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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1392.

13 Julie 1988

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

No. 87 van 1988: Wysigingswet op Belastingwette, 1988.

No. 1392.

13 July 1988

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

No. 87 of 1988: Taxation Laws Amendment Act, 1988.

Wet No. 87, 1988

WYSIGINGSWET OP BELASTINGWETTE, 1988

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Handelseffektebelastingwet, 1948, ten einde 'n teksverandering aan te bring; om die Wet op Hereregte, 1949, te wysig ten einde verwysings na die gebied Suidwes-Afrika te skrap; sekere teksveranderings aan te bring; die vrystelling ten opsigte van oordragte van eiendom deur administrateurs van trusts te beperk; en voorsiening te maak vir 'n vrystelling ten opsigte van die registrasie van eiendom in die naam van 'n trustee soos vereis deur artikel 11 (2) van die Wet op die Beheer van Trustgoed, 1988; om die Boedelbelastingwet, 1955, te wysig ten einde die uitdrukking "billike markwaarde" nader te omskryf; sekere donasies uit te sluit van die eiendom van 'n boedel; voorsiening te maak vir 'n aftrekking ten opsigte van bemakings aan 'n maatskappy, genootskap of vereniging wat aan bejaarde of afgetrede persone woonakkommodasie verskaf; die aftrekkings ten opsigte van die opbrengs van sekere assuransiepolis, voordele betaalbaar deur fondse, openbare effekte en obligasies en obligasies uitgereik deur die Land- en Landboubank van Suid-Afrika te onttrek; teksveranderings aan artikel 4 (h) en (m) aan te bring; die kwalifiserende leningstydperk met betrekking tot die aftrekking ten opsigte van die waarde van boeke, skilderstukke, beeldhouwerk of ander kunstukke te verminder; die aftrekkings wat gemaak is by die bepaling van die belasbare bedrag van 'n boedel deur 'n enkele aftrekking te vervang; en voorsiening te maak vir 'n enkele skaal van boedelbelasting; om die Wet op Seëlregte, 1968, te wysig ten einde verwysings na die gebied Suidwes-Afrika te skrap; die maksimum boetes wat in sekere omstandighede hefbaar is, te verhoog; die bepaling van artikel 23 met betrekking tot die heffing van regte onder Item 15 (4) van Bylae 1 te verander; die omskrywing van "debetpos" in Item 6 van genoemde Bylae uit te brei; sekere teksveranderings aan te bring; 'n verouderde vrystelling van die heffing onder Item 15 (3) te skrap; voorsiening te maak vir 'n vrystelling van laasgenoemde regte ten opsigte van die registrasie van oordrag van 'n handelseffek in die naam van 'n trustee soos vereis deur artikel 11 (2) van die Wet op die Beheer van Trustgoed, 1988; en voorsiening te maak vir 'n vrystelling ten opsigte van die registrasie van oordrag van 'n handelseffek in die naam van 'n erfgenaam of legataris; om die Verkoopbelastingwet, 1978, te wysig ten einde die woord "uitgevoer" nader te omskryf; nuwe voorsiening te maak vir die uitfasering van die toelae ten opsigte van uitstaande skulde waar 'n geregistreerde ondernemer krediet aan 'n koper verleen het; die gebruik van verkoopbelastingregistrasiesertifikate verder te reël; nuwe voorsiening te maak vir verligting aan ondernemers in 'n bepaalde land wat deur sekere regulasies benadeel mag word; die verlening van vrystellings van verkoopbelasting in ander wette vervat verder te reël; Bylaes 1, 5 en 7 by genoemde Wet te wysig; die wysiging van artikel 14 (2) van genoemde Wet soos aangebring deur artikel 4 van die Wysigingswet op Verkoopbelasting, 1985, te herroep; voorsiening te maak vir die registrasie van persone wat besigheid as verskaffers van goed of dienste bedryf as 'n voorafgaande stap tot die invoering van 'n belasting op toegevoegde waarde; 'n bepaling te bekragtig vir 'n tydelike vrystelling van seëlregte en hereregte ten opsigte van sekere verkrygings van handelseffekte of eiendom as gevolg van die rasionalisasie van 'n groep maatskappye

TAXATION LAWS AMENDMENT ACT, 1988

Act No. 87, 1988

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Marketable Securities Tax Act, 1948, so as to effect a textual alteration; to amend the Transfer Duty Act, 1949, so as to delete references to the Territory of South West Africa; to effect certain textual alterations; to limit the exemption in respect of transfers of property by administrators of trusts; and to provide an exemption in respect of the registration of property in the name of a trustee as required by section 11 (2) of the Trust Property Control Act, 1988; to amend the Estate Duty Act, 1955, so as to further define the expression "fair market value"; to exclude certain donations from the property of an estate; to provide for a deduction in respect of bequests to a company, society or association providing residential accommodation to aged or retired persons; to withdraw the deductions in respect of the proceeds of certain insurance policies, benefits payable by funds, public stock and bonds and debentures or stock issued by the Land and Agricultural Bank of South Africa; to effect textual alterations to section 4 (*h*) and (*m*); to reduce the qualifying loan period relating to the deduction in respect of the value of books, pictures, statuary or other objects of art; to provide for the substitution for the deductions made in determining the dutiable value of an estate of a single deduction; and to provide a single rate of estate duty; to amend the Stamp Duties Act, 1968, so as to delete references to the Territory of South West Africa; to increase the maximum penalties imposable in certain circumstances; to alter the provisions of section 23 relating to the imposition of the duty imposed under Item 15 (4) of Schedule 1; to extend the definition of "debit entry" in Item 6 of the said Schedule; to effect certain textual alterations; to delete an obsolete exemption from the duty under Item 15 (3); to provide an exemption from the last-mentioned duty in respect of the registration of transfer of a marketable security into the name of a trustee as required by section 11 (2) of the Trust Property Control Act, 1988; and to provide for an exemption in respect of the registration of transfer of a marketable security in the name of an heir or legatee; to amend the Sales Tax Act, 1978, so as to further define the word "exported"; to make new provision for the phasing out of the allowance in respect of outstanding debts where a registered vendor has granted credit to a purchaser; to further regulate the use of sales tax registration certificates; to make new provision for relief to vendors in a specified country who may be placed at a disadvantage by reason of certain regulations; to further regulate the granting of exemptions from sales tax contained in other laws; to amend Schedules 1, 5 and 7 to the said Act; to repeal the amendment to section 14 (2) of the said Act effected by section 4 of the Sales Tax Amendment Act, 1985; to provide for the registration of persons carrying on business as suppliers of goods or services as a preliminary step towards the introduction of a value-added tax; to enact a provision for a temporary exemption from stamp duty and transfer duty in respect of certain acquisitions of marketable securities or property consequent upon the rationalization of a group of companies and for the assessment of companies in any such group for

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en vir die aanslag van maatskappye in 'n bedoelde groep vir inkomstebelasting-doeleindes in sekere omstandighede; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Julie 1988.)*

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

Wysiging van artikel 3 van Wet 32 van 1948, soos gewysig deur artikel 12 van Wet 64 van 1960, artikel 36 van Wet 77 van 1968, artikel 2 van Wet 88 van 1974, artikel 2 van Wet 114 van 1977, artikel 1 van Wet 95 van 1978, artikel 2 van Wet 106 van 1980, artikel 1 van Wet 87 van 1982, artikel 1 van Wet 92 van 1983, artikel 1 van Wet 118 van 1984 en artikel 1 van Wet 81 van 1985

1. Artikel 3 van die Handelseffektebelastingwet, 1948, word hierby gewysig deur in subparagraaf (xv) van paragraaf (c) die woord "Leningsfonds" waar dit vir die eerste maal voorkom deur die woorde "Raad van die Leningsfonds" te vervang. 10

Wysiging van artikel 1 van Wet 40 van 1949, soos gewysig deur artikel 11 van Wet 80 van 1959, artikel 1 van Wet 77 van 1964, artikel 5 van Wet 103 van 1969, artikel 4 van Wet 106 van 1980 en artikel 1 van Wet 86 van 1987

2. Artikel 1 van die Wet op Hereregte, 1949, word hierby gewysig deur die omskrywing van "Republiek" te skrap. 15

Wysiging van artikel 2 van Wet 40 van 1949, soos vervang deur artikel 2 van Wet 77 van 1964 en gewysig deur artikel 1 van Wet 56 van 1966, artikel 2 van Wet 66 van 1973, artikel 3 van Wet 88 van 1974 en artikel 5 van Wet 106 van 1980

3. Artikel 2 van die Wet op Hereregte, 1949, word hierby gewysig deur in subartikel (6) die uitdrukking "Wet op Deeltitels, 1971 (Wet No. 66 van 1971)" deur die uitdrukking "Wet op Deeltitels, 1986 (Wet No. 95 van 1986)" te vervang. 20

Wysiging van artikel 9 van Wet 40 van 1949, soos gewysig deur artikel 3 van Wet 31 van 1953, artikel 12 van Wet 80 van 1959, artikel 3 van Wet 70 van 1963, artikel 3 van Wet 77 van 1964, artikel 1 van Wet 81 van 1965, artikel 7 van Wet 103 van 1969, artikel 2 van Wet 89 van 1972, artikel 3 van Wet 66 van 1973, artikel 5 van Wet 88 van 1974, artikel 77 van Wet 54 van 1976, artikel 2 van Wet 95 van 1978, artikel 6 van Wet 106 van 1980, artikel 2 van Wet 99 van 1981, artikel 2 van Wet 118 van 1984, artikel 3 van Wet 81 van 1985 en artikel 3 van Wet 86 van 1987 25

4. (1) Artikel 9 van die Wet op Hereregte, 1949, word hierby gewysig—

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

"(a) die Regering, met inbegrip van die [spoorwegadministrasie] Suid-Afrikaanse Vervoerdienste [die administrasie van die gebied Suidwes-Afrika] en 'n provinsiale administrasie;"

(b) deur in paragraaf (b) van subartikel (1) die woord "Leningsfonds" waar dit vir die eerste maal voorkom deur die woorde "Raad van die Leningsfonds" te vervang; 35

(c) deur paragraaf (c) van subartikel (1) in die Engelse teks deur die volgende paragraaf te vervang:

"(c) [an ecclesiastical] a religious, charitable or educational institution of a 40 public character in respect of property acquired for [ecclesiastical] religious, charitable or educational purposes exclusively: Provided that if any such property or any portion thereof is subsequent to the acquisition thereof used for some purpose other than exclusively for [ecclesiastical] religious, charitable or educational purposes, duty shall 45 become payable in respect of the acquisition of that property or that portion thereof, and the date upon which that property or that portion thereof was first used for that other purpose shall for the purposes of section 3 (1) and section 4 be deemed to be the date of acquisition thereof;" 50

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income tax purposes in certain circumstances; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 6 July 1988.)*

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

5 Amendment of section 3 of Act 32 of 1948, as amended by section 12 of Act 64 of 1960, section 36 of Act 77 of 1968, section 2 of Act 88 of 1974, section 2 of Act 114 of 1977, section 1 of Act 95 of 1978, section 2 of Act 106 of 1980, section 1 of Act 87 of 1982, section 1 of Act 92 of 1983, section 1 of Act 118 of 1984 and section 1 of Act 81 of 1985

1. Section 3 of the Marketable Securities Tax Act, 1948, is hereby amended by the 10 substitution in the Afrikaans version of subparagraph (xv) of paragraph (c) for the word "Leningsfonds" where it first occurs of the words "Raad van die Leningsfonds".

Amendment of section 1 of Act 40 of 1949, as amended by section 11 of Act 80 of 1959, section 1 of Act 77 of 1964, section 5 of Act 103 of 1969, section 4 of Act 106 of 1980 15 and section 1 of Act 86 of 1987

2. Section 1 of the Transfer Duty Act, 1949, is hereby amended by the deletion of the definition of "Republic".

Amendment of section 2 of Act 40 of 1949, as substituted by section 2 of Act 77 of 1964 and amended by section 1 of Act 56 of 1966, section 2 of Act 66 of 1973, section 3 of 20 Act 88 of 1974 and section 5 of Act 106 of 1980

3. Section 2 of the Transfer Duty Act, 1949, is hereby amended by the substitution in subsection (6) for the expression "Sectional Titles Act, 1971 (Act No. 66 of 1971)" of the expression "Sectional Titles Act, 1986 (Act No. 95 of 1986)".

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, 25 section 12 of Act 80 of 1959, section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972, section 3 of Act 66 of 1973, section 5 of Act 88 of 1974, section 77 of Act 54 of 1976, section 2 of Act 95 of 1978, section 6 of Act 106 of 1980, section 2 of Act 99 of 1981, section 2 of Act 118 of 1984, section 3 of Act 81 of 1985 and section 3 of Act 86 of 1987

30 4. (1) Section 9 of the Transfer Duty Act, 1949, is hereby amended—
(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) the Government, including the [railway administration] South African Transport Services [the administration of the territory of South-West 35 Africa] and a provincial administration;"

(b) by the substitution in the Afrikaans version of paragraph (b) of subsection (1) for the word "Leningsfonds" where it first occurs of the words "Raad van die Leningsfonds";

(c) by the substitution for paragraph (c) of subsection (1) of the following 40 paragraph:

"(c) [an ecclesiastical] a religious, charitable or educational institution of a public character in respect of property acquired for [ecclesiastical] religious, charitable or educational purposes exclusively: Provided that 45 if any such property or any portion thereof is subsequent to the acquisition thereof used for some purpose other than exclusively for [ecclesiastical] religious, charitable or educational purposes, duty shall become payable in respect of the acquisition of that property or that portion thereof, and the date upon which that property or that portion thereof was first used for that other purpose shall for the purposes of 50 section 3 (1) and section 4 be deemed to be the date of acquisition thereof;"

