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GOVERNMENT GAZETTE

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No. 12624

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1604.

11 Julie 1990

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

No. 101 van 1990: Inkomstebelastingwet, 1990.

No. 1604.

11 July 1990

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

No. 101 of 1990: Income Tax Act, 1990.

Wet No. 101, 1990

INKOMSTEBELASTINGWET, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappye ten opsigte van belasbare inkomstes vir die jare van aanslag eindigende op 28 Februarie 1991 en 30 Junie 1991, en deur maatskappye ten opsigte van belasbare inkomstes vir jare van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1991; tot wysiging van die Inkomstebelastingwet, 1962; om sekere Goewermentskennisgewings in te trek; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)*

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

Skale van normale belasting

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

- (a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op 28 Februarie 1991 of 30 Junie 1991; en
 - (b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1991, 10
- is soos uiteengesit in die Bylae by hierdie Wet.

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van Wet 95 van 1967, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, 15
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Wet 94 van 1983, artikel 1 van Wet 30 van 1984, artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 van 1988, Goewermentskennisgewing No. R.780 van 14 April 1989 en artikel 2 van Wet 70 van 1989 25

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

- (a) deur die volgende voorbehoudsbepalings by die omskrywing van "bruto inkomste" te voeg:

INCOME TAX ACT, 1990

Act No. 101, 1990

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To fix the rates of normal tax payable by persons other than companies in respect of taxable incomes for the years of assessment ending on 28 February 1991 and 30 June 1991, and by companies in respect of taxable incomes for years of assessment ending during the period of 12 months ending on 31 March 1991; to amend the Income Tax Act, 1962; to withdraw certain Government Notices; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)

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

Rates of normal tax

1. The rates of normal tax to be levied in terms of section 5 (2) of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act, in respect of—

- (a) the taxable income of any person other than a company for the year of assessment ending on 28 February 1991 or 30 June 1991; and
 - (b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 1991,
- shall be as set forth in the Schedule to this Act.

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 95 of 1967, section 5 of Act 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of Act 90 of 1972, section 4 of Act 65 of 1973, section 4 of Act 85 of 1974, section 4 of Act 69 of 1975, section 4 of Act 103 of 1976, section 4 of Act 113 of 1977, section 3 of Act 101 of 1978, section 3 of Act 104 of 1979, section 2 of Act 104 of 1980, section 2 of Act 96 of 1981, section 3 of Act 91 of 1982, section 2 of Act 94 of 1983, section 1 of Act 30 of 1984, section 2 of Act 121 of 1984, section 2 of Act 96 of 1985, section 2 of Act 65 of 1986, section 1 of Act 108 of 1986, section 2 of Act 85 of 1987, section 2 of Act 90 of 1988, section 1 of Act 99 of 1988, Government Notice No. R.780 of 14 April 1989 and section 2 of Act 70 of 1989

2. (1) Section 1 of the principal Act is hereby amended—
 - (a) by the addition to the definition of “gross income” of the following provisos:

Wet No. 101, 1990

INKOMSTEBELASTINGWET, 1990

“Met dien verstande dat waar ’n belastingpligtige gedurende ’n jaar van aanslag op ’n bedrag geregtig geword het wat betaalbaar is op ’n datum of datums wat na die laaste dag van bedoelde jaar val, daar geag word gedurende bedoelde jaar aan hom toe te geval het—

(a) indien die belastingpligtige voor of op 23 Mei 1990 ’n opgawe van inkomste verstrek het wat opgemaak is op die grondslag dat die teenswoordige waarde van bedoelde bedrag hom gedurende bedoelde jaar toegeval het, die teenswoordige waarde van bedoelde bedrag; of

(b) in enige ander geval, bedoelde bedrag:

Met dien verstande voorts dat waar die bepaling van paragraaf (a) van die eerste voorbehoudsbepaling van toepassing is, daar geag word gedurende ’n daaropvolgende jaar van aanslag waarin hy bedoelde bedrag of ’n gedeelte daarvan ontvang, aan hom toe te geval het ’n som gelyk aan die verskil tussen bedoelde bedrag of gedeelte daarvan en die teenswoordige waarde van bedoelde bedrag of gedeelte daarvan aldus geag aan hom toe te geval het gedurende die eersgenoemde jaar van aanslag;”;

(b) deur die omskrywing van “handelsvoorraad” deur die volgende omskrywing te vervang:

“‘handelsvoorraad’ ook enigiets deur ’n belastingpligtige vir doeleindes van vervaardiging, verkoop of ruil deur of ten behoeve van hom geproduseer, vervaardig, gekoop of op ander wyse verkry, of enigiets waarvan die opbrengs uit die van die hand sit daarvan deel van sy bruto inkomste uitmaak of sal uitmaak, of enige verbruikbare voorrade en onderdele deur hom verkry om gebruik of verbruik te word in die loop van sy bedryf;”;

(c) deur na die omskrywing van “na-1973-goudmyn” die volgende omskrywing in te voeg:

“‘na-1990-goudmyn’ ’n goudmyn wat volgens die Staatsmyningenieur se oordeel ’n onafhanklike ontginbare onderneming is en ten opsigte waarvan ’n ontginningsmagtiging vir goudmynbou vir die eerste keer na 14 Maart 1990 uitgereik is;”;

(d) deur subparagraaf (dd) van paragraaf (ii) van die voorbehoudsbepaling by paragraaf (c) van die omskrywing van “pensioenfonds” deur die volgende subparagraaf te vervang:

“(dd) dat hoogstens een-derde van die totale waarde van die jaargeld of jaargelde waarop ’n werknemer geregtig word, deur ’n enkele betaling vervang kan word, behalwe waar die jaarlikse bedrag van sodanige jaargeld of jaargelde [R250] R600 of ’n ander bedrag wat die Minister van Finansies van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, nie te bowe gaan nie;”;

(e) deur subparagraaf (ii) van paragraaf (b) van die voorbehoudsbepaling by die omskrywing van “uittredingannuïteitsfonds” deur die volgende subparagraaf te vervang:

“(ii) dat hoogstens een-derde van die totale waarde van enige lyfrentes of jaargelde waarop ’n persoon geregtig word, deur ’n enkele betaling vervang kan word, behalwe waar die jaarlikse bedrag van sodanige lyfrentes of jaargelde [R250] R600 of ’n ander bedrag wat die Minister van Finansies van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal, nie te bowe gaan nie;”;

(2) Subartikel (1) (a) word geag op 1 Julie 1962 in werking te getree het en is van toepassing op alle bedrae toegeval op of na daardie datum.

