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KAAPSTAD, 14 OKTOBER 1987

STATE PRESIDENT'S OFFICE

No. 2298.

14 October 1987

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

No. 85 of 1987: Income Tax Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2298.

14 Oktober 1987

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

No. 85 van 1987: Inkomstebelastingwet, 1987.

Act No. 85, 1987

INCOME TAX ACT, 1987

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.
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ACT

To fix the rates of normal tax payable by persons other than companies in respect of taxable incomes for the years of assessment ending on 29 February 1988 and 30 June 1988, and by companies in respect of taxable incomes for years of assessment ending during the period of 12 months ending on 31 March 1988; to amend the Income Tax Act, 1962; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 6 October 1987.)*

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

Rates of
normal tax.

1. The rates of normal tax to be levied in terms of section 5 (2) of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act, in respect of—
- (a) the taxable income of any person other than a company for the year of assessment ending on 29 February 1988 or 30 June 1988; and
 - (b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 1988,
- shall be as set forth in the Schedule to this Act.

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 65 of 1973,

2. (1) Section 1 of the principal Act is hereby amended—
- (a) by the insertion after the definition of "natural oil" of the following definition:
"neighbouring country" means the territory (including the Eastern Caprivi Zipfel), Botswana, Lesotho, Swaziland and any country the territory of which formerly formed part of the Republic;"; and
 - (b) by the substitution for the definition of "prescribed rate" of the following definition:
"prescribed rate", in relation to any interest payable in terms of this Act, means—
- (a) in the case of interest payable to any taxpayer under the provisions of section 89^{quat} (4), a rate of 12 per cent per annum; or
 - (b) in any other case, a rate of 15 per cent per annum, or, in either case, such other rate as the Minister of Finance may from time to time fix by notice in the *Gazette*;".

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INKOMSTEBELASTINGWET, 1987

Wet No. 85, 1987

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappy ten opsigte van belasbare inkomste vir die jare van aanslag wat eindig op 29 Februarie 1988 en 30 Junie 1988, en deur maatskappy ten opsigte van belasbare inkomste vir jare van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1988; tot wysiging van die Inkomstebelastingwet, 1962; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
 (Goedgekeur op 6 Oktober 1987.)

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

1. Die skale van normale belasting wat ooreenkomsdig 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 wat eindig op 29 Februarie 1988 of 30 Junie 1988; en
 - 10 (b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1988,
is soos uiteengesit in die Bylae by hierdie Wet.
2. (1) Artikel 1 van die Hoofwet word hereby gewysig—
- 15 (a) deur na die omskrywing van "buitelandse maatskappy" die volgende omskrywing in te voeg:
"buurstaat" die gebied (en ook die Oostelike Caprivi Zipfel), Botswana, Lesotho, Swaziland en enige land waarvan die gebied voorheen deel van die Republiek uitgemaak het;" en
 - 20 (b) deur die omskrywing van "voorgeskrewe koers" deur die volgende omskrywing te vervang:
"voorgeskrewe koers", met betrekking tot enige rente wat ingevolge hierdie Wet betaalbaar is—
 - 25 (a) in die geval van rente wat ingevolge die bepallings van artikel 89^{quat} (4) aan 'n belastingpligtige betaalbaar is, 'n koers van 12 persent per jaar; of
 - 30 (b) in enige ander geval, 'n koers van 15 persent per jaar,
of, in albei gevalle, die ander koers wat die Minister van Finansies van tyd tot tyd by kennigewwing in die Staatskoerant bepaal;".

Skale van normale belasting.

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 65 van 1973,

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section 4 of
Act 85 of 1974,
section 4 of
Act 69 of 1975,
section 4 of
Act 103 of 1976,
section 4 of
Act 113 of 1977,
section 3 of
Act 101 of 1978,
section 3 of
Act 104 of 1979,
section 2 of
Act 104 of 1980,
section 2 of
Act 96 of 1981,
section 3 of
Act 91 of 1982,
section 2 of
Act 94 of 1983,
section 1 of
Act 30 of 1984,
section 2 of
Act 121 of 1984,
section 2 of
Act 96 of 1985,
section 2 of
Act 65 of 1986
and section 1 of
Act 108 of 1986.

- (2) (a) The amendment effected by subsection (1) (a) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 21 September 1987.
 (b) The amendment effected by subsection (1) (b) shall come into operation on 1 October 1987. 5

Amendment of
section 4 of
Act 58 of 1962,
as amended by
section 6 of
Act 55 of 1966,
section 4 of
Act 104 of 1979
and section 3 of
Act 96 of 1981.

3. Section 4 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of the proviso to subsection (1) of the following paragraph:
 “(a) any information obtained by the Commissioner in 10
the performance of his duties under the provisions
of this Act or any previous Income Tax Act may
be used by him for the purposes of the provisions
of any other fiscal law administered by him or he
may, if he is satisfied that any such information is 15
required for the purpose of preventing or combatting
evasion of any tax, duty or levy imposed under
any fiscal law administered by the Commissioner
for Customs and Excise, supply such information
to the last-mentioned Commissioner;”; 20

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

“(1A) The Commissioner for Customs and Excise
and every person employed in carrying out the provisions
of any fiscal law administered by the said Commissioner
shall preserve and aid in preserving secrecy as
respects any information supplied to that Commissioner
under paragraph (a) of the proviso to subsection (1),
and shall not communicate such information to any
person whomsoever except as may be necessary for 30
carrying out the said provisions or by order of a competent court.”; and 25

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

“(3) Every person who contravenes the provisions of 35
subsection (1) or (1A) shall be guilty of an offence and
liable on conviction to a fine not exceeding R5 000 or
to imprisonment for a period not exceeding two years
or to both such fine and such imprisonment.”.

Amendment of
section 6 of
Act 58 of 1962,
as inserted by
section 5 of
Act 104 of 1980

4. Section 6 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (2)
for the expression “R880” of the expression “R920”;
and
 (b) by the substitution in paragraph (b) of the said subsec-

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- (2) (a) Die wysiging deur subartikel (1) (a) aangebring, word geag in werking te getree het vanaf die begin van jaré van aanslag wat op of na 21 September 1987 geëindig het of eindig.
 5 (b) Die wysiging deur subartikel (1) (b) aangebring, tree op 1 Oktober 1987 in werking.

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,
 artikel 2 van
 Wet 96 van 1985,
 artikel 2 van
 Wet 65 van 1986
 en artikel 1 van
 Wet 108 van 1986.

3. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:
 10 “(a) inligting deur die Kommissaris by die vervulling van sy pligte ingevolge die bepalings van hierdie Wet of 'n vorige Inkomstebelastingwet bekom, deur hom gebruik kan word vir die doeleindes van die bepalings van ander belastingwette wat deur hom uitgevoer word of hy, indien hy oortuig is dat enige bedoelde inligting vereis word ter voorcoming of bestryding van ontduiking van enige belasting, reg of heffing opgelê ingevolge 'n belastingwet wat deur die Kommissaris van Doeane en Aksyns uitgevoer word, dié inligting aan laasgenoemde Kommissaris kan verskaf;”;
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- (b) deur die volgende subartikel na subartikel (1) in te voeg:
 “(1A) Die Kommissaris van Doeane en Aksyns en iedereen wat diens doen by die uitvoering van die bepalings van 'n belastingwet uitgevoer deur genoemde Kommissaris moet ten aansien van inligting wat ingevolge paragraaf (b) van die voorbehoudsbepaling by subartikel (1) aan daardie Kommissaris verskaf is, gehemhouding bewaar en help bewaar, en mag nie bedoelde inligting aan wie ook al meedeel nie behalwe vir sover dit nodig is vir die uitvoering van bedoelde bepalingen of op bevel van 'n bevoegde gereghof.”; en
 (c) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) Iedereen wat die bepalings van subartikel (1) of (1A) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of gevangenistraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevanganistraf.”.

Wysiging van
 artikel 4 van
 Wet 58 van 1962,
 soos gewysig deur
 artikel 6 van
 Wet 55 van 1966,
 artikel 4 van
 Wet 104 van 1979
 en artikel 3 van
 Wet 96 van 1981.

4. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (2) die uitdrukking “R880” deur die uitdrukking “R920” te vervang; en
 45 (b) deur in paragraaf (b) van genoemde subartikel die uit-

Wysiging van
 artikel 6 van
 Wet 58 van 1962,
 soos ingevoeg deur
 artikel 5 van
 Wet 104 van 1980

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and amended by section 5 of Act 96 of 1981, section 5 of Act 91 of 1982, section 4 of Act 94 of 1983, section 4 of Act 121 of 1984 and section 3 of Act 96 of 1985.

Insertion of section 6^{quat} in Act 58 of 1962.

tion for the expression "R620" of the expression "R650".

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

"Rebate in respect of foreign taxes on income.

6^{quat}. (1) Subject to the provisions of subsection 5 (2), there shall be deducted from the normal tax payable by any resident of the Republic in whose taxable income there is included any income derived by such resident from a source in any country other than the Republic, a rebate equal to the sum of any taxes on income proved to be payable, without any right of recovery, by such resident of the Republic to the government of such other country in respect of the amount of income so included in that resident's taxable income: Provided that the rebate under this subsection shall not exceed so much of the normal tax payable by such resident as is attributable to the inclusion in his taxable income of the amount of income so included therein.

(2) The rebate under subsection (1) shall not be granted in addition to any relief to which the resident of the Republic is entitled under any agreement between the governments of the Republic and the said other country for the prevention of or relief from double taxation, but may be granted in substitution for the relief to which the resident of the Republic would be so entitled.

(3) For the purposes of this section 'resident of the Republic' means a person (other than a company) who is ordinarily resident in the Republic or a domestic company."

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, section 4 of Act 96 of 1985 and section 5 of Act 65 of 1986.

6. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:
- (ii) subject to the provisions of subparagraph (iii), 35 where such allowance or advance has been paid to the recipient in order that it may be utilized for defraying expenditure in respect of any motor vehicle used by the recipient, the portion of the allowance expended by the recipient during the year of assessment for business purposes shall, unless an acceptable calculation based on accurate data is furnished by the recipient, be deemed to be an amount calculated by applying the rate per kilometre **[fixed]** determined in the manner prescribed 40 by the Minister of Finance by notice in the *Gazette* for the category of vehicle used, on a distance travelled during the said year for business purposes (other than private travelling as contemplated in subparagraph (i)): Provided that—
- (aa) the recipient shall, unless the contrary appears, be deemed to have used the vehicle during such year for such private travelling over a distance of 10 000 kilometres or such

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drukking "R620" deur die uitdrukking "R650" te vervang.

en gewysig deur artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983, artikel 4 van Wet 121 van 1984 en artikel 3 van Wet 96 van 1985.

5. Die volgende artikel word hierby na artikel 6ter van die Hoofwet ingevoeg:

- 5 "Korting ten opsigte van buitelandse belastings op inkomste." **6quat.** (1) Behoudens die bepalings van subartikel (2), word daar van die normale belasting betaalbaar deur 'n inwoner van die Republiek in wie se belasbare inkomste daar ingesluit is enige inkomste wat deur daardie inwoner uit 'n bron in 'n ander land as die Republiek verkry is, 'n korting afgetrek gelyk aan die som van enige belastings op inkomste wat bewys word deur bedoelde inwoner van die Republiek, sonder enige reg van verhaal, aan die regering van bedoelde ander land betaalbaar is ten opsigte van die bedrag aan inkomste wat aldus in daardie inwoner se belasbare inkomste ingesluit is: Met dien verstande dat die korting ingevolge hierdie subartikel nie soveel van die normale belasting deur bedoelde inwoner betaalbaar as wat toe te skryf is aan die inrekening by sy belasbare inkomste van die bedrag wat daarin aldus ingesluit is, te bowe gaan nie.
 (2) Die korting ingevolge subartikel (1) word nie benewens enige verligting waarop die inwoner van die Republiek geregtig is ingevolge 'n ooreenkoms tussen die regerings van die Republiek en genoemde ander land ter voorkoming of verligting van dubbele belasting toegestaan nie, maar kan in die plek van die verligting waarop die inwoner van die Republiek aldus geregtig sou gewees het, toegestaan word.
 (3) By die toepassing van hierdie artikel beteken 'inwoner van die Republiek' 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is of 'n binnelandse maatskappy."

- 6.** Artikel 8 van die Hoofwet word hierby gewysig—
 35 (a) deur subparagraph (ii) van paragraaf (b) van subartikel (1) deur die volgende subparagraph te vervang:
 "(ii) behoudens die bepalings van subparagraph (iii), waar bedoelde toelae of voorskot aan die ontvanger betaal is sodat dit gebruik kan word ter bestrying van uitgawes ten opsigte van 'n motorvoertuig deur die ontvanger gebruik, word die gedeelte van die toelae deur die ontvanger gedurende die jaar van aanslag vir besigheidsdoeleindes bestee, tensy 'n aanvaarbare berekening gebaseer op akkurate gegewens deur die ontvanger verstrek word, geag 'n bedrag te wees wat **[vasgestel]** bereken word deur die skaal per kilometer **vasgestel op die wyse** deur die Minister van Finansies by kennisgewing in die *Staatskoerant* **[bepaal]** voorgeskryf vir die kategorie voertuig wat gebruik is, toe te pas op 'n afstand gedurende genoemde jaar vir besigheidsdoeleindes (behalwe private reise soos in subparagraph (i) bedoel) afgelê: Met dien verstande dat—
 40 (aa) die ontvanger, tensy die teende blyk, geag word die voertuig gedurende die jaar van aanslag vir bedoelde private reise te gebruik het oor 'n afstand van 10 000 kilometer of die kor-

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, artikel 4 van Wet 96 van 1985 en artikel 5 van Wet 65 van 1986.

