) wat deur die Kommissaris ten opsigte van die betrokke jaar van aanslag goedgekeur word en, in die geval van so 'n fonds wat op of na 1 Julie 1986 ingestel is, wat kragtens die bepalings van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer is:" 25 30

(2) Die wysiging deur subartikel (1) (a) aangebring, is van toepassing op 'n bedrag wat op of na 13 Junie 1986 ontvang word of toeval. 35

3. Artikel 5 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (10) deur die volgende paragraaf te vervang:

- "(b) 'A' die bedrag aan normale belasting voorstel (soos vasgestel ná die byvoeging van enige toeslag of die af- 40
trekking van enige afslag maar vóór die aftrekking van enige korting of die byvoeging van enige leningsge-
deelte van bedoelde belasting) wat bereken word teen die volle skaal van belasting wat vir bedoelde jaar hef-
baar is, ten opsigte van 'n belasbare inkomste gelyk aan 45
die bedrag wat deur die uitdrukking 'B - C' in die formule voorgestel word;"

Wysiging van
artikel 5 van
Wet 58 van 1962,
soos vervang deur
artikel 2 van
Wet 6 van 1963
en gewysig deur
artikel 5 van
Wet 90 van 1964,
artikel 6 van
Wet 88 van 1965,
artikel 7 van
Wet 55 van 1966,
artikel 6 van
Wet 95 van 1967,
artikel 6 van
Wet 77 van 1968,
artikel 7 van
Wet 89 van 1969,
artikel 7 van
Wet 52 van 1970,
artikel 5 van
Wet 88 van 1971,
artikel 5 van
Wet 90 van 1972,
artikel 5 van
Wet 65 van 1973,
artikel 5 van
Wet 103 van 1976,
artikel 5 van
Wet 113 van 1977,
artikel 3 van
Wet 104 van 1980,
artikel 4 van
Wet 96 van 1981,
artikel 4 van
Wet 91 van 1982,
artikel 3 van
Wet 94 van 1983
en artikel 3 van
Wet 121 van 1984.

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- (c) by the substitution in paragraph (c) of the definition of "pension fund" for the words preceding the proviso of the following words:
- 5 "any fund (other than a retirement annuity fund) not so established which is approved by the Commissioner in respect of the year of assessment in question and, in the case of any such fund established on or after 1 July 1986, is registered under the provisions of the Pension Funds Act, 1956 (Act No. 24 of 1956).";
- 10 (d) by the substitution in the definition of "provident fund" for the words preceding the proviso of the following words:
- 15 "'provident fund' means any fund (other than a pension fund, benefit fund or retirement annuity fund) which is approved by the Commissioner in respect of the year of assessment in question and, in the case of any such fund established on or after 1 July 1986, is registered under the provisions of the Pension Funds Act, 1956 (Act No. 24 of 1956)."; and
- 20 (e) by the substitution in the definition of "retirement annuity fund" for the words preceding the proviso of the following words:
- 25 "'retirement annuity fund' means any fund (other than a pension fund, provident fund or benefit fund) which is approved by the Commissioner in respect of the year of assessment in question and, in the case of any such fund established on or after 1 July 1986, is registered under the provisions of the Pension Funds Act, 1956 (Act No. 24 of 1956).";
- 30 (2) The amendment effected by subsection (1) (b) shall apply to any amount received or accrued on or after 13 June 1986.

3. Section 5 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (10) of the following

35 paragraph:

- 40 "(b) 'A' represents the amount of normal tax (as determined after the addition of any surcharge or the deduction of any discount but before the deduction of any rebate or the addition of any loan portion of such tax) calculated at the full rate of tax chargeable for the said year in respect of a taxable income equal to the amount represented by the expression 'B - C' in the formula;".

Amendment of section 5 of Act 58 of 1962, as substituted by section 2 of Act 6 of 1963 and amended by section 5 of Act 90 of 1964, section 6 of Act 88 of 1965, section 7 of Act 55 of 1966, section 6 of Act 95 of 1967, section 6 of Act 77 of 1968, section 7 of Act 89 of 1969, section 7 of Act 52 of 1970, section 5 of Act 88 of 1971, section 5 of Act 90 of 1972, section 5 of Act 65 of 1973, section 5 of Act 103 of 1976, section 5 of Act 113 of 1977, section 3 of Act 104 of 1980, section 4 of Act 96 of 1981, section 4 of Act 91 of 1982, section 3 of Act 94 of 1983 and section 3 of Act 121 of 1984.

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INKOMSTEBELASTINGWET, 1986

Wysiging van artikel 7A van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 69 van 1974 en gewysig deur artikel 7 van Wet 103 van 1976 en artikel 6 van Wet 96 van 1981.

4. (1) Artikel 7A van die Hoofwet word hierby gewysig—
- (a) deur die volgende voorbehoudsbepaling by subartikel (4) te voeg:
- “Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op so 'n bedrag wat as gevolg van of na die dood van die belastingpligtige betaalbaar word.”;
- (b) deur aan die einde van paragraaf (c) van subartikel (4A) die woord “of” by te voeg; en
- (c) deur na genoemde paragraaf (c) die volgende paragraaf 10 in te voeg:
- “(d) die Kommissaris oortuig is dat—
- (i) die beëindiging of naderende beëindiging van die belastingpligtige se dienste daaraan te wyte is dat sy werkgewer opgehou het of van voorneme is om op te hou om die bedryf te beoefen ten opsigte waarvan die belastingpligtige in diens was of dat die belastingpligtige oorbodig geword het omrede sy werkgewer 'n vermindering in personeel ingestel het; en
- (ii) die omstandighede van die geval hierdie toeweging regverdig.”.

(2) Subartikel (1) (b) en (c) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1986 geëindig het of eindig, maar is nie van toepassing nie op so 'n bedrag wat uit hoofde van 'n keuse wat ingevolge artikel 7A (4) van die Hoofwet deur die belastingpligtige uitgeoefen is, een van drie paaiemente is van 'n bedrag wat werklik voor 1 Maart 1985 deur hom ontvang is of aan hom toegeval het.

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van 1972, artikel 8 van Wet 85 van 1974, artikel 7 van Wet 69 van 1975, artikel 7 van Wet 113 van 1977, artikel 8 van Wet 94 van 1983, artikel 5 van Wet 121 van 1984 en artikel 4 van Wet 96 van 1985.

5. Artikel 8 van die Hoofwet word hierby gewysig deur in paragraaf (c) van subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Waar 'n toelae aan die bekleër van 'n amp of aan 'n werknemer gegee word vir onkoste aangegaan of wat aangegaan staan te word ten opsigte van persoonlike verblyf en toevallige uitgawes terwyl bedoelde ampsbkleër of werknemer vanweë die pligte van sy amp of diens verplig is om ten minste een nag weg van sy gewone woonplek binne die Republiek deur te bring, word soveel van bedoelde toelae as wat, tesame met enige bedrae wat deur die werkgewer ten opsigte van enige van genoemde onkoste uitgegee is, nie 'n bedrag bereken vir elke dag of gedeelte van 'n dag in die tydperk waartydens hy aldus afwesig is teen—

- (i) R100 per dag [vir elke dag of gedeelte van 'n dag in die tydperk waartydens hy aldus afwesig is] indien die toelae aan hom gegee is om die onkoste van huisvesting (behalwe huisvesting deur die werkgewer verskaf) binne die Republiek sowel as etes en ander toevallige uitgawes te bestry; of
- (ii) die bedrag wat die Kommissaris toelaat indien die toelae aan hom gegee is om die onkoste van bedoelde huisvesting buite die Republiek sowel as etes en ander toevallige uitgawes te bestry; of

(iii) R50 per dag [vir elke dag of gedeelte van 'n dag in genoemde tydperk] in enige ander geval,

te bowe gaan nie, geag vir die doeleindes van paragraaf (a) werklik deur hom bestee te gewees het ten opsigte van genoemde onkoste.”.

Wysiging van artikel 9 van Wet 58 van 1962, soos gewysig deur artikel 7 van Wet 90 van 1962, artikel 6 van

6. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Rente wat deur 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is, ontvang is of wat aan hom toegeval het, of wat deur 'n binnelandse maatskappy ontvang is of wat aan hom toegeval het, ten opsigte

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

- (a) by the addition to subsection (4) of the following proviso:

“Provided that the provisions of this subsection shall not apply to any such amount which becomes payable in consequence of or following upon the death of the taxpayer.”;

- (b) by the addition at the end of paragraph (c) of subsection (4A) of the word “or”; and

- (c) by the insertion after the said paragraph (c) of the following paragraph:

“(d) the Commissioner is satisfied that—

- (i) the termination or impending termination of the taxpayer's services is due to his employer having ceased to carry on or intending to cease carrying on the trade in respect of which the taxpayer was employed or to the taxpayer having become redundant in consequence of his employer having effected a reduction in personnel; and

- (ii) the circumstances of the case warrant this concession.”.

(2) Subsection (1) (b) and (c) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1986, but shall not apply in respect of any amount which is, by reason of an option exercised by the taxpayer under section 7A (4) of the principal Act, one of three instalments of an amount which was actually received by or which accrued to him before 1 March 1985.

5. Section 8 of the principal Act is hereby amended by the substitution in paragraph (c) of subsection (1) for the words preceding the proviso of the following words:

“Where any allowance is given to the holder of any office or to any employee for expenses incurred or to be incurred in respect of personal subsistence and incidental costs while such office holder or employee is by reason of the duties of his office or employment obliged to spend at least one night away from his usual place of residence in the Republic, so much of such allowance as, together with any amounts expended by the employer in respect of any of the said costs, does not exceed an amount calculated for each day or part of a day in the period during which he is so absent at the rate of—

- (i) R100 per day for each day or part of a day in the period during which he is so absent if the allowance is given to him to defray the cost of accommodation (other than accommodation supplied by the employer) in the Republic as well as meals and other incidental costs; or

- (ii) such amount as the Commissioner may allow if the allowance is given to him to defray the cost of such accommodation outside the Republic as well as meals and other incidental costs; or

- (iii) R50 per day for each day or part of a day in the said period in any other case,

shall be deemed for the purposes of paragraph (a) to have been actually expended by him in respect of the said expenses.”.

6. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any interest which has been received by or has accrued to any person (other than a company) who is ordinarily resident in the Republic or has been received by or has accrued to any domestic company, in respect of any loan to

Amendment of section 7A of Act 58 of 1962, as inserted by section 6 of Act 69 of 1974 and amended by section 7 of Act 103 of 1976 and section 6 of Act 96 of 1981.

Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966, section 10 of Act 89 of 1969, section 6 of Act 90 of 1972, section 8 of Act 85 of 1974, section 7 of Act 69 of 1975, section 7 of Act 113 of 1977, section 8 of Act 94 of 1983, section 5 of Act 121 of 1984 and section 4 of Act 96 of 1985.

Amendment of section 9 of Act 58 of 1962, as amended by section 7 of Act 90 of 1962, section 6 of

Wet No. 65, 1986

INKOMSTEBELASTINGWET, 1986

Wet 72 van 1963,
artikel 7 van
Wet 90 van 1964,
artikel 9 van
Wet 95 van 1967,
artikel 12 van
Wet 89 van 1969,
artikel 6 van
Wet 65 van 1973,
artikel 9 van
Wet 85 van 1974,
artikel 8 van
Wet 103 van 1976,
artikel 9 van
Wet 121 van 1984
en artikel 5 van
Wet 96 van 1985.

Wysiging van
artikel 10 van
Wet 58 van 1962,
soos gewysig deur
artikel 8 van
Wet 90 van 1962,
artikel 7 van
Wet 72 van 1963,
artikel 8 van
Wet 90 van 1964,
artikel 10 van
Wet 88 van 1965,
artikel 11 van
Wet 55 van 1966,
artikel 10 van
Wet 95 van 1967,
artikel 8 van
Wet 76 van 1968,
artikel 13 van
Wet 89 van 1969,
artikel 9 van
Wet 52 van 1970,
artikel 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,
artikel 4 van
Wet 101 van 1978,
artikel 7 van
Wet 104 van 1979,
artikel 7 van
Wet 104 van 1980,
artikel 8 van
Wet 96 van 1981,
artikel 6 van
Wet 91 van 1982,
artikel 9 van
Wet 94 van 1983,
artikel 10 van
Wet 121 van 1984
en artikel 6 van
Wet 96 van 1985.

van 'n lening aan of deposito in 'n bouvereniging geregi-
streer ingevolge die Bouverenigingswet, 1965 (Wet No. 24
van 1965), of 'n dergelike instelling, ongeag waar dit inge-
lyf, opgerig of ingestel is, of 'n dividend of deel van winste
deur so 'n vereniging of dergelike instelling uitgekeer wat 5
deur so 'n persoon of maatskappy ontvang is of aan hom
toegeval het, word geag uit 'n bron in die Republiek verkry
te gewees het, ongeag waar so 'n lening of deposito gemaak
of gehou word of vir 'n aandeel waarop bedoelde dividend
of deel van winste betrekking het, ingeskryf word of soda- 10
nige aandeel gehou word of bedoelde rente, dividend of
deel van winste betaalbaar is."

7. Artikel 10 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (v) van paragraaf (cC) van subarti-
kel (1) deur die volgende subparagraaf te vervang: 15
“(v) in die geval van 'n vereniging waarop die bepalings
van item (bb) van subparagraaf (i) van toepassing
is, die direkteure van die vereniging onafhanklike
persone is wat geen vergoeding vir hul dienste aan
die vereniging verkry nie en minstens een van 20
daardie direkteure 'n persoon is wat deur **[die Mi-
nister van Gemeenskapsbou]** 'n Minister verant-
woordelik vir behuisingsaangeleenthede benoem
is;”;
- (b) deur in paragraaf (dA) van subartikel (1) die woorde 25
wat subparagraaf (i) voorafgaan deur die volgende
woorde te vervang:
“die ontvangste en toevallings van enige fonds wat
in die gebied of in 'n land waarvan die gebied
voorheen deel van die Republiek uitgemaak het, 30
bestuur en beheer word, indien—”;
- (c) deur in subparagraaf (xv) van paragraaf (i) van subarti-
kel (1) die uitdrukking “R250” deur die uitdrukking
“R500” te vervang;
- (d) deur in subparagraaf (xvi) van paragraaf (i) van subar- 35
tikel (1) die uitdrukking “R250” deur die uitdrukking
“R500” te vervang;
- (e) deur subparagraaf (ii) van paragraaf (nB) van subarti-
kel (1) deur die volgende subparagraaf te vervang:
“(ii) die uitgawes wat die Kommissaris toelaat wat deur 40
die werknemer aangegaan is ten opsigte van die
verkoop van sy vorige woning en by sy intrek in
permanente huisvesting by sy nuwe woonplek;
of”; en
- (f) deur na paragraaf (nF) van subartikel (1) die volgende 45
paragraaf in te voeg:
“(nG) die waarde van 'n voordeel of bate in paragraaf 2
van die Sewende Bylae bedoel wat verkry is deur
'n werknemer wat, nadat hy uit die heeltydse diens
getree het van die werkgewer deur wie bedoelde 50
voordeel of bate verleen is, weer op 'n deeltydse
basis deur bedoelde werkgewer in diens geneem is,
indien—
(i) die kontantbesoldiging wat ten opsigte van be-
doelde deeltydse diens deur die werknemer 55
ontvang is of aan hom toegeval het, teen 'n
koers wat R5 000 per jaar nie te bowe gaan
nie, betaalbaar was;
(ii) die werknemer uit bedoelde diens getree het
toe of nadat hy die ouderdom van 60 jaar be- 60
reik het of weens swak gesondheid of ander
gebrek; en
(iii) bedoelde voordeel of bate verleen is voordat
die werknemer aldus uitgetree het;”.