Wysiging van artikel 6 van Wet 58 van 1962, soos ingevoeg deur artikel 5 van Wet 104 van 1980 en gewysig deur artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983, artikel 4 van Wet 121 van 1984, artikel 3 van Wet 96 van 1985, artikel 4 van Wet 85 van 1987, artikel 4 van Wet 90 van 1988 en artikel 4 van Wet 70 van 1989

INCOME TAX ACT, 1990

Act No. 101, 1990

"Provided that where during any year of assessment the taxpayer has become entitled to any amount which is payable on a date or dates falling after the last day of such year, there shall be deemed to have accrued to him during such year—

5 (a) if the taxpayer has on or before 23 May 1990 submitted a return of income drawn on the basis that the present value of such amount has accrued to him during such year, the present value of such amount; or

10 (b) in any other case, such amount:
Provided further that where the provisions of paragraph (a) of the first proviso are applicable, there shall be deemed to have accrued to the taxpayer during any subsequent year of assessment in which he receives such amount or any portion thereof, a sum equal to the difference between such amount or portion thereof and the present value of such amount or portion thereof so deemed to have accrued to him during the first-mentioned year of assessment;"

15 (b) by the substitution for subparagraph (dd) of paragraph (ii) of the proviso to paragraph (c) of the definition of "pension fund" of the following subparagraph:

20 "(dd) that not more than one-third of the total value of the annuity or annuities to which any employee becomes entitled, may be commuted for a single payment, except where the annual amount of such annuity or annuities does not exceed [R250] R600 or such other amount as the Minister of Finance may from time to time fix by notice in the Gazette;"

25 (c) by the insertion after the definition of "post-1973 gold mine" of the following definition:

30 "'post-1990 gold mine' means a gold mine which, in the opinion of the Government Mining Engineer, is an independent workable proposition and in respect of which a mining authorization for gold mining was issued for the first time after 14 March 1990;"

(d) by the substitution for subparagraph (ii) of paragraph (b) of the proviso to the definition of "retirement annuity fund" of the following subparagraph:

35 "(ii) that not more than one-third of the total value of any annuities to which any person becomes entitled, may be commuted for a single payment, except where the annual amount of such annuities does not exceed [R250] R600 or such other amount as the Minister of Finance may from time to time fix by notice in the Gazette;" and

40 (e) by the substitution for the definition of "trading stock" of the following definition:

45 "'trading stock' includes anything produced, manufactured, purchased or in any other manner acquired by a taxpayer for purposes of manufacture, sale or exchange by him or on his behalf, or the proceeds from the disposal of which form or will form part of his gross income, or any consumable stores and spare parts acquired by him to be used or consumed in the course of his trade;"

(2) Subsection (1) (a) shall be deemed to have come into operation on 1 July 1962 and shall apply in respect of all amounts accrued on or after that date.

50 Amendment of section 6 of Act 58 of 1962, as inserted by section 5 of Act 104 of 1980 and amended by section 5 of Act 96 of 1981, section 5 of Act 91 of 1982, section 4 of Act 94 of 1983, section 4 of Act 121 of 1984, section 3 of Act 96 of 1985, section 4 of Act 85 of 1987, section 4 of Act 90 of 1988 and section 4 of Act 70 of 1989

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

Wet No. 101, 1990

INKOMSTEBELASTINGWET, 1990

- (a) deur in paragraaf (a) van subartikel (2) die uitdrukking "R1 250" deur die uitdrukking "R2 100" te vervang;
- (b) deur in paragraaf (b) van subartikel (2) die uitdrukking "R850" deur die uitdrukking "R1 800" te vervang;
- (c) deur in paragraaf (c) van subartikel (2) die uitdrukking "R1 075" deur die uitdrukking "R700" te vervang;
- (d) deur die volgende voorbehoudsbepaling by paragraaf (e) van subartikel (3) te voeg:

"Met dien verstande dat die kwalifiserende ouderdom van 'n belastingpligtige vir doeleindes van hierdie paragraaf vir die jaar van aanslag eindigende op—

 - (i) 28 Februarie 1991, tot 61 jaar;
 - (ii) 29 Februarie 1992, tot 62 jaar;
 - (iii) 28 Februarie 1993, tot 63 jaar;
 - (iv) 28 Februarie 1994, tot 64 jaar; en
 - (v) 28 Februarie 1995 en enige datum daarna, tot 65 jaar, verhoog word;"
- (e) deur in paragraaf (f) van subartikel (3) die uitdrukking "R1 330", waar dit ook al voorkom, deur die uitdrukking "R1 980" te vervang.

Wysiging van artikel 7 van Wet 58 van 1962, soos gewysig deur artikel 5 van Wet 90 van 1962, artikel 8 van Wet 88 van 1965, artikel 9 van Wet 55 van 1966, artikel 7 van Wet 94 van 1983, artikel 2 van Wet 30 van 1984, artikel 5 van Wet 90 van 1988 en artikel 5 van Wet 70 van 1989

4. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) By die toepassing van hierdie Wet word alle inkomste **[behalwe netto besoldiging soos in paragraaf 11B van die Vierde Bylae omskryf]** ontvang deur of toegeval aan of ten gunste van 'n getroude vrou wat in of buite gemeenskap van goedere getroud is, geag inkomste te wees wat aan haar man toegeval het indien—

(a) bedoelde inkomste deur haar verkry is op 'n ander wyse as uit 'n bedryf; of
(b) inkomste ontvang is deur of toegeval het aan haar—

(i) uit 'n bedryf wat sy in vennootskap of genootskap met haar man beoefen of wat op enige wyse gekoppel is met 'n bedryf deur haar man beoefen; of

(ii) van haar man of 'n vennootskap waarvan haar man ten tyde van bedoelde ontvangs of toevalling 'n lid was of 'n private maatskappy waarvan haar man dan die enigste of hoofaandeelhouer of een van die vernaamste aandeelhouders was,

en bedoelde inkomste die volle of 'n gedeelte van die totale inkomste aldus ontvang deur of toegeval aan haar verteenwoordig wat die bedrag aan inkomste waarop sy redelikerwys geregtig sal wees, te bowe gaan, met inagneming van die aard van die betrokke bedryf, die omvang van haar deelname daarin, die dienste deur haar gelewer of enige ander tersaaklike faktor; of

(c) bedoelde getroude vrou se man nie gedurende die jaar van aanslag bruto inkomste (met insluiting van enige bedrae wat bruto inkomste sou verteenwoordig het, was dit nie vir die feit dat dit uit 'n bron buite die Republiek verkry was nie) wat die bedrag van R10 000 te bowe gaan, verkry het nie."

