



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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CAPE TOWN, 21 JUNE 1989

No. 11963

KAAPSTAD, 21 JUNIE 1989

STATE PRESIDENT'S OFFICE

No. 1297.

21 June 1989

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

No. 69 of 1989: Taxation Laws Amendment Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1297.

21 Junie 1989

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

No. 69 van 1989: Wysigingswet op Belastingwette, 1989.

Act No. 69, 1989

TAXATION LAWS AMENDMENT ACT, 1989

**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 Transfer Duty Act, 1949, so as to restrict the exemption from transfer duty in respect of heirs and legatees to property of the deceased; to provide for exemptions from transfer duty in respect of the acquisition of property by way of a marriage concluded in community of property and the acquisition of property by insurers under certain circumstances; and to effect certain textual alterations to section 9A; to amend the Stamp Duties Act, 1968, so as to effect certain textual alterations to sections 1 and 4; to extend the exemption from stamp duty in terms of section 4 (1) (f) to a company, society or association providing residential accommodation to aged or retired persons as well as to certain institutions as referred to in section 10 (1) (cB) of the Income Tax Act, 1962; to effect consequential amendments to sections 7 (1), 19, 22 (4) (a), 23 (1) and (14) and 24 (10); to increase the stamp duty tariffs in respect of certain items; and to make provision for exemptions from stamp duty in respect of the registration of transfer of marketable securities as well as in respect of the acquisition of marketable securities in certain circumstances; to amend the Companies Act, 1973, in order to delete the proviso to section 98 (2); to amend the Regional Services Councils Act, 1985, so as to provide for shorter periods in which payment of the regional services levy and regional establishment levy may be made; to amend the Sales Tax Act, 1978, so as to insert a definition of "returnable container"; to increase the rate of sales tax; to make new provision for the determination of the consideration deemed to have accrued to a seller under a sale of catalogues or samples for no consideration or a consideration less than the cost of such goods to the seller; to further regulate the recovery of sales tax in respect of goods imported into the Republic; to further regulate the deduction in respect of deposits on returnable containers refunded or credited; to make further provision in respect of certain failures to furnish returns or declarations and to pay sales tax; and to amend Schedules 1 and 4 to the said Act; to amend the Taxation Laws Amendment Act, 1988, in order to extend certain periods of exemption from stamp duty and transfer duty in respect of certain registrations of transfer of marketable securities or acquisitions of property consequent upon the rationalization of a group of companies; and to provide for matters connected therewith.

(English text signed by the State President.)  
(Assented to 5 June 1989.)

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

Tot wysiging van die Wet op Hereregte, 1949, ten einde die vrystelling van hereregte ten opsigte van erfgename en legatarisse te beperk tot eiendom van die oorledene; voorsiening te maak vir vrystellings van hereregte met betrekking tot die verkryging van eiendom deur middel van 'n huwelik gesluit binne gemeenskap van goed en die verkryging van eiendom deur versekeraars onder sekere omstandighede; en sekere teksveranderings aan artikel 9A aan te bring; om die Wet op Seëlregte, 1968, te wysig ten einde sekere teksveranderings aan artikels 1 en 4 aan te bring; die vrystelling van seëlreg ingevolge artikel 4 (1) (f) uit te brei na 'n maatskappy, genootskap of vereniging wat aan bejaarde of afgetrede persone woonakkommodasie verskaf asook na sekere instansies soos bedoel in artikel 10 (1) (cB) van die Inkomstbelastingwet, 1962; gevvolglike wysigings aan artikels 7 (1), 19, 22 (4) (a), 23 (1) en (14) en 24 (10) aan te bring; die seëlregtariewe ten opsigte van sekere Items te verhoog; en voorsiening te maak vir vrystellings van seëlreg ten opsigte van die registrasie van oordrag van handelseffekte asook ten opsigte van die verkryging van handelseffekte in sekere omstandighede; om die Maatskappywet, 1973, te wysig ten einde die voorbehoudsbepaling by artikel 98 (2) te skrap; om die Wet op Streeksdiensterade, 1985, te wysig ten einde voorsiening te maak vir korter tydperke waarin die streeksdiensteheffing en streeksvestigingsheffing betaal mag word; om die Verkoopbelastingwet, 1978, te wysig ten einde 'n omskrywing van "terugsendbare houer" in te voeg; die skaal van verkoopbelasting te verhoog; nuwe voorsiening te maak vir die vasstelling van die vergoeding wat geag word aan 'n verkoper toe te geval het ingevolge 'n verkoop van katalogusse of monsters vir geen vergoeding of vir 'n vergoeding wat minder as die koste van bedoelde goed vir die verkoper is; die verhaal van verkoopbelasting ten opsigte van goed in die Republiek ingevoer, verder te reël; die aftrekking ten opsigte van deposito's op terugsendbare houers wat terugbetaal of gekrediteer is, verder te reël; verdere voorsiening te maak ten opsigte van sekere versuime om opgawes of verklarings te verstrek en om verkoopbelasting te betaal; en Bylaes 1 en 4 by genoemde Wet te wysig; om die Wysigingswet op Belastingwette, 1988, te wysig ten einde sekere tydperke van vrystelling van seëlreg en hereregte ten opsigte van sekere registrasies van oordrag van handelseffekte of verkrygings van eiendom as gevolg van die rasionalisasie van 'n groep maatskappye te verleng; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 Junie 1989.)

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

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, section 12 of Act 80 of 1959, 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, section 3 of Act 86 of 1987 and section 4 of Act 87 of 1988

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

“(i) property of the deceased acquired by *ab intestato* or testamentary succession or as a result of a re-distribution of the assets of a deceased estate in the process of liquidation; or”;
  - (b) by the addition to subsection (1) of the following paragraph:
 

“(k) a spouse in a marriage in community of property in respect of the acquisition of an undivided half-share in property by operation of law by virtue of the contraction of such marriage, if such property had been acquired by the other spouse prior to the date of contraction of the marriage.”; and
  - (c) by the addition of the following subsection:
 

“(14) No duty shall be payable in respect of the acquisition of any property by any insurer registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943), from any other insurer so registered, if such acquisition takes place in accordance with a transfer of insurance business as contemplated in section 25A of that Act.”.
- (2) Subsection (1) (c) shall come into operation on the date of commencement of section 25A of the Insurance Act, 1943 (Act No. 27 of 1943).

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, section 7 of Act 106 of 1980 and section 5 of Act 87 of 1988

2. (1) Section 9A of the Transfer Duty Act, 1949, is hereby amended by the substitution for paragraph (c) of the following paragraph:
 

“(c) the date of acquisition of the acquired property shall for the purposes of sections 3 and 4 of this Act be deemed to be the date on which the relevant sectional plan [is] was registered [as contemplated in section 12 of the Sectional Titles Act, 1986 (Act No. 95 of 1986)] by the Registrar of Deeds concerned or, where such sectional plan [is] was not so registered on or before [the expiry of eight years as from the date of commencement of that Act (as applicable in relation to the aforesaid building), the date immediately following upon such expiry] 30 March 1981, that date:.”.
- (2) Subsection (1) shall be deemed to have come into operation on 13 July 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 1980, section 3 of Act 118 of 1984 and section 17 of Act 87 of 1988

3. Section 1 of the Stamp Duties Act, 1968, is hereby amended by the substitution for the definition of “public officer” of the following definition:
 

“‘public officer’ means a person in the employ of the Government or a provincial administration [or the administration of the territory] and includes an authorised revenue officer;”.