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shorter distance as is shown by the taxpayer to have been actually covered during such year as aforesaid;

(bb) where the vehicle has been used for business purposes during a period in such year which is less than the full period of such year, the reference in paragraph (aa) of this proviso to a distance of 10 000 kilometres shall be construed as a reference to a distance which bears to 10 000 kilometres the same ratio as the period of use for business purposes bears to 12 months;

(cc) where the recipient has during the whole or any portion of the year of assessment interchangeably used more than one vehicle for business purposes and one or more of such vehicles were not used primarily for business purposes, the provisions of paragraphs (aa) and (bb) of this proviso shall be applied separately to each vehicle which was not used primarily for business purposes;";

(b) by the substitution in subparagraph (i) of paragraph (c) of the said subsection for the expression "R100" of the expression "R130";

(c) by the substitution in subparagraph (iii) of paragraph (c) of the said subsection for the expression "R50" of the expression "R65";

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

"Any allowance granted to the holder of any public office contemplated in paragraph (e) to enable him to defray expenditure incurred by him in connection with such office shall for the purposes of paragraph (a) be deemed to have been so expended by him to the extent that expenditure relevant to such allowance and not otherwise recoverable by him has actually been incurred by him for the purposes of his office in respect of—";

(e) by the substitution for subparagraph (i) of paragraph (e) of the said subsection of the following subparagraph:

"(i) a Minister [or], Deputy Minister or Ministerial Representative of the Republic, a member of Parliament, a member of the President's Council or the administrator of a province [or any member of a provincial council];"; and

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

"(a) There shall be included in the taxpayer's income all amounts allowed to be deducted or set off under the provisions of sections 11 to 20, inclusive, section 24D, section 24F and section 27 (2) (b) and (d) of this Act, except section 11 (k), (p) and (q), section 11quin, section 12 (2) or section 12 (2) as applied by section 12 (3), section 12A (3), section 13 (5), or section 13 (5) as applied by section 13 (8), or section 13bis (7), or section 15 (a), or section 15A, or under the corresponding provisions of any previous Income Tax Act, whether in the current or any previous year of assessment which have been recovered or recouped during the current year of assessment.";

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- ter afstand wat deur die belastingpligtige bewys word werklik gedurende bedoelde jaar soos voormeld afgelê is;
- (b) waar die voertuig gedurende 'n tydperk in bedoelde jaar vir besigheidsdoeleindes gebruik is wat minder is as die volle tydperk van bedoelde jaar, die verwysing in paragraaf (aa) van hierdie voorbehoudsbepaling na 'n afstand van 10 000 kilometer uitgelê word as 'n verwysing na 'n afstand wat in dieselfde verhouding tot 10 000 kilometer staan as die verhouding waarin die tydperk van gebruik vir besigheidsdoeleindes tot 12 maande staan;
- (cc) waar die ontvanger gedurende die geheel of 'n gedeelte van die jaar van aanslag meer as een voertuig afwisselend vir besigheidsdoeleindes gebruik het en een of meer bedoelde voertuie nie primêr vir besigheidsdoeleindes gebruik is nie, die bepalings van paragrawe (aa) en (bb) van hierdie voorbehoudsbepaling afsonderlik toegepas word op elke voertuig wat nie primêr vir besigheidsdoeleindes gebruik is nie;";
- (b) deur in subparagraaf (i) van paragraaf (c) van genoemde subartikel die uitdrukking "R100" deur die uitdrukking "R130" te vervang;
- (c) deur in subparagraaf (iii) van paragraaf (c) van genoemde subartikel die uitdrukking "R50" deur die uitdrukking "R65" te vervang;
- (d) deur in paragraaf (d) van genoemde subartikel die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
 "n Toelae wat aan die bekleer van 'n openbare amp in paragraaf (e) bedoel, toegestaan is om hom in staat te stel om onkoste te bestry wat in verband met bedoelde amp deur hom aangegaan is, word by die toepassing van paragraaf (a) geag deur hom aldus uitgegee te gewees het in die mate waarin onkoste wat op bedoelde toelae betrekking het en nie andersins deur hom verhaalbaar is nie, werklik vir die doeleindes van sy amp deur hom aangegaan is ten opsigte van—";
- (e) deur subparagraaf (i) van paragraaf (e) van genoemde subartikel deur die volgende subparagraaf te vervang:
 "(i) 'n Minister, [of] Adjunk-minister of Ministeriële Verteenwoordiger van die Republiek, 'n lid van die Parlement, 'n lid van die Presidentsraad of die administrateur van 'n provinsie [of 'n lid van 'n provinsiale raad]"; en
- (f) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:
 "(a) By die belastingpligtige se inkomste word ingerek alle bedrae wat ingevolge die bepalings van artikels 11 tot en met 20, artikel 24D, artikel 24F en artikel 27 (2) (b) en (d) van hierdie Wet, behalwe artikel 11 (k), (p) en (q), artikel 11^{quin}, artikel 12 (2), of artikel 12 (2) soos toegepas deur artikel 12 (3), artikel 12A (3), artikel 13 (5), of artikel 13 (5) soos toegepas deur artikel 13 (8), of artikel 13^{bis} (7), of artikel 15 (a), of artikel 15A, of ingevolge die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet toegelaat is, hetsy in die lopende of 'n vorige jaar van aanslag, om afgetrek of verreken te word, en gedurende die lopende jaar van aanslag verhaal of vergoed is.".

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Amendment of section 9 of Act 58 of 1962, as amended by section 7 of Act 90 of 1962; section 6 of 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; section 5 of Act 96 of 1985; section 6 of Act 65 of 1986 and section 2 of Act 108 of 1986.

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- 7. (1)** Section 9 of the principal Act is hereby amended—
 (a) by the substitution for the proviso to paragraph (b) of subsection (1) of the following proviso:
- “Provided that the provisions of this paragraph shall not apply in respect of any amount which on or after **[1 July 1962]** **1 October 1987** is received by or accrues to any person (other than a company) who is not ordinarily resident in the Republic or a neighbouring country, or to any external company (not being a company which is registered, managed or controlled in a neighbouring country), in respect of the use (otherwise than for advertising purposes in connection with any motion picture film or otherwise than in connection with television) in any printed publication of any copyright as aforesaid;”; and
- (b) by the addition of the following subsections:
- “(4) Any interest which accrues from a source within any neighbouring country to any person (other than a company) who is ordinarily resident in the Republic or any domestic company in respect of any loan, advance, deposit, interest-bearing security or debt-claim shall be deemed to be derived from a source within the Republic: Provided that this subsection shall not apply in respect of interest which is effectively connected with a business carried on by such person or company through a permanent establishment in the neighbouring country as contemplated in any agreement between such neighbouring country and the Republic for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.
- (5) Any gain made by any person (other than a company) who is ordinarily resident in the Republic or by any domestic company in respect of any banker's acceptance or similar instrument upon maturity or disposal thereof, shall be deemed to be derived from a source within the Republic if such banker's acceptance or similar instrument was issued in the Republic or in any neighbouring country.”
- (2) Subsection (1) (b) shall apply in respect of interest accruing or gains made on or after 21 September 1987.

Insertion of section 9A in Act 58 of 1962.

- 8. (1)** The following section is hereby inserted in the principal Act after section 9:

“Investment income of foreign investment companies.

9A. (1) In this section—

- (i) ‘foreign investment company’ means a company which is incorporated, registered, managed or controlled in a neighbouring country and is at any time during the relevant financial year of such company directly or indirectly controlled by a resident or residents of the Republic as contemplated in subsection (8) (b), if the profits of such company (as contemplated in subsection (8) (c)) are normally derived or will normally be derived wholly or mainly by way of investment income; (iv)
- (ii) ‘investment income’ means any amount derived from any source outside or within the Republic

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7. Artikel 9 van die Hoofwet word hierby gewysig—

- (a) deur die voorbehoudsbepaling by paragraaf (b) van subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

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“Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie met betrekking tot 'n bedrag wat op of na [1 Julie 1962] 1 Oktober 1987 ontvang is deur of toegeval het aan 'n persoon (behalwe 'n maatskappy) wat nie gewoonlik in die Republiek of 'n buurstaat woonagtig is nie, of aan 'n buitelandse maatskappy (wat nie 'n maatskappy is wat in 'n buurstaat geregistreer, bestuur of beheer word nie), ten opsigte van die gebruik (andersins as vir reklamedoeleindes in verband met 'n rolprentfilm of andersins as in verband met beeldradio) in 'n gedrukte publikasie van enige outeursreg soos voormeld;”; en

- (b) deur die volgende subartikels by te voeg:

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(4) Rente wat uit 'n bron binne 'n buurstaat aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is of aan 'n binnelandse maatskappy toeval ten opsigte van 'n lening, voorskot, deposito, rentedraende effek of skuldeis word geag uit 'n bron binne die Republiek verkry te gewees het: Met dien verstande dat hierdie subartikel nie van toepassing is nie ten opsigte van rente wat effektief verbonde is aan 'n besigheid wat deur daardie persoon bedryf word deur bemiddeling van 'n permanente saak in die buurstaat soos beoog in 'n ooreenkoms tussen bedoelde buurstaat en die Republiek ter vermyding van dubbele belasting en die voorkoming van fiskale ontduiking met betrekking tot belastings op inkomste.

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(5) 'n Wins wat deur 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is of deur 'n binnelandse maatskappy ten opsigte van 'n bankaksep of soortgelyke stuk by die verjaring of vreemding daarvan gemaak is, word geag uit 'n bron binne die Republiek verkry te gewees het indien bedoelde bankaksep of soortgelyke stuk in die Republiek of in 'n buurstaat uitgereik is.”.

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(2) Subartikel (1) (b) is van toepassing ten opsigte van rente wat op of na 21 September 1987 toeval of winste wat op of na daardie datum gemaak word.

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8. (1) Die volgende artikel word hierby na artikel 9 van die Hoofwet ingevoeg:

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8A. (1) In hierdie artikel beteken—

- (i) 'beleggingsinkomste' 'n bedrag verkry uit 'n bron buite of binne die Republiek in die vorm van rente, dividende, huurgelde (behalwe huurgelde ten opsigte van vaste eiendom wat buite die Republiek geleë is), enige wins wat by die delging of vervaarding van 'n bankaksep of dergelike stuk gemaak is of enige bedrag van 'n dergelike aard, of 'n wins wat by die beskikking oor 'n handelseffek of reg om handelseffekte te verkry, gemaak is, of die bedrag van 'n wins bedoel in paragraaf (eA) van die omskrywing van 'bruto inkomste' in artikel 1 waar dié wins, indien dit deur 'n inwoner van die Republiek gemaak sou gewees het, by sy bruto inkomste ingesluit sou gewees het; (ii)

- (ii) 'inwoner van die Republiek' 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Re-

Wysiging van artikel 9 van Wet 58 van 1962, soos gewysig deur artikel 7 van Wet 90 van 1962, artikel 6 van 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, artikel 5 van Wet 96 van 1985, artikel 6 van Wet 65 van 1986 en artikel 2 van Wet 108 van 1986.

Invoeging van artikel 9A in Wet 58 van 1962.

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- in the form of interest, dividends, rents (other than rents in respect of immovable property situated outside the Republic), any gains made on the redemption or disposal of any banker's acceptance or similar instrument or any amount which is of a similar nature, or any gain made on the disposal of any marketable security or any right to acquire marketable securities, or the amount of any gain referred to in paragraph (eA) of the definition of 'gross income' in section 1 where such gain would if it had been made by a resident of the Republic have been included in his gross income; (i)
- (iii) 'resident of the Republic' means a person (other than a company) who is ordinarily resident in the Republic or a domestic company and includes a person, wherever he is resident, who acts in a fiduciary capacity in respect of any direct or indirect interest of any beneficiary in any foreign investment company if such beneficiary is a resident of the Republic; (ii)
- (iv) 'untaxed profit' means so much of the profit (as determined in terms of subsection (8) (c)) derived by a foreign investment company during any financial year as is attributable to any investment income which—
- (a) would have been subject to normal tax had it been received by or had it accrued to such company from a source within the Republic; and
 - (b) was received by or accrued to such company from a source within a neighbouring country and was not subject to a tax which is materially similar to normal tax: Provided that a tax shall not be deemed to be materially similar to normal tax unless it is levied upon an amount determined in a manner which is materially similar to the manner in which taxable income is determined and it is calculated at a rate which is not less than 40 per cent of such amount. (iii)
- (2) Where any resident of the Republic is or was a shareholder in a foreign investment company which has during any financial year of the company derived any untaxed profit, such untaxed profit shall, to the extent determined under subsection (3), be deemed to have accrued to the resident from a source within the Republic on the last day of that financial year.
- (3) The amount of untaxed profit which shall be deemed for the purposes of subsection (2) to have accrued to a resident shall be—
- (a) where such resident was a shareholder in the company during the whole of the relevant financial year and his right to a participation in any distribution of profit by such company, whether such right arises from his shareholding in the company or is conferred upon him by virtue of any rights attaching to his shares or under any agreement or arrangement, has remained unchanged throughout the financial year, that portion of the untaxed profit which could, disregarding any prohibition in the memorandum or articles of association of the company against a distribution of any amount to shareholders of the company, have been distributed to the resident by way of a dividend; or
 - (b) where the resident was a shareholder during any portion of the financial year or where his right to

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- publiek woonagtig is of 'n binnelandse maatskappy en ook 'n persoon, ongeag waar hy woonagtig is, wat in 'n fidusière hoedanigheid optree ten opsigte van 'n regstreekse of onregstreekse belang van 'n begunstigte in 'n vreemde beleggingsmaatskappy indien daardie begunstigte 'n inwoner van die Republiek is;
- (iii) 'onbelaste wins' soveel van die wins (soos ingevolge subartikel (8) (c) vasgestel) deur 'n vreemde beleggingsmaatskappy gedurende 'n boekjaar verkry as wat toe te skryf is aan enige beleggingsinkomste wat—
- (a) aan normale belasting onderhewig sou gewees het indien dit uit 'n bron binne die Republiek deur bedoelde maatskappy ontvang sou gewees het of aan hom sou toegeval het; en
- (b) uit 'n bron binne 'n buurstaat deur bedoelde maatskappy ontvang is of aan hom toegeval het en nie aan 'n belasting wat wesentlik soortgelyk aan normale belasting is, onderworpe was nie: Met dien verstande dat 'n belasting nie geag word wesentlik soortgelyk aan normale belasting te wees nie tensy dit gehef word op 'n bedrag wat op 'n wyse vasgestel word wat wesentlik dieselfde is as die wyse waarop belasbare inkomste vasgestel word en dit bereken word teen 'n skaal wat nie minder is nie as 40 persent van bedoelde bedrag; (iv)
- (iv) 'vreemde beleggingsmaatskappy' 'n maatskappy wat in 'n buurstaat ingelyf, geregistreer, bestuur of beheer word en te eniger tyd gedurende die betrokke boekjaar van bedoelde maatskappy regstreeks of onregstreeks deur 'n inwoner of inwoners van die Republiek soos in subartikel (8) (b) beoog, beheer word, indien die wins van daardie maatskappy (soos in subartikel (8) (c) beoog) normaalweg geheel of hoofsaaklik by wyse van beleggingsinkomste verkry word of verkry sal word. (i)
- (2) Waar 'n inwoner van die Republiek 'n aandeelhouer in 'n vreemde beleggingsmaatskappy is of was wat gedurende 'n boekjaar van die maatskappy enige onbelaste wins verkry het, word bedoelde onbelaste wins, in die mate wat ingevolge subartikel (3) vasgestel word, geag op die laaste dag van daardie boekjaar uit 'n bron binne die Republiek aan die inwoner toe te geval het.
- (3) Die bedrag aan onbelaste wins wat by die toepassing van subartikel (2) geag word aan 'n inwoner toe te geval het, is—
- (a) waar bedoelde inwoner gedurende die hele betrokke boekjaar 'n aandeelhouer in die maatskappy was en sy reg op deelname in 'n uitkering van die wins van bedoelde maatskappy, hetsy bedoelde reg uit sy aandeelhouding in die maatskappy voortspruit of aan hom verleen word uit hoofde van enige regte wat aan sy aandele gekoppel is of kragtens 'n ooreenkoms of reëling, gedurende die boekjaar onveranderd gebly het, daardie gedeelte van die onbelaste wins wat, sonder inagneming van 'n verbod in die akte van oprigting of die statute van die maatskappy teen 'n uitkering aan aandeelhouders van die maatskappy, by wyse van 'n dividend aan die inwoner uitgekeer kon gewees het; of
- (b) waar die inwoner gedurende 'n gedeelte van die boekjaar 'n aandeelhouer was of waar sy reg op

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a participation as contemplated in paragraph (a) has been varied during the financial year, such portion of the untaxed profit as the Commissioner, having regard to the period during which the resident was a shareholder or to the variation of his right of participation or to any other relevant factor, considers reasonable.

(4) Any decision of the Commissioner in the exercise of his discretion under subsection (3) (b) shall be subject to objection and appeal.

(5) (a) Every resident of the Republic who at any time during any year of assessment was a shareholder in a foreign investment company which has derived any untaxed profit shall disclose such fact to the Commissioner in writing when submitting his return of income for such year and at the same time furnish such information as may be required by the Commissioner for the purposes of this section.

(b) In the absence of such full, adequate and accurate information as may be required by the Commissioner for the purposes of this section, the Commissioner may estimate the amount which is deemed to have accrued to a resident of the Republic in terms of subsection (2).

(c) Any estimate made in terms of paragraph (b) shall be subject to objection and appeal.

(d) Failure by a resident of the Republic to disclose to the Commissioner the fact that he was a shareholder in a foreign investment company, as required by paragraph (a), shall for the purposes of this Act be deemed to constitute the omission by him from his return of income of an amount of income equal to the amount deemed by subsection (2) to have accrued to him during the relevant year of assessment.

(6) Where any amount of untaxed profit has been included in the income of any taxpayer in terms of the provisions of subsection (2) of this section, there shall be deducted from the normal tax payable by him a rebate equal to so much of any taxation levied on such amount in terms of section 64A or by any neighbouring country: Provided that the rebate in terms of this subsection shall not exceed so much of the normal tax as is attributable to the inclusion of the said amount in the taxpayer's taxable income.