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or deposit in any building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965), or any similar institution wheresoever it is incorporated, formed or established, or any dividend or share of profits distributed by any such society or similar institution which has been received by or has accrued to any such person or company, shall be deemed to have been derived from a source within the Republic, wheresoever such loan or deposit is made or held or any share to which such dividend or share of profits relates is subscribed for or held or such interest, dividend or share of profits is payable.”

Act 72 of 1963, section 7 of Act 90 of 1964, section 9 of Act 95 of 1967, section 12 of Act 89 of 1969, section 6 of Act 65 of 1973, section 9 of Act 85 of 1974, section 8 of Act 103 of 1976, section 9 of Act 121 of 1984 and section 5 of Act 96 of 1985.

7. Section 10 of principal Act is hereby amended—

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

“(v) in the case of an association to which the provisions of item (bb) of subparagraph (i) apply, the directors of the association are independent persons who do not derive any remuneration for their services to the association and at least one of those directors is a person nominated by **[the Minister of Community Development]** a Minister responsible for housing matters;”;

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 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, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983, section 10 of Act 121 of 1984 and section 6 of Act 96 of 1985.

(b) by the substitution in paragraph (dA) of subsection (1) for the words preceding subparagraph (i) of the following words:

“the receipts and accruals of any fund managed and controlled in the territory or in any country the territory of which formerly formed part of the Republic, if—”;

(c) by the substitution in subparagraph (xv) of paragraph (i) of subsection (1) for the expression “R250” of the expression “R500”;

(d) by the substitution in subparagraph (xvi) of paragraph (i) of subsection (1) for the expression “R250” of the expression “R500”;

(e) by the substitution for subparagraph (ii) of paragraph (nB) of subsection (1) of the following subparagraph:

“(ii) of such costs as the Commissioner may allow which have been incurred by the employee in respect of the sale of his previous residence and in settling in permanent residential accommodation at his new place of residence; or”;

(f) by the insertion after paragraph (nF) of subsection (1) of the following paragraph:

“(nG) the value of any benefit or advantage contemplated in paragraph 2 of the Seventh Schedule derived by an employee who, after having retired from full-time service with the employer by whom such benefit or advantage was granted, has been re-employed by such employer on a part-time basis, if—

(i) the cash remuneration received by or accrued to the employee in respect of such part-time employment was payable at a rate not exceeding R5 000 per annum;

(ii) the employee retired from such full-time service on or after attaining the age of 60 years or as a result of ill-health or other infirmity; and

(iii) such benefit or advantage was granted before the employee so retired;”.

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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, artikel 6 van Wet 101 van 1978, artikel 10 van Wet 104 van 1979, artikel 9 van Wet 104 van 1980, artikel 12 van Wet 96 van 1981, artikel 11 van Wet 91 van 1982, artikel 14 van Wet 121 van 1984 en artikel 9 van Wet 96 van 1985.

Wysiging van artikel 12A van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 55 van 1966 en gewysig deur artikel 13 van Wet 95 van 1967, artikel 12 van Wet 88 van 1971, artikel 12 van Wet 69 van 1975, artikel 13 van Wet 96 van 1981, artikel 12 van Wet 91 van 1982 en artikel 12 van Wet 94 van 1983.

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, artikel 12 van Wet 103 van 1976 en artikel 11 van Wet 104 van 1979.

Invoging van artikel 18B in Wet 58 van 1962.

8. (1) Artikel 12 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (5) te voeg:

“(c) By die toepassing van hierdie subartikel beteken ‘huur’ ’n huur behalwe ’n bedryfshuur soos omskryf in artikel 23A (1).”

(2) Die wysiging deur subartikel (1) 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 2 Oktober 1981 geëindig het of eindig.

9. (1) Artikel 12A van die Hoofwet word hierby gewysig deur 10 die volgende paragraaf by subartikel (5) te voeg:

“(c) By die toepassing van hierdie subartikel beteken ‘huur’ ’n huur behalwe ’n bedryfshuur soos omskryf in artikel 23A (1).”

(2) Die wysiging deur subartikel (1) aangebring, word, vir die 15 doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 2 Oktober 1981 geëindig het of eindig.

10. Artikel 14 van die Hoofwet word hierby gewysig deur na subartikel (1C) die volgende subartikel in te voeg:

“(1D) (a) Waar ’n filiaalmaatskappy (soos bedoel in paragraaf

(b) van die omskrywing van ‘Suid-Afrikaanse skip’ in subartikel (2)) besigheid dryf as die eienaar van ’n Suid-Afrikaanse skip en nie enige ander tipe besigheid dryf nie, kan die moedermaatskappy (soos in genoemde paragraaf bedoel) met betrekking tot bedoelde filiaalmaatskappy kies dat bedoelde moedermaatskappy en bedoelde filiaalmaatskappy by die toepassing van hierdie Wet geag word een en dieselfde maatskappy te wees en te gewees het.

(b) ’n Keuse ingevolge paragraaf (a) uitgeoefen, is, tensy die Kommissaris anders gelas, vir die betrokke maatskappye bindend in die jaar van aanslag waarin dit uitgeoefen word en in alle daaropvolgende jare van aanslag.

(c) Die bepalinge van subartikels (1A) en (1B) is nie van toepassing nie in ’n jaar van aanslag waarin die bepalinge van hierdie subartikel van toepassing is.”

11. (1) Die volgende artikel word hierby in die Hoofwet na artikel 18A ingevoeg:

“Borgskap-vermindering.

18B. (1) By die toepassing van hierdie artikel beteken—
‘borgskaponkoste’ soveel van enige onkoste deur die

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8. (1) Section 12 of the principal Act is hereby amended by the addition to subsection (5) of the following paragraph:

“(c) For the purposes of this subsection, ‘lease’ means a lease other than an operating lease as defined in section 23A (1).”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 2 October 1981.

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, section 6 of Act 101 of 1978, section 10 of Act 104 of 1979, section 9 of Act 104 of 1980, section 12 of Act 96 of 1981, section 11 of Act 91 of 1982, section 14 of Act 121 of 1984 and section 9 of Act 96 of 1985.

9. (1) Section 12A of the principal Act is hereby amended by the addition to subsection (5) of the following paragraph:

“(c) For the purposes of this subsection, ‘lease’ means a lease other than an operating lease as defined in section 23A (1).”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 2 October 1981.

Amendment of section 12A of Act 58 of 1962, as inserted by section 16 of Act 55 of 1966 and amended by section 13 of Act 95 of 1967, section 12 of Act 88 of 1971, section 12 of Act 69 of 1975, section 13 of Act 96 of 1981, section 12 of Act 91 of 1982 and section 12 of Act 94 of 1983.

10. Section 14 of the principal Act is hereby amended by the insertion after subsection (1C) of the following subsection:

“(1D) (a) Where any subsidiary company (as contemplated in paragraph (b) of the definition of ‘South African ship’ in subsection (2)) carries on business as the owner of any South African ship and does not carry on any other type of business, the parent company (as contemplated in the said paragraph) in relation to such subsidiary company may elect that such parent company and such subsidiary company shall for the purposes of this Act be deemed to be and to have been one and the same company.

(b) Any election made under paragraph (a) shall, unless the Commissioner otherwise directs, be binding upon the companies concerned in the year of assessment in respect of which it is made and in all subsequent years of assessment.

(c) The provisions of subsections (1A) and (1B) shall not apply in any year of assessment in which the provisions of this subsection are applicable.”.

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, section 12 of Act 103 of 1976 and section 11 of Act 104 of 1979.

11. (1) The following section is hereby inserted in the principal Act after section 18A:

“Sponsorship allowance.

18B. (1) For the purposes of this section—

‘international event’ means any cultural, educational or sporting event held or to be held in the Re-

Insertion of section 18B in Act 58 of 1962.

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belastingpligtige aangeaan ten opsigte van die borg van 'n internasionale geleentheid (met inbegrip van enige advertensie-onkoste wat regstreeks met bedoelde borg verband hou) as wat toegelaat is om ingevolge die bepalings van artikel 11 (a) of (b) van sy inkomste afgetrek te word;

'internasionale geleentheid' 'n kultuur-, opvoedkundige of sportgeleentheid wat binne die Republiek gehou is of staan te word en ten opsigte waarvan die Minister van Finansies na oorleg met die Minister van Nasionale Opvoeding oortuig is—

(a) dat dit 'n tipe geleentheid is waarin daar normaalweg op 'n internasionale grondslag deelgeneem word;

(b) dat 'n wesentlike aantal deelnemers of die sleuteldeelnemers persone is of sal wees wat nie inwoners van die Republiek is nie; en

(c) dat die hou van bedoelde geleentheid tot wesentlike voordeel van kultuur-, opvoedkundige of sportaktiwiteite in die Republiek is of sal wees,

en wat deur die Minister van Finansies vir die doeleindes van hierdie artikel goedgekeur is.

(2) Indien 'n belastingpligtige gedurende 'n jaar van aanslag wat op of na 1 Julie 1986 eindig borgskap-onkoste aangeaan het, word daar aan hom 'n vermindering op sy inkomste, genoem die borgskapvermindering, vir daardie jaar toegelaat gelyk aan 80 persent van soveel van bedoelde borgskaponkoste as wat die Minister van Finansies gelas."

(2) Die wysiging deur subartikel (1) 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 Julie 1986 geëindig het of eindig.

Wysiging van artikel 19 van Wet 58 van 1962, soos gewysig deur artikel 15 van Wet 90 van 1962, artikel 6 van Wet 6 van 1963, artikel 17 van Wet 88 van 1965, artikel 17 van Wet 88 van 1971, artikel 14 van Wet 90 van 1972, artikel 18 van Wet 85 van 1974, artikel 14 van Wet 104 van 1980, artikel 17 van Wet 96 van 1981, artikel 15 van Wet 91 van 1982, artikel 17 van Wet 94 van 1983, artikel 17 van Wet 121 van 1984 en artikel 12 van Wet 96 van 1985.

12. Artikel 19 van die Hoofwet word hierby gewysig deur in subartikel (1A) die uitdrukking "R250" deur die uitdrukking "R500" te vervang.

Wysiging van artikel 20A van Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 89 van 1969 en gewysig deur

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

"(1) By die vasstelling van die belasbare inkomste van 'n belastingpligtige by wie se inkomste daar ingevolge die bepalings van artikel 7 (2) verdienste van sy

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public in respect of which the Minister of Finance after consultation with the Minister of National Education is satisfied—

- 5 (a) that it is a type of event which is commonly participated in on an international basis;
- (b) that a substantial number of the participants or the key participants are or will be persons who are not residents of the Republic; and
- 10 (c) that the holding of such event is or will be of material advantage to cultural, educational or sporting activities in the Republic, and which has been approved by the Minister of Finance for the purposes of this section;
- 15 'sponsorship expenditure' means so much of any expenditure incurred by the taxpayer in respect of the sponsoring of any international event (including any advertising expenditure directly connected with such sponsoring) as has been allowed to be deducted from his income under the
- 20 provisions of section 11 (a) or (b).
- (2) If any taxpayer has during any year of assessment ending on or after 1 July 1986 incurred sponsorship expenditure, there shall be allowed to be deducted from his income for that year an allowance,
- 25 to be known as the sponsorship allowance, equal to 80 per cent of so much of such sponsorship expenditure as the Minister of Finance may direct."

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 July 1986.

12. Section 19 of the principal Act is hereby amended by the substitution in subsection (1A) for the expression "R250" of the expression "R500".

Amendment of section 19 of Act 58 of 1962, as amended by section 15 of Act 90 of 1962, section 6 of Act 6 of 1963, section 17 of Act 88 of 1965, section 17 of Act 88 of 1971, section 14 of Act 90 of 1972, section 18 of Act 85 of 1974, section 14 of Act 104 of 1980, section 17 of Act 96 of 1981, section 15 of Act 91 of 1982, section 17 of Act 94 of 1983, section 17 of Act 121 of 1984 and section 12 of Act 96 of 1985.

13. (1) Section 20A of the principal Act is hereby amended—

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

40 "(1) There shall, in the determination of the taxable income of any taxpayer in whose income there is under the provisions of section 7 (2) included any earnings of

Amendment of section 20A of Act 58 of 1962, as inserted by section 19 of Act 89 of 1969 and amended by

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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,
artikel 15 van
Wet 113 van 1977,
artikel 12 van
Wet 104 van 1979,
artikel 15 van
Wet 104 van 1980,
artikel 18 van
Wet 96 van 1981
en artikel 17 van
Wet 91 van 1982.

eggenote ingereken is, word as 'n aftrekking op sy inkomste toegelaat soveel van die totale bedrag van **[daardie]** die netto verdienste van sy eggenote (ongeach of dit uit die verdienste van een eggenote of van meer as een eggenote bestaan) as wat in die jaar van aanslag 'n bedrag gelyk aan die grootste van **[R1 600]** R1 800 of 20 persent van genoemde netto verdienste nie te bowe gaan nie **[Met dien verstande dat waar die tydperk waarvoor die aanslag geskied minder as 'n volle jaar is, die bedrag wat ingevolge hierdie subartikel afgetrek word, beperk word tot 'n bedrag wat tot R1 600 in dieselfde verhouding staan as die verhouding waarin die aanslagtydperk tot een jaar staan].**";

- (b) deur die volgende paragraaf by subartikel (2) te voeg:
“(c) beteken ‘netto verdienste’ die belasbare inkomste deur 'n getroude vrou uit verdienste verkry, soos vasgestel voor die aftrekking van 'n bedrag wat ingevolge hierdie artikel en artikels 11 (k), 11 (n), 18, 18A en 21 *quat* toelaatbaar is.”; en

(c) deur subartikel (3) te skrap.