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- (d) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:
- “(b) waar trusteiendom deur die administrateur van ’n trust oorgedra word ooreenkomstig die testament of ander geskrif ingevolge waarvan die administrateur aangestel is—
- (i) aan die persone wat kragtens **[die] so ’n testament [of ander geskrif ingevolge waarvan so ’n administrateur aangestel is]** daarop geregtig is; of
- (ii) aan ’n familielid soos beoog in die omskrywing van ‘familielid’ in artikel 1 van die Boedelbelastingwet, 1955 (Wet No. 45 van 1955), waar die trust ingevolge so ’n ander geskrif deur ’n natuurlike persoon gestig is tot voordeel van so ’n familielid: Met dien verstande dat geen vergoeding regstreeks of onregstreeks deur sodanige familielid ten opsigte van die verkryging van sodanige trusteiendom betaal word nie; of”;
- (e) deur aan die einde van paragraaf (c) van subartikel (4) die woord “of” in te voeg;
- (f) deur na paragraaf (c) van subartikel (4) die volgende paragraaf in te voeg:
- “(d) ten opsigte van die registrasie van trusteiendom in die naam van ’n trustee in sy hoedanigheid van trustee, indien sodanige trusteiendom deur so ’n trustee as trusteiendom gehou word op die datum van inwerkingtreding van die Wet op die Beheer oor Trustgoed, 1988, en so ’n registrasie deur artikel 11 (2) van genoemde Wet vereis word.”;
- (g) deur paragraaf (c) van subartikel (5) te skrap;
- (h) deur subartikel (9) deur die volgende subartikel te vervang:
- “(9) Indien eiendom deur onteiening of gedwonge verkoping ingevolge ’n wetsbepaling verkry is deur die Staat (met inbegrip van die **[spoorwegadministrasie] Suid-Afrikaanse Vervoerdienste [die administrasie van die gebied Suidwes-Afrika]** en ’n provinsiale administrasie) of ’n afdelingsraad, landelike raad, munisipale raad, stadsraad, dorpsraad, stads-komitee, plaaslike bestuursraad, dorpsbestuursraad, gesondheidskomitee of ander komitee van ’n soortgelyke aard, of ’n distriksraad of ’n plaaslike of algemene raad ingestel of geag ingestel te wees kragtens die Wet op Swart Sake, 1959 (Wet No. 55 van 1959), of ’n by wet ingestelde raad, liggaam of instelling van ’n openbare aard, en bedoelde eiendom, by intrekking of verandering van bedoelde onteiening of verkoping op of na 1 Januarie 1964, deur die persoon van wie daardie eiendom onteien is of deur wie daardie eiendom ingevolge bedoelde verkoping verkoop is, teruggekry word, is geen hereregte ten opsigte van daardie terugverkryging betaalbaar nie.”;
- (i) deur subartikel (10) te skrap;
- (j) deur in paragraaf (a) van subartikel (11) die uitdrukking “Wet op Deeltitels, 1971 (Wet No. 66 van 1971)” deur die uitdrukking “Wet op Deeltitels, 1986 (Wet No. 95 van 1986)” te vervang; en
- (k) deur in paragraaf (a) van subartikel (12) die uitdrukking “Wet op Deeltitels, 1971” deur die uitdrukking “Wet op Deeltitels, 1986” te vervang.
- (2) Subartikel (1) (f) tree in werking op die datum van inwerkingtreding van die Wet op die Beheer oor Trustgoed, 1988.

Wysiging van artikel 9A van Wet 40 van 1949, soos ingevoeg deur artikel 4 van Wet 66 van 1973 en gewysig deur artikel 2 van Wet 102 van 1979 en artikel 7 van Wet 106 van 1980

5. Artikel 9A van die Wet op Hereregte, 1949, word hierby gewysig deur in paragraaf (c) die uitdrukking “artikel 8 van die Wet op Deeltitels, 1971” deur die uitdrukking “artikel 12 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986)” te vervang.

Herroeping van artikel 21A van Wet 40 van 1949, soos ingevoeg deur artikel 9 van Wet 103 van 1969

6. Artikel 21A van die Wet op Hereregte, 1949, word hierby herroep.

Wysiging van artikel 1 van Wet 45 van 1955, soos gewysig deur artikel 1 van Wet 59 van 1957, artikel 1 van Wet 65 van 1960, artikel 7 van Wet 77 van 1964, artikel 3 van Wet 92 van 1971, artikel 9 van Wet 106 van 1980 en artikel 5 van Wet 86 van 1987

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- (d) by the substitution for paragraph (b) of subsection (4) of the following paragraph:
- “(b) where trust property is transferred by the administrator of a trust in pursuance of the will or other written instrument in pursuance of which the administrator was appointed—
- 5 (i) to the persons entitled thereto under **[the] such will [or other written instrument in pursuance of which such administrator was appointed];** or
- 10 (ii) to a relative as contemplated in the definition of ‘relative’ in section 1 of the Estate Duty Act, 1955 (Act No. 45 of 1955), where the trust was founded in terms of such other written instrument by a natural person for the benefit of such relative: Provided that no consideration is paid directly or indirectly by such relative in respect of the acquisition of such trust property; or”;
- 15 (e) by the insertion at the end of paragraph (c) of subsection (4) of the word “or”;
- (f) by the insertion after paragraph (c) of subsection (4) of the following paragraph:
- 20 “(d) in respect of the registration of trust property in the name of a trustee in his capacity as trustee if such trust property is held by such trustee as trust property at the date of commencement of the Trust Property Control Act, 1988, and such registration is required in terms of section 11 (2) of the said Act.”;
- (g) by the deletion of paragraph (c) of subsection (5);
- 25 (h) by the substitution for subsection (9) of the following subsection:
- “(9) If any property has by expropriation or compulsory sale under any law been acquired by the State (including the **[railway administration]** South African Transport Services **[the administration of the territory of South-West Africa]** and a provincial administration) or any divisional council, rural council, municipal council, town council, village council, town board, local board, village management board, health committee or other committee of a similar nature, or any district council or any local or general council established or deemed to have been established under the Black Affairs Act, 1959 (Act No. 55 of 1959), or any board, body or institution of a public character established by law, and such property is,
- 30 upon the cancellation or variation on or after 1 January 1964, of such expropriation or sale, re-acquired by the person from whom such property was expropriated or by whom such property was sold under such sale, no duty shall be payable in respect of such re-acquisition.”;
- 35 (i) by the deletion of subsection (10);
- 40 (j) by the substitution in paragraph (a) of subsection (11) for the expression “Sectional Titles Act, 1971 (Act No. 66 of 1971)” of the expression “Sectional Titles Act, 1986 (Act No. 95 of 1986)”; and
- (k) by the substitution in paragraph (a) of subsection (12) for the expression
- 45 “Sectional Titles Act, 1971” of the expression “Sectional Titles Act, 1986”.
- (2) Subsection (1) (f) shall come into operation on the date of commencement of the Trust Property Control Act, 1988.

Amendment of section 9A of Act 40 of 1949, as inserted by section 4 of Act 66 of 1973 and amended by section 2 of Act 102 of 1979 and section 7 of Act 106 of 1980

- 50 5. Section 9A of the Transfer Duty Act, 1949, is hereby amended by the substitution in paragraph (c) for the expression “section 8 of the Sectional Titles Act, 1971” of the expression “section 12 of the Sectional Titles Act, 1986 (Act No. 95 of 1986)”.

Repeal of section 21A of Act 40 of 1949, as inserted by section 9 of Act 103 of 1969

- 55 6. Section 21A of the Transfer Duty Act, 1949, is hereby repealed.

Amendment of section 1 of Act 45 of 1955, as amended by section 1 of Act 59 of 1957, section 1 of Act 65 of 1960, section 7 of Act 77 of 1964, section 3 of Act 92 of 1971, section 9 of Act 106 of 1980 and section 5 of Act 86 of 1987

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7. (1) Artikel 1 van die Boedelbelastingwet, 1955, word hierby gewysig deur in die omskrywing van "billike markwaarde" in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"'billike markwaarde', met betrekking tot onroerende goed waarop 'n *bona fide*-boerdery-onderneming in die Republiek voortgesit word, na keuse van die eksekuteur of—"

(2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 2 van Wet 45 van 1955

8. (1) Artikel 2 van die Boedelbelastingwet, 1955, word hierby gewysig deur in subartikel (2) die woord "skale" deur die woord "skaal" te vervang.

(2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 3 van Wet 45 van 1955, soos gewysig deur artikel 2 van Wet 65 van 1960, artikel 8 van Wet 77 van 1964, artikel 2 van Wet 81 van 1965, artikel 4 van Wet 92 van 1971, artikel 3 van Wet 89 van 1972, artikel 3 van Wet 102 van 1979, artikel 10 van Wet 106 van 1980, artikel 2 van Wet 92 van 1983 en artikel 4 van Wet 81 van 1985

9. (1) Artikel 3 van die Boedelbelastingwet, 1955, word hierby gewysig—

(a) deur paragraaf (c) van subartikel (3) te skrap; 20

(b) deur na paragraaf (cA) van subartikel (3) die volgende paragraaf in te voeg: "(cB) vergoeding bedoel in subartikel (4) in die mate wat dit geag word eiendom te wees wat deur die oorledene geskenk is;"; en

(c) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) By die toepassing van paragraaf [(c)] (cB) van subartikel (3) [— 25

(a) word 'n beskikking waarvolgens iemand geregtig word om eiendom teen 'n vergoeding te ontvang of te verkry wat, na oordeel van die Kommissaris nie 'n voldoende vergoeding vir daardie eiendom is nie, geag 'n skenking te wees in die mate wat die billike markwaarde van die eiendom, bedoelde vergoeding te bowe gaan; 30

(b) word 'n beskikking van eiendom aan 'n trustee om geadminestreer te word ten voordele van 'n in die trustakte vermeldde begunstigde, geag 'n skenking van bedoelde eiendom aan die trustee te wees;

(c) word 'n skenking geag in werking te tree op die datum waarop die begiftigde op die geskenkte eiendom geregtig word of, waar lewering van eiendom gedoen is ingevolge 'n skenking wat nie geregistreer of voor 'n notaris verly is nie, op die datum waarop die reg op die terugvordering van soveel as wat vyfhonderd pond se waarde te bowe gaan deur verjaring verval of, indien die oorledene volgens die skenkingsakte of andersins die reg voorbehou het om die by die skenking verleende regte te herroep of te wysig, op die datum waarop bedoelde reg verval; 40

(d) word vergoeding, hetsy in kontant of andersins en ongeag of dit as 'n premie beskryf word al dan nie, wat deur die oorledene betaal of gegee is ten opsigte van aandele aan hom toegeken of uitgereik deur 'n maatskappy wat onmiddellik voor of ten tyde van die toekenning of uitreiking van bedoelde aandele, of te eniger tyd daarna, 'n familie-maatskappy met betrekking tot die oorledene was of geword het, vir sover bedoelde vergoeding die nominale waarde van dié aandele te bowe gaan, geag eiendom te wees wat deur die oorledene aan sodanige maatskappy geskenk is." 50

(2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 4 van Wet 45 van 1955, soos gewysig deur artikel 2 van Wet 59 van 1957, artikel 3 van Wet 65 van 1960, artikel 9 van Wet 71 van 1961, artikel 9 van Wet 77 van 1964, artikel 3 van Wet 81 van 1965, artikel 2 van Wet 94 van 1967, artikel 5 van Wet 92 van 1971, artikel 2 van Wet 70 van 1975, artikel 1 van Wet 104 van 1976, artikel 4 van Wet 102 van 1979, artikel 11 van Wet 106 van 1980, artikel 3 van Wet 99 van 1981, artikel 5 van Wet 81 van 1985 en artikel 6 van Wet 86 van 1987 55

10. (1) Artikel 4 van die Boedelbelastingwet, 1955, word hierby gewysig— 60

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7. (1) Section 1 of the Estate Duty Act, 1955, is hereby amended by the substitution in the definition of "fair market value" in subsection (1) for the words preceding paragraph (a) of the following words:

- 5 "fair market value", in relation to immovable property on which a *bona fide* farming **[operations are]** undertaking is being carried on in the Republic, means at the option of the executor either—"

(2) Subsection (1) shall apply in respect of the estate of any person who died or dies on or after 16 March 1988.

Amendment of section 2 of Act 45 of 1955

10 8. (1) Section 2 of the Estate Duty Act, 1955, is hereby amended by the substitution in subsection (2) for the word "rates" of the word "rate".

(2) Subsection (1) shall apply in respect of the estate of any person who died or dies on or after 16 March 1988.

15 **Amendment of section 3 of Act 45 of 1955, as amended by section 2 of Act 65 of 1960, section 8 of Act 77 of 1964, section 2 of Act 81 of 1965, section 4 of Act 92 of 1971, section 3 of Act 89 of 1972, section 3 of Act 102 of 1979, section 10 of Act 106 of 1980, section 2 of Act 92 of 1983 and section 4 of Act 81 of 1985**

9. (1) Section 3 of the Estate Duty Act, 1955, is hereby amended—

- 20 (a) by the deletion of paragraph (c) of subsection (3);
 (b) by the insertion after paragraph (cA) of subsection (3) of the following paragraph:
 "(cB) any consideration referred to in subsection (4) to the extent that it is deemed to be property donated by the deceased;"; and
 25 (c) by the substitution for subsection (4) of the following subsection:
 "(4) For the purposes of paragraph [(c)] (cB) of subsection (3) [—
 30 (a) any disposition whereby any person becomes entitled to receive or acquire any property, for a consideration which, in the opinion of the Commissioner, is not a full consideration for that property, shall, to the extent to which the fair market value of the property exceeds the said consideration, be deemed to be a donation;
 (b) any disposition of property to a trustee to be administered by him for the benefit of any beneficiary mentioned in the trust deed, shall be deemed to be a donation of that property to the trustee;
 35 (c) a donation shall be deemed to take effect upon the date upon which the donee becomes entitled to the property donated or, where delivery of property has been made under a donation which has not been registered or notarially executed, the date upon which the right of recovery of the excess in value over five hundred pounds, becomes prescribed or, if the deceased has by the deed of donation or otherwise retained the right to revoke or to vary any rights conferred by the donation, the date upon which such right is terminated;
 40 (d)]any consideration, whether in cash or otherwise and whether or not described as a premium, paid or given by the deceased in respect of shares allotted or issued to him by any company which immediately prior to or at the time of the allotment or issue of such shares, or at any time thereafter, was or became a family company in relation to the deceased, shall to the extent that such consideration exceeds the nominal value of such shares, be deemed to be property donated by the deceased to such company."

50 (2) Subsection (1) shall apply in respect of the estate of any person who died or dies on or after 16 March 1988.