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van 1972, artikel 8 van Wet 85 van 1974, artikel 7 van Wet 69 van 1975, artikel 7 van Wet 113 van 1977, artikel 8 van Wet 94 van 1983, artikel 5 van Wet 121 van 1984, artikel 4 van Wet 96 van 1985, artikel 5 van Wet 65 van 1986, artikel 6 van Wet 85 van 1987 en artikel 6 van Wet 90 van 1988

5. (1) Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur by paragraaf (b) van subartikel (1) die volgende subparagraaf te voeg:

INCOME TAX ACT, 1990

Act No. 101, 1990

- (a) by the substitution in paragraph (a) of subsection (2) for the expression "R1 250" of the expression "R2 100";
- (b) by the substitution in paragraph (b) of subsection (2) for the expression "R850" of the expression "R1 800";
- 5 (c) by the substitution in paragraph (c) of subsection (2) for the expression "R1 075" of the expression "R700";
- (d) by the addition to paragraph (e) of subsection (3) of the following proviso:
- "Provided that the qualifying age of a taxpayer for purposes of this paragraph be increased for the year of assessment ending on—
- (i) 28 February 1991, to 61 years;
- (ii) 29 February 1992, to 62 years;
- (iii) 28 February 1993, to 63 years;
- (iv) 28 February 1994, to 64 years; and
- (v) 28 February 1995 and any date thereafter, to 65 years;" and
- 15 (e) by the substitution in paragraph (f) of subsection (3) for the expression "R1 330", wherever it occurs, of the expression "R1 980".

Amendment of section 7 of Act 58 of 1962, as amended by section 5 of Act 90 of 1962, section 8 of Act 88 of 1965, section 9 of Act 55 of 1966, section 7 of Act 94 of 1983, section 2 of Act 30 of 1984, section 5 of Act 90 of 1988 and section 5 of Act 70 of 1989

- 20 4. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
- "(2) Any income **[other than net remuneration as defined in paragraph 11B of the Fourth Schedule]** received by or accrued to a married woman married with or without community of property shall be deemed for the purposes of this Act to be income accrued to her husband if—
- 25 (a) such income was derived by her otherwise than from any trade; or
- (b) income was received by or accrued to her—
- (i) from any trade carried on by her in partnership or association with her husband or which is in any way connected with any trade carried on by her husband; or
- 30 (ii) from her husband or any partnership of which her husband was at the time of such receipt or accrual a member or any private company of which her husband was at such time the sole or main shareholder or one of the principal shareholders,
- 35 and such income represents the whole or any portion of the total income so received by or accrued to her which exceeds the amount of income to which she would reasonably be entitled having regard to the nature of the relevant trade, the extent of her participation therein, the services rendered by her or any other relevant factor; or
- 40 (c) such married woman's husband has not during the year of assessment derived gross income (including any amounts which would have constituted gross income but for the fact that they were derived from a source outside the Republic) exceeding the amount of R10 000."

Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966, section 10 of Act 89 of 1969, section 6 of Act 90 of 1972, section 8 of Act 85 of 1974, section 7 of Act 69 of 1975, section 7 of Act 113 of 1977, section 8 of Act 94 of 1983, section 5 of Act 121 of 1984, section 4 of Act 96 of 1985, section 5 of Act 65 of 1986, section 6 of Act 85 of 1987 and section 6 of Act 90 of 1988

- 50 5. (1) Section 8 of the principal Act is hereby amended—
- (a) by the addition to paragraph (b) of subsection (1) of the following subparagraph:

Wet No. 101, 1990

INKOMSTEBELASTINGWET, 1990

“(iv) waar ’n motorvoertuig wat deur ’n werknemer, sy gade of sy kind besit of gehuur word, hetsy regstreeks of onregstreeks uit hoofde van ’n belang in ’n maatskappy of trust of andersins, aan die werkgewer of ’n verwante inrigting met betrekking tot die werkgewer verhuur is, word die som van die huurgeld deur die werkgewer of verwante inrigting betaal en enige onkoste wat deur die werkgewer of verwante inrigting ten opsigte van die voertuig bestry is, geag ’n toelae betaal aan die werknemer ten opsigte van reiskoste te wees, en in sodanige geval word genoemde huurgeld vir die doeleindes van hierdie Wet (behalwe hierdie paragraaf) geag nie ontvang te gewees het deur of toe te geval het aan die verhuurder van bedoelde motor nie, en by die toepassing van paragraaf 2 (b) van die Sewende Bylae word bedoelde werknemer geag nie die reg verleen te gewees het om bedoelde motorvoertuig te gebruik nie.”;

(b) deur in subparagraaf (i) van paragraaf (c) van subartikel (1) die uitdrukking “R130” deur die uitdrukking “R150” te vervang; en

(c) deur in paragraaf (e) van subartikel (4) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“Indien ’n bedrag wat ingevolge die bepalings van artikel 11 (e) of artikel 12 (1) of artikel 12 (1) soos deur artikel 12 (3) toegepas of die ooreenstemmende bepalings van ’n vorige Inkomstebelastingwet of artikel 12B of artikel 12C of artikel 27 (2) (d), ten opsigte van masjinerie of installasie afgetrek is wat deur die belastingpligtige gebruik is regstreeks by ’n vervaardigingsproses of regstreeks by enige ander proses deur hom op of na 15 Maart 1961 voortgesit wat volgens die Kommissaris se oordeel van dergelike aard was, of ten opsigte van masjinerie of installasie wat deur ’n landboukoöperasie (soos in artikel 27 (9) omskryf) gebruik is regstreeks vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte of om bedoelde produkte aan ’n primêre proses, soos omskryf in genoemde artikel 27 (9), te onderwerp, as gevolg van skade of vernietiging (hieronder ‘die gebeurtenis’ genoem) gedurende ’n jaar van aanslag verhaal of vergoed is, en indien die belastingpligtige die Kommissaris oortuig—”.

(2) Subartikel (1) (c) word geag in werking te getree het vanaf die begin van jare van aanslag wat na 15 Desember 1989 geëindig het of eindig.

Herroeping van artikel 8B van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 104 van 1980 en gewysig deur artikel 6 van Wet 121 van 1984

6. (1) Artikel 8B van die Hoofwet word hierby herroep.