(2) Die wysiging deur subartikel (1) 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 1986 geëindig het of eindig.

Wysiging van
artikel 22 van
Wet 58 van 1962,
soos gewysig deur
artikel 8 van
Wet 6 van 1963,
artikel 14 van
Wet 90 van 1964,
artikel 21 van
Wet 89 van 1969,
artikel 20 van
Wet 69 van 1975,
artikel 15 van
Wet 103 van 1976,
artikel 20 van
Wet 94 van 1983
en artikel 19 van
Wet 121 van 1984.

14. (1) Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (d) van subartikel (3) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“Waar die bepalinge van paragraaf (c) in iemand se geval van toepassing is en die waarde van die handelsvoorraad deur hom besit en nie van die hand gesit nie aan die einde van die eerste jaar van aanslag in paragraaf (c) bedoel, meer is as die waarde (soos ten genoë van die Kommissaris vasgestel) waarteen bedoelde handelsvoorraad ge- waardeer sou gewees het volgens die basis van waardering voorheen deur hom toegepas (hieronder die oorskot genoem), word daar na bedoelde persoon se keuse van die waarde van daardie handelsvoorraad, soos ooreenkomstig die bepalinge van paragraaf (a) en (b) vasgestel, en van die waarde van dergelike handelsvoorraad deur hom besit en nie van die hand gesit nie aan die einde van elk van die **[vier]** drie daaropvolgende jare van aanslag (bedoelde daaropvolgende jare word hierna die tweede, derde en vierde jare in tydsorde genoem), 'n bedrag (wat die waarde van die handelsvoorraad wat aan die einde van die betrokke jaar van aanslag deur bedoelde persoon besit en nie van die hand gesit is nie, nie te bowe gaan nie) afgetrek gelyk aan—”;

- (b) deur paragraaf (d) van subartikel (5) deur die volgende paragraaf te vervang:

“(d) Waar, aan die begin van iemand se eerste jaar van aanslag eindigende op of na 1 April 1984, handelsvoorraad (behalwe handelsvoorraad wat uit handels-effekte bestaan) deur daardie persoon besit is ten opsigte van 'n bedryf deur hom beoefen, en die **[kosprys]** van bedoelde handelsvoorraad **[gewaardeer]** vasgestel is volgens die basis van handelsvoorraad-waardering wat ooreenkomstig paragraaf (a) deur hom toegepas is, en die **[waarde]** **[kosprys]** van bedoelde handelsvoorraad, soos volgens genoemde basis gewaardeer, minder was as die **[werklike]** **[kosprys]** van daardie handelsvoorraad, soos kragtens subartikel (3) (a) vasgestel, maar sonder om paragraaf (a) van hierdie subartikel toe te pas, word die verskil tussen **[genoemde waarde]** **[eersgenoemde kosprys]** en **[genoemde]** **[laasge-**

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his wife, be allowed as a deduction from his income so much of the total amount of **[such] the net earnings of his wife** (whether consisting of the earnings of one wife or of more than one wife) as does not in the year of assessment exceed an amount equal to the greater of **[R1 600] R1 800 or 20 per cent of the said net earnings** **[Provided that where the period of assessment is less than a full year the amount which shall be deducted under this subsection shall be limited to an amount which bears to R1 600 the same ratio as the period assessed bears to one year].**”;

(b) by the addition to subsection (2) of the following paragraph:

“(c) ‘net earnings’ means the taxable income derived by a married woman from earnings, as determined before the deduction of any amount allowable under this section and sections 11 (k), 11 (n), 18, 18A and 21^{quat}.”; and

(c) by the deletion of subsection (3).

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1986.

14. (1) Section 22 of the principal Act is hereby amended—

(a) by the substitution in paragraph (d) of subsection (3) for the words preceding subparagraph (i) of the following words:

“Where the provisions of paragraph (c) are applicable in the case of any person and the value of the trading stock held and not disposed of by him at the end of the first year of assessment referred to in paragraph (c) exceeds the value (as determined to the satisfaction of the Commissioner) at which such trading stock would have been valued on the basis of valuation previously adopted by him (hereinafter referred to as the excess), there shall, at the option of such person, be deducted from the value of that trading stock, as determined in accordance with the provisions of paragraphs (a) and (b), and from the value of similar trading stock held and not disposed of by him at the end of each of the **[four] three** succeeding years of assessment (such succeeding years being hereinafter referred to as the second, third and fourth years, in chronological order) an amount (not exceeding the value of the trading stock held and not disposed of by such person at the end of the year of assessment in question) equal to—”;

(b) by the substitution for paragraph (d) of subsection (5) of the following paragraph:

“(d) Where, at the beginning of the first year of assessment of any person ending on or after 1 April 1984, trading stock (other than trading stock consisting of marketable securities) was held by that person in respect of any trade carried on by him, and the cost price of such trading stock was **[valued] determined** on the basis of trading stock valuation adopted by him in accordance with paragraph (a), and the **[value] cost price** of such trading stock, as determined on the said basis, was less than the cost price of that trading stock, as determined under subsection (3) (a), but without applying paragraph (a) of this subsection, the difference between the **[said value] first-mentioned cost price** and the **[said] last-mentioned cost price** (such dif-

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, section 15 of Act 113 of 1977, section 12 of Act 104 of 1979, section 15 of Act 104 of 1980, section 18 of Act 96 of 1981 and section 17 of Act 91 of 1982.

Amendment of section 22 of Act 58 of 1962, as amended by section 8 of Act 6 of 1963, section 14 of Act 90 of 1964, section 21 of Act 89 of 1969, section 20 of Act 69 of 1975, section 15 of Act 103 of 1976, section 20 of Act 94 of 1983 and section 19 of Act 121 of 1984.

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noemde kosprys (bedoelde verskil hieronder die LIEU-reserwe genoem) volgens voorskrif van paragraaf (e) behandel: Met dien verstande dat waar iemand op wie die bepalinge van paragraaf (c) van subartikel (3) van toepassing is, by die vasstelling van eersgenoemde kosprys 'n basis van waardering toegepas het soos in daardie paragraaf beoog, bedoelde basis van waardering ook toegepas word by die vasstelling van laasgenoemde kosprys.”; en

- (c) deur subparagraaf (i) van paragraaf (f) van subartikel (5) deur die volgende subparagraaf te vervang:

“(i) [voor die datum van afkondiging van die Inkomstebelastingwet, 1984] 'n handels- of nywerheidsonderneming deur een maatskappy van 'n ander maatskappy verkry is;”.

(2) Die wysiging deur subartikel (1) 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 April 1984 geëindig het of eindig.

Wysiging van artikel 23A van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 121 van 1984 en gewysig deur artikel 13 van Wet 96 van 1985.

15. (1) Artikel 23A van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) voor die omskrywing van “belasbare huurinkomste” die volgende omskrywing in te voeg:

“‘bedryfshuur’ 'n huur van roerende goed deur 'n huurder in die gewone loop van sy besigheid (wat nie die besigheid van 'n bankier of finansier is nie) van die verhuring van bedoelde goed gesluit, indien—

- (a) bedoelde goed deur lede van die algemene publiek vir 'n tydperk van minder as een maand gehuur kan word;

- (b) die koste van die instandhouding van bedoelde goed en van herstelwerk daaraan wat as gevolg van normale slytasie benodig word, deur die verhuurder gedra word; en

- (c) behoudens 'n vordering wat die verhuurder op die huurder mag hê as gevolg van die huurder se versuim om die eiendom behoorlik op te pas, die risiko van vernietiging of verlies van of ander benadeling van bedoelde goed nie deur die huurder aanvaar word nie;”; en

- (b) deur in subartikel (1) in die omskrywing van “masjinerie-, installasie- of vliegtuighuurgeld” die woorde wat volg op paragraaf (b) deur die volgende woorde te vervang:

“maar uitgesonderd so 'n huurgeld deur die verhuurder verkry kragtens 'n bedryfshuur of uit die verhuring van enige sodanige masjinerie, installasie of vliegtuig wat gedurende die jaar van aanslag hoofsaaklik deur hom gebruik is in die loop van enige bedryf deur hom beoefen, behalwe die verhuring van bedoelde masjinerie, installasie of vliegtuig;”.

(2) Die wysiging deur subartikel (1) 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 15 Maart 1984 geëindig het of eindig.

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

“Krediet-ooreenkoms en debiteurstoelae.

24. (1) Indien 'n belastingpligtige met 'n ander persoon 'n ooreenkoms ten opsigte van eiendom aangaan het waarvan die uitwerking is dat die eiendomsbesit van die belastingpligtige in die geval van roerende goed op daardie ander persoon oorgaan, of in die geval van onroerende goed aan daardie ander persoon getransporeer word, by of na ont-

Wysiging van artikel 24 van Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 89 van 1969, artikel 21 van Wet 94 van 1983 en artikel 14 van Wet 96 van 1985.

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ference hereinafter being referred to as the LIFO reserve) shall be dealt with as provided in paragraph (e): Provided that where any person to whom the provisions of paragraph (c) of subsection (3) are applicable has in the determination of the first-mentioned cost price adopted a basis of valuation contemplated in that paragraph, such basis of valuation shall also be applied in the determination of the last-mentioned cost price.”; and

- (c) by the substitution for subparagraph (i) of paragraph (f) of subsection (5) of the following subparagraph:

“(i) **[prior to the date of promulgation of the Income Tax Act, 1984]** any commercial or industrial undertaking has been acquired by one company from another company;”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 April 1984.

15. (1) Section 23A of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) in the definition of “machinery, plant or aircraft rental” for the words following on paragraph (b) of the following words:

“but excluding any such rental which is derived by the lessor under an operating lease or from the letting of any such machinery, plant or aircraft which was during the year of assessment mainly used by him in the course of any trade carried on by him, other than the letting of the said machinery, plant or aircraft;”; and

- (b) by the insertion in subsection (1) after the definition of “machinery, plant or aircraft rental” of the following definition:

“‘operating lease’ means a lease of movable property

concluded by a lessor in the ordinary course of a business (not being the business of a banker or financier) of letting such property, if—

- (a) such property may be hired by members of the general public for a period of less than one month;
 (b) the cost of maintaining such property and of carrying out repairs thereto required in consequence of normal wear and tear, is borne by the lessor; and
 (c) subject to any claim that the lessor may have against the lessee by reason of the lessee’s failure to take proper care of the property, the risk of destruction or loss of or other disadvantage to such property is not assumed by the lessee;”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 15 March 1984.

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

“Credit
 55 agreements
 and debtors
 allowance.

24. (1) If any taxpayer has entered into any agreement with any other person in respect of any property the effect of which is that, in the case of movable property, the ownership shall pass or, in the case of immovable property, transfer shall be passed from the taxpayer to that other person, upon or after the receipt by the taxpayer of the whole or a certain

Amendment of
 section 23A of
 Act 58 of 1962,
 as inserted by
 section 21 of
 Act 121 of 1984
 and amended by
 section 13 of
 Act 96 of 1985.

Amendment of
 section 24 of
 Act 58 of 1962,
 as amended by
 section 22 of
 Act 89 of 1969,
 section 21 of
 Act 94 of 1983
 and section 14 of
 Act 96 of 1985.

vangs deur die belastingpligtige van die hele bedrag ingevolge die ooreenkoms aan die belastingpligtige betaalbaar of van 'n gedeelte van daardie bedrag, word daardie hele bedrag by die toepassing van hierdie Wet geag aan die belastingpligtige toe te geval het op die dag waarop die ooreenkoms aangegaan is **[Met dien verstande dat]**.

(2) In die geval van so 'n ooreenkoms ingevolge waarvan **[sodanige eiendomsbesit nie aldus oorgaan of getransporeer word nie voor ontvangs deur die belastingpligtige van 'n gedeelte van bedoelde bedrag betaalbaar, welke gedeelte]** minstens 25 persent van genoemde bedrag betaalbaar eers by of na verstryking van 'n tydperk van minstens 12 maande na die datum van genoemde ooreenkoms verskuldig en betaalbaar word, **kan** die Kommissaris, met inagneming van enige vermindering ingevolge artikel 11 (j) deur hom toegestaan, so 'n verdere vermindering **[kan]** toestaan as wat hy in die besondere omstandighede van die bedryf van die belastingpligtige billik ag, ten opsigte van alle bedrae wat geag word uit hoofde van sodanige ooreenkomste toe te geval het, maar ten tyde van sluiting van die belastingpligtige se rekenings nog nie ontvang is nie: Met dien verstande **[voorts]** dat 'n aldus toegestane vermindering in die belastingpligtige se opgawes vir die volgende jaar van aanslag as inkomste ingesluit moet word en deel van sy inkomste uitmaak.

(3) Waar—

- (a) 'n belastingpligtige ten opsigte van sy laaste jaar van aanslag geëindig voor 1 Januarie 1986 te goeder trou 'n vermindering geëis het kragtens hierdie artikel soos in daardie jaar van toepassing;
- (b) bedoelde vermindering toegestaan is ooreenkomstig die algemeen heersende praktyk van die Kommissaris soos in daardie jaar van toepassing; en
- (c) as gevolg van die wysiging aan hierdie artikel wat deur artikel 14 van die Inkomstebelastingwet, 1985 (Wet No. 96 van 1985), of artikel 16 van die Inkomstebelastingwet, 1986, aangebring is, bedoelde vermindering nie toegestaan mag word nie ten opsigte van die eerste jaar van aanslag van die belastingpligtige wat op of na 1 Januarie 1986 geëindig het of eindig.

word daar vir die belastingpligtige se genoemde eerste jaar van aanslag en elk van die drie daaropvolgende jare van aanslag (bedoelde daaropvolgende jare word hierna die tweede, derde en vierde jare in tydorde genoem) aan die belastingpligtige 'n vermindering op sy inkomste toegelaat bereken ooreenkomstig die bepalings van subartikel (4).