(7) Where by reason or in consequence of any donation, settlement or other disposition made by a resident of the Republic, investment income is received by or accrues to or in favour of any resident of the Republic or any person acting in a fiduciary capacity for the benefit of one or more beneficiaries who are residents of the Republic, wherever the said person is resident, such income shall be deemed to be derived from a source within the Republic if under or in connection with such donation, settlement or other disposition any cash or asset is sent or transferred, whether directly or indirectly, to any person in a neighbouring country or to any person acting as an agent or in a fiduciary capacity in respect of any investment made or held in such neighbouring country.

(8) (a) A resident of the Republic shall be deemed to be a shareholder in a foreign investment company if he is a shareholder in relation to that

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- 5 deelname soos in paragraaf (a) bedoel gedurende die boekjaar verander is, die gedeelte van die onbelaste wins wat die Kommissaris, met ingneeming van die tydperk waarin die inwoner 'n aandeelhouer was of van die verandering van sy reg op deelname of van enige ander tersaaklike omstandighede, billik ag.
- 10 (4) 'n Beslissing van die Kommissaris by die uitoefteling van sy diskresie kragtens subartikel (3) (b), is aan beswaar en appèl onderhewig.
- 15 (5) (a) Elke inwoner van die Republiek wat te eniger tyd gedurende 'n jaar van aanslag 'n aandeelhouer in 'n vreemde beleggingsmaatskappy was wat enige onbelaste wins verkry het, moet dié feit skriftelik aan die Kommissaris bekend maak wanneer sy opgaaf van inkomste vir daardie jaar ingedien word en terselfdertyd die inligting verstrek wat deur die Kommissaris vir die doeleindes van hierdie artikel benodig word.
- 20 (b) In die afwesigheid van die volledige, voldoende en akkurate inligting wat deur die Kommissaris vir die doeleindes van hierdie artikel benodig word, kan die Kommissaris 'n skatting maak van die bedrag wat ingevolge subartikel (2) geag word aan 'n inwoner van die Republiek toe te geval het.
- 25 (c) 'n Skatting ingevolge paragraaf (a) gemaak, is aan beswaar en appèl onderhewig.
- 30 (d) Versuim deur 'n inwoner van die Republiek om aan die Kommissaris die feit bekend te maak dat hy 'n aandeelhouer in 'n vreemde beleggingsmaatskappy was, soos deur paragraaf (a) vereis, word by die toepassing van hierdie Wet geag 'n weglatting uit sy opgaaf van inkomste te wees van 'n bedrag gelyk aan die bedrag wat by subartikel (2) geag word aan hom gedurende die betrokke jaar van aanslag toe te geval het.
- 35 (6) Waar 'n bedrag aan onbelaste wins ingevolge die bepalings van subartikel (2) van hierdie artikel by die inkomste van 'n belastingpligtige ingesluit is, word daar van die normale belasting deur hom betaalbaar, 'n korting afgetrek gelyk aan soveel van enige belasting op bedoelde bedrag gehef ingevolge artikel 64A of deur 'n buurstaat: Met dien verstande dat die korting ingevolge hierdie subartikel nie soveel van die normale belasting as wat toe te skryf is aan die inrekening by die belastingpligtige se belasbare inkomste van bedoelde bedrag, te bowe gaan nie.
- 40 (7) Waar beleggingsinkomste ontvang word deur toeval aan of ten gunste van 'n inwoner van die Republiek of 'n persoon, waar hy ook al woonagtig is, wat ten voordele van een of meer begunstigdes wat inwoners van die Republiek is in 'n fidusière hoedanigheid optree, vanweë of as gevolg van 'n skenking, oormaking of ander beskikking deur 'n inwoner van die Republiek gedoen, word bedoelde inkomste geag uit 'n bron in die Republiek verkry te wees indien kragtens of in verband met bedoelde skenking, oormaking of beskikking kontant of 'n bate regstreeks of onregstreeks gestuur of oorgedra word aan 'n persoon in 'n buurstaat of aan 'n persoon wat as agent of in 'n fidusière hoedanigheid optree ten opsigte van 'n belegging wat in daardie buurstaat gedoen is of gehou word.
- 45 (8) (a) 'n Inwoner van die Republiek word geag 'n aandeelhouer in 'n vreemde beleggingsmaatskappy te wees indien hy 'n aandeelhouer met
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- company as contemplated in the definition of 'shareholder' in section 1, or if the Commissioner is satisfied that he is indirectly interested in that company by virtue of his shareholding in any external company in such manner that he has a direct or indirect interest in any profit that may be distributed by the foreign investment company, whether through the instrumentality of any trustee or under any transaction, operation or scheme, whether entered into or carried out before or after the commencement of this section.
- (b) A company shall be deemed to be controlled by a resident or residents of the Republic if such resident or residents are directly or indirectly interested in more than 50 per cent of the issued share capital or members' contributions of such company or, by virtue of any rights attaching to any shares or under any agreement or arrangement, such resident or residents would, on a distribution of any profit of such company, be entitled to more than 50 per cent of such profit.
- (c) The profit of a foreign investment company shall *mutatis mutandis* be determined in the manner prescribed by this Act for the determination of taxable income: Provided that such profit shall include amounts derived from sources outside the Republic.
- (9) Any amount of director's fee or managerial or secretarial remuneration derived from a foreign investment company by a resident of the Republic who is a director or shareholder in such company as contemplated in subsection (8) (a) shall, to the extent that it does not exceed the untaxed profit derived by the company during the relevant financial year, as determined before the deduction of the said amount, be deemed to be derived by him from a source within the Republic."
- (2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 21 September 1987.
- 9. (1)** Section 10 of the 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 (or, if such remuneration is in fact derived by any such director, it does not in any one year exceed an amount notified to the association by the Commissioner as being reasonable in the circumstances) and at least one of those directors is a person nominated by a Minister responsible for housing matters;"
- (b) by the insertion after paragraph (cE) of the said subsection of the following paragraph:
- "(cF) the receipts and accruals of any company, society or other association of persons, whether or not registered under any law (other than a co-operative formed and incorporated or deemed to be

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,

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5 betrekking tot daardie maatskappy is soos in die omskrywing van 'aandeelhouer' in artikel 1 beoog of indien die Kommissaris oortuig is dat hy 'n onregstreekse belang in daardie maatskappy het uit hoofde van sy aandeelhouding in 'n buitenlandse maatskappy op so 'n wyse dat hy 'n regstreekse of onregstreekse belang het in enige wins wat deur die vreemde beleggingsmaatskappy uitgekeer mag word, hetsy deur die bemiddeling van 'n trustee of kragtens 'n transaksie, handeling of skema, ongeag of dit voor of na die inwerkingtreding van hierdie artikel aangegaan of uitgevoer is.

10 (b) 'n Maatskappy word geag deur 'n inwoner of inwoners van die Republiek beheer te wees indien bedoelde inwoner of inwoners regstreeks of onregstreeks 'n belang het in meer as 50 persent van die uitgereikte aandelekapitaal of ledebydraes van bedoelde maatskappy of, uit hoofde van enige regte wat aan enige aandele gekoppel is of kragtens 'n ooreenkoms of reëling, bedoelde inwoner of inwoners by enige uitkering van wins van bedoelde maatskappy, op meer as 50 persent van bedoelde wins geregtig sou wees.

15 (c) Die wins van 'n vreemde beleggingsmaatskappy word *mutatis mutandis* vasgestel op die wyse deur hierdie Wet vir die vasstelling van belasbare inkomste voorgeskryf: Met dien verstande dat bedoelde winste ook bedrae insluit wat uit bronne buite die Republiek verkry word.

20 (9) 'n Bedrag aan direkteursgelde of bestuurs- of sekretariële vergoeding wat vanuit 'n vreemde beleggingsmaatskappy verkry is deur 'n inwoner van die Republiek wat 'n direkteur of aandeelhouer van bedoelde maatskappy is soos in subartikel (8) (a) bedoel, word, in die mate waarin dit die onbelaste wins wat gedurende die betrokke boekjaar deur die maatskappy verkry is, soos vasgestel voor die aftrekking van genoemde bedrag, nie te bowe gaan nie, geag deur hom uit 'n bron binne die Republiek verkry te gewees het."

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(2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 21 September 1987 geëindig het of eindig.

- 45 9. (1) Artikel 10 van die Hoofwet word hierby gewysig—
 (a) deur subparagraph (v) van paragraaf (cC) van subartikel (1) deur die volgende subparagraph te vervang:
 "(v) in die geval van 'n vereniging waarop die bepalings van item (bb) van subparagraph (i) van toepassing is, die direkteure van die vereniging onafhanklike persone is wat geen vergoeding vir hul dienste aan die vereniging verkry nie (of, indien bedoelde vergoeding wel deur so 'n direkteur verkry word, dit nie in enige jaar meer is nie as 'n bedrag wat deur die Kommissaris aan die vereniging meegelewer is as synde in die omstandighede redelik) en minstens een van daardie direkteure 'n persoon is wat deur 'n Minister verantwoordelik vir behuisingsaangeleenthede benoem is;"
- 50 (b) deur die volgende paragraaf na paragraaf (cE) van genoemde subartikel in te voeg:
 "(cF) die ontvangste en toevallings van 'n maatskappy, genootskap of ander vereniging van persone, hetsy ingevolge 'n wet geregistreer al dan nie (behalwe 'n koöperasie kragtens die Koöperasiewet, 1981
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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,

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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,
section 6 of
Act 96 of 1985,
section 7 of
Act 65 of 1986
and section 3 of
Act 108 of 1986.

- formed and incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981)), if—
- (i) the sole or principal object of such company, society or association is the provision of residential accommodation under a sale or a lease or otherwise to aged or retired persons (being persons who have attained the age of at least 60 years or have retired by reason of ill-health or infirmity) in a building, housing complex or village the residential units in which, apart from residential accommodation occupied by essential staff, are or are to be occupied exclusively by such aged or retired persons or their spouses or minor children or dependants;
 - (ii) at least one meal per day and nursing services are provided in addition to the accommodation;
 - (iii) the activities of such company, society or association are wholly or mainly directed to the furtherance of its sole or principal object;
 - (iv) the Commissioner is satisfied that the profits of the company, society or association derived from transactions with the said persons are, having regard to the future needs of the company, society or association, kept to a minimum;
 - (v) the company, society or association does not carry on any business other than business which, in the opinion of the Commissioner, is directly connected with the said sole or principal object;
 - (vi) the company, society or association is under its memorandum, articles of association or constitution not permitted to distribute any of its profits or gains to any person and is required to utilize its funds solely for investment or the objects for which it has been established;
 - (vii) the Commissioner is satisfied that the remuneration of employees of the company, society or association is not excessive having regard to services performed by such employees and their working conditions; and
 - (viii) under the memorandum, articles of association or constitution of the company, society or association it will upon its winding-up or liquidation be obliged to give or transfer its assets remaining after the satisfaction of its liabilities to some other company, society or association with objects similar to those of the aforesaid company, society or association and which is also exempt from tax;";

- (c) by the insertion after paragraph (cF) of the said subsection of the following paragraph:
- "(cG) the receipts and accruals of any person (other than a company) who is ordinarily resident in any country other than the Republic or of an external company which is managed and controlled in any such country, which are derived by such person or company from carrying on business as the owner or charterer of any ship, if a similar exemption or equivalent relief is granted by the said country to

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	(Wet No. 91 van 1981), opgerig en ingelyf of geag opgerig en ingelyf te wees), indien—	artikel 8 van Wet 69 van 1975,
5	(i) dit die enigste of vernaamste oogmerk van bedoelde maatskappy, genootskap of ander vereniging is om woonakkommodesie ingevolge 'n verkoop of verhuring of andersins aan bejaarde of afgetrede persone (synde persone wat die ouderdom van minstens 60 jaar bereik het of wat weens swak gesondheid of gebrek afgetree het) te verskaf in 'n gebou, behuisingskompleks of dorp waarvan die wooneenhede, behalwe wooneenhede wat deur noodsaaklike personeel bewoon word, uitsluitlik deur bedoelde afgetrede persone of hul gades of minderjarige kinders of afhanklikes bewoon word of sal word;	artikel 9 van Wet 103 van 1976,
10	(ii) minstens een maaltyd per dag en verpleegdienste benewens die akkommodesie verskaf word;	artikel 8 van Wet 113 van 1977,
15	(iii) die bedrywighede van bedoelde maatskappy, genootskap of vereniging geheel en al of hoofsaaklik daarop gemik is om sy enigste of vernaamste oogmerk te bevorder;	artikel 4 van Wet 101 van 1978,
20	(iv) die Kommissaris oortuig is dat die winste wat die maatskappy, genootskap of vereniging uit transaksies met bedoelde persone verkry, met inagneming van die maatskappy, genootskap of vereniging se toekomstige behoeftes, tot die minimum beperk word;	artikel 7 van Wet 104 van 1979,
25	(v) die maatskappy, genootskap of vereniging geen besigheid dryf nie behalwe besigheid wat, na die mening van die Kommissaris, regstreeks in verband staan met genoemde enigste of vernaamste oogmerk;	artikel 7 van Wet 104 van 1980,
30	(vi) die maatskappy, genootskap of vereniging nie ingevolge sy akte van oprigting, statute of konstitusie bevoeg is om enige van sy profyte of winste aan enige persoon uit te keer nie en hy verplig is om sy fondse uitsluitlik vir belegging of die oogmerke waarvoor hy ingestel is, te gebruik;	artikel 8 van Wet 96 van 1981,
35	(vii) die Kommissaris oortuig is dat die besoldiging van die maatskappy, genootskap of vereniging se werknemers, met inagneming van die dienste deur bedoelde werknemers gelewer en hul werksomstandighede, nie oormatig is nie; en	artikel 6 van Wet 91 van 1982,
40	(viii) ingevolge die akte van oprigting, statute of konstitusie van die maatskappy, genootskap of vereniging, hy by sy likwidasie of ontbinding verplig sal wees om sy bates wat na voldoening aan sy verpligte oorbyl, te gee of oor te maak aan 'n ander maatskappy, genootskap of vereniging met oogmerke soortgelyk aan dié van voormalde maatskappy, genootskap of vereniging en wat ook van belasting vrygestel is;";	artikel 9 van Wet 94 van 1983,
45	(c) deur na paragraaf (cF) van genoemde subartikel die volgende paragraaf in te voeg:	artikel 10 van Wet 121 van 1984,
50	"(cG) die ontvangste en toevaltings van 'n persoon (behalwe 'n maatskappy) wat nie gewoonlik in die Republiek woonagtig is nie of van 'n buitelandse maatskappy wat deur bedoelde persoon of maatskappy as eienaar of bevrugter van 'n skip verkry word, indien 'n dergelike vrystelling of gelykstaande verligting deur genoemde land aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Republiek woonagtig is of aan 'n binne-	artikel 6 van Wet 96 van 1985,
55		artikel 7 van Wet 65 van 1986 en artikel 3 van Wet 108 van 1986.
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- any person (other than a company) ordinarily resident in the Republic or to any domestic company in respect of any tax imposed in that country on income which may be derived by such person or company from carrying on in such country any business as owner or charterer of any ship;”;
- (d) by the addition to paragraph (h) of the said subsection of the following further proviso:
- “Provided further that the exemption under this paragraph shall not apply in respect of interest which on or after 1 November 1987 is received by or accrues to a person (other than a company) who is ordinarily resident in a neighbouring country or a company which is incorporated, registered, managed or controlled in any neighbouring country;”; 15
- (e) by the substitution in subparagraph (xv) of paragraph (i) of the said subsection for the expression “R500” of the expression “R1 000”; and
- (f) by the substitution in subparagraph (xvi) of paragraph (i) of the said subsection for the expression “R500” of 20 the expression “R1 000”.

(2) Subsection (1) (b) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 28 February 1981.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 19 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1979, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983 and section 11 of Act 121 of 1984.