15 **Amendment of section 4 of Act 45 of 1955, as amended by section 2 of Act 59 of 1957, section 3 of Act 65 of 1960, section 9 of Act 71 of 1961, section 9 of Act 77 of 1964, section 3 of Act 81 of 1965, section 2 of Act 94 of 1967, section 5 of Act 92 of 1971, section 2 of Act 70 of 1975, section 1 of Act 104 of 1976, section 4 of Act 102 of 1979, section 11 of Act 106 of 1980, section 3 of Act 99 of 1981, section 5 of Act 81 of 1985 and section 6 of Act 86 of 1987**

10. (1) Section 4 of the Estate Duty Act, 1955, is hereby amended—

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- (a) deur paragraaf (h) deur die volgende paragraaf te vervang:
- “(h) die waarde van enige eiendom in die boedel ingesluit wat nie ingevolge enige ander bepaling van hierdie artikel as ’n korting toegelaat is nie wat toeval of toegeval het aan—
- (i) enige liefdadigheids-, onderwys- of godsdienstige inrigting van ’n openbare aard wat ingevolge artikel 10 (1) (f) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van belasting vrygestel is en ’n fonds wat deur die Kommissaris kragtens die bepalings van genoemde artikel **[10 (1) (f) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962),]** goedgekeur is; of
 - (ii) enige inrigting van ’n openbare aard binne die Republiek wat ingevolge artikel 10 (1) (cB) (i) (aa), (bb), (cc) of (dd) van genoemde Wet van belasting vrygestel is; of
 - (iii) die Staat of ’n plaaslike bestuur binne die Republiek; of
 - (iv) ’n maatskappy, genootskap of vereniging binne die Republiek wat ingevolge artikel 10 (1) (cF) van genoemde Wet van belasting vrygestel is;”;
- (b) deur paragraaf (k) te skrap;
- (c) deur paragraaf (l) te skrap;
- (d) deur paragraaf (m) deur die volgende paragraaf te vervang:
- “(m) die waarde van ’n vruggebruik of ander soortgelyke belang in eiendom en van enige reg op ’n jaargeld waarmee goed beswaar is, wat as eiendom van die oorledene kragtens artikel 3 (2) (a) ingesluit is, indien bedoelde belang of reg deur ’n vooroorlede gade van die oorledene geskep is en—
- (i) die eiendom waaroor die oorledene daardie belang of reg geniet het **[(i)]** deel van die boedel van die vooroorlede gade uitgemaak het; en
 - (ii) **[nie]** geen korting ten opsigte van die waarde van daardie belang of reg by die bepaling van die netto waarde van die boedel van die vooroorlede gade kragtens die bepalings van paragraaf (q) van hierdie artikel **[as ’n korting]** toegelaat is nie;”;
- (e) deur paragraaf (n) te skrap; en
- (f) deur in paragraaf (o) die woord “vyftig” deur die woord “dertig” te 35 vervang.
- (2) (a) Paragraaf (a) van subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 1 Maart 1982 te sterwe gekom het of te sterwe kom.
- (b) Paragraaf (b) tot (f) van subartikel (1) is van toepassing ten opsigte van die 40 boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Vervanging van artikel 4A van Wet 45 van 1955, soos ingevoeg deur artikel 6 van Wet 92 van 1971 en gewysig deur artikel 3 van Wet 95 van 1978, artikel 5 van Wet 102 van 1979, artikel 12 van Wet 106 van 1980, artikel 4 van Wet 99 van 1981, artikel 6 van 45 Wet 81 van 1985 en artikel 2 van Wet 71 van 1986

11. (1) Artikel 4A van die Boedelbelastingwet, 1955, word hierby deur die volgende artikel vervang:

“Belasbare bedrag van ’n boedel

4A. Die belasbare bedrag van ’n boedel word bepaal deur van die netto 50 waarde van die boedel, soos volgens artikel 4 bepaal, ’n bedrag van R1 miljoen af te trek.”

(2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 5 van Wet 45 van 1955, soos gewysig deur artikel 3 van Wet 59 55 van 1957, artikel 4 van Wet 65 van 1960, artikel 10 van Wet 71 van 1961, artikel 10 van Wet 77 van 1964, artikel 4 van Wet 81 van 1965, artikel 2 van Wet 56 van 1966, artikel 7 van Wet 114 van 1977 en artikel 7 van Wet 81 van 1985

12. (1) Artikel 5 van die Boedelbelastingwet, 1955, word hierby gewysig—

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

“(h) the value of any property included in the estate which has not been allowed as a deduction under any other provision of this section which accrues or accrued to—

- 5 (i) any charitable, educational or **[ecclesiastical]** religious institution of a public character, which is exempt from tax in terms of section 10 (1) (f) of the Income Tax Act, 1962 (Act No. 58 of 1962), and any fund which has been approved by the Commissioner under the provisions of the said section **[10 (1) (f) of the Income Tax Act, 1962 (Act No. 58 of 1962)]**; or
- 10 (ii) any institution of a public character within the Republic which is exempt from tax in terms of section 10 (1) (cB) (i) (aa), (bb), (cc) or (dd) of the said Act; or
- 15 (iii) the State or any local authority within the Republic; or
- (iv) any company, society or association within the Republic which is exempt from tax in terms of section 10 (1) (cF) of the said Act;”;

(b) by the deletion of paragraph (k);

(c) by the deletion of paragraph (l);

(d) by the substitution for paragraph (m) of the following paragraph:

20 “(m) the value of any usufructuary or other like interest in property and of any right to an annuity charged upon property, included as property of the deceased under section 3 (2) (a), if such interest or right was created by a predeceased spouse of the deceased and—

- 25 (i) the property over which the deceased enjoyed such interest or right **[(i)]** formed part of the estate of such predeceased spouse; and
- (ii) **[was not allowed as a]** no deduction in respect of the value of such interest or right was allowed in the determination of the net value of the estate of the predeceased spouse under the provisions of paragraph (q) of this section;”;
- 30

(e) by the deletion of paragraph (n); and

(f) by the substitution in paragraph (o) for the word “fifty” of the word “thirty”.

35 (2) (a) Paragraph (a) of subsection (1) shall apply in respect of the estate of any person who died or dies on or after 1 March 1982.

(b) Paragraphs (b) to (f) of subsection (1) shall apply in respect of the estate of any person who died or dies on or after 16 March 1988.

40 **Substitution of section 4A of Act 45 of 1955, as inserted by section 6 of Act 92 of 1971 and amended by section 3 of Act 95 of 1978, section 5 of Act 102 of 1979, section 12 of Act 106 of 1980, section 4 of Act 99 of 1981, section 6 of Act 81 of 1985 and section 2 of Act 71 of 1986**

11. (1) The following section is hereby substituted for section 4A of the Estate Duty Act, 1955:

“Dutiable amount of an estate

45 **4A.** The dutiable amount of any estate shall be determined by deducting from the net value of the estate, as determined in accordance with section 4, an amount of R1 million.”

(2) Subsection (1) shall apply in respect of the estate of any person who died or dies on or after 16 March 1988.

50 **Amendment of section 5 of Act 45 of 1955, as amended by section 3 of Act 59 of 1957, section 4 of Act 65 of 1960, section 10 of Act 71 of 1961, section 10 of Act 77 of 1964, section 4 of Act 81 of 1965, section 2 of Act 56 of 1966, section 7 of Act 114 of 1977 and section 7 of Act 81 of 1985**

12. (1) Section 5 of the Estate Duty Act, 1955, is hereby amended—

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

“(e) in die geval van eiendom bedoel in artikel 3 (3) (b) of [(c)] (cB), ’n bedrag wat op die in artikel 62 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), voorgeskrewe wyse bepaal word: Met dien verstande dat die waarde van soveel van enige vergoeding as wat ingevolge [paragraaf (d) van] artikel 3 (4) geag word eiendom te wees wat deur die oorledene aan ’n familiemaatskappy geskenk is, geag word nie minder te wees nie as die bedrag wat ingevolge artikel [ses-en-tagtig *quat*] 76 van die Maatskappywet, [1926 (Wet No. 46 van 1926)] 1973 (Wet No. 61 van 1973), deur die betrokke familiemaatskappy op sy aandeel-premierekening oorgedra moet word ten opsigte van die aandeel deur hom aan die oorledene uitgereik;” en

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

“(4) Wanneer ook al die waarde van ’n eiendom wat in die boedel van ’n oorledene ingesluit is, verminder word as gevolg van die voortdoring na die dood van bedoelde persoon van ’n reg [ten opsigte waarvan ’n korting ingevolge paragraaf (n) van artikel vier toegelaat is] (uitgesonderd ’n fidusiêre reg, vruggebruik of ander dergelike reg) op die gebruik of bewoning van eiendom sonder vergoeding of teen ’n vergoeding wat volgens die Kommissaris se oordeel nie ’n voldoende vergoeding is nie, word die waarde van so ’n eiendom by die toepassing van subartikel (1) bepaal asof bedoelde reg nie toegestaan was nie.”

- (2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 11 van Wet 45 van 1955, soos gewysig deur artikel 3 van Wet 56 van 1966

13. (1) Artikel 11 van die Boedelbelastingwet, 1955, word hierby gewysig deur subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:

“(ii) betreffende eiendom bedoel in paragraaf (b) of [(c)] (cB) van daardie subartikel, die begiftigde;”

- (2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 13 van Wet 45 van 1955, soos gewysig deur artikel 7 van Wet 92 van 1971

14. (1) Artikel 13 van die Boedelbelastingwet, 1955, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Wanneer belasting ingevolge artikel 11 (b) (i) deur meer as een persoon op die waarde van eiendom bedoel in artikel 3 (3) (a) betaalbaar is, is die bedrag van die belasting betaalbaar deur iedere sodanige persoon, so ’n gedeelte van die totale belasting wat aan die totale waarde van bedoelde eiendom toeskryfbaar is, as wat in dieselfde verhouding tot bedoelde totale belasting staan as dié waarin soveel van die bedrag wat bedoelde persoon geregtig is om ingevolge die polis te verhaal as wat ingevolge artikel 3 (3) (a) by die boedel ingesluit is, staan tot die totale waarde van bedoelde eiendom [plus die bedrag wat kragtens paragraaf (k) van artikel vier afgetrek is].”

- (2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 16 van Wet 45 van 1955, soos gewysig deur artikel 5 van Wet 65 van 1960 en artikel 11 van Wet 77 van 1964

15. (1) Artikel 16 van die Boedelbelastingwet, 1955, word hierby gewysig deur paragraaf (b) te skrap.

- (2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van Eerste Bylae by Wet 45 van 1955, soos vervang deur artikel 9 van Wet 92 van 1971 en gewysig deur artikel 13 van Wet 106 van 1980 en artikel 3 van Wet 71 van 1986

16. (1) Die Eerste Bylae by die Boedelbelastingwet, 1955, word hierby gewysig

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

5 “(e) in the case of any property referred to in section 3 (3) (b) or **[(c)] (cB)**,
an amount determined in the manner prescribed in section 62 of the
Income Tax Act, 1962 (Act No. 58 of 1962): Provided that the value of
so much of any consideration as in terms **[of paragraph (d)]** of section
3 (4) is deemed to be property donated by the deceased to a family
company, shall be deemed to be not less than the amount required in
terms of section **[eighty-six quat]** 76 of the Companies Act, **[1926 (Act**
10 **No. 46 of 1926)]** 1973 (Act No. 61 of 1973), to be transferred by the
family company concerned to its share premium account in respect of
the shares issued by it to the deceased;”; and

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

15 “(4) Whenever the value of any property included in the estate of a
deceased is reduced as a result of the continuance after the death of that
person of any right **[in respect of which a deduction has been allowed under**
paragraph (n) of section four,] (other than a fiduciary, usufructuary or other
like interest) to the use or occupation of property for no consideration or
20 for a consideration which in the opinion of the Commissioner is not an
adequate consideration, the value of such property shall for the purposes of
subsection (1) be determined as though the said right had not been
granted.”.

(2) Subsection (1) shall apply in respect of the estate of any person who died or
dies on or after 16 March 1988.

25 Amendment of section 11 of Act 45 of 1955, as amended by section 3 of Act 56 of 1966

13. (1) Section 11 of the Estate Duty Act, 1955, is hereby amended by the
substitution for subparagraph (ii) of paragraph (b) of the following subparagraph:

“(ii) as to any property referred to in paragraph (b) or **[(c)] (cB)** of that
subsection, the donee;”.

30 (2) Subsection (1) shall apply in respect of the estate of any person who died or
dies on or after 16 March 1988.

Amendment of section 13 of Act 45 of 1955, as amended by section 7 of Act 92 of 1971

14. (1) Section 13 of the Estate Duty Act, 1955, is hereby amended by the
substitution for subsection (3) of the following subsection:

35 “(3) Whenever duty is in terms of section 11 (b) (i) payable by more than one
person on the value of any property referred to in section 3 (3) (a), the amount
of duty payable by each such person shall be such proportion of the total duty
attributable to the total value of the said property, as bears to the said total duty
the same ratio as so much of the amount which such person is entitled to recover
40 under any policy as is included in the estate under section 3 (3) (a), bears to the
total value of the said property **[plus the amount deducted in terms of paragraph**
(k) of section four].”.

(2) Subsection (1) shall apply in respect of the estate of any person who died or
dies on or after 16 March 1988.

45 Amendment of section 16 of Act 45 of 1955, as amended by section 5 of Act 65 of 1960 and section 11 of Act 77 of 1964

15. (1) Section 16 of the Estate Duty Act, 1955, is hereby amended by the deletion
of paragraph (b).

(2) Subsection (1) shall apply in respect of the estate of any person who died or
50 dies on or after 16 March 1988.

Amendment of First Schedule to Act 45 of 1955, as substituted by section 9 of Act 92 of 1971 and amended by section 13 of Act 106 of 1980 and section 3 of Act 71 of 1986

16. (1) The First Schedule to the Estate Duty Act, 1955, is hereby amended by the

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deur die woorde en die tabel van skale van boedelbelasting wat die voorbehoudsbepaling voorafgaan deur die volgende woorde en skaal van boedelbelasting te vervang:

“Skaal van Boedelbelasting

Die skaal van boedelbelasting is 15 persent van die belasbare bedrag van die boedel.” 5

(2) Subartikel (1) is van toepassing ten opsigte van die boedel van iemand wat op of na 16 Maart 1988 te sterwe gekom het of te sterwe kom.