(4) Die vermindering kragtens subartikel (3) is—

- (a) ten opsigte van genoemde eerste jaar, 80 persent;
- (b) ten opsigte van genoemde tweede jaar, 60 persent;
- (c) ten opsigte van genoemde derde jaar, 40 persent; en
- (d) ten opsigte van genoemde vierde jaar, 20 persent,

van 'n bedrag gelyk aan die minste van die vermindering in subartikel (3) (b) bedoel en soveel van 'n vermindering wat, by ontstentenis van die wysiging in subartikel (3) (c) bedoel, ten opsigte van die betrokke jaar ingevolge subartikel (2) toegestaan sou gewees het maar wat as gevolg van bedoelde wysiging nie toegestaan mag word nie."

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portion of the amount payable to the taxpayer under the agreement, the whole of that amount shall for the purposes of this Act be deemed to have accrued to the taxpayer on the day on which the agreement was entered into [**Provided that**].

(2) In the case of such an agreement in terms of which **[such ownership or transfer shall not so pass or be passed before the receipt by the taxpayer of a portion of the said amount payable, which portion]** at least 25 per cent of the said amount payable only becomes due and payable on or after the expiry of a period of not less than 12 months after the date of the said agreement, the Commissioner, taking into consideration any allowance he has made under section 11 (j), may make such further allowance as under the special circumstances of the trade of the taxpayer seems to him reasonable, in respect of all amounts which are deemed to have accrued under such agreements but which have not been received at the close of the taxpayer's accounting period: **Provided [further]** that any allowance so made shall be included as income in the taxpayer's returns for the following year of assessment and shall form part of his income.

(3) Where—

- (a) any taxpayer has in respect of his latest year of assessment ended before 1 January 1986 in good faith claimed an allowance under this section as applicable in that year;
- (b) such allowance was granted in accordance with the generally prevailing practice of the Commissioner as applicable in that year; and
- (c) in consequence of the amendment to this section effected by section 14 of the Income Tax Act, 1985 (Act No. 96 of 1985), or section 16 of the Income Tax Act, 1986, such allowance may not be granted in respect of the first year of assessment of the taxpayer ended or ending on or after 1 January 1986,
- there shall be allowed to be deducted from the income of the taxpayer for his said first year of assessment and each of the three succeeding years of assessment (such succeeding years of assessment being referred to in this section as the second, third and fourth years, in chronological order) an allowance calculated in accordance with the provisions of subsection (4).

(4) The allowance under subsection (3) shall be—

- (a) in respect of the said first year, 80 per cent;
- (b) in respect of the said second year, 60 per cent;
- (c) in respect of the said third year, 40 per cent; and
- (d) in respect of the said fourth year, 20 per cent,

of an amount equal to the lesser of the allowance contemplated in subsection (3) (b) and so much of any allowance which, but for the amendment referred to in subsection (3) (c), would have been granted under subsection (2) in respect of the relevant year but which may in consequence of such amendment not be granted.”

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(2) Die wysiging deur subartikel (1) aangebring, word, vir sover dit betrekking het op die byvoëging van subartikels (3) en (4) by artikel 24 van die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1986 geëindig het of eindig.

5

Wysiging van artikel 28 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 90 van 1962, artikel 22 van Wet 55 van 1966, artikel 24 van Wet 89 van 1969, artikel 21 van Wet 88 van 1971, artikel 19 van Wet 65 van 1973, artikel 19 van Wet 91 van 1982 en artikel 22 van Wet 94 van 1983.

17. Artikel 28 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (i) van paragraaf (a) van subartikel

(1) deur die volgende subparagraaf te vervang:

“(i) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te ge- 10
wees het uit die belegging van fondse afkomstig van langtermyn-versekeringsbesigheid deur die belastingpligtige in die Republiek met ’n pensioen-
fonds of ’n uittredingannuïteitsfonds gedryf of van 15
langtermyn-versekeringsbesigheid deur die belastingpligtige in die gebied of in ’n land waarvan die gebied voorheen deel van die Republiek uitge-
maak het, gedryf met ’n fonds waarvan die ont-
vangste en toevallings ingevolge die bepalings van
artikel 10 (1) (dA) van belasting vrygestel is;” en 20

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

“(1A) Daar word afgetrek van die belasbare inkom-
ste ingevolge subartikel (1) vasgestel soveel van enige
onkoste deur die belastingpligtige aangegaan ten op- 25
sigte van enige streeksdiensteheffing en enige streeks-
vestigingsheffing ingevolge die Wet op Streeksdienste-
rade, 1985 (Wet No. 109 van 1985), betaalbaar as wat
tot bevrediging van die Kommissaris bewys word be-
taalbaar te gewees het met betrekking tot enige lang- 30
termyn-versekeringsbesigheid deur die belastingpligtige
gedryf en enige bestuurs- of sekretariële of ander
dienste deur hom gelewer, indien die bruto bedrae
deur hom uit die dryf van daardie langtermyn-verseke-
ringsbesigheid of die lewering van daardie bestuurs- of 35
sekretariële of ander dienste verkry, in genoemde be-
lasbare inkomste ingesluit is.”

Wysiging van artikel 64C van Wet 58 van 1962, soos bygevoeg deur artikel 20 van 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, artikel 22 van Wet 113 van 1977, artikel 14 van Wet 104 van 1979, artikel 22 van Wet 104 van 1980, artikel 24 van Wet 96 van 1981, artikel 21 van Wet 91 van 1982, artikel 34 van Wet 94 van 1983 en artikel 29 van Wet 121 van 1984.

18. (1) Artikel 64C van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) rente wat van die Regering (met inbegrip van die Suid- 40
Afrikaanse Vervoerdienste en ’n provinsiale admini-
strasie [en die administrasie van die gebied]), ’n plaas-
like bestuur, die Leningsfonds vir Plaaslike Besture in-
gestel by artikel 2 van die Wet op die Leningsfonds vir
Plaaslike Besture, 1984 (Wet No. 67 van 1984), die 45
Elektrisiteitsvoorsieningskommissie, die Suid-Afri-
kaanse Reserwebank, die Suid-Afrikaanse Uitsaaikor-
porasie of die Ontwikkelingsbank van Suider-Afrika
gestig op 30 Junie 1983 toeval;”.

(2) Subartikel (1) word geag op 1 Januarie 1985 in werking te 50
getree het.

Wysiging van artikel 66 van Wet 58 van 1962, soos gewysig deur

19. Artikel 66 van die Hoofwet word hierby gewysig deur in subartikel (1) items (aa) en (bb) van subparagraaf (ii) van paragraaf (b) deur onderskeidelik die volgende items te vervang:

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(2) The amendment effected by subsection (1) shall, in so far as it relates to the addition of subsections (3) and (4) to section 24 of the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on 5 or after 1 January 1986.

17. Section 28 of the principal Act is hereby amended—

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

10 “(i) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds attributable to any long-term insurance business carried on by him in the Republic with any pension fund or retirement annuity fund or to any long-term insurance business
15 carried on by the taxpayer in the territory or in any country the territory of which formerly formed part of the Republic with any fund the receipts and accruals of which are exempt from tax under the provisions of section 10 (1) (dA);” and

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

25 “(1A) There shall be deducted from the taxable income determined in terms of subsection (1) so much of any expenditure incurred by the taxpayer in respect of any regional services levy and any regional establishment levy payable in terms of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), as is proved to the satisfaction of the Commissioner to have been
30 payable in relation to any long-term insurance business carried on by the taxpayer and any managerial or secretarial or other services rendered by him, if the gross amounts derived by him from the carrying on of such long-term insurance business or the rendering of such managerial or secretarial or other services are included
35 in the said taxable income.”.

Amendment of section 28 of Act 58 of 1962, as amended by section 17 of Act 90 of 1962, section 22 of Act 55 of 1966, section 24 of Act 89 of 1969, section 21 of Act 88 of 1971, section 19 of Act 65 of 1973, section 19 of Act 91 of 1982 and section 22 of Act 94 of 1983.

18. (1) Section 64C of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

40 “(a) any interest accruing from the Government (including the South African Transport Services and any provincial administration **[and the administration of the territory]**), any local authority, the Local Authorities Loans Fund established by section 2 of the Local Authorities Loans Fund Act, 1984 (Act No. 67 of 1984), the Electricity Supply Commission, the South African Reserve Bank, the South African Broadcasting Corporation or the Development Bank of Southern Africa established on 30 June 1983;”

45 (2) Subsection (1) shall be deemed to have come into operation on 1 January 1985.

Amendment of section 64C of Act 58 of 1962, as added by section 20 of 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, section 22 of Act 113 of 1977, section 14 of Act 104 of 1979, section 22 of Act 104 of 1980, section 24 of Act 96 of 1981, section 21 of Act 91 of 1982, section 34 of Act 94 of 1983 and section 29 of Act 121 of 1984.

50 19. Section 66 of the principal Act is hereby amended by the substitution in subsection (1) for items (aa) and (bb) of subparagraph (ii) of paragraph (b) of the following items, respectively:

Amendment of section 66 of Act 58 of 1962, as amended by

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artikel 10 van
Wet 6 van 1963,
artikel 19 van
Wet 90 van 1964,
artikel 27 van
Wet 88 van 1971
en artikel 22 van
Wet 91 van 1982.

Wysiging van
artikel 89 van
Wet 58 van 1962,
soos vervang deur
artikel 13 van
Wet 6 van 1963
en gewysig deur
artikel 25 van
Wet 91 van 1982
en artikel 31 van
Wet 121 van 1984.

Wysiging van
artikel 89*bis* van
Wet 58 van 1962,
soos ingevoeg deur
artikel 14 van
Wet 6 van 1963
en gewysig deur
artikel 21 van
Wet 95 van 1967,
artikel 28 van
Wet 88 van 1971,
artikel 45 van
Wet 85 van 1974,
artikel 26 van
Wet 91 van 1982,
artikel 35 van
Wet 94 van 1983
en artikel 32 van
Wet 121 van 1984.

Wysiging van
artikel 89*quat* van
Wet 58 van 1962,
soos ingevoeg deur
artikel 34 van
Wet 121 van 1984.

“(aa) ’n bedrag verkry by wyse van rente of dividende bedoel in artikel 19 (5A) indien die totaal van daardie rente en dividende [R100] R500 oorskry het; of

(bb) ’n bedrag verkry anders as by wyse van rente **[dividende]** en besoldiging (soos in paragraaf 1 van die Vierde Bylae omskryf),”.

20. (1) Artikel 89 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die belastingpligtige versuim om ’n belasting ten volle te betaal binne die tydperk vir betaling deur die 10
Kommissaris in die aanslagkennisgewing bekend gemaak **[of ’n verlenging van bedoelde tydperk wat die Kommissaris met inagneming van die omstandighede van die geval mag toestaan]** of binne die tydperk vir betaling deur hierdie Wet voorgeskryf, na gelang van die geval, word **[behoudens die 15
bepalings van artikel 89*quin*]**, tensy die Kommissaris met inagneming van die omstandighede van die geval bedoelde tydperk verleng en anders gelas, rente op die uitstaande balans van bedoelde belasting deur die belastingpligtige betaal teen die voorgeskrewe koers ten opsigte van elke volle 20
maand (bereken vanaf die datum vir betaling in die aanslagkennisgewing aangedui of die datum waarop die belasting ingevolge hierdie Wet betaalbaar geword het, na gelang van die geval) waartydens enige gedeelte van die belasting onbetaald gebly het.”.

(2) Waar, voor die inwerkingtreding van subartikel (1), ’n belastingpligtige ooreenkomstig algemeen heersende praktyk rente betaal of verskuldig geword het as gevolg van sy versuim om enige belasting ten volle te betaal binne die tydperk vir betaling deur die Kommissaris in die aanslagkennisgewing bekend ge- 30
maak of binne die tydperk vir betaling deur die Hoofwet voorgeskryf, na gelang van die geval, word bedoelde rente ondanks andersluidende bepalinge in artikel 89 van die Hoofwet voor die wysiging daarvan deur subartikel (1) vervat, geag ingevolge die bepalinge van daardie artikel regmatig betaalbaar te gewees het. 35

21. Artikel 89*bis* van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) te skrap.

22. (1) Artikel 89*quat* van die Hoofwet word hierby deur die volgende artikel vervang:

“Rente op onder- en oorbetalings van voorlopige belasting.
89*quat*. (1) By die toepassing van hierdie artikel 40
beteken—

‘effektiewe datum’, met betrekking tot ’n jaar van aanslag van ’n voorlopige belastingpligtige, die datum wat 6 maande na die laaste dag van bedoelde jaar val soos van toepassing vir die doeleindes van paragraaf 21, 22 of 23 van die Vierde Bylae; 45

‘kredietbedrag’, met betrekking tot ’n jaar van aanslag van ’n voorlopige belastingpligtige, die som van— 50

(a) die voorlopige belasting wat ingevolge die bepalinge van paragraaf 21, 22 of 23 van die Vierde Bylae ten opsigte van bedoelde jaar deur die belastingpligtige betaal is;

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- “(aa) any amount derived by way of interest or dividends contemplated in section 19 (5A) if the aggregate of such interest and dividends exceeded **[R100] R500**; or
 5 (bb) any amount derived otherwise than by way of interest **[dividends]** and remuneration (as defined in paragraph 1 of the Fourth Schedule).”

section 10 of Act 6 of 1963, section 19 of Act 90 of 1964, section 27 of Act 88 of 1971 and section 22 of Act 91 of 1982.

20. (1) Section 89 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- 10 “(2) If the taxpayer fails to pay any tax in full within the period for payment notified by the Commissioner in the notice of assessment **[or any extension of such period which the Commissioner may grant having regard to the circumstances of the case]** or within the period for payment prescribed by this Act, as the case may be, interest shall, **[subject to the provisions of section 89quin]** unless the Commissioner having regard to the circumstances of the case grants an extension of such period and otherwise directs, be paid by the taxpayer at the prescribed rate on the outstanding balance of such tax in respect of each completed month (reckoned from the date for payment specified in the notice of assessment or the date on which the tax has become payable in terms of this Act, as the case may be) during which any portion of the tax has remained unpaid.”

Amendment of section 89 of Act 58 of 1962, as substituted by section 13 of Act 6 of 1963 and amended by section 25 of Act 91 of 1982 and section 31 of Act 121 of 1984.

- 25 (2) Where prior to the commencement of subsection (1) any taxpayer has in accordance with generally prevailing practice paid or become liable to pay any interest in consequence of his failure to pay any tax in full within the period for payment notified by the Commissioner for Inland Revenue in the relevant notice of assessment or within the period for payment prescribed
 30 by the principal Act, as the case may be, such interest shall, notwithstanding anything to the contrary contained in section 89 of the principal Act prior to the amendment thereof by subsection (1), be deemed to have been properly payable under the provisions of that section.