(2) Subartikel (1) word geag op 1 Maart 1990 in werking te getree het en is van toepassing op voorskotte, lenings of betalings wat op of na daardie datum gedoen is.

Herroeping van artikel 8C van Wet 58 van 1962, soos ingevoeg deur artikel 7 van Wet 96 van 1981 en gewysig deur artikel 7 van Wet 121 van 1984

7. Artikel 8C van die Hoofwet word hierby met ingang van 1 Maart 1990 herroep.

Herroeping van artikel 8D van Wet 58 van 1962, soos ingevoeg deur artikel 7 van Wet 96 van 1981 en gewysig deur artikel 8 van Wet 121 van 1984

8. (1) Artikel 8D van die Hoofwet word hierby herroep.

(2) Subartikel (1) word geag op 1 Maart 1990 in werking te getree het en is van toepassing op dividende wat op of na daardie datum ontvang is of toegeval het.

INCOME TAX ACT, 1990

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- 5 “(iv) where any motor vehicle which is owned or leased by an employee, his spouse or his child, whether directly or indirectly by virtue of an interest in a company or trust or otherwise, has been let to the employer or any associated institution in relation to the employer, the sum of the rental paid by the employer or associated institution and any expenditure defrayed by the employer or associated institution in respect of the vehicle, shall be deemed to be an allowance paid to the employee in respect of transport expenses, and in such case the said rental shall for the purposes of this Act (excluding this paragraph) be deemed not to have been received by or to have accrued to the lessor of such motor vehicle, and for the purposes of paragraph 2 (b) of the Seventh Schedule such employee shall be deemed not to have been granted the right to use such motor vehicle.”;
- 10
- 15 (b) by the substitution in subparagraph (i) of paragraph (c) of subsection (1) for the expression “R130” of the expression “R150”; and
- (c) by the substitution in paragraph (e) of subsection (4) for the words preceding subparagraph (i) of the following words:
- 20 “If any amount which was deducted under the provisions of section 11 (e) or section 12 (1) or section 12 (1) as applied by section 12 (3) or the corresponding provisions of any previous Income Tax Act or section 12B or section 12C or section 27 (2) (d), in respect of machinery or plant which was used by the taxpayer directly in a process of manufacture, or directly in any other process carried on by him on or after 15 March 1961, which in the opinion of the Commissioner was of a similar nature, or in respect of machinery or plant which was used by an agricultural co-operative (as defined in section 27 (9)) directly for storing or packing pastoral, agricultural or other farm products or for subjecting such products to a primary process as defined in the said section 27 (9), has as a result of damage or destruction (hereinafter referred to as ‘the event’) been recovered or recouped during any year of assessment, and if the taxpayer satisfies the Commissioner—”
- 25
- 30 (2) Subsection (1) (c) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending after 15 December 1989.

35 **Repeal of section 8B of Act 58 of 1962, as inserted by section 6 of Act 104 of 1980 and amended by section 6 of Act 121 of 1984**

6. (1) Section 8B of the principal Act is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on 1 March 1990 and shall apply in respect of advances, loans or payments made on or after that date.

40 **Repeal of section 8C of Act 58 of 1962, as inserted by section 7 of Act 96 of 1981 and amended by section 7 of Act 121 of 1984**

7. Section 8C of the principal Act is hereby repealed with effect from 1 March 1990.

Repeal of section 8D of Act 58 of 1962, as inserted by section 7 of Act 96 of 1981 and amended by section 8 of Act 121 of 1984

45 8. (1) Section 8D of the principal Act is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on 1 March 1990 and shall apply in respect of dividends received or accrued on or after that date.

Invoeging van artikel 9B in Wet 58 van 1962

9. Die volgende artikel word hierby in die Hoofwet na artikel 9A ingevoeg:

“Omstandighede waarin sekere bedrae ontvang of toegeval met betrekking tot vervreemding van genoteerde aandele geag word van kapitale aard te wees

9B. (1) By die toepassing van hierdie artikel beteken ‘geaffekteerde aandeel’, met betrekking tot enige belastingpligtige, ‘n aandeel wat op ‘n gelisensieerde effektebeurs soos in die Wet op Beheer van Effektebeurse, 1985 (Wet No. 1 van 1985), omskryf, genoteer is, wat deur die belastingpligtige vervreem is en waarvan hy onmiddellik voor bedoelde vervreemding die eienaar vir ‘n ononderbroke tydperk van ten minste 10 jaar was: Met dien verstande dat—

(a) waar die belastingpligtige ‘n maatskappy is wat ‘n bedoelde aandeel vanaf ‘n ander maatskappy in dieselfde ‘groep maatskappye’ soos omskryf in artikel 48 van die Wysigingswet op Belastingwette, 1988 (Wet No. 87 van 1988), verkry het en bedoelde maatskappy vir ‘n vrystelling van seëlregte ten opsigte van die registrasie van oordrag van bedoelde aandeel ingevolge genoemde artikel gekwalifiseer het, albei bedoelde maatskappye geag word een en dieselfde maatskappy te wees;

(b) waar ‘n ander aandeel of aandele aan bedoelde belastingpligtige deur die maatskappy waarin hy bedoelde aandeel hou, uitgereik word ter vervanging van ‘n bedoelde aandeel as gevolg van ‘n onderverdeling van ‘n bedoelde aandeel of enige soortgelyke reëling, of ‘n kapitalisasie-aandeel met betrekking tot bedoelde aandeel deur bedoelde maatskappy aan bedoelde belastingpligtige uitgereik word, word bedoelde aandeel en bedoelde ander aandeel of aandele of bedoelde kapitalisasie-aandeel geag een en dieselfde aandeel te wees indien—

(i) bedoelde belastingpligtige se deelnemingsregte en belange, hoegenaamd, in bedoelde maatskappy onveranderd bly; en

(ii) geen vergoëding hoegenaamd regstreeks of onregstreeks van bedoelde belastingpligtige op bedoelde maatskappy met betrekking tot die uitreiking van bedoelde ander aandeel of aandele of bedoelde kapitalisasie-aandeel, oorgaan nie; en

(c) die belastingpligtige geag word ‘n aandeel te vervreem het indien die aandeel gekanselleer of ingetrek is of indien die betrokke maatskappy gelikwideer of gederegistreer is.