10. Section 11 of the principal Act is hereby amended by the 25 substitution in paragraph (o) for the words preceding the proviso of the following words:

“save as provided in paragraph 12 (2) of the First Schedule, an allowance in respect of any building (or portion thereof) referred to in section 13 (1) or (4) or section 13bis (1) or 30 section 27 (2) (b) or of any improvements (or portion thereof) to such building or of any shipbuilding structure referred to in section 13 (8) or of any improvements to such shipbuilding structure or of any residential unit referred to in section 13ter or of any machinery, implements, utensils or 35 articles used by the taxpayer for the purposes of his trade which have been scrapped by such taxpayer during the year of assessment, such allowance to be the excess of the original cost to such taxpayer of such building (or portion thereof) or such improvements (or portion thereof) to such building or such shipbuilding structure or such improvements to such shipbuilding structure or such residential unit or such machinery, implements, utensils or articles over the total amount arrived at by adding all the allowances made in respect thereof under the provisions of paragraph (e) of this 45 section, or section 12 (1), or section 12 (1) as applied by section 12 (3), or section 12A (2), or section 13 (1), or section 13 (1) as applied by section 13 (4) or (8), or section 13bis (1), (2) or (3), or section 13ter (2) or (3), or section 14 (1) (a) or (b), or the corresponding provisions of any previous Income Tax Act, or section 14bis (1) (a) or (b), or section 24F, or section 27 (2) (b) or (d), to any amount or the value of any advantage accruing to the taxpayer in respect of the sale or other disposal of such building, shipbuilding structure, improvements, residential unit, machinery, implements, utensils or articles.” 55

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5 landse maatskappy verleen word ten opsigte van enige belasting wat in daardie land gehef word op inkomste wat deur bedoelde persoon of maatskappy verkry mag word uit die bedryf in daardie land van enige besigheid as eienaar of bevrugter van 'n skip;";

10 (d) deur die volgende verdere voorbehoudsbepaling by paragraaf (h) van genoemde subartikel te voeg:

15 "Met dien verstande voorts dat die vrystelling ingevolge hierdie paragraaf nie van toepassing is nie ten opsigte van rente wat op of na 1 November 1987 ontvang word deur of toeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in 'n buurstaat woonagtig is of 'n maatskappy wat in 'n buurstaat ingelyf, geregistreer, bestuur of beheer word;";

20 (e) deur in subparagraaf (xv) van paragraaf (i) van genoemde subartikel die uitdrukking "R500" deur die uitdrukking "R1 000" te vervang; en

(f) deur in subparagraaf (xvi) van paragraaf (i) van genoemde subartikel die uitdrukking "R500" deur die uitdrukking "R1 000" te vervang.

(2) Subartikel (1) (b) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 28 Februarie 1981 geëindig het of eindig.

25 10. Artikel 11 van die Hoofwet word hierby gewysig deur in paragraaf (o) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

30 "bedourens die bepalings van paragraaf 12 (2) van die Eerste Bylae, 'n vermindering ten opsigte van 'n gebou (of gedeelte daarvan) in artikel 13 (1) of (4) of artikel 13bis (1) of artikel 27 (2) (b) bedoel of van verbeterings (of gedeelte daarvan) aan bedoelde gebou of van 'n in artikel 13 (8) bedoelde skeepsbouwerk of van verbeterings aan bedoelde skeepsbouwerk of van 'n wooneenheid in artikel 13ter bedoel of van masjinerie, gereedskap, werktuie of artikels deur die belastingpligtige gebruik vir die doeleindes van sy bedryf, wat gedurende die jaar van aanslag deur die belastingpligtige as uitgedien onttrek is, te wete, 'n vermindering gelyk aan die bedrag waarmee die oorspronklike koste aan die belastingpligtige van bedoelde gebou (of gedeelte daarvan) of bedoelde verbeterings (of gedeelte daarvan) aan bedoelde gebou of bedoelde skeepsbouwerk of bedoelde verbeterings aan bedoelde skeepsbouwerk of bedoelde wooneenheid of bedoelde masjinerie, gereedskap, werktuie of artikels meer is as die totale bedrag verkry deur al die verminderings ingevolge die bepalings van paragraaf (e) van hierdie artikel, of artikel 12 (1), of artikel 12 (1) soos toegepas deur artikel 12 (3), of artikel 12A (2), of artikel 13 (1), of artikel 13 (1) soos toegepas deur artikel 13 (4) of (8), of artikel 13bis (1), (2) of (3), of artikel 13ter (2) of (3), of artikel 14 (1) (a) of (b), of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet, of artikel 14bis (1) (a) of (b), of artikel 24F, of artikel 27 (2) (b) of (d), ten opsigte daarvan toegestaan, te voeg by enige bedrag of die waarde van enige voordeel wat aan die belastingpligtige toeval ten opsigte van die verkoop van of ander beskikking oor sondagine gebou, skeepsbouwerk, verbeterings, wooneenheid, masjinerie, gereedskap, werktuie of artikels;".

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 19 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1979, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983 en artikel 11 van Wet 121 van 1984.

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11. Section 12 of the principal Act is hereby amended by the substitution in subsection (1) for the expression "1986" of the expression "1988".

Amendment of section 13 of Act 58 of 1962, as amended by section 12 of Act 90 of 1962, section 15 of Act 6 of 1963, section 11 of Act 72 of 1963, section 12 of Act 90 of 1964, section 14 of Act 88 of 1965, section 17 of Act 55 of 1966, section 13 of Act 52 of 1970, section 13 of Act 88 of 1971, section 12 of Act 90 of 1972, section 13 of Act 65 of 1973, section 16 of Act 85 of 1974, section 13 of Act 69 of 1975, section 7 of Act 101 of 1978, section 10 of Act 104 of 1980, section 14 of Act 96 of 1981 and section 10 of Act 96 of 1985.

12. Section 13 of the principal Act is hereby amended by the substitution in subsection (7) for the expression "1986" of the expression "1988" and for the expression "1987" of the expression "1989".
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Amendment of section 19 of Act 58 of 1962, as amended by

13. Section 19 of the principal Act is hereby amended by the

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11. Artikel 12 van die Hoofwet word hierby gewysig deur in subartikel (1) die uitdrukking "1986" deur die uitdrukking "1988" te vervang.

Wysiging van artikel 12 van Wet 58 van 1962, soos vervang deur artikel 15 van Wet 55 van 1966 en gewysig deur artikel 12 van Wet 52 van 1970, artikel 11 van Wet 88 van 1971, artikel 11 van Wet 90 van 1972, artikel 12 van Wet 65 van 1973, artikel 15 van Wet 85 van 1974, artikel 11 van Wet 69 van 1975, artikel 13 van Wet 113 van 1977, 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, artikel 9 van Wet 96 van 1985 en artikel 8 van Wet 65 van 1986.

12. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel (7) die uitdrukking "1986" deur die uitdrukking "1988" en die uitdrukking "1987" deur die uitdrukking "1989" te vervang.

Wysiging van artikel 13 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 90 van 1962, artikel 15 van Wet 6 van 1963, artikel 11 van Wet 72 van 1963, artikel 12 van Wet 90 van 1964, artikel 14 van Wet 88 van 1965, artikel 17 van Wet 55 van 1966, artikel 13 van - Wet 52 van 1970, artikel 13 van Wet 88 van 1971, artikel 12 van Wet 90 van 1972, artikel 13 van Wet 65 van 1973, artikel 16 van Wet 85 van 1974, artikel 13 van Wet 69 van 1975, artikel 7 van Wet 101 van 1978, artikel 10 van Wet 104 van 1980, artikel 14 van Wet 96 van 1981 en artikel 10 van Wet 96 van 1985.

13. Artikel 19 van die Hoofwet word hierby gewysig deur in

Wysiging van artikel 19 van Wet 58 van 1962, soos gewysig deur

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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,
section 12 of
Act 96 of 1985,
section 12 of
Act 65 of 1986
and section 4 of
Act 108 of 1986.

substitution in subsection (1A) for the expression "R500" of the expression "R1 000".

Amendment of
section 20A of
Act 58 of 1962,
as inserted by
section 19 of
Act 89 of 1969
and amended by
section 16 of
Act 52 of 1970,
section 15 of
Act 90 of 1972,
section 19 of
Act 85 of 1974,
section 17 of
Act 69 of 1975,
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,
section 17 of
Act 91 of 1982
and section 13 of
Act 65 of 1986.

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

"(1) There shall, in the determination of the taxable income of any taxpayer in whose income there is under the provisions of section 7 (2) included any earnings of his wife, be allowed as a deduction from his income so much of the total amount of the net earnings of his wife (whether consisting of the earnings of one wife or of more than one wife) 10 as does not in the year of assessment exceed an amount equal to the greater of [R1 800 or 20] R2 250 or 22,5 per cent of the said net earnings.".

Amendment of
section 24A of
Act 58 of 1962,
as substituted by
section 20 of
Act 88 of 1971
and amended by
section 24 of
Act 85 of 1974.

15. (1) Section 24A of the principal Act is hereby amended by the addition to subsection (3) of the following proviso:

"Provided that the provisions of this subsection shall not be construed so as to prevent the provisions of subsection (1) being applied in respect of such amount.".

(2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending 20 on or after 31 December 1987.

Amendment of
section 24D of
Act 58 of 1962,
as inserted by
section 20 of
Act 96 of 1981
and amended by
section 22 of
Act 121 of 1984.

16. (1) Section 24D of the principal Act is hereby amended by the addition of the following subsection:

"(3) Where an amount has been paid by the State to a taxpayer in respect of expenditure incurred by him prior to 25 July 1983 which has qualified for deduction from his income under subsection (1) and the Minister, person or committee referred to in subsection (2) confirms that such amount was paid as a supplement to the benefit which the

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subartikel (1A) die uitdrukking "R500" deur die uitdrukking "R1 000" te vervang.

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,
artikel 12 van Wet 96 van 1985,
artikel 12 van Wet 65 van 1986
en artikel 4 van Wet 108 van 1986.

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

5 "(1) By die vasstelling van die belasbare inkomste van 'n belastingpligtige by wie se inkomste daar ingevalle die bepalings van artikel 7 (2) verdienste van sy eggenote ingerekken is, word as 'n aftrekking op sy inkomste toegelaat soveel van die totale bedrag van die netto verdienste van sy eggenote (ongeag 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 800 of 20] R2 250 of 22,5 persent van genoemde netto verdienste nie te boewe gaan nie."

Wysiging van artikel 20A van Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 89 van 1969 en gewysig deur artikel 16 van Wet 52 van 1970, artikel 15 van Wet 90 van 1972, artikel 19 van Wet 85 van 1974, artikel 17 van Wet 69 van 1975, 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, artikel 17 van Wet 91 van 1982 en artikel 13 van Wet 65 van 1986.

15 **15.** (1) Artikel 24A van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (3) te voeg:

20 "Met dien verstande dat die bepalings van hierdie subartikel nie so uitgelê word nie dat dit verhinder dat die bepalings van subartikel (1) ten opsigte van bedoelde bedrag toegepas word."

(2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 31 Desember 1987 geëindig het of eindig.

Wysiging van artikel 24A van Wet 58 van 1962, soos vervang deur artikel 20 van Wet 88 van 1971 en gewysig deur artikel 24 van Wet 85 van 1974.

25 **16.** (1) Artikel 24D van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

 "(3) Waar 'n bedrag deur die Staat aan 'n belastingpligtige betaal is ten opsigte van onkoste voor 1 Julie 1983 deur hom aangegaan wat vir aftrekking van sy inkomste ingevalle subartikel (1) in aanmerking gekom het, en die Minister, persoon of komitee bedoel in subartikel (2) bevestig dat daardie bedrag betaal is ter aanvulling van die voordeel wat

Wysiging van artikel 24D van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 96 van 1981 en gewysig deur artikel 22 van Wet 121 van 1984.

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taxpayer has enjoyed or will enjoy by way of the said deduction, the provisions of section 8 (4) (a) shall not apply in respect of the said amount.”.

(2) The amendment effected by subsection (1) shall be deemed to have applied with effect from the commencement of 5 years of assessment ended or ending on or after 1 January 1985.

Insertion of
section 24F in
Act 58 of 1962.

17. (1) The following section is hereby inserted in the principal Act after section 24E:

“Taxable income of film owners.	<p>24F. (1) In this section—</p> <ul style="list-style-type: none"> (i) ‘completion date’, in relation to a film, means the date on which the cut master negative and conforming sound track of the film are married in an answer print or, where such film is not a cinematographic film, the date on which the film is completed to an equivalent production stage; (ii) ‘film’ means a recording of moving visual images and sound by means of cinematographic film, video tape, video disc or otherwise, including any copy of the film and any right therein; (vi) (iii) ‘film manufacturer’ means any person who manufactures films and whose income is derived wholly or mainly from the production, processing, distribution or exhibition of films in the Republic; (viii) (iv) ‘film owner’ means any person who owns, whether solely or jointly, a film; (vii) (v) ‘post-production cost’, in relation to a film, means any expenditure of the nature referred to in the definition of ‘production cost’ which is incurred after the completion date, but excluding any print cost in relation to such film; (iv) (vi) ‘print cost’, in relation to a film, means any expenditure incurred by the film owner in the making of copies of the film; (i) (vii) ‘production cost’, in relation to a film, means the total expenditure incurred by a film owner in respect of the acquisition or production of such film, excluding expenditure incurred in the erection, construction or acquisition of any buildings or other structures or works of a permanent nature, but including, without in any way limiting the scope of this definition—
	<ul style="list-style-type: none"> (a) any remuneration, salary, legal, accounting or other fee, commission or other amount paid or payable to any person for the purposes of or in connection with the production of the film;
	<ul style="list-style-type: none"> (b) the cost of acquiring the story rights, script, screenplay, copyright or other rights in relation to the film;
	<ul style="list-style-type: none"> (c) insurance premiums in respect of insurance against injury to or death of persons, or loss of or damage to property employed or used, as the case may be, in the production of the film;
	<ul style="list-style-type: none"> (d) premiums or commission payable in order to secure a guarantee that the cost of the film will not exceed a specified amount;

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die belastingpligtige geniet het of sal geniet by wyse van bedoelde aftrekking, is die bepalings van artikel 8 (4) (a) nie ten opsigte van bedoelde bedrag van toepassing nie.”.

- 5 (2) Die wysiging aangebring deur subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1985 geëindig het of eindig.

17. Die volgende artikel word hierby in die Hoofwet na artikel 24E ingevoeg:

Invoeging van artikel 24F in Wet 58 van 1962.