- 35 21. Section 89bis of the principal Act is hereby amended by the deletion of the proviso to subsection (2).

Amendment of section 89bis of Act 58 of 1962, as inserted by section 14 of Act 6 of 1963 and amended by section 21 of Act 95 of 1967, section 28 of Act 88 of 1971, section 45 of Act 85 of 1974, section 26 of Act 91 of 1982, section 35 of Act 94 of 1983 and section 32 of Act 121 of 1984.

22. (1) The following section is hereby substituted for section 89quat of the principal Act:

- 40 “Interest on underpayments and overpayments of provisional tax.
 45 **89quat. (1) For the purposes of this section—**
 ‘credit amount’, in relation to any year of assessment of any provisional taxpayer, means the sum of—
 (a) the provisional tax paid by the taxpayer under the provisions of paragraph 21, 22 or 23 of the Fourth Schedule in respect of such year;

Amendment of section 89quat of Act 58 of 1962, as inserted by section 34 of Act 121 of 1984.

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- (b) enige addisionele voorlopige belasting wat ingevolge die bepalings van paragraaf 23A van daardie Bylae ten opsigte van bedoelde jaar deur die belastingpligtige betaal is;
- (c) enige bedrae aan werknemersbelasting wat gedurende bedoelde jaar deur die belastingpligtige se werkgever afgetrek of weerhou is; en
- (d) enige ander bedrag wat tot die krediet van die belastingpligtige staan op die datum van aanslag van sy aanspreeklikheid vir normale belasting vir bedoelde jaar en wat beskikbaar is om teen bedoelde aanspreeklikheid in vergelyking gebring te word.

(2) Indien die belasbare inkomste van 'n voorlopige belastingpligtige soos finaal vir 'n jaar van aanslag vasgestel—

- (a) R20 000 in die geval van 'n maatskappy; of
- (b) R50 000 in die geval van iemand behalwe 'n maatskappy,

te bowe gaan en die normale belasting deur hom ten opsigte van bedoelde belasbare inkomste betaalbaar die kredietbedrag met betrekking tot bedoelde jaar te bowe gaan, word, behoudens die bepalings van subartikel (3), rente teen die voorgeskrewe koers deur die belastingpligtige betaal op die bedrag waarmee bedoelde normale belasting bedoelde kredietbedrag te bowe gaan, bedoelde rente bereken te word vanaf die effektiewe datum met betrekking tot genoemde jaar tot die datum van aanslag van bedoelde normale belasting.

(3) Waar die Kommissaris met inagneming van die omstandighede van die geval oortuig is dat 'n bedrag in die belastingpligtige se belasbare inkomste ingesluit is of dat 'n aftrekking of vermindering wat deur die belastingpligtige geëis is, nie toegelaat is nie, en die belastingpligtige op redelike gronde aangevoer het dat bedoelde bedrag nie aldus ingesluit moes gewees het nie of dat bedoelde aftrekking of vermindering toegelaat moes gewees het, kan die Kommissaris gelas dat rente nie deur die belastingpligtige betaal word nie op soveel van genoemde normale belasting as wat toeskryfbaar is aan die insluiting van bedoelde bedrag of die verwerping van bedoelde aftrekking of vermindering.

(4) Indien in die geval van 'n voorlopige belastingpligtige die kredietbedrag met betrekking tot 'n jaar van aanslag die normale belasting betaalbaar ten opsigte van sy belasbare inkomste soos finaal vir daardie jaar vasgestel, te bowe gaan en bedoelde belasbare inkomste R20 000 in die geval van 'n maatskappy of R50 000 in die geval van iemand behalwe 'n maatskappy te bowe gaan, word rente teen die voorgeskrewe koers aan die belastingpligtige betaal op die verskil tussen die kredietbedrag en bedoelde normale belasting, bedoelde rente bereken te word vanaf die effektiewe datum met betrekking tot genoemde jaar tot die datum waarop bedoelde verskil aan die belastingpligtige terugbetaal word."

(2) Die wysiging deur subartikel (1) aangebring, is van toepassing—

- (a) met betrekking tot 'n maatskappy, met ingang van die begin van jaar van aanslag wat op of na 28 Februarie 1986 geëindig het of eindig; en
- (b) met betrekking tot iemand behalwe 'n maatskappy, 65 met ingang van die begin van jaar van aanslag wat op of na 28 Februarie 1987 eindig.

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- (b) any additional provisional tax paid by the taxpayer in respect of such year under the provisions of paragraph 23A of that Schedule;
- 5 (c) any amounts of employees tax deducted or withheld by the taxpayer's employer during such year; and
- 10 (d) any other amount standing to the credit of the taxpayer on the date of assessment of his liability for normal tax for such year and which is available to be set off against such liability;
- 15 'effective date', in relation to any year of assessment of a provisional taxpayer, means the date falling 6 months after the last day of such year as applicable for the purposes of the provisions of paragraph 21, 22 or 23 of the Fourth Schedule.

20 (2) If the taxable income of any provisional taxpayer as finally determined for any year of assessment exceeds—

- (a) R20 000 in the case of a company; or
- (b) R50 000 in the case of any person other than a company,

25 and the normal tax payable by him in respect of such taxable income exceeds the credit amount in relation to such year, interest shall, subject to the provisions of subsection (3), be payable by the taxpayer at the prescribed rate on the amount by which such normal tax exceeds the credit amount, such interest being

30 calculated from the effective date in relation to the said year until the date of assessment of such normal tax.

35 (3) Where the Commissioner having regard to the circumstances of the case is satisfied that any amount has been included in the taxpayer's taxable income or that any deduction or allowance claimed by the taxpayer has not been allowed, and the taxpayer has on reasonable grounds contended that such amount should not have been so included or that such deduction or allowance should have been allowed, the Commissioner may direct that interest shall not be paid by the taxpayer on so much of the said normal tax as is attributable to the inclusion of such amount or the disallowance of such deduction or allowance.

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45 (4) If in the case of any provisional taxpayer the credit amount in relation to any year of assessment exceeds the normal tax payable in respect of his taxable income as finally determined for that year and such taxable income exceeds R20 000 in the case of a company or R50 000 in the case of any person other than a company, interest shall be payable to the taxpayer at the prescribed rate on the difference between the credit amount and such normal tax, such interest being calculated from the effective date in relation to the said year until the date on which such

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55 difference is refunded to the taxpayer."

(2) The amendment effected by subsection (1) shall apply—

- 60 (a) in relation to any company, with effect from the commencement of years of assessment ended or ending on or after 28 February 1986; and
- (b) in relation to any person other than a company, with effect from the commencement of years of assessment ending on or after 28 February 1987.

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Invoeging van
artikel 105A in
Wet 58 van 1962.

23. Die volgende artikel word hierby in die Hoofwet na artikel 105 ingevoeg:

“Rapporte-
ring van on-
professionele
gedrag.

105A. (1) By die toepassing van hierdie artikel beteken ‘beheerliggaam’ ’n professionele vereniging, liggaam of raad wat ingestel is, hetsy vrijwillig of by of kragtens ’n wet, met die doel om beheer uit te oefen oor die beoefening van ’n professie, nering of beroep en wat by magte is om tugstappe te doen teen iemand wat by die beoefening van bedoelde professie, nering of beroep versuim om enige reëls of gedragskode na te kom wat deur bedoelde vereniging, liggaam of raad bepaal is, of bedoelde reëls of gedragskode oortree.

(2) Waar iemand wat ’n professie, nering of beroep beoefen ten opsigte waarvan ’n beheerliggaam ingestel is, met betrekking tot die sake van ’n belastingpligtige iets doen of versuim om iets te doen wat volgens die oordeel van die Kommissaris—

(a) bedoel is om die belastingpligtige in staat te stel of te help om die nakoming te vermy of oormatig uit te stel van ’n plig of verpligting wat by of kragtens hierdie Wet op bedoelde belastingpligtige gelê is, of vanweë die nalatigheid van so iemand tot die vermyding of oormatige uitstel van die nakoming van so ’n plig of verpligting gelei het; en

(b) ’n oortreding uitmaak van ’n reël of gedragskode wat deur die beheerliggaam bepaal is wat kan lei tot die doen deur die beheerliggaam van tugstappe teen bedoelde persoon, kan die Kommissaris by genoemde beheerliggaam ’n klag indien.

(3) (a) Ondanks die bepalings van artikel 4 van hierdie Wet kan die Kommissaris by die indiening van ’n klag kragtens subartikel (2) die inligting met betrekking tot die belastingpligtige se sake bekend maak wat volgens die oordeel van die Kommissaris voorgelê moet word aan die beheerliggaam by wie die klag ingedien word.

(b) Alvorens die Kommissaris so ’n klag indien of bedoelde inligting bekend maak, lewer of stuur hy aan die belastingpligtige en die persoon teen wie die klag ingedien staan te word, skriftelike kennisgewing van sy voorgenome optrede wat besonderhede van genoemde inligting uiteensit.

(c) Die belastingpligtige of genoemde persoon kan binne 30 dae na die datum van bedoelde skriftelike kennisgewing enige beswaar wat hy teen die indiening van bedoelde klag het, skriftelik by die Kommissaris indien.

(d) Indien, na die verstryking van genoemde tydperk van 30 dae, geen beswaar ingedien is nie soos in paragraaf (c) beoog of, indien ’n beswaar ingedien is en die Kommissaris nie oortuig is dat die beswaar gehandhaaf moet word nie, kan die Kommissaris daarna die klag indien soos in subartikel (2) beoog.

(4) Die klag word oorweeg deur die beheerliggaam aan wie dit gemaak is en kan deur hom afgehandel word op die wyse wat die beheerliggaam ingevolge sy reëls goeddink: Met dien verstande dat enige verhoor van die aangeleentheid nie vir die publiek toeganklik is nie en slegs bygewoon kan word deur persone wie se bywoning na die oordeel van die beheerliggaam noodsaaklik is vir die behoorlike ooreweging van die klag.

(5) Die beheerliggaam by wie ’n klag ingedien word en sy lede moet te alle tye geheimhouding bewaar en help bewaar met betrekking tot inligting aangaande die saak van die belastingpligtige wat

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23. The following section is hereby inserted in the principal Act after section 105:

Insertion of section 105A in Act 58 of 1962.

“Reporting
of unprofes-
sional
conduct.”

105A. (1) For the purposes of this section ‘controlling body’ means any professional association, body or board which has been established, whether voluntarily or by or under any law, for the purpose of exercising control over the carrying on of any profession, calling or occupation and which has power to take disciplinary action against any person who in the carrying on of such profession, calling or occupation fails to comply with or contravenes any rules or code of conduct laid down by such association, body or board.

(2) Where any person who carries on any profession, calling or occupation in respect of which a controlling body has been established has, in relation to the affairs of any taxpayer, done or omitted to do anything which in the opinion of the Commissioner—

(a) was intended to enable or assist such taxpayer to avoid or unduly postpone the performance of any duty or obligation imposed on such taxpayer by or under this Act, or by reason of negligence on the part of such person resulted in the avoidance or undue postponement of the performance of any such duty or obligation; and

(b) constitutes a contravention of any rule or code of conduct laid down by the controlling body which may result in disciplinary action being taken against such person by that body,

the Commissioner may lodge a complaint with the said controlling body.

(3) (a) Notwithstanding the provisions of section 4 of this Act the Commissioner may in lodging any complaint under subsection (2) disclose such information relating to the taxpayer’s affairs as in the opinion of the Commissioner it is necessary to lay before the controlling body to which the complaint is made.

(b) Before lodging any such complaint or disclosing such information the Commissioner shall deliver or send to the taxpayer and the person against whom the complaint is to be made a written notification of his intended action setting forth particulars of the said information.

(c) The taxpayer or the said person may within 30 days after the date of such written notification lodge in writing with the Commissioner any objection he may have to the lodging of the said complaint.

(d) If on the expiry of the said period of 30 days no objection has been lodged as contemplated in paragraph (c) or, if an objection has been lodged and the Commissioner is not satisfied that the objection should be sustained, the Commissioner may thereupon lodge the complaint as contemplated in subsection (2).

(4) The complaint shall be considered by the controlling body to which it is made and may be dealt with by it in such manner as the controlling body in terms of its rules sees fit: Provided that any hearing of the matter shall not be public and may only be attended by persons whose attendance, in the opinion of the controlling body, is necessary for the proper consideration of the complaint.

(5) The controlling body with which a complaint is lodged and its members shall at all times preserve and aid in preserving secrecy in regard to such information as to the affairs of the taxpayer as may be conveyed to them by the Commissioner or as may otherwise come to their notice in the investigation of

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deur die Kommissaris aan hulle oorgedra word of wat andersins tydens die ondersoek van die Kommissaris se klag onder hulle aandag kom, en mag nie bedoelde inligting aan wie ook al meedeel nie behalwe die belastingpligtige of die persoon teen wie die klag ingedien is, tensy die mededeling van bedoelde inligting deur 'n bevoegde geregshof beveel word.” 5

Wysiging van paragraaf 1 van 2de 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, artikel 26 van Wet 113 van 1977, artikel 17 van Wet 104 van 1979, artikel 27 van Wet 104 van 1980, artikel 28 van Wet 96 van 1981 en artikel 46 van Wet 94 van 1983.

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

- (a) deur in die omskrywing van “formule A” die uitdrukking “R40 000” deur die uitdrukking “R60 000” te vervang;
- (b) deur paragraaf (c) van die omskrywing van “formule A” deur die volgende paragraaf te vervang:
 - “(c) in die geval van 'n lid van 'n pensioenfonds wat 15 toegelaat is om sy lidmaatskap van daardie fonds te behou in die omstandighede beoog in paragraaf [(b) (v)] (ii) (ee) van die voorbehoudsbepaling by paragraaf (c) van die omskrywing van ‘pensioenfonds’ in artikel 1 van hierdie Wet, die tydperk van 20 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 25 het wat bereken word teen die skaal waarteen die bedrag van sy pensioengewende besoldiging beoog in genoemde paragraaf [(b) (v)] (ii) (ee) betaalbaar was gedurende die 12 maande in daardie paragraaf bedoel;” en 30
- (c) deur in subparagraaf (i) van paragraaf (b) van die omskrywing van “formule B” die uitdrukking “R80 000” en “R3 000” deur onderskeidelik die uitdrukking “R120 000” en “R4 500” te vervang.