(2) Enige belastingpligtige kan kies dat ‘n bedrag ontvang deur of toegeval aan of ten gunste van hom as gevolg van die vervreemding op of na 14 Maart 1990 van ‘n geaffekteerde aandeel, by die toepassing van die omskrywing van ‘bruto inkomste’ in artikel 1, geag word van ‘n kapitale aard te wees: Met dien verstande dat waar die belastingpligtige ‘n natuurlike persoon is wat gedurende sy eienaarskap in ‘n geaffekteerde aandeel te sterwe kom of insolvent verklaar word of ‘n maatskappy is wat gedurende sy eienaarskap in ‘n bedoelde aandeel gelikwideer word, kan die eksekuteur van bedoelde persoon se bestorwe boedel of die kurator van bedoelde persoon se insolvente boedel of die likwidateur van bedoelde maatskappy die keuse ingevolge hierdie subartikel uitoefen.

(3) Die keuse bedoel in subartikel (2) moet uitgeoefen word ten opsigte van die eerste geaffekteerde aandeel wat deur ‘n belastingpligtige op of na 14 Maart 1990 vervreem word, en bedoelde keuse word deur bedoelde belastingpligtige uitgeoefen in sy opgawe van inkomste ten opsigte van die betrokke jaar van aanslag waarin hy bedoelde geaffekteerde aandeel vervreem het.

(4) ‘n Keuse uitgeoefen kragtens subartikel (2) bind die belastingpligtige ten opsigte van elke daaropvolgende vervreemding van ‘n geaffekteerde aandeel gedurende die jaar van aanslag waarin hy sy keuse uitgeoefen het en elke daaropvolgende jaar van aanslag.

(5) Die bepalinge van hierdie artikel is nie van toepassing nie op ‘n geaffekteerde aandeel wat deur ‘n belastingpligtige deur middel van ‘n verruiling soos bedoel in artikel 24A verkry is.

Insertion of section 9B in Act 58 of 1962

9. The following section is hereby inserted in the principal Act after section 9A:

“Circumstances in which certain amounts received or accrued in relation to disposal of listed shares are deemed to be of capital nature

9B. (1) For the purposes of this section ‘affected share’, in relation to any taxpayer, means a share listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), which has been disposed of by the taxpayer and of which he immediately prior to such disposal had been the owner for a continuous period of at least 10 years: Provided that—

(a) where the taxpayer is a company which acquired such share from any other company in the same ‘group of companies’ as defined in section 48 of the Taxation Laws Amendment Act, 1988 (Act No. 87 of 1988), and such company qualified for an exemption from stamp duty in respect of the registration of transfer of such share in terms of the said section, both such companies shall be deemed to be one and the same company;

(b) where any other share or shares are issued to such taxpayer by the company in which he holds such share in substitution for any such share by reason of a subdivision of any such share or any similar arrangement, or any capitalization share in relation to such share is issued by such company to such taxpayer, such share and such other share or shares or such capitalization share shall be deemed to be one and the same share if—

(i) such taxpayer’s participation rights and interests, whatsoever, in such company remain unaltered; and

(ii) no consideration whatsoever passes directly or indirectly from such taxpayer to such company in relation to the issue of such other share or shares or such capitalization share; and

(c) the taxpayer shall be deemed to have disposed of a share if the share has been cancelled or redeemed or if the relevant company has been liquidated or deregistered.

(2) Any taxpayer may elect that any amount received by or accrued to or in favour of him as a result of the disposal on or after 14 March 1990 of an affected share, be deemed to be of a capital nature for the purposes of the definition of ‘gross income’ in section 1: Provided that where the taxpayer is a natural person who dies or is declared insolvent during his ownership in an affected share or is a company which is liquidated during its ownership in such share, the executor of such person’s deceased estate or the curator of such person’s insolvent estate or the liquidator of such company may exercise the election in terms of this subsection.

(3) The election referred to in subsection (2) shall be exercised in respect of the first affected share disposed of by any taxpayer on or after 14 March 1990, and such election shall be made by such taxpayer in his return of income in respect of the relevant year of assessment in which he disposed of such affected share.

(4) An election made under subsection (2) shall be binding upon the taxpayer in respect of each succeeding disposal of an affected share during the year of assessment in which he exercised his election and every succeeding year of assessment.

(5) The provisions of this section shall not apply to any affected share acquired by a taxpayer by way of an exchange referred to in section 24A.

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(6) Indien 'n belastingpligtige gekies het dat die bepalinge van hierdie artikel op hom van toepassing gemaak word, word daar in die jaar van aanslag waarin hy 'n geaffekteerde aandeel vervreem het, enige onkoste of verliese (met die uitsluiting van soveel van enige bedoelde onkoste of verliese wat as 'n aftrekking by die vasstelling van die belastingpligtige se belasbare inkomste verkry uit dividende toelaatbaar mag wees) wat ten opsigte van bedoelde aandeel aangegaan en as 'n aftrekking teen bedoelde belastingpligtige se inkomste gedurende die lopende of enige vorige jaar van aanslag toegelaat is, en 'n bedrag as 'n aftrekking teen die kosprys van bedoelde geaffekteerde aandeel toegelaat kragtens die bepalinge van artikel 22 (1) in 'n bedoelde jaar, by sy inkomste ingereken.

(7) Waar die belastingpligtige geaffekteerde aandele in 'n maatskappy hou wat deur hom op verskillende datums verkry is en hy enige van daardie aandele vervreem het, word hy by die toepassing van hierdie artikel geag die geaffekteerde aandele deur hom vir die langste tydperk gehou, te vervreem het.”.

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 9 van Wet 88 van 1971, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 van Wet 94 van 1983, artikel 10 van Wet 121 van 1984, artikel 6 van Wet 96 van 1985, artikel 7 van Wet 65 van 1986, artikel 3 van Wet 108 van 1986, artikel 9 van Wet 85 van 1987, artikel 7 van Wet 90 van 1988, artikel 36 van Wet 9 van 1989 en artikel 7 van Wet 70 van 1989

10. (1) Artikel 10 van die Hoofwet word hierby gewysig—

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

“(dA) die ontvangste en toevallings van enige fonds wat in die gebied of in 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het, bestuur en beheer word, indien—

(i) die Kommissaris oortuig is dat met inagneming van die reëls van die fonds en die wyse waarop dit geadministreer word, bedoelde fonds wesentlik soortgelyk is aan 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds; en

(ii) die ontvangste en toevallings van pensioenfondse, voorsorgsfondse en uittredingannuïteitsfondse wat in die Republiek bestuur en beheer word, vrygestel is van enige belasting op inkomste wat deur die betrokke land gehef word;”;