Wysiging van artikel 1 van Wet 77 van 1968, soos gewysig deur artikel 16 van Wet 103 van 1969, artikel 5 van Wet 66 van 1973, artikel 7 van Wet 88 van 1974, artikel 19 van 10 Wet 106 van 1980 en artikel 3 van Wet 118 van 1984

17. Artikel 1 van die Wet op Seëlregte, 1968, word hierby gewysig—

- (a) deur die omskrywing van “gebied” te skrap;
- (b) deur in die omskrywing van “lewensversekeringspolis” die woord “begrafnisversekeringspolis” deur die woord “tuisdienspolis” te vervang; 15
- (c) deur die omskrywing van “Republiek” te skrap; en
- (d) deur die omskrywing van “Staatsinkomste” deur die volgende omskrywing te vervang:

“‘Staatsinkomste’ die inkomste van die Staat (met inbegrip van ’n provinsiale administrasie [die administrasie van die gebied] en die 20 [spoorwegadministrasie] Suid-Afrikaanse Vervoerdienste) by wyse van belasting, gelde, heffing, reg of tarief ontvang of toegeval, en ook ’n bedrag ontvang deur of toegeval aan die Staat van ’n besproeiingsraad by artikel 79 van die Waterwet, 1956 (Wet No. 54 van 1956), ingestel;” 25

Wysiging van artikel 4 van Wet 77 van 1968, soos gewysig deur artikel 17 van Wet 103 van 1969, artikel 5 van Wet 72 van 1970, artikel 6 van Wet 66 van 1973, artikel 8 van 30 Wet 88 van 1974, artikel 4 van Wet 95 van 1978, artikel 7 van Wet 99 van 1981, artikel 4 van Wet 87 van 1982, artikel 4 van Wet 118 van 1984 en artikel 10 van Wet 81 van 1985

18. Artikel 4 van die Wet op Seëlregte, 1968, word hierby gewysig deur in paragraaf (a) van subartikel (1) die woorde “die administrasie van die gebied” te skrap.

Wysiging van artikel 5 van Wet 77 van 1968, soos gewysig deur artikel 9 van Wet 89 van 1972, artikel 7 van Wet 66 van 1973, artikel 9 van Wet 114 van 1977 en artikel 35 5 van Wet 118 van 1984

19. Artikel 5 van die Wet op Seëlregte, 1968, word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (4) die uitdrukking “artikel 11 (7) van die Wet op Deeltitels, 1971 (Wet No. 66 van 1971)” deur die uitdrukking “artikel 15 (7) van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986)” te 40 vervang; en
- (b) deur paragraaf (b) van genoemde subartikel te skrap.

Wysiging van artikel 6 van Wet 77 van 1968, soos gewysig deur artikel 10 van Wet 114 van 1977 en artikel 6 van Wet 118 van 1984

20. Artikel 6 van die Wet op Seëlregte, 1968, word hierby gewysig deur in 45 subartikel (4) die woorde “vyftig rand” deur die uitdrukking “R1 000” te vervang.

Wysiging van artikel 9 van Wet 77 van 1968

21. Artikel 9 van die Wet op Seëlregte, 1968, word hierby gewysig—

- (a) deur in die voorbehoudsbepaling by paragraaf (a) van subartikel (1) die woorde “vyftig sent” deur die uitdrukking “R1” en die woorde “honderd 50 rand” deur die uitdrukking “R2 000” te vervang; en

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substitution for the words and table of rates of estate duty preceding the proviso of the following words and rate of estate duty:

“Rate of Estate Duty

The rate of estate duty shall be 15 per cent of the dutiable amount of the estate:”.

- 5 (2) Subsection (1) shall apply in respect of the estate of any person who died or dies on or after 16 March 1988.

Amendment of section 1 of Act 77 of 1968, as amended by section 16 of Act 103 of 1969, section 5 of Act 66 of 1973, section 7 of Act 88 of 1974, section 19 of Act 106 of 10 1980 and section 3 of Act 118 of 1984

17. Section 1 of the Stamp Duties Act, 1968, is hereby amended—

- (a) by the substitution in the definition of “policy of life insurance” for the words “policy of funeral insurance” of the words “home service policy”;
- 15 (b) by the substitution for the definition of “public revenue” of the following definition:
- “‘public revenue’ means the revenue of the State (including a provincial administration [the administration of the territory] and the [railway administration] South African Transport Services) received or accrued by way of any tax, fee, levy, duty or rate and includes any amount received by or accrued to the State from an irrigation board established under section 79 of the Water Act, 1956 (Act No. 54 of 1956);”;
- 20 (c) by the deletion of the definition of “Republic”; and
- (d) by the deletion of the definition of “territory”.

Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 25 1969, section 5 of Act 72 of 1970, section 6 of Act 66 of 1973, section 8 of Act 88 of 1974, section 4 of Act 95 of 1978, section 7 of Act 99 of 1981, section 4 of Act 87 of 1982, section 4 of Act 118 of 1984 and section 10 of Act 81 of 1985

18. Section 4 of the Stamp Duties Act, 1968, is hereby amended by the deletion in paragraph (a) of subsection (1) of the words “the administration of the territory”.

30 Amendment of section 5 of Act 77 of 1968, as amended by section 9 of Act 89 of 1972, section 7 of Act 66 of 1973, section 9 of Act 114 of 1977 and section 5 of Act 118 of 1984

19. Section 5 of the Stamp Duties Act, 1968, is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (4) for the expression “section 11 (7) of the Sectional Titles Act, 1971 (Act No. 66 of 1971)” of the expression “section 15 (7) of the Sectional Titles Act, 1986 (Act No. 95 of 1986)”; and
- 35 (b) by the deletion of paragraph (b) of the said subsection.

Amendment of section 6 of Act 77 of 1968, as amended by section 10 of Act 114 of 1977 and section 6 of Act 118 of 1984

- 40 20. Section 6 of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (4) for the words “fifty rand” of the expression “R1 000”.

Amendment of section 9 of Act 77 of 1968

21. Section 9 of the Stamp Duties Act, 1968, is hereby amended—

- (a) by the substitution in the proviso to paragraph (a) of subsection (1) for the words “fifty cents” of the expression “R1” and for the words “one hundred rand” of the expression “R2 000”; and
- 45

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- (b) deur in paragraaf (b) van subartikel (1) die woorde "tweehonderd rand" deur die uitdrukking "R4 000" te vervang.

Wysiging van artikel 17 van Wet 77 van 1968

22. Artikel 17 van die Wet op Seëlregte, 1968, word hierby gewysig deur in subartikel (1) die woorde "vyftig rand" deur die uitdrukking "R1 000" te vervang. 5

Wysiging van artikel 18 van Wet 77 van 1968

23. Artikel 18 van die Wet op Seëlregte, 1968, word hierby gewysig deur in paragraaf (b) van subartikel (2) die woorde "vyftig rand" deur die uitdrukking "R1 000" te vervang.

Wysiging van artikel 22 van Wet 77 van 1968, soos gewysig deur artikel 19 van Wet 103 van 1969, artikel 11 van Wet 114 van 1977, artikel 6 van Wet 95 van 1978 en artikel 6 van Wet 102 van 1979

24. Artikel 22 van die Wet op Seëlregte, 1968, word hierby gewysig deur in paragraaf (a) van subartikel (4) die woorde "of 'n wet van die gebied", oral waar dit voorkom, te skrap. 15

Wysiging van artikel 23 van Wet 77 van 1968, soos gewysig deur artikel 20 van Wet 103 van 1969, artikel 13 van Wet 92 van 1971, artikel 11 van Wet 89 van 1972, artikel 10 van Wet 66 van 1973, artikel 10 van Wet 88 van 1974, artikel 20 van Wet 106 van 1980, artikel 6 van Wet 87 van 1982 en artikel 5 van Wet 92 van 1983

25. Artikel 23 van die Wet op Seëlregte, 1968, word hierby gewysig— 20

- (a) deur subartikel (1A) te skrap;
- (b) deur in paragraaf (c) van subartikel (1B) die woorde "honderd rand" deur die uitdrukking "R1 000" te vervang;
- (c) deur subparagraaf (viii) van paragraaf (b) van subartikel (4) te skrap;
- (d) deur in subartikel (8) die woorde "vyftig rand" deur die uitdrukking "R1 000" te vervang;
- (e) deur in subartikel (9) die woorde "honderd rand" deur die uitdrukking "R4 000" te vervang;
- (f) deur in subartikel (10) die woorde wat op paragraaf (ii) volg deur die volgende woorde te vervang: 30

"word, vir die doeleindes van die seëlreg ingevolge Item 15 (4) van Bylae 1, bedoelde persoon geag die aldus ingetrekke of afgeloste aandele te vervreem het en dié aandele te vervreem het teen 'n vergoeding waarvan die waarde gelyk is aan die markwaarde van daardie aandele onmiddellik voor die intrekking of aflossing daarvan 35 of, waar paragraaf (b) van toepassing is, die grootste van die markwaarde van daardie aandele onmiddellik voor die in daardie paragraaf bedoelde omskepping en die bedrag betaalbaar ten opsigte van die aflossing van daardie aandele, met inbegrip van enige aldus betaalbare premie [maar daardie waarde word]: Met dien verstande dat bedoelde 40 markwaarde vasgestel word asof bedoelde aandele nie ingetrek of afgelos was nie en asof hulle nie op die punt gestaan het om ingetrek of afgelos te word nie en asof bedoelde plan nie in werking gestel is nie.";

- (g) deur subartikel (11) deur die volgende subartikel te vervang: 45

"(11) Die seëlreg wat ingevolge Item 15 (4) van Bylae 1 betaalbaar is, word aangedui op 'n afskrif van 'n aansoek aan die hof, oorname-aanbod of besluit, na gelang van die geval, wat nodig is ten opsigte van 'n in subartikel (10) bedoelde plan, en die maatskappy waarvan die betrokke aandele ingetrek of afgelos word, endosseer op bedoelde afskrif die markwaarde 50 van daardie aandele en die bedrag betaalbaar ten opsigte van die aflossing van daardie aandele, met inbegrip van enige aldus betaalbare premie, soos volgens voorskrif van genoemde subartikel vasgestel en, in die geval van 'n oorname-aanbod, die datum van die finale aanvaarding van bedoelde aanbod en behou daardie afskrif, wat te alle redelike tye gedurende 'n 55

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- (b) by the substitution in paragraph (b) of subsection (1) for the words "two hundred rand" of the expression "R4 000".

Amendment of section 17 of Act 77 of 1968

22. Section 17 of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (1) for the words "fifty rand" of the expression "R1 000".

Amendment of section 18 of Act 77 of 1968

23. Section 18 of the Stamp Duties Act, 1968, is hereby amended by the substitution in paragraph (b) of subsection (2) for the words "fifty rand" of the expression "R1 000".

10 **Amendment of section 22 of Act 77 of 1968, as amended by section 19 of Act 103 of 1969, section 11 of Act 114 of 1977, section 6 of Act 95 of 1978 and section 6 of Act 102 of 1979**

24. Section 22 of the Stamp Duties Act, 1968, is hereby amended by the deletion in paragraph (a) of subsection (4) of the words "or under any law of the territory" and the words "or any law of the territory".

Amendment of section 23 of Act 77 of 1968, as amended by section 20 of Act 103 of 1969, section 13 of Act 92 of 1971, section 11 of Act 89 of 1972, section 10 of Act 66 of 1973, section 10 of Act 88 of 1974, section 20 of Act 106 of 1980, section 6 of Act 87 of 1982 and section 5 of Act 92 of 1983

- 20 25. Section 23 of the Stamp Duties Act, 1968, is hereby amended—

- (a) by the deletion of subsection (1A);
- (b) by the substitution in paragraph (c) of subsection (1B) for the words "one hundred rand" of the expression "R1 000";
- (c) by the deletion of subparagraph (viii) of paragraph (b) of subsection (4);
- 25 (d) by the substitution in subsection (8) for the words "fifty rand" of the expression "R1 000";
- (e) by the substitution in subsection (9) for the words "one hundred rand" of the expression "R4 000";
- 30 (f) by the substitution in subsection (10) for the words following paragraph (ii) of the following words:

"the said person shall, for the purposes of the duty under Item 15 (4) of Schedule 1, be deemed to have disposed of the shares cancelled or redeemed as aforesaid and to have disposed of such shares for a consideration equal in value to the market value of those shares immediately prior to their cancellation or redemption or, where paragraph (b) is applicable, the greater of the market value of those shares immediately prior to the conversion contemplated in that paragraph and the amount payable in respect of the redemption of those shares, including any premium so payable: Provided that [such value being] the said market value shall be determined as though such shares had not been and were not about to be cancelled or redeemed and as though the said scheme had not been put into operation.";
- 35 (g) by the substitution for subsection (11) of the following subsection:

40 " (11) The duty payable under Item 15 (4) of Schedule 1 shall be denoted on a copy of any application to court, take-over offer or resolution, as the case may be, required in respect of any scheme referred to in subsection (10), and the company of which the shares in question are cancelled or redeemed shall endorse on such copy the market value of such shares and the amount payable in respect of the redemption of those shares, including

45 any premium so payable, as determined in accordance with the said subsection and, in the case of any take-over offer, the date of the final acceptance of such offer and shall retain such copy, which shall at all

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tydperk van drie jaar na die betrokke datum in subartikel (13) bedoel beskikbaar moet wees vir insae deur iemand wat op gesag van die Kommissaris handel.”;

- (h) deur paragraaf (c) van subartikel (12A) deur die volgende paragraaf te vervang:

“(c) word aandeel, effekte of skuldbriewe wat deur ’n maatskappy uitgereik is, geag gedeeltelik ingetrek te wees indien regte verbonde aan daardie aandeel, effekte of skuldbriewe **[so]** verander word of die belange van die besitters van bedoelde aandeel, effekte of skuldbriewe gevarieer of verander word deur die uitreiking van aandeel, effekte of skuldbriewe **[dat]** sodat ’n wesentlike inkorting van die regte of belange van bedoelde besitters van **[daardie]** eersbedoelde aandeel, effekte of skuldbriewe om in die profyte of winste van bedoelde maatskappy te deel of om ’n dividend of ander uitkering of rente of ’n ander betaling van bedoelde maatskappy te ontvang, in albei gevalle veroorsaak word.”;

- (i) deur paragraaf (d) van subartikel (12A) deur die volgende paragraaf te vervang:

“(d) waar aandeel, effekte of skuldbriewe aldus gedeeltelik ingetrek word, word die vergoeding wat ingevolge subartikel (10) ten opsigte van daardie gedeeltelike intrekking vasgestel moet word, geag die volle markwaarde van bedoelde aandeel en die bedrag betaalbaar ten opsigte van die aflossing van daardie aandeel, met inbegrip van enige aldus betaalbare premie, effekte of skuldbriewe te wees soos ooreenkomstig genoemde subartikel vasgestel, min die bedrag wat die Kommissaris bepaal as die waarde van daardie aandeel, effekte of skuldbriewe onmiddellik na bedoelde gedeeltelike intrekking.”; en

- (j) deur in subartikel (19) die woorde “honderd rand” deur die uitdrukking “R1 000” te vervang.

Wysiging van artikel 24 van Wet 77 van 1968, soos gewysig deur artikel 21 van Wet 30 103 van 1969, artikel 11 van Wet 88 van 1974, artikel 4 van Wet 70 van 1975, artikel 12 van Wet 114 van 1977 en artikel 6 van Wet 92 van 1983

26. Artikel 24 van die Wet op Seëlregte, 1968, word hierby gewysig deur in subartikel (2) die woorde “honderd rand” deur die uitdrukking “R1 000” te vervang.