- “Belbare inkomste van rolprenteienaars. **24F.** (1) In hierdie artikel beteken—
- 10 (i) ‘afdrukkoste’, met betrekking tot ’n rolprent, enige onkoste wat by die maak van afdrukke van ’n rolprent deur die rolprenteienaar aangegaan word; (vi)
- 15 (ii) ‘afskrywingstydperk’, met betrekking tot ’n rolprent, ’n tydperk van 24 maande wat op die dag na die datum van voltooiing van die rolprent begin; (ix)
- 20 (iii) ‘datum van voltooiing’, met betrekking tot ’n rolprent, die datum waarop die geredigeerde negatiewe afdruk en gesynchroniseerde klankbaan van die rolprent as ’n eenheid in ’n antwoordafdruk saamgestel word of, waar bedoelde rolprent nie ’n kinematografiese rolprent is nie, die datum waarop die rolprent tot op ’n ooreenstemmende produksiestadium voltooi word;
- 25 (i)
- (iv) ‘na-produksiekoste’, met betrekking tot ’n rolprent, onkoste van die aard bedoel in die omskrywing van ‘produksiekoste’, wat na die datum van voltooiing aangegaan word, maar met uitsluiting van enige afdrukkoste met betrekking tot die rolprent; (v)
- 30 (v) ‘produksiekoste’, met betrekking tot ’n rolprent, die totale onkoste deur die rolprenteienaar aangegaan ten opsigte van die verkryging of produksie van bedoelde rolprent, met uitsluiting van onkoste aangegaan by die oprigting, konstruksie of verkryging van geboue of ander bouwerke of werke van ’n permanente aard, maar, sonder om hoegenaamd die omvang van hierdie omskrywing te beperk, ook—
- 35 (a) enige besoldiging, salaris,regs- of rekening-kundige gelde of ander bedrag aan iemand betaal of verskuldig vir die doeleinades van of in verband met die produksie van die rolprent;
- 40 (b) die koste van verkryging van die verhaalregte, draaiboek, rolprentteks, kopiereg of ander regte met betrekking tot die rolprent;
- 45 (c) versekeringspremies ten opsigte van versekering teen besering aan of dood van persone, of verlies van of skade aan eiendom wat by die produksie van die rolprent in diens is of gebruik word, na gelang van die geval;
- 50 (d) premies of kommissie betaalbaar ten einde ’n waarborg te bekom dat die koste van die rolprent nie ’n aangewese bedrag sal oorskry nie;
- 55 (e) rente, finansieringskoste en opnemingslone aangegaan vir die doeleinades van of in verband met die produksie van die rolprent;
- 60 (f) die koste van verkryging of skepping van musiek, klank- en ander effekte wat deel van die rolprent sal uitmaak;
- 65 (g) enige vermindering wat by ontstentenis van die bepalings van hierdie artikel ingevolge

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(e)	interest, finance charges and raising fees incurred for the purposes of or in connection with the production of the film;	5
(f)	the cost of acquiring or creating music, sound and other effects which will form part of the film;	10
(g)	any allowance which but for the provisions of this section would be allowed under section 11 (e) or (o) or 12 (1) in respect of any machinery, implements, utensils or articles used in the production of a film: Provided that—	15
(i)	any such allowance shall be deemed to be an amount of expenditure incurred;	20
(ii)	an amount equal to the total amount of any such allowance which may be granted in respect of any year of assessment divided by the number of days in that year shall be deemed to have been incurred on each day of that year;	25
(iii)	such expenditure shall be deemed to have been incurred in the country in which the asset in respect of which the allowance may be granted was acquired; and	30
(iv)	no deduction or allowance shall be granted in respect of the cost of acquisition of any such machinery, implements, utensils or articles otherwise than as provided in this paragraph or paragraph (h); and	35
(h)	expenditure incurred in respect of—	40
(i)	the purchase, hire or construction of sets; and	45
(ii)	the hire of any machinery, implements, utensils or articles used in the production of the film, but excluding any such expenditure incurred after the completion date and any expenditure incurred in the marketing or promotion of, or soliciting of orders for, the film; (v)	50
(viii)	'South African export film' means a film in respect of which—	55
(a)	at least 75 per cent of—	60
(i)	the total amount of production cost and post-production cost (excluding amounts paid or payable to persons nominated under subparagraph (ii)) is incurred and is paid or payable in the Republic; and	
(ii)	the total amount paid or payable, whether by the film owner or any other person, in respect of services rendered by persons employed directly in connection with the production of the film (other than a maximum of four such persons nominated by the film owner for the purposes of this definition) is paid or payable to persons ordinarily resident in the Republic: Provided that where any person so nominated is replaced by another person who assumes responsibility for such firstmentioned	

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- artikel 11 (e) of (o) of 12 (1) toegestaan sou kon word ten opsigte van masjinerie, gereedskap, werktuie of artikels wat by die produksie van 'n rolprent gebruik word:
- Met dien verstaande dat—
- (i) so 'n vermindering geag word 'n bedrag onkoste te wees wat aangegaan is;
 - (ii) 'n bedrag gelyk aan die totale bedrag aan so 'n vermindering wat ten opsigte van 'n jaar van aanslag toegestaan mag word, gedeel deur die aantal dae in daardie jaar, geag word op elke dag in daardie jaar aangegaan te gewees het;
 - (iii) bedoelde onkoste geag word aangegaan te gewees het in die land waarin die bate ten opsigte waarvan die vermindering toegestaan kan word, verkry is; en
 - (iv) geen aftrekking of vermindering toegestaan word nie ten opsigte van die koste van verkryging van enige bedoelde masjinerie, gereedskap, werktuie of artikels behalwe soos in hierdie paragraaf of paragraaf (h) bepaal; en
- (h) onkoste aangegaan ten opsigte van—
- (i) die aankoop, huur of konstruksie van rolprentstelle; en
 - (ii) die huur van enige masjinerie, gereedskap, werktuie of artikels wat by die produksie van die rolprent gebruik word,
- maar met uitsluiting van enige bedoelde onkoste wat na die datum van voltooiing aangegaan word en onkoste wat aangegaan word by die bemarking of bevordering van, of die werf van bestellings vir, die rolprent;
- (vii)
 - (vi) 'rolprent' 'n opname van bewegende visuele beeld en klank deur middel van kinematografiese film, videoband, videoskyf of andersins, en ook 'n afdruk van die rolprent en 'n reg daar-in; (ii)
 - (vii) 'rolprenteenaar' iemand wat 'n rolprent besit, hetsy alleenlik of gesamentlik; (iv)
 - (viii) 'rolprentprodusent' iemand wat rolprente vervaardig en wie se inkomste geheel of hoofsaaklik uit die produksie, verwerking, verspreiding of vertoning van rolprente binne die Republiek verkry word; (iii)
 - (ix) 'Suid-Afrikaanse uitvoerrolprent' 'n rolprent ten opsigte waarvan—
- (a) ten minste 75 persent van—
- (i) die totale bedrag aan produksiekoste en na-produksiekoste (behalwe bedrae betaal of verskuldig aan persone wat ingevolge subparagraph (ii) benoem word) binne die Republiek aangegaan en betaal of verskuldig is; en
 - (ii) die totale bedrag betaal of verskuldig, hetsy deur die rolprenteenaar of iemand anders, ten opsigte van dienste gelewer deur persone wat regstreeks in verband met die produksie van die rolprent in diens is (behalwe 'n maksimum van vier sodanige persone wat vir die doeleindes van hierdie omskrywing

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- person's duties, the amounts paid or payable to both such persons shall be deemed to have been paid or to be payable to one person; and
- (b) at least 50 per cent of—
 (i) the production cost and post-production cost; and
 (ii) any expenditure similar to production cost or post-production cost which is incurred in connection with the film by any person other than the film owner, is incurred and is paid or payable in the Republic; (ix)
- (ix) 'write-off period', in relation to a film, means a period of 24 months commencing on the day after the completion date of the film. (ii)
- (2) (a) There shall be allowed to be deducted from the income of any film owner an allowance, to be known as the film allowance, determined in terms of subsection (3) in respect of the production cost and post-production cost incurred by him in respect of any film used by him in the production of his income or from which any income is received by or accrues to him.
- (b) The film allowance which may be granted in respect of any film shall not in the aggregate exceed the production cost and post-production cost thereof and shall be in lieu of any deduction or allowance in respect of such production cost or post-production cost which may otherwise be allowable in terms of the provisions of this Act.
- (3) Subject to the provisions of subsections (4) and (5), the amount of the film allowance which may be granted in respect of any one film shall be the sum of—
 (a) the greater of—
 (i) one twenty-fourth of the production cost of such film for each month in the write-off period commencing in the year of assessment, together with any amount determined under subsection (6) in respect of the post-production cost of such film; or
 (ii) the amount of income derived by the film owner during the year of assessment from the exploitation of the film or, if the film owner is a film manufacturer, from the exploitation of any films owned by him;
- (b) the amount of any post-production cost incurred during the year of assessment after the end of the write-off period; and
- (c) the amount of any film allowance disallowed in the preceding year of assessment under the provisions of subsection (4).
- (4) The film allowance which may be granted in respect of any one film in any year of assessment shall, together with the total film allowances granted in respect of that film in any preceding years of assessment, not exceed the sum of—
 (a) the amounts of production cost and post-production cost in respect of the film which have been paid by the film owner: Provided that where any

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- 5 deur die rolprenteenaar benoem word), betaal of verskuldig is aan persone wat gewoonlik in die Republiek woonagtig is: Met dien verstande dat waar 'n persoon wat aldus benoem is, deur 'n ander persoon vervang word wat verantwoordelikheid aanvaar vir eersgenoemde persoon se pligte, die bedrae wat aan albei bedoelde persone betaal of verskuldig is, geag word aan een persoon betaal of verskuldig te gewees het; en
- 10 (b) ten minste 50 persent van—
 (i) die produksiekoste en na-produksiekoste; en
 (ii) enige onkoste soortgelyk aan produksiekoste en na-produksiekoste wat in verband met die rolrent deur iemand anders as die rolprenteenaar aangegaan word,
- 15 binne die Republiek aangegaan en betaal of verskuldig is. (viii)
- 20 (2) (a) Daar word as 'n aftrekking op die inkomste van 'n rolprenteenaar 'n vermindering toegestaan, genoem die rolrentvermindering, ingevolge subartikel (3) vasgestel, ten opsigte van die produksiekoste en na-produksiekoste deur hom aangegaan ten opsigte van 'n rolrent wat deur hom by die voortbrenging van sy inkomste gebruik word of waaruit enige inkomste deur hom ontvang word of aan hom toeval.
- 25 (b) Die rolrentvermindering wat ten opsigte van 'n jaar van aanslag toegestaan kan word, is in totaal nie meer nie as die produksiekoste en na-produksiekoste daarvan en is in die plek van enige aftrekking of vermindering wat ten opsigte van bedoelde produksiekoste en na-produksiekoste andersins ingevolge die bepalings van hierdie Wet toegestaan kan word.
- 30 (3) Behoudens die bepalings van subartikels (4) en (5) is die bedrag van die rolrentvermindering wat ten opsigte van 'n enkele rolrent toegestaan kan word, die som van—
 (a) die grootste van—
 (i) een vier-en-twintigste van die produksiekoste van bedoelde rolrent vir elke maand in die afskrywingstydperk wat in die jaar van aanslag begin, tesame met 'n bedrag wat ingevolge subartikel (6) ten opsigte van die na-produksiekoste van die rolrent vasgestel word; of
- 35 (ii) die bedrag aan inkomste wat gedurende die jaar van aanslag deur die rolprenteenaar uit die benutting van die rolrent verkry is of, indien die rolprenteenaar 'n rolrentprodusent is, uit die benutting van enige rolprente wat aan hom behoort;
- 40 (b) die bedrag aan enige na-produksiekoste wat gedurende die jaar van aanslag na die einde van die afskrywingstydperk aangegaan word; en
 (c) die bedrag aan enige rolrentvermindering wat ingevolge die bepalings van subartikel (4) in die voorafgaande jaar van aanslag nie toegestaan is nie.
- 45 (4) Die rolrentvermindering wat ten opsigte van 'n enkele rolrent in 'n jaar van aanslag toegestaan kan word, is, tesame met die totale rolrentvermindering wat ten opsigte van daardie rolrent in enige vorige jare van aanslag toegestaan is, nie meer nie as—

loan or credit has been used by him for the payment or financing of the whole or any portion of such production cost or post-production cost, the amount which may be taken into account under this paragraph shall be reduced by any portion of such loan or credit for which the film owner is not under the provisions of subsection (8) deemed to be at risk on the last day of the year of assessment; and

- (b) the amounts of any production cost and post-production cost which have not been paid by the film owner and for which he is under the provisions of subsection (8) deemed to be at risk on the last day of the year of assessment.

(5) Where, in the case of any film, the film owner certifies, and the Commissioner is satisfied, that not less than 75 per cent of the total production cost and post-production cost of the film will be incurred and paid in the Republic, the amount to be determined under subsection (3) (a) (i) shall be—

(a) in the year of assessment in which the completion date of the film falls and in the following year of assessment, 50 per cent of the production cost of the film together with an amount determined under subsection (6) in respect of the post-production cost of the film; and

(b) in any years of assessment following the years of assessment contemplated in paragraph (a), an amount determined under subsection (6) in respect of the post-production cost of the film:

Provided that where the provisions of paragraph (a) have been applied in any year of assessment and it subsequently appears that less than 75 per cent of the total production cost and post-production cost of the film was or will be incurred and paid in the Republic, the provisions of the said paragraph shall be deemed not to have been applicable in such lastmentioned year of assessment and the Commissioner shall, notwithstanding anything to the contrary contained in this Act, make a revised assessment—

(i) for such lastmentioned year of assessment on the basis that the provisions of this subsection are not applicable; and

(ii) for any subsequent year of assessment to the extent that the determination of the film owner's taxable income for such subsequent year is affected by the revised assessment made for the said lastmentioned year of assessment.

(6) The amount which may be allowed in any year of assessment under the provisions of subsections (3) (a) (i) or (5) in respect of the post-production cost of any film shall be an amount determined in accordance with the formula—

$$Y = A \times \frac{B}{C}$$

in which formula—

- (a) 'Y' is the amount of such post-production cost to be determined;
 (b) 'A' is the total amount of post-production cost incurred before the end of the write-off period, less the sum of the amounts (if any) determined

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- 5 (a) die bedrae aan produksiekoste en na-produksiekoste ten opsigte van die rolprent wat deur die rolprenteenaar betaal is: Met dien verstande dat waar 'n lening of krediet vir die betaling of finansiering van die geheel of 'n gedeelte van bedoelde produksiekoste of na-produksiekoste deur hom gebruik is, die bedrag wat ingevolge hierdie paragraaf in aanmerking geneem kan word, verminder word met enige gedeelte van bedoelde lening of krediet waarvoor die rolprenteenaar nie ingevolge die bepальings van subartikel (8) op die laaste dag van die jaar van aanslag geag word op risiko te wees nie; en
- 10 (b) die bedrae aan enige produksiekoste en na-produksiekoste wat nie deur die rolprenteenaar betaal is nie en waarvoor hy ingevolge die bepальings van subartikel (8) geag word op die laaste dag van die jaar van aanslag op risiko te wees.
- 15 (5) Waar, in die geval van 'n rolprent, die rolprenteenaar sertifiseer, en die Kommissaris oortuig is, dat ten minste 75 persent van die totale produksiekoste en na-produksiekoste van die rolprent binne die Republiek aangegaan en betaal sal word, is die bedrag wat ingevolge subartikel (3) (a) (i) vasgestel staan te word—
- 20 (a) in die jaar van aanslag waarin die datum van voltooiing van die rolprent val en die daaropvolgende jaar van aanslag, 50 persent van die produksiekoste tesame met 'n bedrag wat ingevolge subartikel (6) ten opsigte van die na-produksiekoste van die rolprent vasgestel word; en
- 25 (b) in enige jare van aanslag wat volg op die jare van aanslag in paragraaf (a) bedoel, 'n bedrag wat ingevolge subartikel (6) ten opsigte van die na-produksiekoste van die rolprent vasgestel word:
- 30 Met dien verstande dat waar die bepальings van paragraaf (a) in 'n jaar van aanslag toegepas is en dit later blyk dat minder as 75 persent van die totale produksiekoste en na-produksiekoste van die rolprent binne die Republiek aangegaan en betaal is of sal word, die bepальings van genoemde paragraaf geag word nie in laasgenoemde jaar van aanslag van toepassing te gewees het nie en die Kommissaris ondanks enige andersluidende bepальings van hierdie Wet 'n gewysigde aanslag maak—
- 35 (i) vir bedoelde laasgenoemde jaar van aanslag op die grondslag dat die bepальings van hierdie subartikel nie van toepassing is nie; en
- 40 (ii) vir enige daaropvolgende jaar van aanslag in die mate waarin die vasstelling van die rolprenteenaar se belasbare inkomste vir bedoelde daaropvolgende jaar deur die gewysigde aanslag wat vir bedoelde laasgenoemde jaar van aanslag gemaak is, geraak word.
- 45 (6) Die bedrag wat in 'n jaar van aanslag ingevolge die bepальings van subartikels (3) (a) (i) of (5) ten opsigte van die na-produksiekoste van 'n rolprent toegelaat kan word, is 'n bedrag vasgestel ooreenkomsdig die formule—
- 50 60

$$Y = A \times \frac{B}{C}$$

in welke formule—

- 65 (a) 'Y' die bedrag aan bedoelde na-produksiekoste is wat vasgestel moet word;
- (b) 'A' die totale bedrag aan na-produksiekoste is wat voor die einde van die afskrywingstudperk aangegaan is, min die som van die bedrae (in-

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under this subsection in respect of any preceding years of assessment;

(c) 'B' is the number of months contemplated in subsection (3) (a) (i); and

(d) 'C' is the number of months in the write-off period which have not commenced before the commencement of the year of assessment.