(b) deur by paragraaf (h) van subartikel (1) die volgende verdere voorbehoudsbepaling te voeg:

“Met dien verstande voorts dat in die geval van 'n bedoelde persoon wat nie gewoonlik in 'n buurstaat woonagtig is of daarin besigheid dryf nie of 'n bedoelde maatskappy wat nie in 'n buurstaat ingelyf, geregistreer, bestuur of beheer word nie, die vrystelling ingevolge hierdie paragraaf nie van toepassing sal wees nie tensy vir genoemde effekte of sekuriteite regstreeks of onregstreeks betaal is met die betaalmiddel van 'n ander land as die Republiek of 'n buurstaat;”;

(c) deur in paragraaf (i) van subartikel (1) die volgende woorde voor subparagraaf (i) in te voeg:

“behoudens die bepalinge van subartikel (4)—”;

(d) deur subparagraaf (iv) van paragraaf (i) van subartikel (1) te skrap;

(e) deur na subparagraaf (v) van paragraaf (i) van subartikel (1) die volgende subparagraaf in te voeg:

“(vi) soveel van die rente op Republiek van Suid-Afrika Onbepaalde Termyn Skatkisobligasies as wat in die geval van 'n belastingpligtige

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(6) If any taxpayer has elected that the provisions of this section shall apply to him, there shall in the year of assessment in which any affected share is disposed of by him, be included in his income any expenditure or losses (excluding so much of any such expenditure or losses as may be allowable as a deduction in the determination of the taxable income derived by the taxpayer from dividends) incurred in respect of such affected share and allowed as a deduction from the income of such taxpayer during such or any previous year of assessment, and any amount allowed to be deducted from the cost price of such affected share under the provisions of section 22 (1) in any such year.

(7) Where the taxpayer holds affected shares in any company which were acquired by him on different dates and he has disposed of any of those shares, he shall for the purposes of this section be deemed to have disposed of the affected shares held by him for the longest period of time.”.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 9 of Act 88 of 1971, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983, section 10 of Act 121 of 1984, section 6 of Act 96 of 1985, section 7 of Act 65 of 1986, section 3 of Act 108 of 1986, section 9 of Act 85 of 1987, section 7 of Act 90 of 1988, section 36 of Act 9 of 1989 and section 7 of Act 70 of 1989

10. (1) Section 10 of the principal Act is hereby amended—

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

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

(i) the Commissioner is satisfied that, having regard to the rules of the fund and the manner in which it is administered, such fund is substantially similar to a pension fund, provident fund or retirement annuity fund; and

(ii) the receipts and accruals of pension funds, provident funds and retirement annuity funds managed and controlled in the Republic are exempt from any tax on income imposed by the country concerned;”;

(b) by the addition to paragraph (h) of subsection (1) of the following further proviso:

“Provided further that in the case of any such person not ordinarily resident nor carrying on business in a neighbouring country or any such company which is not incorporated, registered, managed or controlled in a neighbouring country, the exemption under this paragraph shall not apply unless such stock or securities were directly or indirectly paid for in the currency of any country other than the Republic or a neighbouring country;”;

(c) by the insertion in paragraph (i) of subsection (1) of the following words before subparagraph (i):

“subject to the provisions of subsection (4)—”;

(d) by the deletion of subparagraph (iv) of paragraph (i) of subsection (1);

(e) by the insertion in paragraph (i) of subsection (1) after subparagraph (v) of the following subparagraph:

“(vi) so much of the interest on Republic of South Africa Indefinite Period Exchequer Bonds as in the case of any taxpayer is derived in respect

- verkry is ten opsigte van dié gedeelte van die totale bedrag belê in bedoelde obligasies wat die bedrag van R60 000 nie te bowe gaan nie;”;
- (f) deur subparagraawe (xiA), (xiC), (xiD), (xiDA), (xiDB), (xiDC) en (xiE) van paragraaf (i) van subartikel (1) te skrap; 5
- (g) deur subparagraaf (xiiA) van paragraaf (i) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(xiiA) rente ontvang deur of toegeval aan iemand op deposito’s in ’n spaarrekening—
- (aa) by ’n bouvereniging of onderlinge bouvereniging ingevolge die Staatsondersteunde Huiseienaarsbesparingskema; of 10
- (bb) wat ’n belegging ingevolge ’n bedoelde skema by ’n bedoelde bouvereniging was en wat uit hoofde van ’n oordrag van bates soos bedoel in artikel 55 (1) van die Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965), of artikel 52 (1A) (c) van die Wet op Bouverenigings, 1986 (Wet No. 82 van 1986), ’n belegging in ’n bedoelde skema by ’n bank geword het;”;
- (h) deur in subparagraaf (xv) van paragraaf (i) van subartikel (1) die uitdrukking “R1 000” deur die uitdrukking “R2 000” te vervang;
- (i) deur in subparagraaf (xvi) van paragraaf (i) van subartikel (1) die uitdrukking “R1 000” deur die uitdrukking “R2 000” te vervang; 20
- (j) deur subparagraaf (i) van paragraaf (k) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(i) dividende ontvang deur of toegeval aan of ten gunste van ’n **[maatskappy] persoon**: Met dien verstande dat hierdie vrystelling nie van toepassing is nie— 25
- (aa) op dividende (behalwe dié uit winste van ’n kapitale aard uitgekeer) deur ’n vaste-eiendomsmaatskappy (soos in artikel 1 van die Wet op Beheer van Effektetrustskemas, [1947] 1981 (Wet No. [18] 54 van [1947] 1981), omskryf) uitgekeer op aandele ingesluit by ’n effektegroepe bevat in ’n ingevolge genoemde Wet gemagtigde effekte-trustskema in eiendomsaandele; of 30
- (bb) op soveel van ’n dividend **[ontvang deur of toegeval aan of ten gunste van ’n maatskappy van]** as wat deur ’n effektegroepe wat ingevolge paragraaf (e) van die omskrywing van ‘maatskappy’ in artikel 1 ’n maatskappy is, **[as wat]** uitgekeer is uit rente deur sodanige effektegroepe verkry wat ingevolge die bepalings van paragraaf (iA) in die hande van daardie effektegroepe van belasting vrygestel is; **[of]** 35
- (cc) . . . 40
- (dd) op die bedrag van ’n dividend ingesluit by die inkomste van ’n maatskappy ingevolge die bepalings van artikel 8D;
- (ee) op dividende ontvang deur of toegeval aan ’n maatskappy wat gedurende enige gedeelte van die jaar van aanslag ’n beslote korporasie is;”;
- (k) deur subparagraawe (ii), (iii) en (v) van paragraaf (k) van subartikel (1) te skrap;
- (l) deur paragraaf (kA) van subartikel (1) te skrap;
- (m) deur paragraaf (l) van subartikel (1) te skrap;
- (n) deur in subartikel (1) na paragraaf (nG) die volgende paragraaf in te voeg: 50
- “(nH) 50 persent van soveel van ’n belasbare voordeel deur die belastingpligtige verkry gedurende ’n jaar van aanslag eindigende nie later nie as 28 Februarie 1995 as gevolg van die toekenning van ’n lening in die omstandighede soos bedoel in paragraaf 2 (f) van die Sewende Bylae as wat— 55
- (i) vasgestel is met betrekking tot enige gedeelte van bedoelde lening wat voor 15 Maart 1990 deur die belastingpligtige aangewend is vir die doeleindes van die verkryging van aandele ingevolge ’n aandele-aansporingskema deur sy werkgewer bedryf en wat betrekking het op soveel van bedoelde aandele as wat die belastingpligtige, kragtens die voorwaardes van bedoelde skema soos van toepassing onmiddellik voor die genoemde datum, verbied was of is om oor te beskik; en 60