## WYSIGINGSWET OP BELASTINGWETTE, 1989

Wet No. 69, 1989

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:

**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**

5 **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, artikel 3 van Wet 86 van 1987 en artikel 4 van Wet 87 van 1988**

- 10 1. (1) Artikel 9 van die Wet op Hererestate, 1949, word hierby gewysig—
  - (a) deur subparagraaf (i) van paragraaf (e) van subartikel (1) deur die volgende subparagraaf te vervang:
    - (i) eiendom van die oorledene wat by wyse van erfopvolging *ab intestato* of volgens testament of as gevolg van 'n herverdeling van die bates van 'n afgestorwe boedel onder likwidasie, verkry is; of";
    - (b) deur die volgende paragraaf by subartikel (1) te voeg:
      - (k) "'n gade in 'n huwelik binne gemeenskap van goed ten opsigte van die verkryging van 'n onverdeelde halwe aandeel in eiendom deur middel van regswerking uit hoofde van die sluiting van daardie huwelik, indien daardom deur die ander gade voor die datum van die huweliksluiting verkry is.""; en
    - (c) deur die volgende subartikel by te voeg:
      - "(14) Geen hererestate is betaalbaar nie ten opsigte van die verkryging van eiendom deur 'n versekeraar wat ingevalle die Versekeringswet, 1943 (Wet No. 27 van 1943), geregistreer is van 'n ander aldus geregistreerde versekeraar, indien daardie verkryging ooreenkomsdig 'n oordrag van versekeringsbesigheid soos beoog in artikel 25A van daardie Wet geskied.".
  - 20 (2) Subartikel (1) (c) tree in werking op die datum van inwerkintreding van artikel 25A van die Versekeringswet, 1943 (Wet No. 27 van 1943).

**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, artikel 7 van Wet 106 van 1980 en artikel 5 van Wet 87 van 1988**

- 35 2. (1) Artikel 9A van die Wet op Hererestate, 1949, word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:
  - (c) word die datum van verkryging van die verkreë eiendom by die toepassing van artikels 3 en 4 van hierdie Wet geag die datum te wees waarop die betrokke deelplan deur die betrokke Registrateur van Aktes geregistreer [word soos in artikel 12 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), beoog] is of, waar daardie deelplan nie voor of op 30 Maart 1981, aldus geregistreer [word] is nie, [voor die verstryking van agt jaar vanaf die datum van inwerkintreding van daardie Wet (soos dit van toepassing is met betrekking tot voornoemde gebou), die datum wat onmiddellik op bedoelde verstryking volg] daardie datum.".
- 40 (2) Subartikel (1) word geag op 13 Julie 1988 in werking te getree het.

**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 Wet 106 van 1980, artikel 3 van Wet 118 van 1984 en artikel 17 van Wet 87 van 1988**

- 50 3. Artikel 1 van die Wet op Seëlregte, 1968, word hierby gewysig deur die omskrywing van "openbare amptenaar" deur die volgende omskrywing te vervang: "openbare amptenaar" iemand wat by die Regering of 'n provinsiale administrasie [of die administrasie van die gebied] in diens is en ook 'n bevoegde belastingbeampte;".

## Act No. 69, 1989

## TAXATION LAWS AMENDMENT ACT, 1989

**Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 1969, section 5 of Act 72 of 1970, section 6 of Act 66 of 1973, section 8 of Act 88 of 1974, section 4 of Act 95 of 1978, section 7 of Act 99 of 1981, section 4 of Act 87 of 1982, section 4 of Act 118 of 1984, section 10 of Act 81 of 1985 and section 18 of Act 87 of 1988**

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**4. (1) Section 4 of the Stamp Duties Act, 1968, is hereby amended—**

- (a) by the substitution in the Afrikaans text for subparagraph (viii) of paragraph (b) of subsection (1) of the following subparagraph:
- “(viii) die Raad van die Leningsfonds vir Plaaslike Besture ingestel by artikel 4 van die Wet op die Leningsfonds vir Plaaslike Besture, 1984 (Wet 10 No. 67 van 1984);”;
- (b) by the deletion of paragraph (e) of subsection (1); and
- (c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- “(f) any instrument which is executed by or on behalf of—
  - (i) [an ecclesiastical] a religious, charitable or educational 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; or
  - (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
  - (iii) any company, society or association within the Republic which is exempt from tax in terms of section 10 (1) (cF) of the said Act, if the duty thereon would be legally payable and borne by such institution, fund, company, society or association, as the case may be.”.

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

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**Amendment of section 7 of Act 77 of 1968, as amended by section 18 of Act 103 of 1969, section 10 of Act 89 of 1972, section 8 of Act 66 of 1973, section 3 of Act 70 of 1975, section 5 of Act 87 of 1982 and section 7 of Act 118 of 1984**

**5. Section 7 of the Stamp Duties Act, 1968, is hereby amended—**

- (a) by the deletion of paragraph (iA) of subsection (1); and
- (b) by the substitution for paragraph (iB) of subsection (1) of the following paragraph:
- “(iB) in the case of any debit entry in an account, the banker or person carrying on the credit card scheme concerned or the mutual building society or building society concerned or the Post Office Savings Bank, as the case may be;”.

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**Substitution of section 19 of Act 77 of 1968, as inserted by section 8 of Act 118 of 1984**

**6. The following section is hereby substituted for section 19 of the Stamp Duties Act, 1968:**

**“Debit entries**

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**19. The duty payable in terms of Item 6 of Schedule 1 in respect of any debit entry in an account shall not be denoted by means of stamps but shall be paid by the banker or person carrying on the credit card scheme concerned or by the mutual building society or building society concerned or the Post Office Savings Bank, as the case may be, within a period of 21 days after the end of the month in which that entry is made or, where he satisfies the Commissioner that by reason of the accounting procedures adopted by him the duty cannot conveniently be paid within that period, within such further period as the Commissioner may allow,**

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## WYSIGINGSWET OP BELASTINGWETTE, 1989

Wet No. 69, 1989

**Wysiging van artikel 4 van Wet 77 van 1968, soos gewysig deur artikel 17 van Wet 103 van 1969, artikel 5 van Wet 72 van 1970, artikel 6 van Wet 66 van 1973, artikel 8 van Wet 88 van 1974, artikel 4 van Wet 95 van 1978, artikel 7 van Wet 99 van 1981, artikel 4 van Wet 87 van 1982, artikel 4 van Wet 118 van 1984, artikel 10 van Wet 81 van 1985 en artikel 18 van Wet 87 van 1988**

4. (1) Artikel 4 van die Wet op Seëlregte, 1968, word hierby gewysig—  
 (a) deur subparagraph (viii) van paragraaf (b) van subartikel (1) deur die volgende subparagraph te vervang:  
 “(viii) die Raad van die Leningsfonds vir Plaaslike Besture ingestel by artikel 4 van die Wet op die Leningsfonds vir Plaaslike Besture, 1984 (Wet No. 67 van 1984);”;  
 (b) deur paragraaf (e) van subartikel (1) te skrap; en  
 (c) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:  
 (f) ’n stuk wat deur of ten behoeve van—  
 (i) ’n **[kerklike]** godsdienstige, liefdadigheids- of opvoedkundige 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 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) ’n maatskappy, genootskap of vereniging binne die Republiek wat ingevolge artikel 10 (1) (cF) van genoemde Wet van belasting vrygestel is,  
 verly word, indien die seëlreg daarop wettiglik deur dié inrigting, fonds, maatskappy, genootskap of vereniging, na gelang van die geval, betaalbaar sou wees en gedra sou moes word.”.  
 (2) Subartikel (1) (a) word geag op 1 Januarie 1985 in werking te getree het.