(7) The amount of any print cost or any marketing expenditure contemplated in section 11bis which may be allowed under the provisions of sections 11 and 17 shall not in the aggregate exceed the total of—

(a) the amount of such print cost or marketing expenditure which has been paid by the film owner: Provided that where any loan or credit has been used by him for the payment or financing of such print cost or marketing expenditure, the amount to be allowed under this paragraph shall be reduced by any portion of such loan or credit for which the film owner is not under the provisions of subsection (8) deemed to be at risk on the last day of the year of assessment; and

(b) the amount of any print cost or marketing expenditure which has not been paid by the film owner and for which he is under the provisions of subsection (8) deemed to be at risk on the last day of the year of assessment:

Provided that where—

(a) any such loan or credit for which the film owner is not deemed to be at risk has been used by him for the payment or financing of print cost and marketing expenditure; or

(b) he is in respect of the sum of any unpaid amount of print cost and marketing expenditure not deemed to be at risk,

he shall for the purposes of this subsection be deemed not to be at risk for so much of such loan or credit or so much of such sum, as the case may be, as does not exceed the amount of such marketing expenditure for which such loan or credit was used or which is unpaid.

(8) For the purposes of subsections (4) and (7), a film owner shall be deemed to be at risk to the extent that the payment of the production cost, post-production cost, print cost or marketing expenditure (as contemplated in section 11bis) incurred by him, or the repayment of any loan or credit used by him for the payment or financing of any such production cost, post-production cost, print cost or marketing expenditure, would (having regard to any transaction, agreement, arrangement, understanding or scheme entered into before or after such production cost, post-production cost, print cost or marketing expenditure is incurred) result in an economic loss to him were no income to be received by or accrue to him in future years from the exploitation by him of the film.

(9) Notwithstanding the provisions of section 11bis—

(a) no allowance shall be granted under the provisions of that section in respect of marketing expenditure incurred in respect of a film which is

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- dien daar is) wat ten opsigte van enige vorige jare van aanslag ingevolge hierdie subartikel vasgestel is;
- (c) 'B' die aantal maande is in subartikel (3) (a) (i) bedoel; en
- (d) 'C' die aantal maande in die afskrywingstydperk is wat voor die begin van die jaar van aanslag nog nie begin het nie.
- (7) Die bedrag aan enige afdrukkoste of enige bemarkingskoste in artikel 11bis bedoel wat kragtens die bepalings van artikels 11 en 17 toegelaat kan word, is in totaal nie meer nie as die totaal van—
- (a) die bedrae aan bedoelde afdrukkoste of bemarkingskoste wat deur die rolprenteenaar betaal is: Met dien verstande dat waar 'n lening of krediet vir die betaling of finansiering van die geheel of 'n gedeelte van bedoelde afdrukkoste of bemarkingskoste deur hom gebruik is, die bedrag wat ingevolge hierdie paragraaf toegelaat moet word, verminder word met enige gedeelte van bedoelde lening of krediet waarvoor die rolprenteenaar nie ingevolge die bepalings van subartikel (8) op die laaste dag van die jaar van aanslag geag word op risiko te wees nie; en
- (b) die bedrae aan enige afdrukkoste of bemarkingskoste wat nie deur die rolprenteenaar betaal is nie en waarvoor hy ingevolge die bepalings van subartikel (8) geag word op die laaste dag van die jaar van aanslag op risiko te wees:
- Met dien verstande dat waar—
- (a) so 'n lening of krediet waarvoor die rolprenteenaar nie geag word op risiko te wees nie deur hom gebruik is vir die betaling of finansiering van afdrukkoste en bemarkingskoste; of
- (b) hy ten opsigte van die som van enige afdrukkoste en bemarkingskoste nie geag word op risiko te wees nie,
- hy by die toepassing van hierdie subartikel geag word nie op risiko te wees nie vir soveel van bedoelde lening of krediet of soveel van bedoelde som, na gelang van die geval, as wat nie meer is nie as die bedrag aan bedoelde bemarkingskoste waarvoor bedoelde lening of krediet gebruik is of wat nie betaal is nie.
- (8) By die toepassing van subartikels (4) en (7), word 'n rolprenteenaar geag op risiko te wees in die mate waarin die betaling van die produksiekoste, na-produksiekoste, afdrukkoste of bemarkingskoste (soos in artikel 11bis bedoel) wat deur hom aangegaan is, of die terugbetaling van 'n lening of krediet wat vir die betaling of finansiering van enige bedoelde produksiekoste, na-produksiekoste, afdrukkoste of bemarkingskoste (met inagneming van enige transaksie, ooreenkoms, verstandhouding of skema wat aangegaan is voordat of nadat bedoelde produksiekoste, na-produksiekoste, afdrukkoste of bemarkingskoste aangegaan is) op 'n ekonomiese verlies vir hom sou uitloop indien geen inkomste in toekomstige jare uit die benutting van die rolprent deur hom ontvang sou word of aan hom sou toeval nie.
- (9) Ondanks die bepalings van artikel 11bis—
- (a) word geen toelae ingevolge die bepalings van daardie artikel toegestaan nie ten opsigte van bemarkingskoste aangegaan ten opsigte van 'n rolprent wat nie met betrekking tot die jaar van aanslag 'n Suid-Afrikaanse uitvoerrolprent is nie; en
- (b) word die bedrag aan enige kommissie, fooi of ander vergoeding wat deur die rolprenteenaar

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- in relation to the year of assessment not a South African export film; and
- (b) the amount of any commission, fee or other remuneration paid or payable by a film owner to any person or persons by way of marketing expenditure contemplated in subsection (4) of the said section which may be taken into account in the calculation of the marketing allowance under the said section shall be limited to 30 per cent of the income received by or accrued to the film owner during the year of assessment from the exploitation of the film: Provided that the provisions of this paragraph shall not apply to so much of such commission, fee or other remuneration as has been disbursed by such person or persons by way of any such marketing expenditure incurred on behalf of or as agent for the film owner.
- (10) Where—
- (a) a film has in relation to any year of assessment qualified as a South African export film;
- (b) an allowance has been granted in that year of assessment under section 11bis in respect of marketing expenditure incurred in relation to such film; and
- (c) the film has in relation to any subsequent year of assessment no longer qualified as a South African export film,
- the film shall be deemed not to have qualified as a South African export film in relation to such first-mentioned year of assessment, and the Commissioner shall, notwithstanding anything to the contrary contained in this Act, make a revised assessment—
- (i) for such first-mentioned year of assessment on the basis that the relevant film is not a South African export film; and
- (ii) for any subsequent year of assessment to the extent that the determination of the film owner's taxable income for such subsequent year is affected by the revised assessment made for the said first-mentioned year of assessment.”
- (2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 7 April 1987 and shall apply in respect of any film acquired by a film owner otherwise than under a written agreement formally and finally signed by every party thereto before that date.
- 18. Section 27 of the principal Act is hereby amended—**
- (a) by the substitution in subparagraph (i) of paragraph (d) of subsection (2) for the expression “1986” of the expression “1988”;
- (b) by the substitution for paragraph (iii) of the proviso to paragraph (f) of the said subsection of the following paragraph:
- “(iii) no deduction shall be allowed under this paragraph except in respect of the first year of assessment of such agricultural co-operative commencing on or after 1 April 1977 or any of the nine succeeding years of assessment of such co-operative or, where the ninth of such succeeding years commenced not later than 31 March 1987, the year of assessment of such co-operative immediately succeeding such ninth year;” and

Amendment of
section 27 of
Act 58 of 1962,
as amended by
section 17 of
Act 113 of 1977,
section 11 of
Act 101 of 1978,
section 19 of
Act 104 of 1980,
section 21 of
Act 96 of 1981
and section 15 of
Act 96 of 1985.

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- aan enige persoon of persone betaal of verskuldig is by wyse van bemarkingskoste in subartikel (4) van genoemde artikel bedoel wat by die berekening van die bemarkingstoelae ingevolge genoemde artikel in aanmerking geneem kan word, beperk tot 30 persent van die inkomste wat gedurende die jaar van aanslag deur die rolprenteenaar ontvang is of aan hom toegeval het uit die benutting van die rolprent: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie op soveel van bedoelde kommissie, foor of ander vergoeding as wat deur bedoelde persoon of persone uitbetaal is by wyse van enige sodanige bemarkingskoste wat ten behoeve van of as agent vir die rolprenteenaar aangegaan is.
- (10) Waar—
- (a) 'n Rolprent met betrekking tot 'n jaar van aanslag as 'n Suid-Afrikaanse uitvoerrolprent in aanmerking gekom het;
 - (b) 'n Vermindering in daardie jaar kragtens artikel 11bis toegestaan is ten opsigte van bemarkingskoste wat met betrekking tot bedoelde rolprent aangegaan is; en
 - (c) die rolprent met betrekking tot enige daaropvolgende jaar van aanslag nie meer as 'n Suid-Afrikaanse uitvoerrolprent in aanmerking gekom het nie,
- word die rolprent met betrekking tot bedoelde eersgenoemde jaar van aanslag geag nie as 'n Suid-Afrikaanse uitvoerrolprent in aanmerking te gekom het nie, en maak die Kommissaris ondanks enige andersluidende bepaling van hierdie Wet 'n gewysigde aanslag—
- (i) vir bedoelde eersgenoemde jaar van aanslag op die grondslag dat die rolprent nie 'n Suid-Afrikaanse uitvoerrolprent is nie; en
 - (ii) vir enige daaropvolgende jaar van aanslag in die mate waarin die vasstelling van die rolprenteenaar se belasbare inkomste vir bedoelde daaropvolgende jaar deur die gewysigde aanslag wat vir bedoelde eersgenoemde jaar van aanslag gemaak is, geraak word.”.
- (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 7 April 1987 geëindig het of eindig, en is van toepassing op enige rolprent wat deur 'n rolprenteenaar verkry is anders as kragtens 'n skriftelike ooreenkoms wat voor daardie datum formeel en final deur elke party tot die ooreenkoms onderteken is.
- 50 18. Artikel 27 van die Hoofwet word hierby gewysig—
- (a) deur in subparagraph (i) van paragraaf (d) van subartikel (2) die uitdrukking “1986” deur die uitdrukking “1988” te vervang;
 - (b) deur paragraaf (iii) van die voorbehoudsbepaling by paragraaf (f) van genoemde subartikel deur die volgende paragraaf te vervang:
- “(iii) geen aftrekking ingevolge hierdie paragraaf toegestaan word nie behalwe ten opsigte van die eerste jaar van aanslag van bedoelde landboukoöperasie wat op of na 1 April 1977 begin of enige van die nege daaropvolgende jare van aanslag van daardie koöperasie of, waar die negende van daardie daaropvolgende jare nie later nie as 31 Maart 1987 begin het, die jaar van aanslag van daardie koöperasie wat onmiddellik op bedoelde negende jaar volg;”; en

Wysiging van
artikel 27 van
Wet 58 van 1962,
soos gewysig deur
artikel 17 van
Wet 113 van 1977,
artikel 11 van
Wet 101 van 1978,
artikel 19 van
Wet 104 van 1980,
artikel 21 van
Wet 96 van 1981
en artikel 15 van
Wet 96 van 1985.

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- (c) by the substitution in subparagraphs (i) and (ii) of paragraph (i) of the said subsection for the expression "1986" of the expression "1988", and by the substitution in paragraph (c) of the proviso to the said paragraph for the expression "1987" of the expression "1989".

Amendment of section 49 of Act 58 of 1962, as amended by section 22 of Act 90 of 1962, section 9 of Act 6 of 1963, section 17 of Act 90 of 1964, section 31 of Act 89 of 1969, section 24 of Act 88 of 1971, section 24 of Act 65 of 1973, section 34 of Act 85 of 1974, section 23 of Act 69 of 1975, section 20 of Act 113 of 1977, section 21 of Act 104 of 1980, section 22 of Act 96 of 1981, section 30 of Act 94 of 1983 and section 26 of Act 121 of 1984.

19. Section 49 of the principal Act is hereby amended by the substitution for the proviso to the definition of "total net profits" of the following proviso:

"Provided that [the provisions of section 19 (4) and (5) shall not be applied in the determination of the total net profits of any company which derived any dividends] any amount included in the income of any company under the provisions of section 9A (2) shall not be included in the total net profits of such company." 15

Amendment of section 50 of Act 58 of 1962, as amended by section 23 of Act 90 of 1962, section 19 of Act 95 of 1967, section 32 of Act 89 of 1969, section 25 of Act 88 of 1971, section 25 of Act 65 of 1973, section 35 of Act 85 of 1974 and section 27 of Act 121 of 1984.

20. (1) Section 50 of the principal Act is hereby amended—

(a) by the substitution in paragraph (d) for the words preceding the first proviso of the following words: "any company which satisfies the Commissioner that shares representing not less than 50 per cent of its equity share capital were throughout the specified period held—

(i) by one or more persons (other than companies) not ordinarily resident nor carrying on business in the Republic; or 25

(ii) by one or more companies which are not South African companies and derive the greater portion of their profits for the year of assessment in question from sources not within or deemed to be within the Republic; or 30

(iii) directly or indirectly by one or more external companies which are public companies as contemplated in section 38 (2) (a) and derive the greater portion of their profits for the year of assessment in question from sources not within or deemed to be within the Republic; or 35

(iv) by one or more such persons (other than companies) and one or more such companies:"; and

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

"(h) the South African Reserve Bank, the National Finance Corporation of South Africa, any building society or mutual building society and any company registered as a banking institution under the 45 [Banking Act, 1942 (Act No. 38 of 1942)] Banks Act, 1965 (Act No. 23 of 1965);".

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- (c) deur in subparagraphe (i) en (ii) van paragraaf (i) van genoemde subartikel die uitdrukking "1986" deur die uitdrukking "1988" te vervang en deur in paragraaf (c) van die voorbehoudsbepaling by genoemde paragraaf die uitdrukking "1987" deur die uitdrukking "1989" te vervang.
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19. Artikel 49 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by die omskrywing van "totale netto winste" deur die volgende voorbehoudsbepaling te vervang:
- 10 "Met dien verstande dat **[die bepalings van artikel 19 (4) en (5) nie by die vasstelling van die totale netto winste van 'n maatskappy wat dividende verkry het, toegepas word nie]** 'n bedrag ingesluit by die inkomste van 'n maatskappy ingevolge die bepalings van artikel 9A (2) nie by die totale netto winste van daardie maatskappy ingesluit word nie."
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- Wysiging van artikel 49 van Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 90 van 1962, artikel 9 van Wet 6 van 1963; artikel 17 van Wet 90 van 1964, artikel 31 van Wet 89 van 1969, artikel 24 van Wet 88 van 1971, artikel 24 van Wet 65 van 1973, artikel 34 van Wet 85 van 1974, artikel 23 van Wet 69 van 1975, artikel 20 van Wet 113 van 1977, artikel 21 van Wet 104 van 1980, artikel 22 van Wet 96 van 1981, artikel 30 van Wet 94 van 1983 en artikel 26 van Wet 121 van 1984.
20. (1) Artikel 50 van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (d) die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- 20 " 'n maatskappy wat die Kommissaris daarvan oortuig dat aandele wat minstens 50 persent van sy ekwiteitsaandele verteenwoordig, gedurende die hele bepaalde tydperk besit was—
- (i) deur een of meer persone (behalwe maatskappye) wat nie gewoonlik in die Republiek woonagtig is of daarin besigheid dryf nie; of
- 25 (ii) deur een of meer maatskappye wat nie Suid-Afrikaanse maatskappye is nie en die grootste gedeelte van hul winste vir die onderhawige jaar van aanslag verkry uit bronne wat nie in die Republiek is of geag word te wees nie; of
- 30 (iii) regstreeks of onregstreeks deur een of meer buitelandse maatskappye wat publieke maatskappye is soos in artikel 38 (2) (a) bedoel en die grootste gedeelte van hul winste vir die onderhawige jaar van aanslag verkry uit bronne wat nie in die Republiek is of geag word te wees nie; of
- 35 (iv) deur een of meer sodanige persone (behalwe maatskappye) en een of meer sodanige maatskappye;" en
- 40 (b) deur paragraaf (h) deur die volgende paragraaf te vervang:
- 45 "(h) die Suid-Afrikaanse Reserwebank, die Nasionale Finansiekorporasie van Suid-Afrika, 'n bouvereniging of onderlinge bouvereniging en 'n maatskappy wat as 'n bankinstelling ingevalle die Bankwet, **[1942 (Wet No. 38 van 1942)] 1965 (Wet No. 23 van 1965)**, geregistreer is;".