Wysiging van paragraaf 5 van 2de Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 21 van Wet 72 van 1963, artikel 25 van Wet 90 van 1964, artikel 35 van Wet 88 van 1971, artikel 35 van Wet 69 van 1975, artikel 27 van Wet 113 van 1977, artikel 28 van Wet 104 van 1980 en artikel 48 van Wet 94 van 1983.

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

- (a) deur in item (a) van subparagraaf (2) die uitdrukking “R16 000” deur die uitdrukking “R24 000” te vervang; en
- (b) deur in item (b) van subparagraaf (2) die uitdrukking “R40 000”, waar dit ook al voorkom, deur die uitdrukking “R60 000” te vervang.

Wysiging van paragraaf 18 van 4de 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, artikel 49 van Wet 85 van 1974 en artikel 19 van Wet 104 van 1979.

26. (1) Paragraaf 18 van die Vierde Bylae by die Hoofwet word hierby gewysig deur die volgende item by subparagraaf (1) te voeg: 45

- “(d) 'n natuurlike persoon (behalwe 'n direkteur van 'n private maatskappy) wat op die laaste dag van die jaar van aanslag oor die ouderdom van 65 jaar sal wees, indien die Kommissaris oortuig is dat bedoelde persoon se belasbare inkomste vir daardie jaar— 50
 - (i) R20 000 nie te bowe sal gaan nie;
 - (ii) nie geheel of gedeeltelik uit die bedryf van 'n besigheid verkry sal word nie; en
 - (iii) nie anders verkry sal word nie as uit besoldiging, rente, dividende, dividende op aandele in 'n permanente bouvereniging of huurgeld uit die verhuring van vaste eiendom.” 55

(2) Subartikel (1) word geag op 1 November 1985 in werking te getree het.

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the Commissioner's complaint and shall not communicate such information to any person whomsoever other than the taxpayer concerned or the person against whom the complaint is lodged, unless the disclosure of such information is ordered by a competent court of law."

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

- (a) by the substitution in the definition of "formula A" for the expression "R40 000" of the expression "R60 000";
- (b) by the substitution for paragraph (c) of 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)] (ii) (ee) of the proviso to paragraph (c) 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)] (ii) (ee) was payable during the 12 months referred to in that paragraph;"
- (c) by the substitution in subparagraph (i) of paragraph (b) of the definition of "formula B" for the expressions "R80 000" and "R3 000" of the expressions "R120 000" and "R4 500", respectively.

Amendment of paragraph 1 of 2nd 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, section 26 of Act 113 of 1977, section 17 of Act 104 of 1979, section 27 of Act 104 of 1980, section 28 of Act 96 of 1981, and section 46 of Act 94 of 1983.

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

- (a) by the substitution in item (a) of subparagraph (2) for the expression "R16 000" of the expression "R24 000"; and
- (b) by the substitution in item (b) of subparagraph (2) for the expression "R40 000", wherever it occurs, of the expression "R60 000".

Amendment of paragraph 5 of 2nd Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 21 of Act 72 of 1963, section 25 of Act 90 of 1964, section 35 of Act 88 of 1971, section 35 of Act 69 of 1975, section 27 of Act 113 of 1977, section 28 of Act 104 of 1980 and section 48 of Act 94 of 1983.

26. (1) Paragraph 18 of the Fourth Schedule to the principal Act is hereby amended by the addition to subparagraph (1) of the following item:

- "(d) any natural person (other than a director of a private company) who on the last day of the year of assessment will be over the age of 65 years, if the Commissioner is satisfied that such person's taxable income for that year—
 - (i) will not exceed R20 000;
 - (ii) will not be derived wholly or in part from the carrying on of any business; and
 - (iii) will not be derived otherwise than from remuneration, interest, dividends, dividends on shares in any permanent building society or rental from the letting of fixed property."

Amendment of paragraph 18 of 4th 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, section 49 of Act 85 of 1974 and section 19 of Act 104 of 1979.

(2) Subsection (1) shall be deemed to have taken effect on 1 November 1985.

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Wysiging van paragraaf 23 van 4de Bylae by Wet 58 van 1962, soos vervang deur artikel 51 van Wet 94 van 1983 en gewysig deur artikel 41 van Wet 121 van 1984.

Vervanging van paragraaf 23A van 4de Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 42 van Wet 121 van 1984.

27. (1) Paragraaf 23 van die Vierde Bylae by die Hoofwet word hierby gewysig—

(a) deur aan die end van subparagraaf (b) die woord "en" te skrap; en

(b) deur subparagraaf (c) te skrap.

(2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1986 geëindig het of eindig.

28. (1) Die opskrif wat paragraaf 23A van die Vierde Bylae by die Hoofwet onmiddellik voorafgaan en daardie paragraaf word hierby deur onderskeidelik die volgende opskrif en paragraaf vervang:

"ADDISIONELE BETALINGS VAN VOORLOPIGE BELASTING [Deur Maatskappye]

23A. (1) 'n [Maatskappy wat 'n] Voorlopige belastingpligtige [is] kan met die doel om enige rente te vermy of verminder wat ingevolge artikel 89^{quat} ten opsigte van 'n jaar van aanslag deur hom betaalbaar mag word, kies om 'n addisionele betaling van voorlopige belasting ten opsigte van bedoelde jaar te maak.

(2) Indien 'n addisionele betaling van voorlopige belasting in subparagraaf (1) bedoel [wat] na die einde van die [in paragraaf 23 (c) bedoelde] tydperk [soos] eindigende op die effektiewe datum met betrekking tot genoemde jaar [van toepassing] soos vasgestel ingevolge artikel 89^{quat} (1) betaal word, word bedoelde betaling by die toepassing van artikel 89^{bis} (2) geag 'n bedrag aan voorlopige belasting te wees wat binne genoemde tydperk betaalbaar was."

(2) Subartikel (1)—

(a) word, in die geval van 'n maatskappy, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1986 geëindig het of eindig; en

(b) tree, in die geval van iemand behalwe 'n maatskappy, in werking vanaf die begin van jare van aanslag eindigende op of na 28 Februarie 1987.

29. Paragraaf 27 van die Vierde Bylae by die Hoofwet word hierby gewysig deur subparagraaf (3) te skrap.

Wysiging van paragraaf 27 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 43 van Wet 121 van 1984.

Wysiging van paragraaf 28 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 29 van Wet 90 van 1964, artikel 30 van Wet 95 van 1967, artikel 48 van Wet 89 van 1969, artikel 48 van Wet 88 van 1971, artikel 23 van Wet 90 van 1972, artikel 55 van Wet 85 van 1974, artikel 53 van Wet 94 van 1983 en artikel 44 van Wet 121 van 1984.

30. (1) Paragraaf 28 van die Vierde Bylae by die Hoofwet word hierby gewysig—

(a) deur subparagraaf (1) deur die volgende subparagraaf 40 te vervang:

"(1) Teen die belastingpligtige se aanspreeklikheid ten opsigte van belasting (soos in subparagraaf (8) omskryf) deur die belastingpligtige verskuldig, word in vergelyking gebring die bedrae aan werknemersbelasting wat gedurende enige jaar van aanslag ten opsigte waarvan die belastingpligtige se aanspreeklikheid vir normale belasting deur die Kommissaris aangeslaan is, deur die belastingpligtige se werkgever afgetrek of teruggehou is en die bedrae aan voorlopige belasting deur die belastingpligtige ten opsigte van so 'n jaar betaal, en indien—

(a) [indien, in die geval van 'n belastingpligtige wat nie 'n voorlopige belastingpligtige is nie] die som van bedoelde bedrae aan werknemersbelasting en 55 voorlopige belasting die belastingpligtige se totale aanspreeklikheid vir voormelde belasting te bowe gaan, word die oorskot aan die belastingpligtige terugbetaal; of

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27. (1) Paragraph 23 of the Fourth Schedule to the principal Act is hereby amended—

- (a) by the deletion at the end of subparagraph (b) of the word “and”; and
 5 (b) by the deletion of subparagraph (c).

(2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1986.

Amendment of paragraph 23 of 4th Schedule to Act 58 of 1962, as substituted by section 51 of Act 94 of 1983 and amended by section 41 of Act 121 of 1984.

28. (1) The following heading and paragraph are hereby substituted for the heading immediately preceding paragraph 23A of the Fourth Schedule to the principal Act and that paragraph, respectively:

“**ADDITIONAL PROVISIONAL TAX PAYMENTS [by Companies]**”

15 23A. (1) Any [company which is a] provisional taxpayer may for the purpose of avoiding or reducing [its] his liability for any interest which may become payable by [it] him in respect of any year of assessment under section 89quat, elect to make an additional payment of provisional tax in respect of such year.

20 (2) If any additional payment of provisional tax contemplated in subparagraph (1) [which] is paid after the end of the period [referred to in paragraph 23 (c), as applicable] ending on the effective date in relation to the said year as
 25 determined under section 89quat (1), such payment shall be deemed for the purposes of section 89bis (2) to be an amount of provisional tax which was payable within the said period.”

(2) Subsection (1) shall—

- 30 (a) in the case of any company, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1986; and
 35 (b) in the case of any person other than a company, take effect as from the commencement of years of assessment ending on or after 28 February 1987.

Substitution of paragraph 23A of 4th Schedule to Act 58 of 1962, as inserted by section 42 of Act 121 of 1984.

29. Paragraph 27 of the Fourth Schedule to the principal Act is hereby amended by the deletion of subparagraph (3).

Amendment of paragraph 27 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 43 of Act 121 of 1984.

30. (1) Paragraph 28 of the Fourth Schedule to the principal Act is hereby amended—

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

45 “(1) There shall be set off against the liability of the taxpayer in respect of any taxes (as defined in subparagraph (8)) due by the taxpayer, the amounts of employees tax deducted or withheld by the taxpayer’s employer during any year of assessment for which the taxpayer’s liability for normal tax has been assessed by the Commissioner and the amounts of provisional tax paid by the taxpayer in respect of any such year, and
 50 if—

- (a) [if in the case of a taxpayer who is not a provisional taxpayer] the sum of the said amounts of employees tax and provisional tax exceeds the
 55 amount of the taxpayer’s total liability for the said taxes, the excess amount shall be refunded to the taxpayer; or

Amendment of paragraph 28 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 29 of Act 90 of 1964, section 30 of Act 95 of 1967, section 48 of Act 89 of 1969, section 48 of Act 88 of 1971, section 23 of Act 90 of 1972, section 55 of Act 85 of 1974, section 53 of Act 94 of 1983 and section 44 of Act 121 of 1984.

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- (b) [indien, in die geval van 'n voorlopige belastingpligtige, die som van genoemde bedrae aan werknemersbelasting en voorlopige belasting die belastingpligtige se totale aanspreeklikheid vir voormelde belasting te bowe gaan, is die Kommissaris nie verplig om 'n terugbetaling van die oorskot (of 'n gedeelte daarvan) wat tot die krediet van die belastingpligtige staan, te maak nie, tensy die Kommissaris, met inagneming van die omstandighede van die geval, oortuig is dat 'n terugbetaling van sodanige oorskot (of 'n gedeelte daarvan) geregverdig is, en enige bedrag (na aftrekking van enige bedrag wat aan die belastingpligtige terugbetaal word) wat tot die krediet van die belastingpligtige staan, word in vergelyking gebring teen die belastingpligtige se aanspreeklikheid vir enige voormelde belastings waarvoor hy daarna deur die Kommissaris aangeslaan word of kan in sy geheel of gedeeltelik in vergelyking gebring word teen 'n bedrag wat die belastingpligtige by wyse van voorlopige belasting ingevolge hierdie Bylae moet betaal; en (c) indien, in die geval van enige belastingpligtige] die belastingpligtige se totale aanspreeklikheid vir die voormelde belastings die som van sodanige bedrae aan werknemersbelasting en voorlopige belasting te bowe gaan, is die bedrag van die oorskot deur die belastingpligtige aan die Kommissaris betaalbaar.”; en
- (b) deur subparagraaf (1)*bis* te skrap.
- (2) Subartikel (1)—
- (a) word, in die geval van 'n maatskappy, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1986 geëindig het of eindig; en
- (b) tree, in die geval van iemand behalwe 'n maatskappy, in werking vanaf die begin van jare van aanslag eindigende op of na 28 Februarie 1987.

Wysiging van paragraaf 10 van 6de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 90 van 1972 en gewysig deur artikel 21 van Wet 96 van 1985.

31. (1) Paragraaf 10 van die Sesde Bylae by die Hoofwet word hierby gewysig—

- (a) deur in subitem (ii) van item (b) van subparagraaf (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- “dit die betaling van 'n versekeringsvoordeel versaker wat betaalbaar is te eniger tyd terwyl die polis van krag is by of uit hoofde van die dood of die dood of vroeër ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van 'n persoon wie se lewe ingevolge die polis verassureer word, of, waar die lewens van meer as een persoon ingevolge die polis verassureer word, van die eerste sodanige persoon wat aldus te sterwe kom of ongeskik raak, en welke voordeel nie minder is nie as 'n bedrag gelyk aan agt maal die totale netto premies betaal ten opsigte van die eerste volle jaar gereken vanaf die aanvangsdatum van die polis, of, indien die premies betaalbaar gedurende enige tydperk van 12 maande eindigende binne 'n tydperk van 10 jaar gereken vanaf die aanvangsdatum van die polis ingevolge die voorwaardes van die polis verhoog mag word tot 'n bedrag wat meer is as 115 persent van die premies betaalbaar gedurende die tydperk van 12 maande wat bedoelde eersgenoemde tydperk van 12 maande onmiddellik voorafgaan, agt maal die hoogste totale netto premies wat gedurende enige tydperk van 12 maande eindigende binne genoemde tydperk van 10 jaar betaalbaar sal wees of betaalbaar mag word.”; en
- (b) deur die volgende subparagraaf by te voeg:

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(b) [if, in the case of any provisional taxpayer, the sum of the said amounts of employees tax and provisional tax exceeds the taxpayer's total liability for the said taxes, the Commissioner shall not be required to make any refund of the excess amount (or any portion thereof) standing to the taxpayer's credit unless the Commissioner is satisfied, having regard to the circumstances of the case, that a refund of such excess amount (or a portion thereof) is warranted, and any amount (after the deduction of any amount refunded to the taxpayer) standing to the taxpayer's credit shall be set off against the taxpayer's liability for any of the said taxes for which he is subsequently assessed by the Commissioner or may be set off in whole or in part against any amount of provisional tax which the taxpayer is required to pay under this Schedule; and (c) if, in the case of any taxpayer] the taxpayer's total liability for the aforesaid taxes exceeds the sum of the said amounts of employees tax and provisional tax, the amount of the excess shall be payable by the taxpayer to the Commissioner."; and

(b) by the deletion of subparagraph (1) *bis*.