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of that portion of the total amount invested in such bonds as does not exceed the amount of R60 000;”;

(f) by the deletion of subparagraphs (xiA), (xiC), (xiD), (xiDA), (xiDB), (xiDC) and (xiE) of paragraph (i) of subsection (1);

5 (g) by the substitution for subparagraph (xiiA) of paragraph (i) of subsection (1) of the following subparagraph:

“(xiiA) interest received by or accrued to any person from deposits in any savings account—

10 (aa) with any building society or mutual building society under the State-Aided Home-Ownership Savings Scheme; or

(bb) which was an investment in terms of any such scheme with any such building society and which by virtue of a transfer of assets referred to in section 55 (1) of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), or section 52 (1A) (c) of the Building Societies Act, 1986 (Act No. 82 of 1986), became an investment in any such scheme with a bank;”;

(h) by the substitution in subparagraph (xv) of paragraph (i) of subsection (1) for the expression “R1 000” of the expression “R2 000”;

20 (i) by the substitution in subparagraph (xvi) of paragraph (i) of subsection (1) for the expression “R1 000” of the expression “R2 000”;

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

“(i) dividends received by or accrued to or in favour of any **[company]** person: Provided that this exemption shall not apply—

25 (aa) to dividends (other than those distributed out of profits of a capital nature) distributed by a fixed property company as defined in section 1 of the Unit Trusts Control Act, **[1947] 1981** (Act No. **[18] 54** of **[1947] 1981**), on shares included in a unit portfolio comprised in any unit trust scheme in property shares authorized under the said Act; or

30 (bb) to so much of any dividend **[received by or accrued to or in favour of any company from]** as has been distributed by any unit portfolio constituting a company in terms of paragraph (e) of the definition of ‘company’ in section 1 **[as has been distributed]** out of interest derived by such unit portfolio which is exempt from tax in the hands of such unit portfolio under the provisions of paragraph (iA); **[or**

(cc) . . .

40 (dd) to the amount of any dividend included in the income of a company under the provisions of section 8D;

(ee) to dividends received by or accrued to any company which during any portion of the year of assessment is a close corporation;]”;

45 (k) by the deletion of subparagraphs (ii), (iii) and (v) of paragraph (k) of subsection (1);

(l) by the deletion of paragraph (kA) of subsection (1);

(m) by the deletion of paragraph (l) of subsection (1);

(n) by the insertion in subsection (1) after paragraph (nG) of the following paragraph:

50 “(nH) 50 per cent of so much of any taxable benefit derived by the taxpayer during any year of assessment ending not later than 28 February 1995 in consequence of the granting of any loan in the circumstances contemplated in paragraph 2 (f) of the Seventh Schedule as—

55 (i) was determined in relation to any portion of such loan which was before 15 March 1990 utilized by the taxpayer for the purpose of acquiring shares under a share incentive scheme operated by his employer and which relates to so many of such shares as the taxpayer was or is, under the conditions of such scheme as they applied immediately before the said date, prohibited from disposing of; and

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- (ii) betrekking het op 'n tydperk in die jaar van aanslag waartydens die belastingpligte aldus verbied was om oor die betrokke aandele te beskik;";
- (o) deur by paragraaf (x) van subartikel (1) die volgende verdere voorbehoudsbepaling te voeg: 5
- "Met dien verstande voorts dat, nieteenstaande die bepalings van artikel 37D, enige bedoelde bedrag wat ontvang is deur of toegeval het aan 'n getroude vrou en wat geheel en al of gedeeltelik kragtens die bepalings van hierdie paragraaf van haar man se belasbare inkomste uitgesluit is, vir die doeleindes van die vasstelling van die vrystelling kragtens hierdie paragraaf ten opsigte van 'n bedoelde bedrag daarna ontvang deur of toegeval aan enige gade geag word 'n bedrag te wees wat ontvang is of toegeval het aan die man;"; 10
- (p) deur paragraaf (y) van subartikel (1) te skrap;
- (q) deur paragraaf (zA) van subartikel (1) deur die volgende paragraaf te 15 vervang:
- "(zA) 'n bedrag [by wyse van 'n korting of ander hulp ontvang deur of toegeval aan of ten gunste van 'n uitvoerder (soos in artikel 11bis (1) omskryf)] (behalwe rente) wat op of na 1 April 1990 deur die Staat ingevolge 'n skema vir die bevordering of finansiering van uitvoere betaal word [wat die Minister van Ekonomiese Sake, in oorleg met die Minister van Finansies, goedkeur vir die doeleindes van hierdie paragraaf]: Met dien verstande dat waar die persoon wat geregtig is om bedoelde bedrag van die Staat te eis, kragtens 'n ooreenkoms direk verbonde aan die uitvoerbedryf deur hom beoefen, ingestem het om 25 die hele of 'n gedeelte van bedoelde bedrag aan 'n ander persoon te betaal, die vrystelling kragtens hierdie paragraaf ook van toepassing sal wees op die hele of bedoelde gedeelte van bedoelde bedrag ontvang deur of toegeval aan bedoelde ander persoon kragtens genoemde ooreenkoms;"; 30
- (r) deur die volgende paragraaf by subartikel (1) te voeg:
- "(zG) 'n bedrag wat op of na 15 Mei 1989 ontvang is deur of toegeval het aan 'n rolprenteienaar (soos omskryf in artikel 24F) by wyse van 'n subsidie betaalbaar deur die Staat kragtens 'n skema ontwerp ter bevordering van die produksie van rolprente (soos in genoemde artikel omskryf);"; 35
- en
- (s) deur die volgende subartikel by te voeg:
- "(4) Die vrystelling van enige rente of dividende, na gelang van die geval, ontvang deur of toegeval aan 'n persoon op 'n belegging soos bedoel in subparagrafe (i), (ii), (vi), (xii), (xiiA) en (xiii) van paragraaf (i) van subartikel (1), word ten opsigte van die jaar van aanslag eindigende op— 40
- (a) 28 Februarie 1991, tot 80 persent;
- (b) 29 Februarie 1992, tot 60 persent;
- (c) 28 Februarie 1993, tot 40 persent;
- (d) 28 Februarie 1994, tot 20 persent; of 45
- (e) 28 Februarie 1995 en enige daaropvolgende jaar van aanslag, tot nul persent,
- van bedoelde rente of dividende beperk: Met dien verstande dat waar enige gedeelte van bedoelde rente of dividende ontvang deur of toegeval aan 'n persoon gedurende enige bedoelde jaar van aanslag bereken is ten opsigte 50 van 'n tydperk wat in die onmiddellik voorafgaande jaar van aanslag val, die vrystelling wat ten opsigte van bedoelde gedeelte toegelaat staan te word, kragtens hierdie subartikel bepaal word asof bedoelde gedeelte ontvang is deur of toegeval het aan die persoon gedurende bedoelde voorafgaande jaar van aanslag." 55
- (2) (a) Subartikel (1) (a) word geag in werking te getree het vanaf die begin van 60
jare van aanslag wat op of na 1 April 1989 geëindig het of eindig.
- (b) Subartikel (1) (b) word geag in werking te getree het op 'n datum wat die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal en is van toepassing op alle rente wat op of na daardie datum ontvang is of toegeval het.