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- (2) (a) Subsection (1) (a) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1983.
 (b) Subsection (1) (b) shall be deemed to have come into operation on 29 August 1986.

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Amendment of section 56 of Act 58 of 1962, as amended by section 18 of Act 90 of 1964, section 25 of Act 55 of 1966, section 33 of Act 89 of 1969, section 38 of Act 85 of 1974, section 21 of Act 113 of 1977, section 13 of Act 101 of 1978, section 23 of Act 96 of 1981, section 31 of Act 94 of 1983, section 4 of Act 30 of 1984, section 28 of Act 121 of 1984, and section 18 of Act 96 of 1985.

Amendment of section 64C of Act 58 of 1962, as inserted 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, section 29 of Act 121 of 1984, section 18 of Act 65 of 1986, and section 8 of Act 108 of 1986.

- 21.** Section 56 of the principal Act is hereby amended by the substitution for paragraph (h) of subsection (1) of the following paragraph:

"(h) by or to any person (including any government) referred to in paragraph (a), (b), (cA), (cB), (cC), 10 (cD), (cE), (cF), (d) or (e) of subsection (1) of section 10;".

- 22. (1)** Section 64C of the principal Act is hereby amended—

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

"Provided that the exemption in terms of this paragraph shall not apply in respect of any interest accruing to a person (other than a company) who is ordinarily resident in a neighbouring country or to a company which is incorporated or managed in any neighbouring country, in respect of stock or securities (including Treasury Bills);";

- (b) by the deletion of paragraph (bA);

- (c) by the addition to paragraph (k) of the following proviso:

"Provided that the said Minister may approve an exemption under this paragraph after the loan in question was obtained, if—

(aa) the interest on such loan was by reason of the provisions of an agreement between the Government of the Republic and the government of any other country or territory for the prevention of or relief from double taxation, previously exempt from the non-residents tax on interest but by reason of the termination of such agreement the exemption has ceased to apply; and

(bb) the said Minister is satisfied that if application for exemption under this paragraph had been made prior to the obtaining of the loan he would have approved the exemption;"; and

- (d) by the addition of the following paragraph:

"(n) interest accruing to any person from a source outside the Republic if—

(i) the loan or credit in respect of which such interest is payable is subject to the provisions of the regulations published by Government Notice No. R.603 of 27 March 1986 under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933); and

(ii) such interest was prior to 1 July 1987 exempt from the payment of non-residents tax on in-

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- (2) (a) Subartikel (1) (a) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1983 geëindig het of eindig.
 5 (b) Subartikel (1) (b) word geag op 29 Augustus 1986 in werking te getree het.
21. Artikel 56 van die Hoofwet word hierby gewysig deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:
 10 "(h) deur of aan enige persoon (insluitende enige regering) in paragraaf (a), (b), (cA), (cB), (cC), (cD), (cE), (cF), (d) of (e) van subartikel (1) van artikel 10 bedoel;".
- Wysiging van artikel 56 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 90 van 1964, artikel 25 van Wet 55 van 1966, artikel 33 van Wet 89 van 1969, artikel 38 van Wet 85 van 1974, artikel 21 van Wet 113 van 1977, artikel 13 van Wet 101 van 1978, artikel 23 van Wet 96 van 1981, artikel 31 van Wet 94 van 1983, artikel 4 van Wet 30 van 1984, artikel 28 van Wet 121 van 1984 en artikel 18 van Wet 96 van 1985.
22. (1) Artikel 64C van die Hoofwet word hierby gewysig—
 15 (a) deur die volgende voorbehoudsbepaling by paragraaf (a) te voeg:
 “Met dien verstande dat die vrystelling ingevolge hierdie paragraaf nie van toepassing is nie ten opsigte van enige rente wat toeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in 'n buurstaat woonagtig is of 'n maatskappy wat in 'n buurstaat ingelyf is of beheer word, ten opsigte van effekte of sekuriteite (met inbegrip van Skatkisbiljette);”;
 20 (b) deur paragraaf (bA) te skrap;
 25 (c) deur die volgende voorbehoudsbepaling by paragraaf (k) te voeg:
 “Met dien verstande dat genoemde Minister 'n vrystelling kragtens hierdie paragraaf kan goedkeur nadat die betrokke lening verkry is, indien—
 30 (aa) die rente op bedoelde lening voorheen uit hoofde van die bepальings van 'n ooreenkoms tussen die Regering van die Republiek en die regering van 'n ander land of gebied ter voorkoming of verligting van dubbele belasting, van die rentebelasting op buitelanders vrygestel was maar weens die beëindiging van daardie ooreenkoms die vrystelling nie meer van toepassing is nie; en
 35 (bb) genoemde Minister oortuig is dat indien aansoek om vrystelling kragtens hierdie paragraaf voor die verkrywing van die lening gedoen was, hy die vrystelling sou goedgekeur het;”; en
 40 (d) deur die volgende paragraaf by te voeg:
 “(n) rente wat aan iemand toeval uit 'n bron buite die Republiek indien—
 45 (i) die lening of krediet ten opsigte waarvan bedoelde rente betaalbaar is, onderworpe is aan die bepальings van die regulasies wat by Goewermentskennisgewing No. R.603 van 27 Maart 1986 kragtens artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No. 9 van 1933), gepubliseer is; en
 50 (ii) bedoelde rente voor 1 Julie 1987 kragtens die bepальings van 'n ooreenkoms ter voorkoming

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Amendment of section 66 of Act 58 of 1962, as amended by section 10 of Act 6 of 1963, section 19 of Act 90 of 1964, section 27 of Act 88 of 1971, section 22 of Act 91 of 1982 and section 19 of Act 65 of 1986.

Amendment of paragraph 13A of 1st Schedule to Act 58 of 1962, as inserted by section 44 of Act 94 of 1983.

Amendment of paragraph 7 of 2nd Schedule to Act 58 of 1962, as substituted by section 36 of Act 88 of 1971.

Amendment of paragraph 1 of 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972 and amended by section 27 of Act 65 of 1973.

Insertion of paragraph 1A in 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972.

terest under the provisions of an agreement contemplated in section 108 for the prevention of, or relief from, double taxation.”

- (2) (a) Subsection (1) (a) and (b) shall come into operation on 1 November 1987.
 (b) Subsection (1) (c) and (d) shall be deemed to have come into operation on 1 July 1987.

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23. Section 66 of the principal Act is hereby amended by the substitution in paragraph (b) (ii) (aa) of subsection (1) for the expression “R500” of the expression “R1 000”. 10

24. Paragraph 13A of the First Schedule to the principal Act is hereby amended by the substitution in item (a) of subparagraph (3) for the expression “4 years” of the expression “6 years”.

25. Paragraph 7 of the Second Schedule to the principal Act is hereby amended by the deletion of the proviso. 15

26. Paragraph 1 of the Sixth Schedule to the principal Act is hereby amended—

- (a) by the addition to paragraph (b) of the definition of “insurance policy” of the word “and”; and
 (b) by the insertion after the said paragraph (b) of the following paragraph:
(c) any policy which is materially similar to a policy contemplated in paragraph (a) or (b) and which has been issued by an insurer registered, incorporated, formed or established in a neighbouring country.” 25

27. The following paragraph is hereby inserted in Part I of the Sixth Schedule to the principal Act after paragraph 1:

“Certain amounts deemed to be insurance benefits

1A. (1) Any amount which has been received by or accrued to a person other than a company who is ordinarily resident in the Republic or which has been received by or accrued to a domestic company, and which in the opinion of the Commissioner was directly or indirectly funded out of an insurance benefit in relation to any policy contemplated in paragraph (c) of the definition of ‘insurance policy’ in paragraph 1 or out of any amount received or accrued in respect of the cession of any such policy, shall for the purposes of this Schedule be deemed to be an insurance benefit which has been received by or accrued to such person or domestic company from a source within the Republic. 30

(2) The provisions of paragraphs 7 and 8 shall *mutatis mutandis* apply for the purpose of determining the amount of any gain made in respect of an insurance benefit referred to in subparagraph (1). 35

(3) The provisions of this paragraph shall not apply to any amount which falls to be included in the gross income of the taxpayer otherwise than under the provisions of paragraph 40

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- of vergilting van dubbele belasting in artikel 108 bedoel, van die betaling van die rentebelasting op buitelanders vrygestel was.”.
- (2) (a) Subartikel (1) (a) en (b) tree op 1 November 1987 in werking.
 5 (b) Subartikel (1) (c) en (d) word geag op 1 Julie 1987 in werking te getree het.
23. Artikel 66 van die Hoofwet word hierby gewysig deur in paragraaf (b) (ii) (aa) van subartikel (1) die uitdrukking “R500” 10 deur die uitdrukking “R1 000” te vervang.
24. Paragraaf 13A van die Eerste Bylae by die Hoofwet word hierby gewysig deur in item (a) van subparagraph (3) die uitdrukking “4 jaar” deur die uitdrukking “6 jaar” te vervang.
25. Paragraaf 7 van die Tweede Bylae by die Hoofwet word 15 hierby gewysig deur die voorbehoudsbepaling te skrap.
26. Paragraaf 1 van die Sesde Bylae by die Hoofwet word hierby gewysig—
 20 (a) deur aan die end van paragraaf (b) van die omskrywing van “versekeringspolis” die woord “en” by te voeg; en
 (b) deur na genoemde paragraaf (b) die volgende paragraaf in te voeg:
 25 “(c) ‘n polis wat wesentlik dieselfde is as ‘n polis in paragraaf (a) of (b) bedoel en wat uitgereik is deur ‘n versekeraar wat in ‘n buurstaat geregistreer, ingelyf, opgerig of ingestel is.’”.
27. Die volgende paragraaf word hierby in Deel I van die Sesde Bylae by die Hoofwet na paragraaf 1 ingevoeg:
 “Sekere bedrae word geag versekeringsvoordele te wees
 30 1A. (1) ‘n Bedrag wat ontvang is deur of toegeval het aan ’n persoon, behalwe ’n maatskappy, wat in die Republiek woonagtig is of wat ontvang is deur of toegeval het aan ’n binnelandse maatskappy, en wat volgens die oordeel van die Kommissaris regstreeks of onregstreeks gefundeer is uit ’n versekeringsvoordeel met betrekking tot ’n polis in paragraaf (c) van die omskrywing van ‘versekeringspolis’ in paragraaf 1 bedoel of uit ’n bedrag wat ten opsigte van die sessie van so ’n polis ontvang is of toegeval het, word by die toepassing van hierdie Bylae geag ’n versekeringsvoordeel te wees wat uit ’n bron in die Republiek deur so ’n persoon of binnelandse maatskappy ontvang is of aan hom toegeval het.
 35 (2) Die bepalings van paragrawe 7 en 8 is *mutatis mutandis* van toepassing by die vasstelling van die bedrag van ’n wins wat gemaak is ten opsigte van ’n versekeringsvoordeel in subparagraph (1) bedoel.
 40 (3) Die bepalings van hierdie paragraaf is nie van toepassing nie ten opsigte van ’n bedrag wat andersins as kragtens die bepalings van paragraaf (eA) van die omskrywing van
- Wysiging van artikel 66 van Wet 58 van 1962, soos gewysig deur artikel 10 van Wet 6 van 1963, artikel 19 van Wet 90 van 1964, artikel 27 van Wet 88 van 1971, artikel 22 van Wet 91 van 1982 en artikel 19 van Wet 65 van 1986.
- Wysiging van paragraaf 13A van 1ste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 44 van Wet 94 van 1983.
- Wysiging van paragraaf 7 van 2de Bylae by Wet 58 van 1962, soos vervang deur artikel 36 van Wet 88 van 1971.
- Wysiging van paragraaf 1 van 6de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 90 van 1972 en gewysig deur artikel 27 van Wet 65 van 1973.
- Invoeging van paragraaf 1A in 6de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 90 van 1972.

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(eA) of the definition of 'gross income' in section 1 of this Act.

(4) Where any gain made in respect of an insurance benefit contemplated in subparagraph (1) has been included in the taxable income of any taxpayer, there shall be deducted from so much of the normal tax payable in respect of such taxable income as the Commissioner determines to be attributable to the inclusion therein of such gain, any tax which is proved to the satisfaction of the Commissioner to have been directly or indirectly payable on such insurance benefit to the government of any country other than the Republic.

(5) Any decision of the Commissioner in the exercise of his discretion under this paragraph shall be subject to objection and appeal.".

Amendment of paragraph 1 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1964 and amended by section 26 of Act 96 of 1985, Government Notice No. R.2706 of 29 November 1985, section 33 of Act 65 of 1986 and Government Notice No. R.2683 of 19 December 1986.

Amendment of paragraph 9 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1964 and amended by section 31 of Act 96 of 1985 and section 34 of Act 65 of 1986.

28. Paragraph 1 of the Seventh Schedule to the principal Act is hereby amended by the substitution in the definition of "official rate of interest" for the expression "15 per cent" of the expression "13 per cent".

29. 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:
 "(ii) the employee, his spouse or minor child has a right of option or pre-emption granted by the 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, whether directly or indirectly by virtue of a controlling interest in a company or otherwise;"; and

(b) by the substitution for subparagraph (9) of the following subparagraph:

"(9) Where the accommodation in question is owned by the employee, his spouse or minor child, whether directly or indirectly by virtue of a controlling interest in a company or otherwise, and has been let by him, his spouse or minor child or by such company 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 or such company.".