**Wysiging van artikel 7 van Wet 77 van 1968, soos gewysig deur artikel 18 van Wet 103 van 1969, artikel 10 van Wet 89 van 1972, artikel 8 van Wet 66 van 1973, artikel 3 van Wet 70 van 1975, artikel 5 van Wet 87 van 1982 en artikel 7 van Wet 118 van 1984**

5. Artikel 7 van die Wet op Seëlregte, 1968, word hierby gewysig—  
 (a) deur paragraaf (iA) van subartikel (1) te skrap; en  
 (b) deur paragraaf (iB) van subartikel (1) deur die volgende paragraaf te vervang:  
 “(iB) in die geval van ’n debetpos in ’n rekening, die bankier of persoon wat die betrokke kredietkaartskema bedryf of die betrokke onderlinge bouvereniging of bouvereniging of die Posspaarbank, na gelang van die geval;”.

**Vervanging van artikel 19 van Wet 77 van 1968, soos ingevoeg deur artikel 8 van Wet 118 van 1984**

6. Artikel 19 van die Wet op Seëlregte, 1968, word hierby deur die volgende artikel vervang;

**“Debetposte**

19. Die seëlreg wat ingevolge Item 6 van Bylae 1 betaalbaar is ten opsigte van ’n debetpos in ’n rekening word nie deur middel van seëls aangedui nie maar word betaal deur die bankier of persoon wat die betrokke kredietkaartskema bedryf of deur die betrokke onderlinge bouvereniging of bouvereniging of die Posspaarbank, na gelang van die geval, binne ’n tydperk van 21 dae na die einde van die maand waarin daardie pos gemaak word of, waar hy die Kommissaris oortuig dat as gevolg van die rekeningkundige procedures wat deur hom toegepas word dit nie geleë is om die seëlreg binne daardie tydperk te betaal nie, binne die verdere tydperk wat die Kommissaris toelaat, en indien hy versuim om dit te doen, moet hy benewens die bedrag aan seëlreg, ’n boete betaal

## Act No. 69, 1989

## TAXATION LAWS AMENDMENT ACT, 1989

and if he fails to do so he shall, in addition to the amount of that duty, pay a penalty equal to 10 per cent of that amount for every month or part thereof reckoned from the end of the period within which that amount was payable as provided in this section to the date of payment of that amount: Provided that the Commissioner may, having regard to the circumstances of the case, remit the whole or any part of that penalty.”.

**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, section 6 of Act 102 of 1979 and section 24 of Act 87 of 1988**

7. Section 22 of the Stamp Duties Act, 1968, is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) Any instrument whereby a lease (including any lease or agreement of lease chargeable with stamp duty under any previous Act of Parliament) is continued, renewed or extended beyond the period for which such lease (or any previous continuance, renewal or extension thereof) was required to be stamped, shall be chargeable with the duty payable in respect of a lease for a period equal to the entire period of the aforesaid lease (including any periods for which it has been continued, renewed or extended), less the sum of the amounts of stamp duty previously payable in respect of such lease and any earlier continuations, renewals or extensions thereof, whether under this Act or any previous Act of Parliament.”.

**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, section 5 of Act 92 of 1983 and section 25 of Act 87 of 1988**

8. Section 23 of the Stamp Duties Act, 1968, is hereby amended—

(a) by the substitution in subsection (1) for the definition of “deed” or “declaration” of the following definition:

“‘deed’ or ‘declaration’ means a deed or declaration made, signed and dated with the true date of each signature by the parties to a transaction for the sale or disposal of any marketable security or by their respective agents, setting forth such particulars of the transaction as may be required for the determination of liability for duty and full and true particulars of such marketable security and of any consideration passing or, if there is no consideration passing, of the market value of the marketable security on the date of the transaction [or, in any case to which the provisions of subsection (1A) apply, on the date referred to in that subsection];”;

and

(b) by the substitution for subsection (14) of the following subsection:

“(14) For the purposes of the duty payable under Item 15 (5) [—

(a) a person shall be deemed to have acquired any marketable security if, upon the conclusion of any transaction for the sale or disposal of the marketable security to him by any other person, or, upon or in consequence of [the death of anybody or] the happening of any event, such person has become entitled to the ownership of that marketable security [;

(b) where any marketable security devolves upon any person under the will of a deceased person or by intestate succession, or where any person becomes entitled to any marketable security by virtue of a re-distribution of the assets of the estate of a deceased person during the course of the liquidation of such estate, the person upon whom the marketable security so devolves or who becomes entitled to the marketable security as aforesaid shall, for the purpose of determining the value upon which duty is payable, be deemed to have acquired the marketable security upon the date of death of the deceased person].”.

## WYSIGINGSWET OP BELASTINGWETTE, 1989

Wet No. 69, 1989

5 gelyk aan 10 persent van dié bedrag vir elke maand of gedeelte daarvan, gereken van die einde van die tydperk waarin die bedrag volgens voorskrif van hierdie artikel betaalbaar was tot die datum van die betaling van die bedrag: Met dien verstande dat die Kommissaris, met inagneming van die omstandighede van die geval, die boete in sy geheel of ten dele kan kwytskeld.”.

**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, artikel 6 van Wet 102 van 1979 en artikel 24 van Wet 87 van 1988**

10 7. Artikel 22 van die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

15 “(a) 'n Stuk waarvolgens 'n huurooreenkoms (met inbegrip van 'n huur of huurooreenkoms wat ingevolge 'n vorige Parlements-wet aan seëlreg onderhewig was) voortgesit, hernieu of verleng word ná die tydperk waarvoor dié huurooreenkoms (of enige vorige voortsetting, hernuwing of verlenging daarvan) geseël moes word, is onderhewig aan die seëlreg wat betaalbaar is ten opsigte van 'n huurooreenkoms vir 'n tydperk gelyk aan die hele tydperk van bedoelde huurooreenkoms (met inbegrip van enige tydperke waarvoor dit voortgesit, hernieu of verleng is), min die som van die bedrae aan seëlreg voorheen betaalbaar ten opsigte van die huurooreenkoms en enige vroeër voortsettings, hernuwing of verlengings daarvan, hetsy ingevolge hierdie Wet of 'n vorige Parlements-wet.”.