Wysiging van artikel 26 van Wet 77 van 1968

27. Artikel 26 van die Wet op Seëlregte, 1968, word hierby gewysig deur die woorde “honderd rand” deur die uitdrukking “R2 000” te vervang.

Wysiging van artikel 27 van Wet 77 van 1968

28. Artikel 27 van die Wet op Seëlregte, 1968, word hierby gewysig—

- (a) deur in subartikel (1) die woorde “duisend rand” deur die uitdrukking “R10 000” te vervang; en
(b) deur in subartikel (2) die woorde “tweehonderd rand” deur die uitdrukking “R4 000” te vervang.

Wysiging van artikel 28A van Wet 77 van 1968, soos ingevoeg deur artikel 12 van Wet 45 88 van 1974

29. Artikel 28A van die Wet op Seëlregte, 1968, word hierby gewysig deur in subartikel (1) die woorde “tweehonderd rand” deur die uitdrukking “R4 000” te vervang.

Wysiging van artikel 33 van Wet 77 van 1968, soos gewysig deur artikel 46 van Wet 50 97 van 1986

30. Artikel 33 van die Wet op Seëlregte, 1968, word hierby gewysig deur in subartikel (2) die woorde “honderd rand” deur die uitdrukking “R2 000” te vervang.

Herroeping van artikel 37A van Wet 77 van 1968, soos ingevoeg deur artikel 22 van 55 Wet 103 van 1969

31. Artikel 37A van die Wet op Seëlregte, 1968, word hierby herroep.

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reasonable times during a period of three years after the relevant date referred to in subsection (13) be open for inspection by any person acting under the authority of the Commissioner.”;

- (h) by the substitution for paragraph (c) of subsection (12A) of the following paragraph:

“(c) shares, stock or debentures issued by any company shall be deemed to be cancelled in part if any rights attaching to such shares, stock or debentures are altered or if the interests of the holders of such shares, stock or debentures are varied or altered by the issue of shares, stock or debentures so as to result in either case in a material diminution of the rights or interests of such holders of such first-mentioned shares, stock or debentures to participate in the profits or gains of such company or to receive any dividend or other distribution or any interest or other payment from such company;”;

- (i) by the substitution for paragraph (d) of subsection (12A) of the following paragraph:

“(d) where shares, stock or debentures are cancelled in part as aforesaid, the consideration to be determined under subsection (10) in respect of such part-cancellation shall be deemed to be the full market value of such shares and the amount payable in respect of the redemption of those shares, including any premium so payable, stock or debentures as determined in accordance with that subsection, less such amount as the Commissioner may determine as the value of such shares, stock or debentures immediately after such part-cancellation.”; and

- (j) by the substitution in subsection (19) for the words “one hundred rand” of the expression “R1 000”.

Amendment of section 24 of Act 77 of 1968, as amended by section 21 of Act 103 of 1969, section 11 of Act 88 of 1974, section 4 of Act 70 of 1975, section 12 of Act 114 of 1977 and section 6 of Act 92 of 1983

26. Section 24 of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (2) for the words “one hundred rand” of the expression “R1 000”.

Amendment of section 26 of Act 77 of 1968

27. Section 26 of the Stamp Duties Act, 1968, is hereby amended by the substitution for the words “one hundred rand” of the expression “R2 000”.

Amendment of section 27 of Act 77 of 1968

28. Section 27 of the Stamp Duties Act, 1968, is hereby amended—
 (a) by the substitution in subsection (1) for the words “one thousand rand” of the expression “R10 000”; and
 (b) by the substitution in subsection (2) for the words “two hundred rand” of the expression “R4 000”.

Amendment of section 28A of Act 77 of 1968, as inserted by section 12 of Act 88 of 1974

29. Section 28A of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (1) for the words “two hundred rand” of the expression “R4 000”.

Amendment of section 33 of Act 77 of 1968, as amended by section 46 of Act 97 of 1986

30. Section 33 of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (2) for the words “one hundred rand” of the expression “R2 000”.

Repeal of section 37A of Act 77 of 1968, as inserted by section 22 of Act 103 of 1969

31. Section 37A of the Stamp Duties Act, 1968, is hereby repealed.

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Wysiging van Item 6 van Bylae 1 by Wet 77 van 1968, soos ingevoeg deur artikel 10 van Wet 118 van 1984 en gewysig deur artikel 4 van Wet 71 van 1986

32. (1) Item 6 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—
- (a) deur in paragraaf (b) die uitdrukking “Wet op Beperking en Bekendmaking van Finansieringskoste, 1968 (Wet No. 73 van 1968)” deur die uitdrukking “Woekerwet, 1968 (Wet No. 73 van 1968)” te vervang;
 - (b) deur aan die einde van paragraaf (b) die woord “of” in te voeg; en
 - (c) deur na paragraaf (b) die volgende paragraaf in te voeg:

“(c) ’n transmissierekening soos omskryf in artikel 1 van die Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965), by ’n onderlinge bouvereniging soos omskryf in artikel 1 van genoemde Wet of ’n transmissierekening soos omskryf in artikel 1 van die Wet op Bouverenigings, 1986 (Wet No. 82 van 1986), by ’n bouvereniging soos omskryf in artikel 1 van genoemde Wet of ’n transmissierekening soos omskryf in artikel 1 van die Bankwet, 1965 (Wet No. 23 van 1965), by ’n bankinstelling soos omskryf in artikel 1 van genoemde Wet of ’n telebankrekening wat onderhou word by die Posspaarbank en wat gerekenariseer is.”.
- (2) Subartikel (1) (b) en (c) tree in werking op 1 Oktober 1988.

Wysiging van Item 15 van Bylae 1 by Wet 77 van 1968, soos vervang deur artikel 13 van Wet 89 van 1972 en gewysig deur artikel 16 van Wet 66 van 1973, artikel 21 van Wet 88 van 1974, artikel 3 van Wet 104 van 1976, artikel 20 van Wet 114 van 1977, artikel 8 van Wet 95 van 1978, artikel 8 van Wet 102 van 1979, artikel 21 van Wet 106 van 1980, artikel 9 van Wet 99 van 1981, artikel 7 van Wet 87 van 1982, artikel 14 van Wet 92 van 1983, artikel 11 van Wet 118 van 1984, artikel 11 van Wet 81 van 1985, artikel 5 van Wet 71 van 1986, artikel 13 van Wet 108 van 1986 en artikel 11 van Wet 86 van 1987

33. (1) Item 15 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—
- (a) deur in subparagraaf (xiv) die woord “Leningsfonds” waar dit vir die eerste maal voorkom deur die woorde “Raad van die Leningsfonds” te vervang;
 - (b) deur paragraaf (a) onder die opskrif “Vrystellings van die seëlreg ingevolge paragraaf (3)” te skrap;
 - (c) deur die woorde “juristic person” in die Engelse teks in paragraaf (e) onder die opskrif “Exemptions from the duty under paragraph (3)” oral waar dit voorkom deur die woorde “corporate body” te vervang;
 - (d) deur na paragraaf (p) onder die opskrif “Vrystellings van die seëlreg ingevolge paragraaf (3)” die volgende paragraaf in te voeg:

“(q) ’n Registrasie van oordrag van handelseffekte in die naam van ’n trustee in sy hoedanigheid van trustee, indien sodanige handelseffekte deur so ’n trustee as trusteeendom gehou word op die datum van inwerkingtreding van die Wet op die Beheer oor Trustgoed, 1988, en sodanige registrasie deur artikel 11 (2) van genoemde Wet vereis word.”; en
 - (e) deur na paragraaf (q) onder die opskrif “Vrystellings van die seëlreg ingevolge paragraaf (3)” die volgende paragraaf in te voeg:

“(r) ’n Registrasie van oordrag van handelseffekte in die naam van ’n erfgenaam of legataris indien sodanige registrasie van oordrag bewerkstellig word as gevolg van die verkryging deur sodanige erfgenaam of legataris van sodanige handelseffekte by wyse van erfopvolging *ab intestato* of testamentêr of as gevolg van ’n herverdeling van die bates van ’n afgestorwe boedel onder likwidasie.”.
- (2) Subartikel (1) (d) tree in werking op die datum van inwerkingtreding van die Wet op die Beheer oor Trustgoed, 1988.

Wysiging van Item 18 van Bylae 1 by Wet 77 van 1968, soos gewysig deur artikel 26 van Wet 103 van 1969 en artikel 18 van Wet 66 van 1973

34. Item 18 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—
- (a) deur in subparagraaf (a) van paragraaf (2A) die woord “begrafnispolis” deur die woord “tuisdienspolis” te vervang;
 - (b) deur paragraaf (3) te skrap;

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Amendment of Item 6 of Schedule 1 to Act 77 of 1968, as inserted by section 10 of Act 118 of 1984 and amended by section 4 of Act 71 of 1986

32. (1) Item 6 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended—
- (a) by the substitution in paragraph (b) for the expression “Limitation and Disclosure of Finance Charges Act, 1968 (Act No. 73 of 1968)” of the expression “Usury Act, 1968 (Act No. 73 of 1968)”;
 - (b) by the insertion at the end of paragraph (b) of the word “or”; and
 - (c) by the insertion after paragraph (b) of the following paragraph:
“(c) a transmission account as defined in section 1 of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), at a mutual building society as defined in section 1 of that Act or a transmission account as defined in section 1 of the Building Societies Act, 1986 (Act No. 82 of 1986), at a building society defined in section 1 of that Act or a transmission account as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965), at a banking institution as defined in section 1 of that Act or a telebank account that is maintained at the Post Office Savings Bank and that has been computerised.”.
- (2) Subsection (1) (b) and (c) shall come into operation on 1 October 1988.

Amendment of Item 15 of Schedule 1 to Act 77 of 1968, as substituted by section 13 of Act 89 of 1972 and amended by section 16 of Act 66 of 1973, section 21 of Act 88 of 1974, section 3 of Act 104 of 1976, section 20 of Act 114 of 1977, section 8 of Act 95 of 1978, section 8 of Act 102 of 1979, section 21 of Act 106 of 1980, section 9 of Act 99 of 1981, section 7 of Act 87 of 1982, section 14 of Act 92 of 1983, section 11 of Act 118 of 1984, section 11 of Act 81 of 1985, section 5 of Act 71 of 1986, section 13 of Act 108 of 1986 and section 11 of Act 86 of 1987

33. (1) Item 15 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended—
- (a) by the substitution in the Afrikaans version of subparagraph (xiv) for the word “Leningsfonds” where it first occurs of the words “Raad van die Leningsfonds”;
 - (b) by the deletion of paragraph (a) under the heading “Exemptions from the duty under paragraph (3)”;
 - (c) by the substitution in paragraph (e) under the heading “Exemptions from the duty under paragraph (3)” for the words “juristic person” of the words “corporate body” wherever they occur;
 - (d) by the insertion after paragraph (p) under the heading “Exemptions from the duty under paragraph (3)” of the following paragraph:
“(q) Any registration of transfer of any marketable security into the name of a trustee in his capacity as trustee if such marketable security is held by such trustee as trust property at the date of commencement of the Trust Property Control Act, 1988, and such registration is required in terms of section 11 (2) of the said Act.”; and
 - (e) by the insertion after paragraph (q) under the heading “Exemptions from the duty under paragraph (3)” of the following paragraph:
“(r) Any registration of transfer of any marketable security into the name of an heir or legatee if such registration of transfer is effected in consequence of the acquisition by such heir or legatee of such marketable security *ab intestato* or by testamentary succession or as a result of a redistribution of the assets of a deceased estate in the process of liquidation.”.
- (2) Subsection (1) (d) shall come into operation on the date of commencement of the Trust Property Control Act, 1988.

Amendment of Item 18 of Schedule 1 to Act 77 of 1968, as amended by section 26 of Act 103 of 1969 and section 18 of Act 66 of 1973

34. Item 18 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended—
- (a) by the substitution in subparagraph (a) of paragraph (2A) for the words “funeral policy” of the words “home service policy”;
 - (b) by the deletion of paragraph (3);

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- (c) deur in paragraaf (5) die uitdrukking "Uitvoerkredietherversekeringswet, 1957 (Wet No. 78 van 1957)" deur die uitdrukking "Uitvoerkrediet- en Buitelandse Beleggingsherversekeringswet, 1957 (Wet No. 78 van 1957)" te vervang; en
- (d) deur in paragraaf (5) die woorde "Minister van Ekonomiese Sake" deur die woorde "Minister van Ekonomiese Sake en Tegnologie" te vervang.

Wysiging van Item 20 van Bylae 1 by Wet 77 van 1968, soos gewysig deur artikel 27 van Wet 103 van 1969, artikel 19 van Wet 66 van 1973, artikel 24 van Wet 88 van 1974 en artikel 17 van Wet 92 van 1983

35. Item 20 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig— 10

- (a) deur paragraaf (d) onder die opskrif "Vrystellings" deur die volgende paragraaf te vervang:

"(d) Skadeloosstelling ten opsigte van verlies of skade veroorsaak deur of gelyk as gevolg van die dood van of 'n persoonlike besering aan iemand terwyl hy opgeneem of vervoer word in of afgelaai word van 'n voertuig, lugvaartuig, skip of boot wat deur die Regering (met inbegrip van 'n provinsiale administrasie [of die administrasie van die gebied of] en die [spoorwegadministrasie] Suid-Afrikaanse Vervoerdienste) besit, geëksploiteer of gehuur word, of ten opsigte van die verlies van of skade aan eiendom van daardie persoon wat voortspruit uit 'n ongeluk of ander oorsaak terwyl hy aldus opgeneem, vervoer of afgelaai word of as gevolg daarvan."; en
- (b) deur paragraaf (f) onder die opskrif "Vrystellings" deur die volgende paragraaf te vervang:

"(f) Skadeloosstelling aan die Regering (met inbegrip van 'n provinsiale administrasie [die administrasie van die gebied] en die [spoorwegadministrasie] Suid-Afrikaanse Vervoerdienste) verleen ten opsigte van verlies of skade veroorsaak deur of gelyk as gevolg van 'n handeling of versuim van 'n amptenaar of werknemer van die Regering [(of van so 'n administrasie)] by die verrigting van sy amps- of dienspligte.".