30. Paragraph 14 of the Seventh Schedule to the principal Act is hereby amended by the addition of the following subparagraph:

"(3) (a) The provisions of subparagraph (1) shall not apply in respect of so much of the cash equivalent of a taxable benefit referred to in the said subparagraph as the Commissioner, having regard to the circumstances

Amendment of paragraph 14 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1964 and amended by

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- ‘bruto inkomste’ in artikel 1 van hierdie Wet in die bruto inkomste van die belastingpligtige ingesluit moet word.
- (4) Waar ’n wins wat gemaak is ten opsigte van ’n versekeringsvoordeel in subparagraaf (1) bedoel in die belasbare inkomste van ’n belastingpligtige ingesluit is, word daar van soveel van die normale belasting as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening daarby van bedoelde wins afgetrek enige belasting wat tot bevrediging van die Kommissaris bewys word regstreeks of onregstreeks op bedoelde versekeringsvoordeel aan die regering van ’n land behalwe die Republiek betaal is.
- (5) ’n Beslissing van die Kommissaris by die uitoefening van sy diskresie ingevolge hierdie paragraaf is aan beswaar en appèl onderhewig.”.
- 15 28. Paragraaf 1 van die Sewende Bylae by die Hoofwet word hierby gewysig deur in die omskrywing van “amptelike rentekoers” die uitdrukking “15 persent” deur die uitdrukking “13 persent” te vervang.
- 20 29. Paragraaf 9 van die Sewende Bylae by die Hoofwet word hierby gewysig—
- (a) deur subitem (ii) van item (b) van subparagraaf (3) deur die volgende subitem te vervang:
- 25 “(ii) die werknemer, sy gade of minderjarige kind oor ’n opsie of reg van voorkoop, verleen deur die werkgewer of iemand anders in ooreenkoms 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, het sy regstreeks of onregstreeks uit hoofde van ’n beherende belang in ’n maatskappy of andersins,”; en
- 30 (b) deur subparagraaf (9) deur die volgende subparagraaf te vervang:
- 35 “(9) Waar die betrokke huisvesting deur die werknemer, sy gade of minderjarige kind besit word het sy regstreeks of onregstreeks uit hoofde van ’n beherende belang in ’n maatskappy of andersins en deur hom, sy gade of minderjarige kind of deur bedoelde maatskappy 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 hierdie Wet (behalwe hierdie subparagraaf) geag nie ontvang te gewees het deur of toe te gevval het aan die werknemer, sy gade of minderjarige kind of bedoelde maatskappy nie.”.
- 40 30. Paragraaf 14 van die Sewende Bylae by die Hoofwet word hierby gewysig deur die volgende subparagraaf by te voeg:
- 45 “(3) (a) Die bepalings van subparagraaf (1) is nie van toepassing nie ten opsigte van soveel van die kontantekwivalent van ’n belasbare voordeel bedoel in genoemde subparagraaf as wat volgens die Kommissaris se oortui-

Wysiging van
paragraaf 1 van
7de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 46 van
Wet 121 van 1964
en gewysig deur
artikel 26 van
Wet 96 van 1985,
Goewerments-
kennisgwing
No. R.2706 van
29 November 1985,
artikel 33 van
Wet 65 van 1986
en Goewerments-
kennisgwing
No. R.2683 van
19 Desember 1986.

Wysiging van
paragraaf 9 van
7de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 46 van
Wet 121 van 1964
en gewysig deur
artikel 31 van
Wet 96 van 1985
en artikel 34 van
Wet 65 van 1986.

Wysiging van
paragraaf 14 van
7de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 46 van
Wet 121 van 1964
en gewysig deur

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section 37 of
Act 96 of 1985
and section 36 of
Act 65 of 1986.

of the case, is satisfied has been granted to the employee concerned in substitution for remuneration which would normally have been payable to the employee in cash or with the sole or main object of providing the employee with an advantage under the said subparagraph.

5

- (b) Any decision of the Commissioner under item (a) on assessment of the liability of the employee concerned for normal tax shall be subject to objection and appeal.”.

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Withdrawal of
Government Notice
No. R.2683 of
19 December 1986.

31. Government Notice No. R.2683 of 19 December 1986 is hereby withdrawn.

Commencement
of certain
amendments.

32. 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 1988.

15

Short title.

33. This Act shall be called the Income Tax Act, 1987.

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5 ging, met inagneming van die omstandighede van die geval, aan die betrokke werknemer toegestaan is ter vervanging van besoldiging wat normaalweg in kontant aan die werknemer betaalbaar sou gewees het of met die uitsluitlike of hoofdoel om die werknemer van 'n voordeel ingevalle genoemde subparagraph te voorseen.

10 (b) 'n Beslissing van die Kommissaris ingevalle item (a) by die aanslaan van die aanspreeklikheid vir normale belasting van die betrokke werknemer is aan beswaar en appèl onderhewig."

31. Goewermentskennisgewing No. R.2683 van 19 Desember 1986 word hierby ingetrek.

artikel 37 van Wet 96 van 1985 en artikel 36 van Wet 65 van 1986.

15 32. 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 opsigte van normale belasting en belasting op onuitgekeerde winste ingevalle die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1988 eindig.

20 33. Hierdie Wet heet die Inkomstebelastingwet, 1987.

Intrekking van Goewermentskennis- gewing No. R.2683 van 19 Desember 1986.

Inwerkingtreding van sekere wysigings.

Kort titel.

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Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 29 FEBRUARY 1988 AND 30 JUNE 1988, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF 12 MONTHS ENDING 31 MARCH 1988.

(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:

TABLES

Taxable Income	Rates of Tax in respect of Married Persons
Where the taxable income—	
does not exceed R12 000	15 per cent of each R1 of the taxable income;
exceeds R12 000 but does not exceed R13 000	R1 800 plus 16 per cent of the amount by which the taxable income exceeds R12 000;
„ R13 000 „ „ „ R14 000	R1 960 plus 18 per cent of the amount by which the taxable income exceeds R13 000;
„ R14 000 „ „ „ R15 000	R2 140 plus 20 per cent of the amount by which the taxable income exceeds R14 000;
„ R15 000 „ „ „ R16 000	R2 340 plus 22 per cent of the amount by which the taxable income exceeds R15 000;
„ R16 000 „ „ „ R18 000	R2 560 plus 24 per cent of the amount by which the taxable income exceeds R16 000;
„ R18 000 „ „ „ R20 000	R3 040 plus 26 per cent of the amount by which the taxable income exceeds R18 000;
„ R20 000 „ „ „ R22 000	R3 560 plus 28 per cent of the amount by which the taxable income exceeds R20 000;
„ R22 000 „ „ „ R24 000	R4 120 plus 30 per cent of the amount by which the taxable income exceeds R22 000;
„ R24 000 „ „ „ R26 000	R4 720 plus 32 per cent of the amount by which the taxable income exceeds R24 000;
„ R26 000 „ „ „ R28 000	R5 360 plus 34 per cent of the amount by which the taxable income exceeds R26 000;
„ R28 000 „ „ „ R30 000	R6 040 plus 36 per cent of the amount by which the taxable income exceeds R28 000;
„ R30 000 „ „ „ R35 000	R6 760 plus 38 per cent of the amount by which the taxable income exceeds R30 000;
„ R35 000 „ „ „ R40 000	R8 660 plus 40 per cent of the amount by which the taxable income exceeds R35 000;
„ R40 000 „ „ „ R45 000	R10 660 plus 42 per cent of the amount by which the taxable income exceeds R40 000;
„ R45 000 „ „ „ R50 000	R12 760 plus 43 per cent of the amount by which the taxable income exceeds R45 000;
„ R50 000 „ „ „ R60 000	R14 910 plus 44 per cent of the amount by which the taxable income exceeds R50 000;
„ R60 000	R19 310 plus 45 per cent of the amount by which the taxable income exceeds R60 000.

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Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPYE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 29 FEBRUARIE 1988 EN 30 JUNIE 1988, EN DEUR MAATSKAPPYE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN 12 MAANDE EINDIGENDE OP 31 MAART 1988.

(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 ooreenkomsdig die tabelle hieronder bereken word:

TABELLE

Belasbare Inkomste				Skale van Belasting ten opsigte van Getroude Persone
Waar die belasbare inkomste—				
R12 000 nie te bowe gaan nie				15 persent van elke R1 van die belasbare inkomste;
R12 000 te bowe gaan, maar nie R13 000 nie				R1 800 plus 16 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R13 000 „ „ R14 000 „				R1 960 plus 18 persent van die bedrag waarmee die belasbare inkomste R13 000 oorskry;
R14 000 „ „ R15 000 „				R2 140 plus 20 persent van die bedrag waarmee die belasbare inkomste R14 000 oorskry;
R15 000 „ „ R16 000 „				R2 340 plus 22 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R16 000 „ „ R18 000 „				R2 560 plus 24 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R18 000 „ „ R20 000 „				R3 040 plus 26 persent van die bedrag waarmee die belasbare inkomste R18 000 oorskry;
R20 000 „ „ R22 000 „				R3 560 plus 28 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R22 000 „ „ R24 000 „				R4 120 plus 30 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry;
R24 000 „ „ R26 000 „				R4 720 plus 32 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R26 000 „ „ R28 000 „				R5 360 plus 34 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry;
R28 000 „ „ R30 000 „				R6 040 plus 36 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R30 000 „ „ R35 000 „				R6 760 plus 38 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R35 000 „ „ R40 000 „				R8 660 plus 40 persent van die bedrag waarmee die belasbare inkomste R35 000 oorskry;
R40 000 „ „ R45 000 „				R10 660 plus 42 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;
R45 000 „ „ R50 000 „				R12 760 plus 43 persent van die bedrag waarmee die belasbare inkomste R45 000 oorskry;
R50 000 „ „ R60 000 „				R14 910 plus 44 persent van die bedrag waarmee die belasbare inkomste R50 000 oorskry;
R60 000 te bowe gaan				R19 310 plus 45 persent van die bedrag waarmee die belasbare inkomste R60 000 oorskry.

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Taxable Income	Rates of Tax in respect of Persons who are not Married Persons
Where the taxable income—	
does not exceed R10 000	15 per cent of each R1 of the taxable income;
exceeds R10 000 but does not exceed R11 000	R1 500 plus 16 per cent of the amount by which the taxable income exceeds R10 000;
,, R11 000 „ „ R12 000	R1 660 plus 18 per cent of the amount by which the taxable income exceeds R11 000;
„ R12 000 „ „ R13 000	R1 840 plus 20 per cent of the amount by which the taxable income exceeds R12 000;
„ R13 000 „ „ R14 000	R2 040 plus 22 per cent of the amount by which the taxable income exceeds R13 000;
„ R14 000 „ „ R15 000	R2 260 plus 24 per cent of the amount by which the taxable income exceeds R14 000;
„ R15 000 „ „ R16 000	R2 500 plus 26 per cent of the amount by which the taxable income exceeds R15 000;
„ R16 000 „ „ R18 000	R2 760 plus 28 per cent of the amount by which the taxable income exceeds R16 000;
„ R18 000 „ „ R20 000	R3 320 plus 30 per cent of the amount by which the taxable income exceeds R18 000;
„ R20 000 „ „ R22 000	R3 920 plus 32 per cent of the amount by which the taxable income exceeds R20 000;
„ R22 000 „ „ R24 000	R4 560 plus 34 per cent of the amount by which the taxable income exceeds R22 000;
„ R24 000 „ „ R26 000	R5 240 plus 36 per cent of the amount by which the taxable income exceeds R24 000;
„ R26 000 „ „ R28 000	R5 960 plus 38 per cent of the amount by which the taxable income exceeds R26 000;
„ R28 000 „ „ R30 000	R6 720 plus 40 per cent of the amount by which the taxable income exceeds R28 000;
„ R30 000 „ „ R34 000	R7 520 plus 42 per cent of the amount by which the taxable income exceeds R30 000;
„ R34 000 „ „ R38 000	R9 200 plus 43 per cent of the amount by which the taxable income exceeds R34 000;
„ R38 000 „ „ R42 000	R10 920 plus 44 per cent of the amount by which the taxable income exceeds R38 000;
„ R42 000	R12 680 plus 45 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:

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

and if such taxable income exceeds R40 000, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20 in the formula $y = 20 \left(1 - \frac{6}{x}\right)$ by

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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	15 persent van elke R1 van die belasbare inkomste;
R10 000 te bowe gaan, maar nie R11 000 nie	R1 500 plus 16 persent van die bedrag waarmee die belasbare inkomste R10 000 oorskry;
R11 000 „ „ R12 000 „	R1 660 plus 18 persent van die bedrag waarmee die belasbare inkomste R11 000 oorskry;
R12 000 „ „ R13 000 „	R1 840 plus 20 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R13 000 „ „ R14 000 „	R2 040 plus 22 persent van die bedrag waarmee die belasbare inkomste R13 000 oorskry;
R14 000 „ „ R15 000 „	R2 260 plus 24 persent van die bedrag waarmee die belasbare inkomste R14 000 oorskry;
R15 000 „ „ R16 000 „	R2 500 plus 26 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R16 000 „ „ R18 000 „	R2 760 plus 28 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R18 000 „ „ R20 000 „	R3 320 plus 30 persent van die bedrag waarmee die belasbare inkomste R18 000 oorskry;
R20 000 „ „ R22 000 „	R3 920 plus 32 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R22 000 „ „ R24 000 „	R4 560 plus 34 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry;
R24 000 „ „ R26 000 „	R5 240 plus 36 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R26 000 „ „ R28 000 „	R5 960 plus 38 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry;
R28 000 „ „ R30 000 „	R6 720 plus 40 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R30 000 „ „ R34 000 „	R7 520 plus 42 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R34 000 „ „ R38 000 „	R9 200 plus 43 persent van die bedrag waarmee die belasbare inkomste R34 000 oorskry;
R38 000 „ „ R42 000 „	R10 920 plus 44 persent van die bedrag waarmee die belasbare inkomste R38 000 oorskry;
R42 000 te bowe gaan	R12 680 plus 45 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 subparagraph (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 die formules in die eerste voorbehoudsbepaling hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreë inkomste (met genoemde uitsluiting). Met dien verstaande dat indien die aldus verkreë belasbare inkomste (met genoemde uitsluiting) nie meer as R40 000 bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

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

en indien bedoelde belasbare inkomste meer as R40 000 bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule $y = 20 \left(1 - \frac{6}{x}\right)$ te verhoog met een vir elke volle bedrag van R2 500 wat genoemde belasbare in-

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one for each completed amount of R2 500 by which the said taxable income exceeds R40 000; Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 25 per cent of such amount;

- (d) on each rand of the taxable income derived by any company from mining for gold on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the 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:

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

in which formula (and in the formulae set out in the first proviso hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) bears to the income so derived (with the said exclusion); Provided that if the taxable income so derived (with the said exclusion) does not exceed R40 000, the rate of tax shall not exceed a percentage determined in accordance with the formula:

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

and if such taxable income exceeds R40 000, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20 in the formula $y = 20(1 - \frac{8}{x})$ by

one for each completed amount of R2 500 by which the said taxable income exceeds R40 000; Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 25 per cent of such amount;

- (e) on each rand of the taxable income of any company the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss which the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, a rate equal to the average rate of normal tax or 35 cents, whichever is higher; Provided that for the purposes of this subparagraph the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with this subparagraph for the period assessed) paid by the company in respect of its aggregate taxable income from gold mining for the period from 1 July 1916 to the end of the period assessed, by the number of rands contained in the said aggregate taxable income;
- (f) on each rand of the taxable income derived by any company from mining for diamonds, 45 cents; Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 25 cent of such amount;
- (g) on each rand of the taxable income derived by any company from mining operations (other than mining for gold or diamonds), 50 cents; Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 15 per cent of such amount.

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

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

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

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komste meer as R40 000 bedra: Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 25 persent van bedoelde bedrag;

- (d) op elke rand van die belasbare inkomste wat verkry word deur 'n maatskappy uit die myn van goud op 'n na-1966-goudmyn (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die 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:

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

in welke formule (asook in die formules in die eerste voorbehoudsbepaling hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreë belasbare inkomste (met genoemde uitsluiting) staan tot die aldus verkreë inkomste (met genoemde uitsluiting): Met dien verstande dat indien die aldus verkreë belasbare inkomste (met genoemde uitsluiting) nie meer as R40 000 bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

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

en indien bedoelde belasbare inkomste meer as R40 000 bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule

$y = 20 \left(1 - \frac{8}{x}\right)$ te verhoog met een vir elke volle bedrag van R2 500 wat genoemde belasbare inkomste meer as R40 000 bedra: Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 25 persent van bedoelde bedrag;

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of 35 sent, watter ook al die hoogste is: Met dien verstande dat vir die doelendes van hierdie subparagraaf die gemiddelde skaal van normale belasting vasgestel word deur die totale normale belasting (met uitsondering van die belasting wat vir die tydperk van aanslag ooreenkomstig hierdie subparagraaf vasgestel is) wat deur die maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk vanaf 1 Julie 1916 tot die end van die tydperk waarvoor aangesaan word, te deel deur die getal rande wat genoemde totale belasbare inkomste bevat;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van diamante verkry word, 45 sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 25 persent van bedoelde bedrag;
- (g) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit mynwerksamehede (behalwe die myn van goud of diamante), 50 sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 15 persent van bedoelde bedrag.

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

(2) Die belasting ooreenkomstig enige van die subparagrawe van paragraaf 1 vasgestel, is betaalbaar bewewens die belasting ooreenkomstig enige ander van genoemde subparagrawe vasgestel.

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