20 **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, artikel 5 van Wet 92 van 1983 en artikel 25 van Wet 87 van 1988**

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

30 (a) deur in subartikel (1) die omskrywing van "akte" of "verklaring" deur die volgende omskrywing te vervang:

35 “'akte' of 'verklaring' 'n akte of verklaring wat opgestel, onderteken en met die juiste datum van elke handtekening gedateer is deur die partye by 'n transaksie vir die verkoop of vervreemding van handelseffekte of deur hul onderskeie agente, en waarin die besonderhede van die transaksie wat nodig is vir die vasstelling van aanspreeklikheid vir seëlreg, met volledige en juiste besonderhede van dié handelseffekte en die betaalde vergoeding of, waar geen vergoeding betaal word nie, die markwaarde van die handelseffekte op die datum van die transaksie [of, in 'n geval waarop die bepalings van subartikel (1A) van toepassing is, op die datum in daardie subartikel bedoel], aangedui word;”; en

40 (b) deur subartikel (14) deur die volgende subartikel te vervang:

45 “(14) Vir die doeleindeste van die seëlreg wat ingevolge Item 15 (5) betaalbaar is [—]

50 (a) word 'n persoon geag handelseffekte te verkry het indien, by die afsluiting van 'n transaksie vir die verkoop of vervreemding van die handelseffekte aan hom deur iemand anders, of, by of as gevolg van [iemand se dood of] die een of ander gebeurtenis, bedoelde persoon geregtig geword het op die eiendom van daardie handelseffekte [;

55 (b) waar handelseffekte ingevolge die testament van 'n oorlede persoon of deur intestate erfopvolging op 'n persoon oorgaan, of waar 'n persoon op handelseffekte geregtig word uit hoofde van 'n herverdeling van die bates van die boedel van 'n oorlede persoon in die loop van die likwidasie van daardie boedel, word die persoon op wie die handelseffekte aldus oorgaan of wat op die handelseffekte geregtig word soos voormeld, vir die doeleindeste van die vasstelling van die waarde waarop seëlreg betaalbaar is, geag die handelseffekte op die datum van die dood van die oorlede persoon te verkry het].”.

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**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, section 6 of Act 92 of 1983 and section 26 of Act 87 of 1988**

**9.** Section 24 of the Stamp Duties Act, 1968, is hereby amended by the substitution in subsection (10) for the words preceding paragraph (a) of the following words:

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“If any insurer who issues any class of policy of insurance chargeable with duty under paragraph (1), (2) or (2A) [or (3)] of Item 18 of Schedule 1 satisfies the Commissioner—”.

**Amendment of Item 2 of Schedule 1 to Act 77 of 1968, as amended by section 8 of Act 72 of 1970, section 11 of Act 66 of 1973, section 14 of Act 88 of 1974, section 13 of Act 10 114 of 1977 and section 7 of Act 92 of 1983**

**10.** (1) Item 2 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the substitution in the column under the heading “Amount of Duty” for the expression “R1,00” of the expression “R2,00”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1989. 15

**Amendment of Item 3 of Schedule 1 to Act 77 of 1968, as amended by section 8 of Act 92 of 1983**

**11.** (1) Item 3 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the substitution in the column under the heading “Amount of Duty” for the expression “R5,00” of the expression “R10,00”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1989. 20

**Amendment of Item 13A of Schedule 1 to Act 77 of 1968, as substituted by section 13 of Act 92 of 1983**

**12.** (1) Item 13A of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the substitution for the tariffs of stamp duty of the following tariffs:

	R c
“does not exceed R2 000 .....	1 00
exceeds R 2 000 but does not exceed R 5 000.....	2 00
“ R 5 000 .....	4 00
“ R10 000 .....	6 00
“ R15 000 .....	8 00
<b>I., R20 000.....</b>	<b>10 00]</b>
“ R20 000 .....	10 00
“ R25 000 .....	12 00
“ R30 000 .....	14 00
“ R35 000 .....	16 00
“ R40 000 .....	18 00
“ R45 000 .....	20 00”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1989. 35

**Late payment of certain stamp duties**

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**13.** Where in consequence of any amendment effected by this Act to the Stamp Duties Act, 1968 (Act No. 77 of 1968), any amount of stamp duty which is required to be denoted on any instrument became payable before the commencement of this Act and that amount would not, but for the amendment, have been chargeable under the Stamp Duties Act, 1968, the instrument may be stamped for that amount within a period of one month after the commencement of this Act, and the provisions of sections 8, 9 and 10 of the Stamp Duties Act, 1968, shall in relation to that amount

**Wysiging van artikel 24 van Wet 77 van 1968, soos gewysig deur artikel 21 van Wet 103 van 1969, artikel 11 van Wet 88 van 1974, artikel 4 van Wet 70 van 1975, artikel 12 van Wet 114 van 1977, artikel 6 van Wet 92 van 1983 en artikel 26 van Wet 87 van 1988**

5 9. Artikel 24 van die Wet op Seëlregte, 1968, word hierby gewysig deur in subartikel (10) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

10 "Indien 'n versekeraar wat enige klas van versekeringspolis uitreik wat ingevolge paragraaf (1), (2) of (2A) [of (3)] van Item 18 van Bylae 1 aan seëlreg onderworpe is, die Kommissaris oortuig—".

**Wysiging van Item 2 van Bylae 1 by Wet 77 van 1968, soos gewysig deur artikel 8 van Wet 72 van 1970, artikel 11 van Wet 66 van 1973, artikel 14 van Wet 88 van 1974, artikel 13 van Wet 114 van 1977 en artikel 7 van Wet 92 van 1983**

**10.** (1) Item 2 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur in die kolom onder die opskerif "Bedrag van Seëlreg" die uitdrukking "R1,00" deur die uitdrukking "R2,00" te vervang.

(2) Subartikel (1) word geag op 1 April 1989 in werking te getree het.

**Wysiging van Item 3 van Bylae 1 by Wet 77 van 1968, soos gewysig deur artikel 8 van Wet 92 van 1983**

20 11. (1) Item 3 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur in die kolom onder die opskrif "Bedrag van Seëlreg" die uitdrukking "R5,00" deur die uitdrukking "R10,00" te vervang.

(2) Subartikel (1) word geag op 1 April 1989 in werking te getree het.