Skrapping van Item 21 van Bylae 1 by Wet 77 van 1968, soos vervang deur artikel 28 van Wet 103 van 1969, artikel 20 van Wet 66 van 1973 en gewysig deur artikel 25 van Wet 88 van 1974

36. Item 21 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby geskrap.

Wysiging van artikel 1 van Wet 103 van 1978, soos gewysig deur artikel 1 van Wet 111 van 1979, artikel 1 van Wet 105 van 1980, artikel 1 van Wet 97 van 1981, artikel 1 van Wet 90 van 1982, artikel 1 van Wet 95 van 1983, artikel 1 van Wet 99 van 1984, artikel 1 van Wet 102 van 1985, artikel 1 van Wet 70 van 1986, artikel 1 van Wet 31 van 1987 en artikel 12 van Wet 86 van 1987

37. Artikel 1 van die Verkoopbelastingwet, 1978, word hierby gewysig— 40

- (a) deur die woord "of" by subparagraaf (ii) van paragraaf (bA) van die omskrywing van "uitgevoer" te voeg; en
- (b) deur die volgende subparagraaf na subparagraaf (ii) van paragraaf (bA) van genoemde omskrywing in te voeg:

"(iii) met betrekking tot 'n verkoper ingevolge 'n verkoop van goed bestaande uit drank vir uitvoer na enige plek buite die gemeenskaplike doeanegebied soos omskryf in artikel 1 van genoemde Wet vanuit 'n doeane- en aksynspakhuis wat kragtens genoemde Wet gelisensieerd is en ten opsigte waarvan die letters OS toegeken is,".

Wysiging van artikel 11 van Wet 103 van 1978, soos gewysig deur artikel 7 van Wet 111 van 1979, artikel 2 van Wet 40 van 1982, artikel 6 van Wet 95 van 1983, artikel 7 van Wet 99 van 1984 en artikel 4 van Wet 70 van 1986

38. Artikel 11 van die Verkoopbelastingwet, 1978, word hierby gewysig deur

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- (c) by the substitution in paragraph (5) for the expression "Export Credit Re-insurance Act, 1957 (Act No. 78 of 1957)" of the expression "Export Credit and Foreign Investments Re-insurance Act, 1957 (Act No. 78 of 1957)"; and
- 5 (d) by the substitution in paragraph (5) for the words "Minister of Economic Affairs" of the words "Minister of Economic Affairs and Technology".

Amendment of Item 20 of Schedule 1 to Act 77 of 1968, as amended by section 27 of Act 103 of 1969, section 19 of Act 66 of 1973, section 24 of Act 88 of 1974 and section 17 of Act 92 of 1983

- 10 35. Item 20 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended—
- (a) by the substitution for paragraph (d) under the heading "Exemptions" of the following paragraph:
- 15 "(d) Indemnity in respect of loss or damage caused by or suffered in consequence of the death of or any personal injury to any person while being taken up or conveyed in or put down from any vehicle, aircraft, ship or boat owned, operated or hired by the Government (including any provincial administration **[the administration of the territory]** and the **[railway administration]** South African Transport Services) or in respect of the loss of or any damage to any property of such person arising from any accident or other cause while or as a result of being so taken up, conveyed or put down."; and
- 20 (b) by the substitution for paragraph (f) under the heading "Exemptions" of the following paragraph:
- 25 "(f) Indemnity given to the Government (including any provincial administration **[the administration of the territory]** and the **[railway administration]** South African Transport Services) in respect of loss or damage caused by or suffered in consequence of any act or omission of any officer or employee of the Government **[(or of any such administration)]** in carrying out the duties of his office or employment."

30 **Deletion of Item 21 of Schedule 1 to Act 77 of 1968, as substituted by section 28 of Act 103 of 1969, section 20 of Act 66 of 1973 and amended by section 25 of Act 88 of 1974**

36. Item 21 of Schedule 1 to the Stamp Duties Act, 1968, is hereby deleted.

Amendment of section 1 of Act 103 of 1978, as amended by section 1 of Act 111 of 1979, section 1 of Act 105 of 1980, section 1 of Act 97 of 1981, section 1 of Act 90 of 1982, section 1 of Act 95 of 1983, section 1 of Act 99 of 1984, section 1 of Act 102 of 1985, section 1 of Act 70 of 1986, section 1 of Act 31 of 1987 and section 12 of Act 86 of 1987

37. Section 1 of the Sales Tax Act, 1978, is hereby amended—
- 40 (a) by the addition to subparagraph (ii) of paragraph (bA) of the definition of "exported" of the word "or"; and
- (b) by the insertion after subparagraph (ii) of paragraph (bA) of the said definition of the following subparagraph:
- 45 "(iii) as respects a seller under a sale of goods consisting of liquor for exportation to any place outside the common customs area as defined in section 1 of the said Act from any customs and excise warehouse licensed under the said Act and in respect of which the letters OS have been allocated,".

Amendment of section 11 of Act 103 of 1978, as amended by section 7 of Act 111 of 1979, section 2 of Act 40 of 1982, section 6 of Act 95 of 1983, section 7 of Act 99 of 1984 and section 4 of Act 70 of 1986

38. Section 11 of the Sales Tax Act, 1978, is hereby amended by the substitution

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paragraaf (aa) van die voorbehoudsbepaling by paragraaf (iii) van subartikel (2) deur die volgende paragraaf te vervang:

“(aa) die toelae nie 50 persent van die bedoelde totale bedrag verskuldig aan die einde van ’n belastingtydperk wat voor 1 Julie 1988 ’n aanvang neem, oorskry nie, en dat bedoelde toelae nie 45 persent, 40 persent, 35 persent, 30 persent, 25 persent, 20 persent, 15 persent, 10 persent en 5 persent, onderskeidelik, van genoemde totale bedrag verskuldig aan die einde van elk van die daaropvolgende nege belastingtydperke wat op of na daardie datum ’n aanvang neem, oorskry nie, waarna bedoelde toelae ophou om opeisbaar te word;”.

Wysiging van artikel 14 van Wet 103 van 1978, soos gewysig deur artikel 9 van Wet 111 van 1979 en artikel 4 van Wet 102 van 1985

39. Artikel 14 van die Verkoopbelastingwet, 1978, word hierby gewysig—

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

“(a) moet die verkoper met betrekking tot bedoelde verkoop, bruikhuur, huurvergoeding, belasbare diens, kos en inwoning of huisvesting of, in die geval van bedoelde invoer, die betrokke Kontroleur van Doeane en Aksyns of ’n betrokke persoon wat ’n beampte is soos in die Doeane en Aksynswet, 1964 (Wet No. 91 van 1964), omskryf, hom tevrede stel dat bedoelde koper of invoerder in besit is van ’n geldige registrasiesertifikaat uitgereik ingevolge artikel 12; en”;

(b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Waar ’n koper of invoerder aanspraak maak op ’n vrystelling soos in subartikel (1) beoog, moet hy die verkoper of Kontroleur of beampte in paragraaf (a) van daardie subartikel bedoel, na gelang van die geval, tevrede stel dat hy in besit is van ’n geldige registrasiesertifikaat uitgereik ingevolge artikel 12—”.

Invoeging van artikel 48A in Wet 103 van 1978

40. (1) Die volgende artikel word hierby in die Verkoopbelastingwet, 1978, na artikel 48 ingevoeg:

“Ooreenkomste vir die verlening van verligting aan sekere ondernemers in bepaalde lande voortspruitend uit sekere regulasies deur die Minister uitgevaardig

48A. (1) Waar die Minister kragtens artikel 48 (2) van hierdie Wet ’n regulasie uitgevaardig het aangaande die toepassing van enige vrystelling of die betaling of invordering van enige belasting op ’n ander wyse as wat in hierdie Wet bepaal word en as gevolg daarvan ’n klas ondernemers wat ’n onderneming bedryf in ’n bepaalde land soos in artikel 1 omskryf waarin ’n verkoopbelasting of ’n wesenlik soortgelyke belasting gehef word, daardeur benadeel word, kan die Regering van die Republiek ’n ooreenkoms met die Regering van so ’n bedoelde land sluit met die oog daarop om verligting te verleen aan bedoelde klas ondernemers op sodanige bedinge en voorwaardes as wat in bedoelde ooreenkoms uiteengesit word.

(2) In ’n in subartikel (1) beoogde ooreenkoms, kan voorsiening gemaak word vir betalings deur die Regering van die Republiek aan die Regering van die betrokke bepaalde land van enige belasting gedra in die Republiek deur bedoelde klas ondernemers wat as gevolg van ’n in daardie subartikel bedoelde regulasie benadeel word, asook vir die instelling en samestelling van ’n komitee bestaande uit verteenwoordigers van bedoelde Regerings om die funksies met betrekking tot die uitvoering en beheer van aangeleenthede voortspruitend uit bedoelde ooreenkoms te verrig.”.

Vervanging van artikel 52 van Wet 103 van 1978

41. (1) Artikel 52 van die Verkoopbelastingwet, 1978, word hierby deur die volgende artikel vervang:

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for paragraph (aa) of the proviso to paragraph (iii) of subsection (2) of the following paragraph:

- 5 “(aa) the allowance shall not exceed 50 per cent of the said total amount owing at the end of any tax period which commences before 1 July 1988, and that such allowance shall not exceed 45 per cent, 40 per cent, 35 per cent, 30 per cent, 25 per cent, 20 per cent, 15 per cent, 10 per cent and 5 per cent, respectively, of the said total amount owing at the end of each of the next succeeding nine tax periods commencing on or after that date, after which such allowance shall cease to be claimable;”.

10 **Amendment of section 14 of Act 103 of 1978, as amended by section 9 of Act 111 of 1979 and section 4 of Act 102 of 1985**

39. Section 14 of the Sales Tax Act, 1978, is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- 15 “(a) the seller in relation to such sale, financial lease, rental consideration, taxable service, board and lodging or accommodation or, in the case of such importation, the Controller of Customs and Excise concerned or any person concerned who is an officer as defined in the Customs and Excise Act, 1964 (Act No. 91 of 1964), shall satisfy himself that the said purchaser or importer holds a valid registration certificate issued in terms of section 12; and”; and
- 20 (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- 25 “Where any purchaser or importer claims any exemption as contemplated in subsection (1), he shall satisfy the seller or Controller or officer referred to in paragraph (a) of that subsection, as the case may be, that he holds a valid registration certificate issued under section 12—”.

Insertion of section 48A in Act 103 of 1978

- 30 **40.** (1) The following section is hereby inserted in the Sales Tax Act, 1978, after section 48:

“Agreements for granting relief to certain vendors in specified countries arising out of certain regulations made by the Minister

- 35 **48A.** (1) Where the Minister has under section 48 (2) of this Act made any regulation in regard to the application of any exemption or to the payment or collection of any tax in a manner other than that provided in this Act and in consequence thereof any class of vendors carrying on any enterprise in any specified country as defined in section 1 in which a sales tax or a substantially similar tax is levied, is thereby placed at a disadvantage, the Government of the Republic may enter into an agreement with the Government of any such country with a view to granting relief to such class of vendors upon such terms and conditions as may be set forth in such agreement.
- 40

- 45 (2) In any agreement contemplated in subsection (1), provision may be made for payments by the Government of the Republic to the Government of the specified country concerned of any tax borne in the Republic by such class of vendors who are so placed at a disadvantage in consequence of any regulation referred to in that subsection, and also for the establishment and constitution of a committee comprised of representatives of such Governments to perform functions relating to the implementation and monitoring of matters arising out of such agreement.”.
- 50

Substitution of section 52 of Act 103 of 1978

- 55 **41.** (1) The following section is hereby substituted for section 52 of the Sales Tax Act, 1978:

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"52. Hierdie Wet is vir die Staat bindend en geen bepaling vervat in 'n ander wet afgekondig voor, [of op 31 Julie 1978] op of na die aanvangsdatum wat voorsiening maak vir 'n vrystelling van **[belasting]** enige belasting of reg **[is op verkoopbelasting van toepassing nie]** word uitgelê as van toepassing te wees op of 'n verwysing te wees na, na gelang van die geval, die belasting wat ingevolge hierdie Wet hef kan word nie, tensy bedoelde belasting uitdruklik in bedoelde bepaling vermeld word."

(2) Subartikel (1) word geag op 3 Julie 1978 in werking te getree het.

Wysiging van Bylae 1 by Wet 103 van 1978, soos gewysig deur artikel 19 van Wet 111 van 1979, artikel 7 van Wet 105 van 1980, artikel 8 van Wet 90 van 1982, artikel 8 van Wet 95 van 1983, artikel 15 van Wet 99 van 1984, artikel 17 van Wet 70 van 1986 en artikel 20 van Wet 86 van 1978

42. Bylae 1 by die Verkoopbelastingwet, 1978, word hierby gewysig—

(a) deur subitem (ee) van item (ii) van subparagraaf (b) van paragraaf 1 deur die volgende subitem te vervang:

"(ee) masjinerie of installasie, **[wat regstreeks vir kragopwekking gebruik word]** tesame met 'n voetstuk, fondament of steunstruktuur spesifiek vir bedoelde masjinerie of installasie ontwerp, wat vir die doeleindes van die werksaamhede van 'n kragstasie gebruik word, met inbegrip van die transformasie van elektriese krag deur middel van **[n]** enige transformator met 'n eenheidskapasiteit wat 3150 KVA oorskry,"; en

(b) deur paragraaf 1A deur die volgende paragraaf te vervang:

"1A. By die toepassing van hierdie Wet word, waar 'n ooreenkoms voorsiening maak vir die lewering van 'n diens wat ingevolge subparagraaf (b) (ii) of (bA) van paragraaf 1 'n belasbare diens is, en die vergoeding betaalbaar ingevolge daardie ooreenkoms aan die persoon wat bedoelde diens lewer, betaalbaar is ten opsigte van bedoelde diens en enige materiale, **[of]** komponente of ander goed deur bedoelde persoon voorsien wat vir die lewering van bedoelde diens nodig is, genoemde ooreenkoms as geheel as 'n ooreenkoms vir die lewering van bedoelde belasbare diens behandel en word genoemde vergoeding geag ten opsigte van bedoelde belasbare diens betaalbaar te wees."