(2) Subsection (1) shall—

(a) in the case of any company, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1986; and

(b) in the case of any person other than a company, take effect as from the commencement of years of assessment ending on or after 28 February 1987.

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

(a) by the substitution in subitem (ii) of item (b) of subparagraph (1) for the words preceding the proviso of the following words:

"it secures the payment of an insurance benefit which is payable at any time while the policy is in force upon or by reason of the death or the death or earlier disablement (occurring after the commencement date of the policy) of the person whose life is insured under the policy, or, where the lives of more than one person are insured under the policy, of the first of such persons who so dies or becomes disabled, and which benefit is not less than an amount equal to eight times the total net premiums payable in respect of the first full year reckoned from the commencement date of the policy, or if the premiums payable during any period of 12 months ending within a period of 10 years reckoned from the said commencement date may under the conditions of the policy be increased to an amount exceeding 115 per cent of the premiums payable during the period of 12 months immediately preceding such first-mentioned period of 12 months, eight times the highest total net premiums which will be or may become payable during any period of 12 months ending within the said period of 10 years:"; and

(b) by the addition of the following subparagraph:

Amendment of paragraph 10 of 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972 and amended by section 21 of Act 96 of 1985.

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“(3) Waar die eienaar van ’n versekeringspolis ’n persoon is (hetsy ’n natuurlike persoon al dan nie) wat in ’n fidusiêre hoedanigheid optree, word bedoelde persoon by die toepassing van subparagraaf (1) geag—

(a) ’n natuurlike persoon te wees indien hy bedoelde polis uitsluitlik tot voordeel van een of meer natuurlike persone in eiendom het; of

(b) nie ’n natuurlike persoon te wees nie in enige ander geval.”

(2) Subartikel (1) (b) word geag in werking te getree het vanaf 10 die begin van jare van aanslag wat op of na 24 Mei 1985 geëindig het of eindig.

Wysiging van paragraaf 14 van 6de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 90 van 1972 en gewysig deur artikel 37 van Wet 65 van 1973, artikel 67 van Wet 85 van 1974, artikel 29 van Wet 96 van 1981 en artikel 24 van Wet 96 van 1985.

32. (1) Paragraaf 14 van die Sesde Bylae by die Hoofwet word hierby gewysig—

(a) deur in item (e) van subparagraaf (1) die woorde wat 15 die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“die polis (behalwe ’n polis wat ingevolge die bepalings van paragraaf 13 (1) (c) as ’n standaardpolis in aanmerking kom) binne ’n tydperk van tien 20 jaar gereken vanaf die aanvangsdatum van die polis (of, in die geval van ’n polis wat ingevolge die bepalings van subparagraaf (1A) van paragraaf 13 as ’n standaardpolis in aanmerking gekom het, vanaf die datum waarop die polis verander is soos 25 in daardie subparagraaf beoog) in sy geheel of gedeeltelik afgekoop word, of, in die geval van ’n polis (behalwe ’n polis waarom aansoek skriftelik gedoen en aanvaar is op of voor 14 Augustus 1974 of ’n polis in item (eA) bedoel) wat as ’n standaard- 30 polis ingevolge die bepalings van paragraaf 13 (1) (a), en nie ingevolge ’n ander bepaling van hierdie Deel nie, in aanmerking kom, dit te eniger tyd in sy geheel of gedeeltelik afgekoop word;”;

(b) deur na genoemde item (e) die volgende item in te 35 voeg:

“(eA) in die geval van ’n polis (behalwe ’n polis waarom aansoek nie later nie as 13 Junie 1986 skriftelik aan die versekeraar gedoen is) wat as ’n standaardpolis ingevolge die bepalings van paragraaf 13 (1) 40 (a) en nie ingevolge ’n ander bepaling van hierdie Deel nie, in aanmerking kom, dit te eniger tyd in sy geheel of gedeeltelik afgekoop word;”.

(2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 13 Junie 1986 geëindig 45 het of eindig.

Wysiging van paragraaf 1 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 26 van Wet 96 van 1985 en Goewermentskennisgewing No. R.2706 van 29 November 1985.

33. (1) Paragraaf 1 van die Sewende Bylae by die Hoofwet word hierby gewysig deur in die omskrywing van “amptelike rentekoers” die uitdrukking “18 persent” deur die uitdrukking “15 persent” te vervang.

(2) Subartikel (1) word geag op 1 Desember 1985 in werking te getree het.

Wysiging van paragraaf 9 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 31 van Wet 96 van 1985.

34. (1) Paragraaf 9 van die Sewende Bylae by die Hoofwet word hierby gewysig—

(a) deur subitem (ii) van item (b) van subparagraaf (3) 55 deur die volgende subitem te vervang:

“(ii) [die betrokke huisvesting deur die werknemer of sy gade of minderjarige kind besit word, of] die werknemer, sy gade of minderjarige kind oor ’n opsie of reg van voorkoop, verleen deur die werk- 60

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"(3) Where the owner of any insurance policy is a person (whether a natural person or not) acting in a fiduciary capacity, such person shall for the purposes of subparagraph (1) be deemed—

- 5 (a) to be a natural person if he owns such policy solely for the benefit of one or more natural persons; or
 (b) not to be a natural person in any other case."

(2) Subsection (1) (b) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending 10 on or after 24 May 1985.

32. (1) Paragraph 14 of the Sixth Schedule to the principal Act is hereby amended—

- (a) by the substitution in item (e) of subparagraph (1) for the words preceding the proviso of the following words:

15 "the policy (other than a policy which qualifies as a standard policy under the provisions of paragraph 13 (1) (c)) is surrendered in whole or in part within a period of ten years reckoned from the commencement date of the policy (or in the case of a policy which qualified as a standard policy under the provisions of subparagraph (1A) of paragraph 13, from the date on which the policy was varied as contemplated in that subparagraph) or, in the case of a policy (other than a policy the application for which was made and accepted in writing on or before 14 August 1974 or a policy referred to in item (eA)) which qualifies as a standard policy under the provisions of paragraph 13 (1) (a) and not under any other provision of this Part, it is at any time surrendered in whole or in part;" and

- 30 (b) by the insertion after the said item (e) of the following item:

35 "(eA) in the case of a policy (other than a policy the proposal for which was made to the insurer in writing not later than 13 June 1986) which qualifies as a standard policy under the provisions of paragraph 13 (1) (a) and not under any other provision of this Part, it is at any time surrendered in whole or in part;"

40 (2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 13 June 1986.

Amendment of paragraph 14 of 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972 and amended by section 37 of Act 65 of 1973, section 67 of Act 85 of 1974, section 29 of Act 96 of 1981 and section 24 of Act 96 of 1985.

33. (1) Paragraph 1 of the Seventh Schedule to the principal Act is hereby amended by the substitution in the definition of 45 "official rate of interest" for the expression "18 per cent" of the expression "15 per cent".

(2) Subsection (1) shall be deemed to have come into operation on 1 December 1985.

Amendment of paragraph 1 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 26 of Act 96 of 1985 and Government Notice No. R.2706 of 29 November 1985.

34. (1) Paragraph 9 of the Seventh Schedule to the principal Act is hereby amended—

- (a) by the substitution for subitem (ii) of item (b) of subparagraph (3) of the following subitem:

55 "(ii) [the accommodation in question is owned by the employee or the spouse or minor child of the employee or] the employee, his spouse or minor child has a right of option or pre-emption granted by the

Amendment of paragraph 9 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 31 of Act 96 of 1985.

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gewer of iemand anders in ooreenoms met die werkgewer of 'n verwante inrigting met betrekking tot die werkgewer, beskik waarvolgens die werknemer, sy gade of minderjarige kind die eienaar van die huisvesting kan word,"; en 5

- (b) deur subparagraaf (9) deur die volgende subparagraaf te vervang:

"(9) Waar die betrokke huisvesting deur die werknemer, **[of]** sy gade of minderjarige kind besit word en deur hom, sy gade of minderjarige kind aan die werkgewer of 'n verwante inrigting met betrekking tot die werkgewer verhuur is, word die huurwaarde van die huisvesting geag die huurgeld te wees wat die werkgewer of verwante inrigting daarvoor betaal, en in so 'n geval word genoemde huurgeld by die toepassing van 15 hierdie Wet (behalwe hierdie subparagraaf) geag nie **[deur die werknemer]** ontvang te gewees het deur of [hom] toe te geval het aan die werknemer, sy gade of minderjarige kind nie."

- (2) Die wysigings deur subartikel (1) 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 1986 geëindig het of eindig.

Wysiging van paragraaf 11 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 33 van Wet 96 van 1985.

35. (1) Paragraaf 11 van die Sewende Bylae by die Hoofwet word hierby gewysig— 25

- (a) deur in subparagraaf (2) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang:

"[Vir doeleindes van werknemersbelasting] By die toepassing van hierdie Wet —"; en

- (b) deur die volgende voorbehoudsbepaling by item (b) 30 van subparagraaf (2) te voeg:

"Met dien verstande dat waar die amptelike rentekoers met ingang van 'n datum verander is, enige kontantekwivalent wat ingevolge item (a) geag word aan die werknemer toe te geval het op 'n datum wat voor die datum waarop bedoelde rentekoers aldus verander is, val, bereken word asof bedoelde rentekoers nie aldus verander was nie." 35

- (2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking 40 te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1986 geëindig het of eindig.

Wysiging van paragraaf 14 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 37 van Wet 96 van 1985.

36. (1) Paragraaf 14 van die Sewende Bylae by die Hoofwet word hierby gewysig—

- (a) deur in subparagraaf (1) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang: 45

"Behoudens die bepalinge van subparagraaf (2), waar 'n werknemer ingevolge 'n huiseienaarskap- of behuisingskema wat die Kommissaris goedgekeur het vir die doeleindes van hierdie paragraaf, 'n belasbare voordeel verkry het as gevolg van die toekenning van 'n lening of ten opsigte van 'n subsidie op rentebedrae of kapitaal terugbetalings ten opsigte van 'n lening, en in die een of die ander geval die lening geheel aangewend is vir die doeleinde 55 des van die verkryging, oprigting, uitbreiding of verbetering van sy private woning, of geheel aangewend is ter vervanging van 'n lening wat vir so 'n doel aangewend is, of toegestaan is om die werknemer te help om terugbetalings te doen ingevolge 'n lening wat vir so 'n doel aangewend is, word die kontantekwivalent van daardie voordeel, soos volgens voorskrif van paragraaf 11 of 12, watter ook al van toepassing is, en paragraaf 13A vasgestel, verminder—"; en 60 65

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- employer or by any other person by arrangement with the employer or any associated institution in relation to the employer whereby the employee, his spouse or minor child may become the owner of the accommodation,"; and
- (b) by the substitution for subparagraph (9) of the following subparagraph:
- "(9) Where the accommodation in question is owned by the employee [or], his spouse or minor child and has been let by him, his spouse or minor child to the employer or any associated institution in relation to the employer, the rental value of the accommodation shall be deemed to be the rental payable therefor by the employer or associated institution, and in such case the said rental shall for the purposes of this Act (excluding this subparagraph) be deemed not to have been received by or not to have accrued to the employee, his spouse or minor child."
- (2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1986.

35. (1) Paragraph 11 of the Seventh Schedule to the principal Act is hereby amended—
- (a) by the substitution in subparagraph (2) for the words preceding item (a) of the following words:
- "For [employees tax] the purposes of this Act —"; and
- (b) by the addition to item (b) of subparagraph (2) of the following proviso:
- "Provided that where the official rate of interest has been altered with effect from any date, any cash equivalent which is under item (a) deemed to have accrued to the employee on any date falling before the date on which such interest rate was so altered shall be determined as though such rate of interest had not been so altered."
- (2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1986.

Amendment of paragraph 11 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 33 of Act 96 of 1985.

36. (1) Paragraph 14 of the Seventh Schedule to the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding item (a) of the following words:
- "Subject to the provisions of subparagraph (2) where an employee has under a home ownership or housing scheme approved by the Commissioner for the purposes of this paragraph, derived a taxable benefit in consequence of the granting of a loan or in respect of a subsidy on interest or capital repayments in respect of a loan, and in either case the loan was utilized wholly for the purposes of acquiring, erecting, extending or improving his private residence, or was utilized wholly to replace a loan utilized for such a purpose, or was granted to assist the employee to make repayments under a loan utilized for such a purpose, the cash equivalent of such benefit, as determined under paragraph 11 or 12, whichever is applicable, and paragraph 13A, shall be reduced—"; and

Amendment of paragraph 14 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 37 of Act 96 of 1985.

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(b) deur subparagraaf (3) te skrap.

(2) Die wysiging deur subartikel (1) (a) 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 1986 geëindig het of eindig.

5

Wysiging van paragraaf 15 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 38 van Wet 96 van 1985.

37. (1) Paragraaf 15 van die Sewende Bylae by die Hoofwet word hierby gewysig—

(a) deur in item (b) van subparagraaf (1) die woorde wat subitem (i) voorafgaan deur die volgende woorde te vervang:

10

“ingevolge paragraaf 7, 9, **[of]** 11 of 12 vasgestel ten opsigte van 'n belasbare voordeel deur 'n werknemer gedurende die jaar van aanslag eindigende op—”; en

(b) deur item (c) van subparagraaf (2) deur die volgende 15 item te vervang:

“(c) die kontantekwivalent van 'n belasbare voordeel verkry as gevolg van die toestaan of subsidiering van 'n lening, tensy die uitlener en lener ingevolge bedoelde lening op of voor 13 Februarie 1985 hulself verbind het om die lening toe te staan en te ontvang.”

(2) Die wysiging deur subartikel (1) 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 1986 geëindig het of eindig.

Wysiging van artikel 50 van Wet 121 van 1984.

38. Artikel 50 van die Inkomstebelastingwet, 1984, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die wysigings deur artikels 2 (1) (c), (d) en (h), **[en]** 30 (i), 5 (1) (a), 9, 10 (1) (f) en (g), 11 (1) (i) en (j), 20 (b), 23, 28 en 46 aan die Hoofwet aangebring, en die wysigings deur artikels 48 en 49 aangebring, tree in werking vanaf die begin van jare van aanslag wat op of na 1 Maart 1985 eindig.”

35

Wysiging van artikel 6 van Wet 96 van 1985.