Wysiging van Item 13A van Bylae 1 by Wet 77 van 1968, soos vervang deur artikel 13  
25 van Wet 92 van 1983

**12.** (1) Item 13A van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur die skale van seëlreg deur die volgende skale te vervang:

		R. c
30	"R 2 000 nie te bowe gaan nie.....	1 00
	R 2 000 te bowe gaan maar nie R 5 000 nie.....	2 00
	R 5 000 ,,, ,,, ,,, R10 000 ,,, .....	4 00
	R10 000 ,,, ,,, ,,, R15 000 ,,, .....	6 00
	R15 000 ,,, ,,, ,,, R20 000 ,,, .....	8 00
	<b>[R20 000 te bowe gaan.....]</b>	<b>10 00</b>
35	R20 000 ,,, ,,, ,,, R25 000 ,,, .....	10 00
	R25 000 ,,, ,,, ,,, R30 000 ,,, .....	12 00
	R30 000 ,,, ,,, ,,, R35 000 ,,, .....	14 00
	R35 000 ,,, ,,, ,,, R40 000 ,,, .....	16 00
	R40 000 ,,, ,,, ,,, R45 000 ,,, .....	18 00
40	R45 000 te bowe gaan .....	20 00".

(2) Subartikel (1) word geag op 1 April 1989 in werking te getree het.

### **Laat betaling van sekere seëlregte**

**13.** Waar, as gevolg van 'n wysiging deur hierdie Wet aan die Wet op Seëlregte, 1968 (Wet No. 77 van 1968), aangebring, 'n bedrag aan seëlreg wat op 'n stuk 45 aangedui moet word, voor die inwerkingtreding van hierdie Wet betaalbaar geword het en die bedrag, indien die wysiging nie aangebring was nie, nie ingevolge die Wet op Seëlregte, 1968, betaalbaar sou gewees het nie, kan die stuk binne 'n tydperk van een maand na die inwerkingtreding van hierdie Wet vir daardie bedrag geseël word, en die bepalings van artikels 8, 9 en 10 van die Wet op Seëlregte, 1968, word met

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be applied as though any period allowed under those provisions for the stamping of the instrument or the defacing of adhesive stamps affixed to the instrument, were that period of one month.

**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, section 11 of Act 86 of 1987 and section 33 of Act 87 of 1988**

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**14. (1) Item 15 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended—**

(a) by the insertion after subparagraph (r) under the heading "*Exemptions from the duty under paragraph (3):*" of the following subparagraphs:

"(s) Any registration of transfer of any marketable security from a trustee, who is the registered holder thereof, of a trust created in accordance with a will to a beneficiary entitled thereto under such will."

(t) Any registration of transfer of any marketable security issued under section 19 (1) (b) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975).";

(b) by the insertion after subparagraph (t) under the heading "*Exemptions from the duty under paragraph (3):*" of the following subparagraph:

"(u) Any registration of transfer of any marketable security registered in the name of any insurer registered under the Insurance Act, 1943 (Act No. 27 of 1943), to any other insurer so registered, if such transfer is made in accordance with a transfer of insurance business as contemplated in section 25A of that Act.>";

(c) by the substitution for the heading "*Exemption from the duty under paragraph (5):*" of the following heading:

**[Exemption] Exemptions from the duty under paragraph (5):**"; and

(d) by the addition under the heading referred to in paragraph (c) of the following paragraph, the existing exemption becoming paragraph (a):

"(b) The acquisition of any marketable security of a deceased by an heir or legatee *ab intestato* or by testamentary succession or as a result of a re-distribution of the assets of a deceased estate in the process of liquidation.".

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(2) Subsection (1) (b) shall come into operation on the date of commencement of section 25A of the Insurance Act, 1943 (Act No. 27 of 1943).

**Amendment of section 98 of Act 61 of 1973, as amended by section 4 of Act 64 of 1977**

**15. Section 98 of the Companies Act, 1973, is hereby amended by the substitution for subsection (2) of the following subsection:**

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"(2) Where in pursuance of this section a company has redeemed or is about to redeem any preference shares, it shall have power to issue shares (including, if the company so decides by special resolution, shares other than redeemable preference shares) up to the nominal amount of the shares redeemed or to be redeemed or in the case of preference shares of no par value, up to the book value of the shares redeemed or to be redeemed, as if those shares had never been issued, and the share capital of the company or the number of shares of no par value shall not for the purposes of section 75 (3) be deemed to be increased by the issue of shares in pursuance of this subsection [**: Provided that, where new shares are issued before the redemption of the old shares, the new shares shall not for the purposes of any law relating to stamp duty, be deemed to have been issued in pursuance of this subsection, unless the old shares are redeemed within thirty days after the issue of the new shares.**].".

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betrekking tot dié bedrag toegepas asof enige tydperk ingevolge daardie bepalings toegelaat vir die seël van die stuk of die rojering van plakseëls wat op die stuk geplak is, daardie tydperk van een maand is.

**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, artikel 11 van Wet 86 van 1987 en artikel 33 van Wet 87 van 1988**

14. (1) Item 15 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—  
 (a) deur na subparagraaf (r) onder die opskrif “*Vrystellings van die seëlreg ingevolge paragraaf (3):*” die volgende subparagrawe in te voeg:  
 15       “(s) n Registrasie van oordrag van handelseffekte deur ’n trustee, wat die geregistreerde houer daarvan is, van ’n trust wat ooreenkomstig ’n testament geskep is aan ’n begunstigde wat kragtens daardie testament daarop geregtig is.  
 20       (t) n Registrasie van oordrag van handelseffekte uitgereik kragtens artikel 19 (1) (b) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975).”;  
 (b) deur na subparagraaf (t) onder die opskrif “*Vrystellings van die seëlreg ingevolge paragraaf (3):*” die volgende subparagraaf in te voeg:  
 25       “(u) n Registrasie van oordrag van handelseffekte wat geregistreer is in die naam van ’n versekeraar wat ingevolge die Versekeringswet, 1943 (Wet No. 27 van 1943), geregistreer is, aan ’n ander aldus geregistreerde versekeraar, indien daardie oordrag ooreenkomstig ’n oordrag van versekeringsbesigheid soos beoog in artikel 25A van daardie Wet geskied.”;  
 30       (c) deur die opskrif “*Vrystelling van die seëlreg ingevolge paragraaf (5):*” deur die volgende opskrif te vervang:  
 “**[Vrystelling] Vrystellings van die seëlreg ingevolge paragraaf (5):**”; en  
 (d) deur onder die opskrif bedoel in paragraaf (c) die volgende paragraaf by te voeg, terwyl die bestaande vrystelling paragraaf (a) word:  
 35       “(b) Die verkryging van handelseffekte van ’n oorledene deur ’n erfgenaam of legataris by wyse van erfopvolging ab intestato of volgens testament of as gevolg van ’n herverdeling van die bates van ’n afgestorwe boedel onder likwidasie.”  
 (2) Subartikel (1) (b) tree in werking op die datum van inwerkingtreding van 40 artikel 25A van die Versekeringswet, 1943 (Wet No. 27 van 1943).