Wysiging van Bylae 5 by Wet 103 van 1978, soos gewysig deur Goewermentskennisgewing R.1725 van 15 Augustus 1978, Goewermentskennisgewing R.1991 van 29 September 1978, artikel 23 van Wet 111 van 1979, artikel 10 van Wet 105 van 1980, Goewermentskennisgewing R.2419 van 28 November 1980, artikel 11 van Wet 97 van 1981, artikel 12 van Wet 95 van 1983, Goewermentskennisgewing R.2599 van 25 November 1983, artikel 18 van Wet 99 van 1984, artikel 10 van Wet 102 van 1985, artikel 20 van Wet 70 van 1986 en artikel 23 van Wet 86 van 1987

43. (1) Bylae 5 by die Verkoopbelastingwet, 1978, word hierby gewysig—

(a) deur in paragraaf 1 van Deel A die woorde wat die opskrifte "Item No." en "Pos en Beskrywing" voorafgaan deur die volgende woorde te vervang:

"Goed ingevoer in die Republiek wat ressorteer onder enige pos en beskrywing hieronder vermeld, in die mate aangedui, en ten opsigte waarvan of geen doeanereg betaalbaar is nie of 'n korting van doeanereg ingevolge die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), toegestaan is:";

(b) deur in subparagraaf (v) van paragraaf 2 van Deel A die uitdrukking "R100" deur die uitdrukking "R200" te vervang; en

(c) deur by paragraaf 1 van Deel B die volgende subparagraaf te voeg:

"(e) 'n Motorvoertuig wat 'n bate uitmaak van 'n onderneming of van 'n ander *bona fide*-handels-, finansiële, nywerheids-, mynbou-, steengroef-, boerdery-, bosbou- of visserij-onderneming of van 'n *bona fide*- professionele praktyk wat aktief in 'n bepaalde land bedryf word en wat vanaf so 'n land die Republiek tydelik binnegebring word vir gebruik tydens die loop van sy diens deur 'n werknemer van bedoelde onderneming, saak of praktyk waar so 'n werknemer gewoonlik in die Republiek woonagtig is en nie 'n regstreekse of onregstreekse finansiële belang of aandeel in bedoelde onderneming, saak of praktyk het nie."

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“52. This Act shall bind the State and no provision contained in any other law promulgated **[on or]** before, **[31 July 1978]** on or after the commencement date providing for an exemption from any **[taxes]** tax or duty shall be **[applicable to sales tax]** construed as applying or referring, as the case may be, to the tax leviable under this Act unless such tax is specifically mentioned in such provision.”

(2) Subsection (1) shall be deemed to have come into operation on 3 July 1978.

Amendment of Schedule 1 to Act 103 of 1978, as amended by section 19 of Act 111 of 1979, section 7 of Act 105 of 1980, section 8 of Act 90 of 1982, section 8 of Act 95 of 1983, section 15 of Act 99 of 1984, section 17 of Act 70 of 1986 and section 20 of Act 86 of 1987

42. Schedule 1 to the Sales Tax Act, 1978, is hereby amended—

(a) by the substitution for subitem (ee) of item (ii) of subparagraph (b) of paragraph 1 of the following subitem:

“(ee) any machinery or plant, **[used directly for the generation of power]** together with any footing, foundation or supporting structure specifically designed for such machinery or plant, used for the purposes of the operations of any power station, including the transformation of electric power by means of **[a]** any transformer having a unit capacity exceeding 3150 KVA,”; and

(b) by the substitution for paragraph 1A of the following paragraph:

“1A. For the purposes of this Act, where any agreement provides for the rendering of a service which in terms of subparagraph (b) (ii) or (bA) of paragraph 1 is a taxable service and the consideration payable under such agreement to the person rendering such service is payable in respect of such service and any materials, **[or]** components or other goods supplied by such person which are required for the rendering of such service, the said agreement as a whole shall be treated as an agreement for the rendering of such taxable service and the said consideration shall be deemed to be payable in respect of such taxable service.”

Amendment of Schedule 5 to Act 103 of 1978, as amended by Government Notice R.1725 of 15 August 1978, Government Notice R.1991 of 29 September 1978, section 23 of Act 111 of 1979, section 10 of Act 105 of 1980, Government Notice R.2419 of 28 November 1980, section 11 of Act 97 of 1981, section 12 of Act 95 of 1983, Government Notice R.2599 of 25 November 1983, section 18 of Act 99 of 1984, section 10 of Act 102 of 1985, section 20 of Act 70 of 1986 and section 23 of Act 86 of 1987

43. (1) Schedule 5 to the Sales Tax Act, 1978, is hereby amended—

(a) by the substitution in paragraph 1 of Part A for the words preceding the headings “Item No.” and “Heading and Description” of the following words:

“Goods imported into the Republic which fall under any heading and description mentioned below, to the extent indicated, and in respect of which either no customs duty is payable or a rebate of customs duty is granted in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964);”

(b) by the substitution in subparagraph (v) of paragraph 2 of Part A for the expression “R100” of the expression “R200”; and

(c) by the addition to paragraph 1 of Part B of the following subparagraph:

“(e) Any motor vehicle constituting an asset of any enterprise or of any other *bona fide* commercial, financial, industrial, mining, quarrying, farming, forestry or fishing concern or of any *bona fide* professional practice actively carried on in any specified country, and which is brought temporarily into the Republic from such country for the use during the course of his employment by any employee of such enterprise, concern or practice where such an employee is ordinarily resident in the Republic and does not have any direct or indirect financial interest or share in such enterprise, concern or practice.”

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(2) Die wysigings aangebring deur—

- (a) paragraaf (a) van subartikel (1) word geag op 1 Augustus 1986 in werking te getree het; en
 (b) paragraaf (b) van subartikel (1) word geag op 14 Oktober 1987 in werking te getree het.

5

Wysiging van Bylae 7 by Wet 103 van 1978, soos ingevoeg deur artikel 20 van Wet 99 van 1984 en gewysig deur Goewermentskennisgewing R.1642 van 19 Julie 1985 en artikel 21 van Wet 70 van 1986

44. Bylae 7 by die Verkoopbelastingwet, 1978, word hierby gewysig deur subparagraaf (b) van paragraaf 9 deur die volgende subparagraaf te vervang: 10

“(b) Melkpoeier: ongegeurd, synde die poeier verkry deur die ontwatering van melk en wat ressorteer onder die volgende klassifikasies soos bepaal deur die Minister van Landbou kragtens die Bemarkingswet, 1968 (Wet No. 59 van 1968), of enige regulasie kragtens daardie Wet:

[Volmelkpoeier

15

Laevetmelkpoeier

Afgeroomde melkpoeier]

Hoëvetmelkpoeier

Volvetmelkpoeier

Mediumvetmelkpoeier

20

Laevetmelkpoeier

Vetvryemelkpoeier,

mits die vet- of proteïeninhoud van bedoelde melkpoeier uitsluitlik uit melkvet of melkproteïen bestaan.”.

Herroeping van wysiging aangebring deur artikel 4 van Wet 102 van 1985 in sekere opsigte 25

45. Die wysigings aangebring deur artikel 4 van die Wysigingswet op Verkoopbelasting, 1985, vir sover dit betrekking het op artikel 14 (2) van die Verkoopbelastingwet, 1978 (Wet No. 103 van 1978), word hierby herroep.

Register van persone wat besigheid bedryf as verskaffers van goed of dienste 30

46. (1) Waar as gevolg van die aankondiging gedoen in die Parlement op 5 Februarie 1988 ten effekte dat die stelsel van verkoopbelasting opgelê ingevolge die Verkoopbelastingwet, 1978, deur 'n belasting op toegevoegde waarde vervang staan te word, die Kommissaris van Binnelandse Inkomste (hierna die Kommissaris genoem) van mening is dat 'n register van persone wat besigheid bedryf as verskaffers van goed of dienste saamgestel en in stand gehou behoort te word as 'n voorafgaande stap tot die uitvoering van die beoogde verandering, kan die Kommissaris bedoelde persone versoek om enige inligting te verstrek soos deur hom benodig word vir die doeleindes van daardie register en die toekenning van 'n registrasienommer aan 'n bedoelde persoon wie se naam op daardie register verskyn. 40

(2) 'n Versoek om bedoelde inligting te verstrek kan deur die Kommissaris gedoen word of deur skriftelike kennisgewing direk aan 'n bedoelde persoon geadresseer of in die algemeen by kennisgewing in die *Staatskoerant* en bedoelde kennisgewing moet die tydperk bepaal waarbinne die inligting verstrek moet word.

(3) 'n Persoon wat versuim om te voldoen aan 'n vereiste van die Kommissaris binne die tyd deur hom in 'n in subartikel (2) bedoelde kennisgewing bepaal, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met sodanige boete sowel as sodanige gevangenisstraf.

Intrekking van Goewermentskennisgewing 50

47. Goewermentskennisgewing No. R.2884 van 31 Desember 1987 word hierby ingetrek.

Vrystelling van seëlreg of hereregte met betrekking tot oordragte van handelseffekte of eiendom of van regte of verpligtinge ingevolge verbande ingevolge 'n skema vir die rasionalisasie van 'n groep maatskappye en die aanslag van maatskappye in 'n bedoelde groep vir inkomstebelastingdoeleindes in sekere omstandighede 55

48. (1) By die toepassing van hierdie artikel beteken—

“beheerde maatskappy” 'n maatskappy met betrekking waartoe 'n ander

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(2) The amendment effected by—

- (a) paragraph (a) of subsection (1) shall be deemed to have come into operation on 1 August 1986; and
 (b) paragraph (b) of subsection (1) shall be deemed to have come into operation on 14 October 1987.

Amendment of Schedule 7 to Act 103 of 1978, as inserted by section 20 of Act 99 of 1984 and amended by Government Notice R. 1642 of 19 July 1985 and section 21 of Act 70 of 1986

44. Schedule 7 to the Sales Tax Act, 1978, is hereby amended by the substitution for subparagraph (b) of paragraph 9 of the following subparagraph:

“(b) Milk powder: unflavoured, being the powder obtained by the removal of water from milk and which falls under the following classifications determined by the Minister of Agriculture under the Marketing Act, 1968 (Act No. 59 of 1968), or any regulation under that Act:

**[Whole milk powder
 Low fat milk powder
 Skim(med) milk powder]
 High-fat milk powder
 Full-fat milk powder
 Medium-fat milk powder
 Low-fat milk powder
 Fat-free milk powder,**

provided the fat or protein content of such milk powder consists solely of milk fat or milk protein.”.

25 **Repeal of amendment effected by section 4 of Act 102 of 1985 in certain respects**

45. The amendment effected by section 4 of the Sales Tax Amendment Act, 1985, in so far as it relates to section 14 (2) of the Sales Tax Act, 1978 (Act No. 103 of 1978), is hereby repealed.

Register of persons carrying on business as suppliers of goods or services

30 46. (1) Where in consequence of the announcement made in Parliament on 5 February 1988 to the effect that the system of sales tax imposed under the Sales Tax Act, 1978, is to be replaced by a value-added tax, the Commissioner for Inland Revenue (hereinafter referred to as the Commissioner) is of the opinion that a register of persons carrying on business as suppliers of goods or services ought to be
 35 compiled and maintained as a preliminary step towards the implementation of the contemplated change, the Commissioner may call upon such persons to furnish any information as may be required by him for the purposes of that register and the allocation of a registration number to any such person whose name appears on that register.

40 (2) Any request to furnish such information may be made by the Commissioner either by notice in writing addressed to any such person directly or generally by notice in the *Gazette* and such notice shall stipulate the period within which the information is to be furnished.

(3) Any person who fails to comply with any requirement of the Commissioner
 45 within the time stipulated by him in any notice contemplated in subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Withdrawal of Government Notice

50 47. Government Notice No. R. 2884 of 31 December 1987 is hereby withdrawn.

Exemption from stamp duty or transfer duty relating to the transfer of marketable securities or property or of rights or obligations under bonds under a scheme for the rationalization of a group of companies and the assessment of companies in any such group for income tax purposes in certain circumstances

55 48. (1) For the purposes of this section—

“Commissioner” means the Commissioner for Inland Revenue;

maatskappy op die datum en tyd bedoel in die omskrywing van "beherende maatskappy" die beherende maatskappy is;

"beherende maatskappy", met betrekking tot 'n ander maatskappy, 'n maatskappy wat op 17 Junie 1988 en ten tyde van 'n ooreenkoms bedoel in subartikel (2) vir sy eie voordeel, hetsy regstreeks of onregstreeks deur een of meer maatskappye in die groep maatskappye waarvan al die betrokke maatskappye lede is, aandeel in bedoelde ander maatskappy besit wat, tesame met aandeel in daardie maatskappy besit deur 'n trustee ingevolge 'n skema bedoel in artikel 38 (2) (b) van die Maatskappywet, 1973 (Wet No. 61 van 1973), die besitters van daardie aandeel altesaam op minstens 75 persent van die stemregte van al die aandeelhouders in bedoelde ander maatskappy geregtig maak;

"eiendom" eiendom soos in artikel 1 van die Wet op Hereregte omskryf;

"groep maatskappye" 'n beherende maatskappy en een of meer ander maatskappye wat beheerde maatskappye is met betrekking tot die beherende maatskappy op die datum en tyd bedoel in die omskrywing van "beherende maatskappy";

"handelseffekte" handelseffekte waarvan die registrasie van oordrag aan seëlreg onderhewig sou wees indien dit nie ingevolge die bepalings van hierdie artikel vrygestel was nie;

"hereregte" die reg wat ingevolge die Wet op Hereregte hefbaar is;

"Inkomstebelastingwet" die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962);

"Kommissaris" die Kommissaris van Binnelandse Inkomste;

"seëlreg" die seëlreg wat ingevolge Item 15 (3) van Bylae 1 by die Wet op Seëlregte hefbaar is ten opsigte van die registrasie van oordrag van handelseffekte of die seëlreg wat ingevolge Item 7 (3), (4) of (5) van genoemde Bylae hefbaar is ten opsigte van die sessie van 'n verband of die vervanging van 'n skuldenaar ten opsigte van 'n verband;

"Wet op Hereregte" die Wet op Hereregte, 1949 (Wet No. 40 van 1949);

"Wet op Seëlregte" die Wet op Seëlregte, 1968 (Wet No. 77 van 1968).