39. Artikel 6 van die Inkomstebelastingwet, 1985, word hierby gewysig—

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

“(a) deur subparagraawe (i) en (ii) van paragraaf (c) van 40 subartikel (1) deur die volgende **[paragraaf]** subparagraawe te vervang:

[(c)] (i) die salaris en besoldiging betaalbaar aan die Staatspresident;

(ii) 'n pensioen betaalbaar aan iemand of sy agterblywende gade omrede so iemand die amp van Staatspresident of Vise-staatspresident beklee het;”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

50

“(2) Die **[wysiging]** wysigings deur subartikel (1) (a) en (c) 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 1985 geëindig het of eindig.

55

Intrekking van Goewermmentskennisgewing No. R.2706 van 29 November 1985.

40. Goewermmentskennisgewing No. R.2706 van 29 November 1985 word hierby ingetrek.

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(b) by the deletion of subparagraph (3).

(2) The amendment effected by subsection (1) (a) 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 1986.

37. (1) Paragraph 15 of the Seventh Schedule to the principal Act is hereby amended—

Amendment of paragraph 15 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 38 of Act 96 of 1985.

(a) by the substitution in item (b) of subparagraph (1) for the words preceding subitem (i) of the following words:

10 “determined under paragraph 7, 9, **[or]** 11 or 12 in respect of any taxable benefit derived by an employee during the year of assessment ending on—”; and

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

20 “(c) the cash equivalent of any taxable benefit derived in consequence of the granting or subsidizing of a loan, unless the lender and borrower under such loan had on or before 13 February 1985 bound themselves to grant and receive the loan.”

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1986.

25 38. Section 50 of the Income Tax Act, 1984, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 50 of Act 121 of 1984.

30 “(2) The amendments effected to the principal Act by sections 2 (1) (e), (f) and (g) **[and (i)]**, 5 (1) (a), 9, 10 (1) (f) and (g), 11 (1) (i) and (j), 20 (b), 23, 28 and 46, and the amendments effected by sections 48 and 49, shall take effect as from the commencement of years of assessment ending on or after 1 March 1985.”

35 39. Section 6 of the Income Tax Act, 1985, is hereby amended—

Amendment of section 6 of Act 96 of 1985.

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

40 “(a) by the substitution for subparagraphs (i) and (ii) of paragraph (c) of subsection (1) of the following **[paragraph]** subparagraphs:

45 “**[(c)]** (i) the salary and emoluments payable to the State President;
(ii) any pension payable to any person or his surviving spouse by reason of such person having occupied the office of State President or Vice State President;”; and

(b) by the substitution for subsection (2) of the following subsection:

50 “(2) The **[amendment]** amendments effected by subsection (1) (a) and (c) 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 1985.”

40. Government Notice No. R.2706 of 29 November 1985 is hereby withdrawn.

Withdrawal of Government Notice No. R.2706 of 29 November 1985.

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Inwerking-
treding van
sekere
wysigings.

41. Behalwe vir sover daarin anders bepaal word of uit die sa-
mehang anders blyk, word die wysigings deur hierdie Wet aan
die Hoofwet aangebring, vir die doeleindes van aanslae ten op-
sigte van normale belasting en belasting op onuitgekeerde winste
ingevolge die Hoofwet, geag in werking te getree het vanaf die 5
begin van jare van aanslag wat op of na 1 Januarie 1987 eindig.

Kort titel.

42. Hierdie Wet heet die Inkomstebelastingwet, 1986.

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41. 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 1987.

Commencement
of certain
amendments.

42. This Act shall be called the Income Tax Act, 1986.

Short title.

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Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 28 FEBRUARIE 1987 EN 30 JUNIE 1987, EN DEUR MAATSKAPPE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN TWAALF MAANDE EINDIGENDE OP 31 MAART 1987.

(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 bereken word: Met dien verstande dat daar van die bedrag van belasting volgens bedoelde tabelle bereken, 'n afslag gelyk aan 5 persent van die netto bedrag (synde 'n bedrag wat verkry word deur die kortings waarvoor in artikel 6 van die Hoofwet voorsiening gemaak word, af te trek van die belasting aldus bereken) afgetrek word;

Tabel ten opsigte van getroude persone

Belasbare Inkomste		Skale van Belasting ten opsigte van Getroude Persone
Waar die belasbare inkomste— R12 000 nie te bowe gaan nie		16 persent van elke R1 van die belasbare inkomste;
R12 000 te bowe gaan, maar nie	R13 000 nie	R1 920 plus 18 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R13 000	R14 000	R2 190 plus 20 persent van die bedrag waarmee die belasbare inkomste R13 000 oorskry;
R14 000	R15 000	R2 300 plus 22 persent van die bedrag waarmee die belasbare inkomste R14 000 oorskry;
R15 000	R16 000	R2 520 plus 24 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R16 000	R18 000	R2 760 plus 26 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R18 000	R20 000	R3 280 plus 28 persent van die bedrag waarmee die belasbare inkomste R18 000 oorskry;
R20 000	R22 000	R3 840 plus 30 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R22 000	R24 000	R4 440 plus 32 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry;
R24 000	R26 000	R5 080 plus 34 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R26 000	R28 000	R5 760 plus 36 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry;
R28 000	R30 000	R6 480 plus 38 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R30 000	R32 000	R7 240 plus 40 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R32 000	R34 000	R8 040 plus 42 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry;
R34 000	R36 000	R8 880 plus 43 persent van die bedrag waarmee die belasbare inkomste R34 000 oorskry;
R36 000	R38 000	R9 740 plus 44 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry;
R38 000	R40 000	R10 620 plus 45 persent van die bedrag waarmee die belasbare inkomste R38 000 oorskry;
R40 000	R50 000	R11 520 plus 46 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;
R50 000	R60 000	R16 120 plus 48 persent van die bedrag waarmee die belasbare inkomste R50 000 oorskry;
R60 000 te bowe gaan		R20 920 plus 50 persent van die bedrag waarmee die belasbare inkomste R60 000 oorskry;

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Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 28 FEBRUARY 1987 AND 30 JUNE 1987, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF TWELVE MONTHS ENDING 31 MARCH 1987.

(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: Provided that there shall be deducted from the amount of tax calculated in accordance with the said tables a discount equal to 5 per cent of the net amount (being an amount arrived at by deducting the rebates provided for in section 6 of the principal Act from the tax so calculated);

Table in respect of married persons

Taxable Income		Rates of Tax in respect of Married Persons
Where the taxable income — does not exceed R12 000		16 per cent of each R1 of the taxable income;
exceeds R12 000 but does not exceed	R13 000	R1 920 plus 18 per cent of the amount by which the taxable income exceeds R12 000;
„ R13 000 „ „ „	R14 000	R2 100 plus 20 per cent of the amount by which the taxable income exceeds R13 000;
„ R14 000 „ „ „	R15 000	R2 300 plus 22 per cent of the amount by which the taxable income exceeds R14 000;
„ R15 000 „ „ „	R16 000	R2 520 plus 24 per cent of the amount by which the taxable income exceeds R15 000;
„ R16 000 „ „ „	R18 000	R2 760 plus 26 per cent of the amount by which the taxable income exceeds R16 000;
„ R18 000 „ „ „	R20 000	R3 280 plus 28 per cent of the amount by which the taxable income exceeds R18 000;
„ R20 000 „ „ „	R22 000	R3 840 plus 30 per cent of the amount by which the taxable income exceeds R20 000;
„ R22 000 „ „ „	R24 000	R4 440 plus 32 per cent of the amount by which the taxable income exceeds R22 000;
„ R24 000 „ „ „	R26 000	R5 080 plus 34 per cent of the amount by which the taxable income exceeds R24 000;
„ R26 000 „ „ „	R28 000	R5 760 plus 36 per cent of the amount by which the taxable income exceeds R26 000;
„ R28 000 „ „ „	R30 000	R6 480 plus 38 per cent of the amount by which the taxable income exceeds R28 000;
„ R30 000 „ „ „	R32 000	R7 240 plus 40 per cent of the amount by which the taxable income exceeds R30 000;
„ R32 000 „ „ „	R34 000	R8 040 plus 42 per cent of the amount by which the taxable income exceeds R32 000;
„ R34 000 „ „ „	R36 000	R8 880 plus 43 per cent of the amount by which the taxable income exceeds R34 000;
„ R36 000 „ „ „	R38 000	R9 740 plus 44 per cent of the amount by which the taxable income exceeds R36 000;
„ R38 000 „ „ „	R40 000	R10 620 plus 45 per cent of the amount by which the taxable income exceeds R38 000;
„ R40 000 „ „ „	R50 000	R11 520 plus 46 per cent of the amount by which the taxable income exceeds R40 000;
„ R50 000 „ „ „	R60 000	R16 120 plus 48 per cent of the amount by which the taxable income exceeds R50 000;
„ R60 000		R20 920 plus 50 per cent of the amount by which the taxable income exceeds R60 000;

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INKOMSTEBELASTINGWET, 1986

Tabel ten opsigte van persone wat nie getroude persone is nie

Belasbare Inkomste				Skale van Belasting ten opsigte van Persone wat nie Getroude Persone is nie
Waar die belasbare inkomste— R10 000 nie te bowe gaan nie				16 persent van elke R1 van die belasbare inkomste;
R10 000	te bowe gaan, maar nie	R11 000	nie	R1 600 plus 18 persent van die bedrag waarmee die belasbare inkomste R10 000 oorskry;
R11 000	„ „	R12 000	„	R1 780 plus 20 persent van die bedrag waarmee die belasbare inkomste R11 000 oorskry;
R12 000	„ „	R13 000	„	R1 980 plus 22 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R13 000	„ „	R14 000	„	R2 200 plus 24 persent van die bedrag waarmee die belasbare inkomste R13 000 oorskry;
R14 000	„ „	R15 000	„	R2 440 plus 26 persent van die bedrag waarmee die belasbare inkomste R14 000 oorskry;
R15 000	„ „	R16 000	„	R2 700 plus 28 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R16 000	„ „	R18 000	„	R2 980 plus 30 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R18 000	„ „	R20 000	„	R3 580 plus 32 persent van die bedrag waarmee die belasbare inkomste R18 000 oorskry;
R20 000	„ „	R22 000	„	R4 220 plus 34 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R22 000	„ „	R24 000	„	R4 900 plus 36 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry;
R24 000	„ „	R26 000	„	R5 620 plus 38 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R26 000	„ „	R28 000	„	R6 380 plus 40 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry;
R28 000	„ „	R30 000	„	R7 180 plus 42 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R30 000	„ „	R32 000	„	R8 020 plus 44 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R32 000	„ „	R34 000	„	R8 900 plus 45 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry;
R34 000	„ „	R36 000	„	R9 800 plus 46 persent van die bedrag waarmee die belasbare inkomste R34 000 oorskry;
R36 000	„ „	R38 000	„	R10 720 plus 47 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry;
R38 000	„ „	R40 000	„	R11 660 plus 48 persent van die bedrag waarmee die belasbare inkomste R38 000 oorskry;
R40 000	„ „	R42 000	„	R12 620 plus 49 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;
R42 000 te bowe gaan				R13 600 plus 50 persent van die bedrag waarmee die belasbare inkomste R42 000 oorskry;

(b) op elke rand van die belasbare inkomste van 'n maatskappy (met uitsondering van belasbare inkomste uit mynwerksaamhede verkry en belasbare inkomste in subparagraaf (e) bedoel), 50 sent;

(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 Kommissaris toe te skryf is aan die inrekening by 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 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 R40 000 bedra nie, die belastingsskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

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

INCOME TAX ACT, 1986

Act No. 65, 1986

Table in respect of persons who are not married persons

Taxable Income	Rates of Tax in respect of Persons who are not Married Persons
Where the taxable income — does not exceed R10 000	16 per cent of each R1 of the taxable income;
exceeds R10 000 but does not exceed R11 000	R1 600 plus 18 per cent of the amount by which the taxable income exceeds R10 000;
„ R11 000 „ „ „ R12 000	R1 780 plus 20 per cent of the amount by which the taxable income exceeds R11 000;
„ R12 000 „ „ „ R13 000	R1 980 plus 22 per cent of the amount by which the taxable income exceeds R12 000;
„ R13 000 „ „ „ R14 000	R2 200 plus 24 per cent of the amount by which the taxable income exceeds R13 000;
„ R14 000 „ „ „ R15 000	R2 440 plus 26 per cent of the amount by which the taxable income exceeds R14 000;
„ R15 000 „ „ „ R16 000	R2 700 plus 28 per cent of the amount by which the taxable income exceeds R15 000;
„ R16 000 „ „ „ R18 000	R2 980 plus 30 per cent of the amount by which the taxable income exceeds R16 000;
„ R18 000 „ „ „ R20 000	R3 580 plus 32 per cent of the amount by which the taxable income exceeds R18 000;
„ R20 000 „ „ „ R22 000	R4 220 plus 34 per cent of the amount by which the taxable income exceeds R20 000;
„ R22 000 „ „ „ R24 000	R4 900 plus 36 per cent of the amount by which the taxable income exceeds R22 000;
„ R24 000 „ „ „ R26 000	R5 620 plus 38 per cent of the amount by which the taxable income exceeds R24 000;
„ R26 000 „ „ „ R28 000	R6 380 plus 40 per cent of the amount by which the taxable income exceeds R26 000;
„ R28 000 „ „ „ R30 000	R7 180 plus 42 per cent of the amount by which the taxable income exceeds R28 000;
„ R30 000 „ „ „ R32 000	R8 020 plus 44 per cent of the amount by which the taxable income exceeds R30 000;
„ R32 000 „ „ „ R34 000	R8 900 plus 45 per cent of the amount by which the taxable income exceeds R32 000;
„ R34 000 „ „ „ R36 000	R9 800 plus 46 per cent of the amount by which the taxable income exceeds R34 000;
„ R36 000 „ „ „ R38 000	R10 720 plus 47 per cent of the amount by which the taxable income exceeds R36 000;
„ R38 000 „ „ „ R40 000	R11 660 plus 48 per cent of the amount by which the taxable income exceeds R38 000;
„ R40 000 „ „ „ R42 000	R12 620 plus 49 per cent of the amount by which the taxable income exceeds R40 000;
„ R42 000	R13 600 plus 50 per cent of the amount by which the taxable income exceeds R42 000;

(b) on each rand of the taxable income of any company (excluding taxable income derived from mining operations and taxable income referred to in subparagraph (e)), 50 cents;

(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 Commissioner 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 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 R40 000, the rate of tax shall not exceed a percentage determined in accordance with the formula:

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