**Wysiging van artikel 98 van Wet 61 van 1973, soos gewysig deur artikel 4 van Wet 64 van 1977**

15. Artikel 98 van die Maatskappwyet, 1973, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:  
 45       “(2) Wanneer ’n maatskappy ingevolge hierdie artikel voorkeuraandele afgelos het, of op die punt staan om hulle af te los, is hy bevoeg om aandele (insluitende ander aandele as aflosbare voorkeuraandele, indien die maatskappy aldus besluit by spesiale besluit) uit te reik tot die nominale bedrag van die aandele wat afgelos is of gaan word of, in die geval van voorkeuraandele sonder pari-waarde, tot die boekwaarde van die aandele wat afgelos is of gaan word, asof daardie aandele nooit uitgereik was nie, en die aandelekapitaal van die maatskappy of die getal aandele sonder pari-waarde word nie vir die doeleindeste van artikel 75 (3) geag deur die uitreiking van aandele ingevolge hierdie subartikel vermeerder te wees nie [**: Met dien verstande dat wanneer nuwe aandele voor die aflossing van die ou aandele uitgereik word, die nuwe aandele nie vir die doeleindeste van ’n wetsvoorskrif aangaande seëlregte geag word ingevolge hierdie subartikel uitgereik te gewees het nie, tensy die ou aandele binne dertig dae na die uitreiking van die nuwe aandele afgelos word.**]”.

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**Amendment of section 12 of Act 109 of 1985, as amended by section 8 of Act 78 of 1986 and section 14 of Act 49 of 1988**

**16.** Section 12 of the Regional Services Councils Act, 1985, is hereby amended by the substitution for paragraph (dC) of subsection (1A) of the following paragraph:

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“(dC) authorize a council, if it appears to the council that the total monthly amount for which an employer or person in respect of the payment of a regional services levy and a regional establishment levy shall be liable, is less than the amount determined from time to time by the said Minister, to permit that employer or person to pay the total amount of such levies [once per annum at the time determined in the permission] within a period of 10 days after the end of every period of a year or such shorter period as the council may determine;”

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**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 15**

**1985, section 1 of Act 70 of 1986, section 1 of Act 31 of 1987, section 12 of Act 86 of 1987 and section 37 of Act 87 of 1988**

**17.** Section 1 of the Sales Tax Act, 1978, is hereby amended by the insertion after the definition of “rental enterprise” of the following definition:

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“‘returnable container’ means any container belonging to a class of containers in relation to which, at the time of the sale of the contents thereof, ownership of that container is not transferred to the purchaser in relation to such sale and a specifically identified amount is usually charged as a deposit by the seller in relation to such sale upon the express undertaking of the vendor that upon the return of that container such deposit will be refunded or allowed as a credit to 25 such purchaser;”.

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**Amendment of section 5 of Act 103 of 1978, as amended by section 3 of Act 111 of 1979, section 2 of Act 97 of 1981, section 1 of Act 40 of 1982, Government Notice No. R.1900 of 27 August 1982, section 2 of Act 95 of 1983, Government Notice No. R.142 of 26 January 1984, section 2 of Act 99 of 1984, section 2 of Act 102 of 1985 and 30 Government Notice No. 506 of 15 March 1989**

**18. (1)** Section 5 of the Sales Tax Act, 1978, is hereby amended by the substitution in subsection (1) for the word “twelve” of the expression “13”.

**(2)** The amendment effected by subsection (1) shall, subject to the provisions of section 11 of the said Act, apply for the purpose of determining the amounts of sales tax which in terms of section 8 of that Act are deemed to have become payable on any date falling on or after 20 March 1989.

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**Amendment of section 7 of Act 103 of 1978, as amended by section 5 of Act 111 of 1979, section 3 of Act 105 of 1980, section 4 of Act 97 of 1981, section 4 of Act 95 of 1983, section 4 of Act 99 of 1984, section 3 of Act 70 of 1986 and section 15 of Act 86 40 of 1987**

**19. (1)** Section 7 of the Sales Tax Act, 1978, is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) Subject to the provisions of subsection (4)—

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(i) where under any agreement or transaction treated as a sale of goods for the purposes of this Act, goods (except goods referred to in subparagraph (ii)) are disposed of or the ownership therein passes or is to pass without the payment of any consideration to the seller in relation to such sale or for a consideration which is less than the cost of such goods to the seller, a consideration in respect of such sale shall 50 be deemed to have accrued to the seller equal in value to such cost or

**Wysiging van artikel 12 van Wet 109 van 1985, soos gewysig deur artikel 8 van Wet 78 van 1986 en artikel 14 van Wet 49 van 1988**

16. Artikel 12 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), word hierby gewysig deur paragraaf (dC) van subartikel (1A) deur die volgende 5 paragraaf te vervang:

10        "(dC) 'n raad magtig om, indien dit vir die raad blyk dat die totale maandelikse bedrag waarvoor 'n werkewer of persoon ten opsigte van die betaling van 'n streeksdiensteheffing en 'n streeksvestigingsheffing aanspreeklik sal wees, minder is as 'n bedrag wat genoemde Minister van tyd tot tyd bepaal, daardie werkewer of persoon toe te laat om die totale bedrag van sodanige heffings **[een keer per jaar]** te betaal **[op die tydstip in die vergunning bepaal]** binne 'n tydperk van 20 dae na die einde van elke tydperk van 'n jaar of sodanige korter tydperk wat die raad bepaal;".

15        **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, artikel 12 van Wet 86 van 1987 en artikel 37 van Wet 87 van 1988**

20        17. Artikel 1 van die Verkoopbelastingwet, 1978, word hierby gewysig deur die volgende omskrywing na die omskrywing van "skip op vreemde vaart" in te voeg:

25        "**terugsendbare houer**' 'n houer wat aan 'n klas van houers behoort met betrekking waartoe, ten tyde van die verkoop van die inhoud daarvan, eiendomsreg van daardie houer nie aan die koper met betrekking tot bedoelde verkoop oorgedra word nie en 'n spesifieke geïdentifiseerde bedrag as 'n deposito deur die verkoper met betrekking tot bedoelde verkoop gewoonlik gevra word op die uitdruklike onderneming van die ondernemer dat by die terugstelling van daardie houer bedoelde deposito aan bedoelde koper terugbetaal of as 'n kredit toegelaat sal word;".

30        **Wysiging van artikel 5 van Wet 103 van 1978, soos gewysig deur artikel 3 van Wet 111 van 1979, artikel 2 van Wet 97 van 1981, artikel 1 van Wet 40 van 1982, Goewermentskennisgewing No. R.1900 van 27 Augustus 1982, artikel 2 van Wet 95 van 1983, Goewermentskennisgewing No. R.142 van 26 Januarie 1984, artikel 2 van Wet 99 van 1984, artikel 2 van Wet 102 van 1985 en Goewermentskennisgewing No. 506 van 15 Maart 1989**

35        18. (1) Artikel 5 van die Verkoopbelastingwet, 1978, word hierby gewysig deur in subartikel (1) die woord "twaalf" deur die uitdrukking "13" te vervang.

40        (2) Die wysiging aangebring deur subartikel (1) is, behoudens die bepalings van artikel 11 van genoemde Wet, van toepassing vir die doeleinnes van die vasstelling van bedrae verkoopbelasting wat ingevolge artikel 8 van daardie Wet geag word betaalbaar te geword het op 'n datum wat op of na 20 Maart 1989 val.