(2) Waar, ingevolge 'n ooreenkoms gesluit op of na 17 Junie 1988 en op of voor 30 Junie 1989 deur 'n maatskappy (hieronder die oordraggewende maatskappy genoem) en 'n ander maatskappy (hieronder die oordragnemende maatskappy genoem), die oordraggewende maatskappy handelseffekte of eiendom aan die oordragnemende maatskappy verkoop of vervreem of onderneem om dit te doen of 'n verband wat eiendom verhipotekeer aan die oordragnemende maatskappy seeder of onderneem om dit te doen of die oordragnemende maatskappy die oordraggewende maatskappy as skuldenaar ingevolge so 'n verband vervang of staan te vervang, en ten tyde van daardie ooreenkoms en die uitvoering daarvan albei maatskappye lede van een en dieselfde groep maatskappye is, word die gevolglike registrasie van oordrag van bedoelde handelseffekte aan die oordragnemende maatskappy of die sessie van bedoelde verband aan daardie maatskappy of die vervanging van die skuldenaar ingevolge die ooreenkoms van seëlreg vrygestel of word die verkryging deur die oordragnemende maatskappy van die eiendom ingevolge die ooreenkoms van hereregte vrygestel, na gelang van die geval, indien—

(a) bedoelde ooreenkoms gesluit is ingevolge 'n skema vir die rasionalisasie van die bedrywighede van bedoelde groep;

(b) die skema uitsluitlik of hoofsaaklik ontwerp is ten einde binne bedoelde groep wesentlike en voortdurende besparings van bedryfsuitgawes of 50 wesentlike en voortdurende bedryfs- of administratiewe voordele te bewerkstellig;

(c) ingevolge bedoelde skema—

(i) vergoeding deur die oordragnemende maatskappy aan die oordraggewende maatskappy betaalbaar geword het ten opsigte van die oordragnemende maatskappy se verkryging van bedoelde handelseffekte, eiendom of verband ingevolge bedoelde ooreenkoms en die waarde van daardie vergoeding onmiddellik voor die sluiting van bedoelde ooreenkoms gelyk was aan—

(aa) die billike markwaarde van bedoelde handelseffekte, eiendom of 60 verband, na gelang van die geval, ten tyde van bedoelde ooreenkoms; of

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“controlled company” means a company in relation to which another company is at the date and time referred to in the definition of “controlling company” the controlling company;

5 “controlling company”, in relation to any other company, means a company which on 17 June 1988 and at the time of any agreement referred to in subsection (2) to which such other company is a party, holds for its own benefit, whether directly or indirectly through one or more companies in the group of companies of which all the companies in question are members, shares in such other company which, together with shares in
10 that other company held by a trustee under a scheme referred to in section 38 (2) (b) of the Companies Act, 1973 (Act No. 61 of 1973), entitle the holders of such shares altogether to not less than 75 per cent of the voting rights of all the shareholders in the said other company;

15 “group of companies” means a controlling company and one or more other companies which are controlled companies in relation to the controlling company at the date and time referred to in the definition of “controlling company”;

“Income Tax Act” means the Income Tax Act, 1962 (Act No. 58 of 1962);

20 “marketable security” means a marketable security the registration of transfer of which would, but for the exemption under this section, be subject to stamp duty;

“property” means property as defined in section 1 of the Transfer Duty Act;

“Stamp Duties Act” means the Stamp Duties Act, 1968 (Act No. 77 of 1968);

25 “stamp duty” means the stamp duty leviable under Item 15 (3) of Schedule 1 to the Stamp Duties Act in respect of the registration of transfer of any marketable security or the stamp duty leviable under Item 7 (3), (4) or (5) of the said Schedule in respect of the cession of a mortgage bond or the substitution of a debtor in respect of such bond;

“transfer duty” means the duty leviable under the Transfer Duty Act;

30 “Transfer Duty Act” means the Transfer Duty Act, 1949 (Act No. 40 of 1949).

(2) Where, under any written agreement concluded on or after 17 June 1988 and on or before 30 June 1989 by any company (hereinafter referred to as the transferor company) and any other company (hereinafter referred to as the transferee company), the transferor company sells or undertakes to sell or
35 disposes of or undertakes to dispose of any marketable security or property to the transferee company or cedes or undertakes to cede any mortgage bond hypothecating property to the transferee company or the transferee company is or is to be substituted for the transferor company as the debtor under such a bond and both companies are at the time of such agreement and the implementation thereof
40 members of one and the same group of companies, there shall be exempt from stamp duty the consequent registration of transfer to the transferee company of such marketable security or the cession of such bond or the substitution of the debtor in terms of the agreement or there shall be exempt from transfer duty the acquisition by the transferee company of the property in terms of the agreement,
45 as the case may be, if—

(a) such agreement was concluded under a scheme for the rationalization of the activities of the said group;

(b) such scheme was devised solely or mainly in order to achieve within the said group substantial and enduring savings in operational expenditure or
50 substantial and enduring operational or administrative advantages;

(c) under such scheme—

(i) a consideration became payable by the transferee company to the transferor company in respect of the transferee company's acquisition of such marketable security, property or bond under the said agree-
55 ment and the value of such consideration immediately prior to the conclusion of that agreement was equal to—

(aa) the fair market value of such marketable security, property or bond, as the case may be, at the time of the said agreement; or

- (bb) sodanige ander waarde as waarop die beherende maatskappy en die Kommissaris ooreengekom het; of
- (ii) bedoelde handelseffekte, eiendom of verband deur die oordraggewende maatskappy by wyse van die uitkering van 'n dividend *in specie* vervreem staan te word; 5
- (d) die ooreenkoms en 'n skriftelike verklaring waarin besonderhede van die skema en enige daaropvolgende verandering daarvan deur of namens die beherende maatskappy van bedoelde groep aan die Kommissaris op of voor 30 Junie 1989 voorgelê is tesame met 'n volmag van enige beheerde maatskappy in bedoelde groep wat 'n party by die ooreenkoms is om 10 namens hom vir die doeleindes van hierdie artikel op te tree, gestaaf deur 'n besluit van die direkteure of aandeelhouders van bedoelde beheerde maatskappy; en
- (e) die Kommissaris 'n sertifikaat uitgereik het ten effekte dat die registrasie van oordrag van bedoelde handelseffekte of die sessie van bedoelde 15 verband of die vervanging van die skuldenaar ingevolge die verband ingevolge hierdie artikel van seëlreg vrygestel is of dat die verkryging van bedoelde eiendom ingevolge hierdie artikel van hereregte vrygestel is, na gelang van die geval.
- (3) 'n Vrystelling ingevolge subartikel (2) verval tensy die registrasie van oordrag 20 van die betrokke handelseffekte of die registrasie van die sessie van die betrokke verband of die vervanging van die skuldenaar ingevolge die betrokke verband of die registrasie van die oordrag van die betrokke eiendom, na gelang van die geval, bewerkstellig word nie later nie as ses maande na die datum van die sertifikaat bedoel in paragraaf (e) van daardie subartikel of binne die verdere tydperk wat die 25 Kommissaris, met inagneming van die omstandighede van die geval, goedkeur.
- (4) Waar die Kommissaris oortuig is dat 'n sertifikaat wat hy ingevolge subartikel (2) (e) uitgereik het deur bedrog verkry is of uitgereik is as gevolg van wanvoorstelling of verswyging van enige tersaaklike feit deur die beherende maatskappy of 'n ander persoon, moet hy, indien hy oortuig is dat in die lig van die volle feite die 30 betrokke vrystelling nie toegestaan behoort te word nie, die sertifikaat intrek en word die vrystelling van seëlreg of hereregte deur die sertifikaat verleen, met ingang van die datum van uitreiking van die sertifikaat geag ingetrek te gewees het.
- (5) Vir die doeleindes van belasting gehef ingevolge die Inkomstebelastingwet en ondanks andersluidende bepalinge van daardie Wet— 35
- (a) waar handelseffekte, eiendom of 'n verband verkoop, vervreem of gesedeer word soos beoog in subartikel (2) deur 'n oordraggewende maatskappy wat ingevolge genoemde Wet belasbaar is met normale belasting aan 'n oordragnemende maatskappy wat aldus belasbaar is teen geen vergoeding of teen 'n vergoeding waarvan die waarde minder is as die 40 billike markwaarde van bedoelde handelseffekte, eiendom of verband en onmiddellik voor die sluiting van die betrokke ooreenkoms bedoelde handelseffekte, eiendom of verband handelsvoorraad van die oordraggewende maatskappy uitgemaak het—
- (i) word bedoelde handelseffekte, eiendom of verband geag deur die 45 oordragnemende maatskappy as handelsvoorraad verkry te gewees het en, waar bedoelde handelseffekte, eiendom of verband deur die oordragnemende maatskappy teen geen vergoeding verkry is, word bedoelde handelseffekte, eiendom of verband geag geen waarde as handelsvoorraad in die hande van die oordragnemende maatskappy te 50 hê nie; en
- (ii) word enige bedrag (met inbegrip van die waarde van 'n voordeel of bate) wat ontvang word deur of toeval aan die oordragnemende maatskappy by die verkoop of vervreemding deur hom van bedoelde handelseffekte of eiendom of van 'n gedeelte daarvan geag inkomste te 55 wees wat deur daardie maatskappy verkry word in die loop van 'n bedryf wat deur hom beoefen word afsonderlik van enige ander bedryf deur hom beoefen;
- (b) waar eiendom wat verkoop of vervreem word ingevolge 'n ooreenkoms beoog in subartikel (2) 'n gebou insluit ten opsigte waarvan 'n vermindering 60 aan die oordragnemende maatskappy ingevolge genoemde Wet toegestaan is, word die oordraggewende maatskappy en die oordragnemende maatskappy geag vir die doeleindes van die berekening van 'n vermindering ten

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- (bb) such other value as may have been agreed upon by the controlling company and the Commissioner; or
- (ii) such marketable security, property or bond is to be disposed of by the transferor company to the transferee company by way of a distribution of a dividend *in specie*;
- (d) the agreement and a written statement setting forth details of the scheme and any subsequent variation thereof, have been submitted by or on behalf of the controlling company of the said group to the Commissioner on or before 30 June 1989 together with a mandate from any controlled company in such group which is a party to the agreement to act on its behalf for the purposes of this section, supported by a resolution of the directors or shareholders of such controlled company; and
- (e) the Commissioner has issued a certificate to the effect that the registration of transfer of such marketable security or the cession of such bond or the substitution of the debtor under such bond is exempt from stamp duty under this section or that the acquisition of such property is exempt from transfer duty under this section, as the case may be.
- (3) Any exemption under subsection (2) shall lapse unless registration of transfer of the relevant marketable security or the registration of the cession of the relevant bond or the substitution of the debtor under the relevant bond or the registration of transfer of the relevant property, as the case may be, is effected not later than six months after the date of the certificate referred to in paragraph (e) of that subsection or within such further period as the Commissioner, having regard to the circumstances of the case, may approve.
- (4) Where the Commissioner is satisfied that a certificate issued by him under subsection (2) (e) was obtained by fraud or was issued in consequence of any misrepresentation or failure to disclose any material fact by the controlling company or any other person, he shall, if he is satisfied that in the light of the full facts the exemption in question should not have been granted, withdraw such certificate and the exemption from stamp duty or transfer duty conferred by such certificate shall be deemed to have been withdrawn as from the date of issue of such certificate.
- (5) For the purposes of the taxation levied under the Income Tax Act and notwithstanding anything to the contrary in that Act—
- (a) where any marketable security, property or bond is sold, disposed of or ceded as contemplated in subsection (2) by a transferor company which is chargeable with normal tax under the said Act to a transferee company which is so chargeable for no consideration or for a consideration the value of which is less than the fair market value of such marketable security, property or bond and immediately prior to the conclusion of the relevant agreement such marketable security, property or bond constituted trading stock of the transferor company—
- (i) such marketable security, property or bond shall be deemed to have been acquired by the transferee company as trading stock and, where such marketable security, property or bond has been acquired by the transferee company for no consideration, such marketable security, property or bond shall be deemed to have no value as trading stock in the hands of the transferee company; and
- (ii) any amount (including the value of any benefit or advantage) which is received by or accrues to the transferee company on the sale or disposal by it of such marketable security or property or of a portion thereof shall be deemed to be income derived by that company in the course of a trade carried on by it separately from any other trade carried on by it;
- (b) where any property sold or disposed of under an agreement contemplated in subsection (2) includes any building in respect of which any allowance has been granted to the transferor company under the said Act, the transferor company and the transferee company shall for the purposes of calculating any allowance under the said Act granted to the transferee

opsigte van daardie gebou wat aan die oordragnemende maatskappy toegestaan word en ten einde vas te stel of 'n bedrag deur die oordragnemende maatskappy ten opsigte van die verminderings wat ten opsigte van bedoelde gebou aan die twee maatskappye toegestaan is, verhaal is, geag een en dieselfde maatskappy te wees, en word 'n bedrag wat aldus verhaal is, geag inkomste te wees wat deur die maatskappy verkry word in die loop van 'n bedryf wat deur hom beoefen word afsonderlik van enige ander bedryf deur hom beoefen; en

- (c) waar op of na 17 Junie 1988 en op of voor 30 Junie 1989 'n sakeonderneming of gedeelte daarvan verkoop of vervreem word deur 'n maatskappy (hieronder die verkoper genoem) aan 'n ander maatskappy (hieronder die koper genoem) en albei maatskappye ten tyde van die verkoop of vervreemding lede van een en dieselfde groep maatskappye is, bedoelde verkoop of vervreemding gesluit is ingevolge 'n skema van die aard bedoel in subartikel (2) (a) en (b), kan die beherende maatskappy wat by die skema betrokke is en die Kommissaris ooreenkom op die bepalinge en voorwaardes wat hulle goetvind, dat die verkoper en koper geag word een en dieselfde maatskappy te wees: Met dien verstande dat die bepalinge van hierdie paragraaf nie so uitgelê word nie dat dit die koper toelaat om teen sy inkomste enige vasgestelde verlies of balans van vasgestelde verlies gelyk deur die verkoper in vergelyking te bring nie.

(6) 'n Ooreenkoms ingevolge paragraaf (c) van subartikel (5) is bindend vir die in daardie subartikel bedoelde verkoper en koper en die Kommissaris vir die doeleindes van die belasting in daardie subartikel bedoel.

Kort titel

25

49. Hierdie Wet heet die Wysigingswet op Belastingwette, 1988.

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- company in respect of that building or for the purpose of determining whether any amount has been recouped in respect of the allowances granted to the two companies in respect of such building, be deemed to be one and the same company and any amount so recouped shall be deemed to be income derived by the company in the course of a trade carried on by it separately from any other trade carried on by it; and
- 5 (c) where on or after 17 June 1988 and on or before 30 June 1989 any business undertaking or part thereof is sold or disposed of by any company (hereinafter referred to as the seller) to any other company (hereinafter referred to as the purchaser) and both companies are at the time of such
- 10 sale or disposal members of one and the same group of companies, such sale or disposal was concluded under a scheme of the nature referred to in subsection (2) (a) and (b), the controlling company involved in such scheme and the Commissioner may agree on such terms and conditions as they may see fit, that the seller and purchaser shall be deemed to be one and the same
- 15 company: Provided that the provisions of this paragraph shall not be interpreted as permitting the purchaser to set off against its income any assessed loss or balance of assessed loss incurred by the seller.
- (6) Any agreement under paragraph (c) of subsection (5) shall be binding on the
- 20 seller, the purchaser referred to in that subsection and the Commissioner for the purposes of the taxation referred to in that subsection.

Short title

49. This Act shall be called the Taxation Laws Amendment Act, 1988.