**Wysiging van artikel 7 van Wet 103 van 1978, soos gewysig deur artikel 5 van Wet 111 van 1979, artikel 3 van Wet 105 van 1980, artikel 4 van Wet 97 van 1981, artikel 4 van Wet 95 van 1983, artikel 4 van Wet 99 van 1984, artikel 3 van Wet 70 van 1986 en artikel 15 van Wet 86 van 1987.**

45        19. (1) Artikel 7 van die Verkoopbelastingwet, 1978, word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

50        "(a) Behoudens die bepalings van subartikel (4)—  
             (i) waar, ingevolge 'n ooreenkoms of transaksie wat by die toepassing van hierdie Wet behandel word as 'n verkoop van goed, goed (behalwe goed in subparagraph (ii) bedoel) van die hand gesit word of die eiendomsreg daarop oorgaan of staan oor te gaan sonder die betaling van vergoeding aan die verkoper met betrekking tot daardie verkoop of teen 'n vergoeding wat minder as die koste van daardie goed vir die verkoper is, word 'n vergoeding ten opsigte van bedoelde verkoop geag aan die verkoper toe te geval het waarvan die waarde gelyk is aan

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if the market value thereof at the time of such sale is less than such cost, such market value;

(ii) where under any agreement or transaction treated as a sale of goods for the purposes of this Act, goods consisting of catalogues or samples of goods offered for sale are disposed of or the ownership therein passes or is to pass without the payment of any consideration to the seller in relation to such sale or for a consideration which is less than the cost of such goods to the seller, a consideration in respect of such sale shall be deemed to have accrued to the seller equal in value to such cost.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 May 1989.

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**Amendment of section 9 of Act 103 of 1978, as amended by section 5 of Act 95 of 1983 and section 5 of Act 99 of 1984**

20. Section 9 of the Sales Tax Act, 1978, is hereby amended by the substitution for paragraph (d) of the following paragraph:

“(d) in the case of goods imported into the Republic, by the importer or where such goods are not required to be cleared under the Customs and Excise Act, 1964 (Act No. 91 of 1964), and the tax has not been paid to the Commissioner in respect of such [importation] goods, by the purchaser in relation to any [subsequent sale of such goods by the importer] transaction 20 with regard to such goods; or”.

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**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, section 4 of Act 70 of 1986, section 15 of Act 108 of 1986 and section 38 of Act 87 of 1988**

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21. (1) Section 11 of the Sales Tax Act, 1978, is hereby amended by the substitution for subparagraph (ii) of subsection (2) of the following subparagraph:

“(ii) where a deposit on any returnable container has been included under paragraph (a) (whether in respect of the tax period or a previous tax period) in the taxable value of goods sold by the vendor to a purchaser in the course of the vendor’s enterprise and the tax borne by the purchaser in respect of such deposit has been repaid or credited to the purchaser, so much of such deposit, together with such tax, as the vendor has during the tax period repaid or credited to the purchaser;”.

(2) Subsection (1) shall be deemed to have come into operation on 29 June 1984. 35

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**Amendment of section 17 of Act 103 of 1978, as amended by section 10 of Act 111 of 1979, section 7 of Act 97 of 1981 and section 7 of Act 31 of 1987**

22. Section 17 of the Sales Tax Act, 1978, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Any vendor who fails to [furnish any return in accordance] comply with the provisions of subsection (1) or (2), or any person liable for the payment of tax under the provisions of subsection (3) who fails to [pay that tax in accordance] comply with the provisions of that subsection, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.”.

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bedoelde koste of indien die markwaarde daarvan ten tyde van die verkoop minder as daardie koste is, sodanige markwaarde;

- 5           (ii) waar, ingevolge 'n ooreenkoms of transaksie wat by die toepassing van hierdie Wet behandel word as 'n verkoop van goed, goed bestaande uit katalogusse of monsters van goed aangebied vir verkoop van die hand gesit word of die eiendomsreg daarop oorgaan of staan oor te gaan sonder die betaling van vergoeding aan die verkoper met betrekking tot daardie verkoop of teen 'n vergoeding wat minder as die koste van daardie goed vir die verkoper is, word 'n vergoeding ten opsigte van bedoelde verkoop geag aan die verkoper toe te geval het waarvan die waarde gelyk is aan bedoelde koste.”.
- 10           (2) Subartikel (1) word geag op 1 Mei 1989 in werking te getree het.

**Wysiging van artikel 9 van Wet 103 van 1978, soos gewysig deur artikel 5 van Wet 95 van 1983 en artikel 5 van Wet 99 van 1984**

- 15           20. Artikel 9 van die Verkoopbelastingwet, 1978, word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:
- “(d) in die geval van goed in die Republiek ingevoer, deur die invoerder of waar bedoelde goed nie ingevolge die bepalings van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), geklaar moet word nie en die belasting nie aan die Kommissaris ten opsigte van bedoelde **[invoer]** goed betaal is nie, deur die koper met betrekking tot **[enige daaropvolgende verkoop van bedoelde goed deur die invoerder]** 'n transaksie betreffende bedoelde goed; of”.
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**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 25 7 van Wet 99 van 1984, artikel 4 van Wet 70 van 1986, artikel 15 van Wet 108 van 1986 en artikel 38 van Wet 87 van 1988**

- 25           21. (1) Artikel 11 van die Verkoopbelastingwet, 1978, word hierby gewysig deur subparagraaf (ii) van subartikel (2) deur die volgende subparagraaf te vervang:
- “(ii) waar 'n deposito op 'n terugsendbare houer ingevolge paragraaf (a) (hetself ten opsigte van die belastingtydperk of 'n vorige belastingtydperk) ingesluit is by die belasbare waarde van goed wat die ondernemer aan 'n koper in die loop van die ondernemer se onderneming verkoop het en die belasting gedra deur die koper ten opsigte van bedoelde deposito aan die koper terugbetaal of aan hom gekrediteer is, soveel van daardie deposito, tesame met bedoelde belasting, as wat die ondernemer gedurende die belastingtydperk aan die koper terugbetaal het of hom mee gekrediteer het;”.
- 30           (2) Subartikel (1) word geag op 29 Junie 1984 in werking te getree het.

**Wysiging van artikel 17 van Wet 103 van 1978, soos gewysig deur artikel 10 van Wet 111 van 1979, artikel 7 van Wet 97 van 1981 en artikel 7 van Wet 31 van 1987**

- 40           22. Artikel 17 van die Verkoopbelastingwet, 1978, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) 'n Ondernemer wat versuim om **[n opgawe ooreenkomstig]** aan die bepalings van subartikel (1) of (2) te **[verstrek]** voldoen, of 'n persoon wat aanspreeklik is vir die betaling van belasting ingevolge die bepalings van subartikel (3) wat versuim om **[daardie belasting ooreenkomstig]** aan die bepalings van daardie subartikel te **[betaal]** voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sodanige boete sowel as sodanige gevangenisstraf.”.
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Act No. 69, 1989

## TAXATION LAWS AMENDMENT ACT, 1989

**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, section 20 of Act 86 of 1987 and section 42 of Act 87 of 1988**

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

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

“(a) In the case of a person who carries on any enterprise in the course of which goods are sold or let, [the] any delivery (excluding the delivery of goods contemplated in section 7 (1) (a)), installation, repair or maintenance service or any other [services] service whatsoever rendered or to be rendered by such person in connection with or following upon the sale or letting of such goods.”; and

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

“(dd) any machinery or plant used directly in a process of manufacture or for the pumping of water or [in respect of which any allowance has been or may be granted] which qualifies or which, but for any provision in the Income Tax Act entitling any organization or body to exemption from normal tax, would have qualified for the granting of any allowance or deduction, as the case may be, for normal tax purposes under the provisions of section 11 (e), 12 (1) or (2), 12A (2) or (3), 12B (1), 15 (a) or 27 (2) (d) or (e) of [the Income Tax Act] the said Act; or”.

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 January 1989.

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**Amendment of Schedule 4 to Act 103 of 1978, as amended by section 22 of Act 111 of 1979, section 9 of Act 105 of 1980, section 10 of Act 97 of 1981, section 11 of Act 95 of 1983, section 17 of Act 99 of 1984, section 19 of Act 70 of 1986 and section 22 of Act 86 of 1987**

**24. (1) Schedule 4 to the Sales Tax Act, 1978, is hereby amended by the substitution for subparagraph (a) of paragraph 1 of the following subparagraph:**

“(a) the agreement is in writing and provides for the letting and hiring of any asset (hereinafter referred to as the leased property) consisting of goods or of any machinery or plant referred to in paragraph 1 (b) (ii) (dd) or (ee) of Schedule 1 [used directly in a process of manufacture or for the generation of power or for the pumping of water or in respect of which the lessor is or will be entitled to any allowance for normal tax purposes under the provisions of section 11 (e), 12 (1) or (2), 12A (2) or (3), 15 (a) or 27 (2) (d) or (e) of the Income Tax Act];”.

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1989.

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**Withdrawal of Government Notice**

**25. Government Notice No. 506 of 15 March 1989 is hereby withdrawn.**

**Amendment of section 48 of Act 87 of 1988**

**26. Section 48 of the Taxation Laws Amendment Act, 1988, is hereby amended—**

(a) by the substitution in subsection (1) for the definition of “controlling company” of the following definition:

“‘controlling company’, in relation to any other company, means a company which on a date between 17 June 1988 and 22 May 1989 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

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## WYSIGINGSWET OP BELASTINGWETTE, 1989

Wet No. 69, 1989

**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, artikel 20 van Wet 86 van 1987 en artikel 42 van Wet 87 van 1988**

- 5    23. (1) Bylae 1 by die Verkoopbelastingwet, 1978, word hierby gewysig—  
       (a) deur subparagraaf (a) van paragraaf 1 deur die volgende subparagraaf te vervang:  
           "(a) In die geval van iemand wat 'n onderneming bedryf in die loop waarvan goed verkoop of verhuur word, **[die aflewering]** 'n aflewings- (uitgesonderd die aflewering van goed in artikel 7 (1) (a) beoog), installasie-, herstel- of **[instandhouding]** instandhoudingsdiens of 'n ander **[dienste]** diens hoegenaamd gelewer of gelewer staan te word deur bedoelde persoon in verband met of na die verkoop of verhuur van daardie goed."; en  
       10    (b) deur subitem (dd) van item (ii) van subparagraaf (b) van paragraaf 1 deur die volgende item te vervang:  
           "(dd) masjinerie of installasie wat regstreeks by 'n vervaardigingsproses of vir die pomp van water gebruik word of **[ten opsigte waarvan 'n vermindering]** wat kwalifiseer of wat, by ontstentenis van 'n bepaling in die Inkomstebelastingwet waarkragtens 'n organisasie of liggaaam op vrystelling van normale belasting geregtig is, sou gekwalifiseer het vir die toestaan van 'n vermindering of aftrekking, na gelang van die **geval**, vir die doeleindes van normale belasting ingevolge die bepalings van artikel 11 (e), 12 (1) of (2), 12A (2) of (3), **12B (1)**, 15 (a) of 27 (2)  
       15    (d) of (e) van **[die Inkomstebelastingwet toegestaan is of toegestaan kan word]** genoemde Wet; of".  
       (2) Subartikel (1) (b) word geag op 1 Januarie 1989 in werking te getree het.

**Wysiging van Bylae 4 by Wet 103 van 1978, soos gewysig deur artikel 22 van Wet 111 van 1979, artikel 9 van Wet 105 van 1980, artikel 10 van Wet 97 van 1981, artikel 11 van Wet 95 van 1983, artikel 17 van Wet 99 van 1984, artikel 19 van Wet 70 van 1986 en artikel 22 van Wet 86 van 1987**

- 30    24. (1) Bylae 4 by die Verkoopbelastingwet, 1978, word hierby gewysig deur subparagraaf (a) van paragraaf 1 deur die volgende subparagraaf te vervang:  
       (a) die ooreenkoms skriftelik is en voorsiening maak vir die verhuur en huur van 'n bate (hieronder die verhuurde eiendom genoem) bestaande uit goed of uit masjinerie of installasie in paragraaf 1 (b) (ii) (dd) of (ee) van Bylae 1 bedoel **[regstreeks gebruik by 'n vervaardigingsproses of vir die opwekking van krag of vir die pomp van water of ten opsigte waarvan die verhuurder geregtig is of geregtig sal wees op 'n vermindering vir die doeleindes van normale belasting ingevolge die bepalings van artikel 11 (e), 12 (1) of (2), 12A (2) of (3), 15 (a) of 27 (2) (d) of (e) van die Inkomstebelastingwet];";.  
       (2) Subartikel (1) word geag op 1 Januarie 1989 in werking te getree het.**

**Intrekking van Goewermentskennisgewing**

- 45    25. Goewermentskennisgewing No. 506 van 15 Maart 1989 word hierby ingetrek.

**Wysiging van artikel 48 van Wet 87 van 1988**

- 50    26. Artikel 48 van die Wysigingswet op Belastingwette, 1988, word hierby gewysig—  
       (a) deur in subartikel (1) die omskrywing van "beherende maatskappy" deur die volgende omskrywing te vervang:  
           "**beherende maatskappy**", met betrekking tot 'n ander maatskappy, 'n maatskappy wat op 'n datum tussen 17 Junie 1988 en 22 Mei 1989 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, aandele in bedoelde ander maatskappy besit wat, tesame met aandele,

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company which, together with shares in 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;"; and  
(b) by the substitution for the expression "30 June 1989" wherever it occurs of the expression "30 June 1990".

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**Short title**

27. This Act shall be called the Taxation Laws Amendment Act, 1989.

**WYSIGINGSWET OP BELASTINGWETTE, 1989****Wet No. 69, 1989**

- 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 aandele altesaam op minstens 75 persent van die stemregte van al die aandeelhouers in bedoelde ander maatskappy geregtig maak;" en  
5 (b) deur die uitdrukking "30 Junie 1989" waar dit ook al voorkom deur die uitdrukking "30 Junie 1990" te vervang.

**Kort titel**

27. Hierdie Wet heet die Wysigingswet op Belastingwette, 1989.

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