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- (ii) relates to a period in the year of assessment during which the taxpayer was so prohibited from disposing of the relevant shares;";
- (o) by the addition to paragraph (x) of subsection (1) of the following further proviso:
- 5 "Provided further that, notwithstanding the provisions of section 37D, any such amount which was received by or accrued to a married woman and which was in whole or in part excluded from her husband's taxable income under the provisions of this paragraph, shall for the
- 10 purposes of determining the exemption under this paragraph in respect of any such amount subsequently received by or accrued to either spouse be deemed to be an amount which was received by or accrued to the husband;";
- (p) by the deletion of paragraph (y) of subsection (1);
- 15 (q) by the substitution for paragraph (zA) of subsection (1) of the following paragraph:
- "(zA) any amount **[by way of rebate or other assistance received by or accrued to or in favour of any exporter (as defined in section 11bis (1))]** (other than interest) which is on or after 1 April 1990 paid by the State under any scheme for the promotion or financing of exports **[which is for the purposes of this paragraph approved by the Minister of Economic Affairs in consultation with the Minister of Finance]**: Pro-
- 20 vided that where the person entitled to claim such amount from the State has, under an agreement directly connected with the export trade carried on by him, agreed to pay the whole or any portion of such amount to any other person, the exemption under this paragraph shall also apply to the whole or such portion of such amount received by or
- 25 accrued to such other person under the said agreement;";
- (r) by the addition to subsection (1) of the following paragraph:
- 30 "(zG) any amount which on or after 15 May 1989 was received by or accrued to a film owner (as defined in section 24F) by way of a subsidy payable by the State under any scheme designed to promote the production of films (as defined in the said section);"; and
- (s) by the addition of the following subsection:
- 35 "(4) The exemption of any interest or dividends, as the case may be, received by or accrued to any person on an investment as referred to in subparagraphs (i), (ii), (vi), (xii), (xiiA) and (xiii) of paragraph (i) of subsection (1), shall be limited in respect of the year of assessment ending on—
- 40 (a) 28 February 1991, to 80 per cent;
- (b) 29 February 1992, to 60 per cent;
- (c) 28 February 1993, to 40 per cent;
- (d) 28 February 1994, to 20 per cent; or
- 45 (e) 28 February 1995 and any subsequent year of assessment, to nil per cent,
- of such interest or dividends: Provided that where any portion of such interest or dividends received by or accrued to any person during any such year of assessment is calculated in respect of a period falling in the immediately preceding year of assessment, the exemption to be granted in
- 50 respect of such portion shall be determined under this subsection as if such portion had been received by or accrued to the person during such preceding year of assessment."
- (2) (a) Subsection (1) (a) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 April
- 55 1989.
- (b) Subsection (1) (b) shall be deemed to have come into operation on a date fixed by the Minister of Finance by notice in the *Gazette* and shall apply in respect of all interest received or accrued on or after that date.

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- (c) Subartikel (1) (g) word geag op 1 Augustus 1989 in werking te getree het en is van toepassing op alle rente wat op of na daardie datum ontvang is of toegeval het.
- (d) Subartikel (1) (j), (k), (l) en (m) word geag op 1 Maart 1990 in werking te getree het en is van toepassing op alle dividende wat op of na daardie datum ontvang is of toegeval het. 5
- (e) Subartikel (1) (q) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 April 1990 geëindig het of eindig.
- (f) Subartikel (1) (r) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 15 Mei 1989 geëindig het of eindig. 10

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 9 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1979, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 46 van Wet 97 van 1986, artikel 10 van Wet 85 van 1987, artikel 8 van Wet 90 van 1988 en artikel 8 van Wet 70 van 1989 15 20

11. (1) Artikel 11 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (e) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“behoudens die bepalings van paragraaf 12 (2) van die Eerste Bylae, 25
so 'n bedrag as wat volgens die Kommissaris se oordeel billikerwys en redelikerwys die bedrag voorstel waarmee die waarde van masjinerie, installasie, gereedskap, werktuie en artikels (behalwe masjinerie, installasie, gereedskap, werktuie en artikels ten opsigte waarvan 'n aftrekking ingevolge artikel 12B of 12C toegestaan mag word) deur die belastingpligtige vir die doeleindes van sy bedryf gebruik, verminder is ten gevolge van slytasie of waardevermindering gedurende die jaar van aanslag.”; 30
- (b) deur item (A) van subparagraaf (aa) van paragraaf (n) deur die volgende item te vervang: 35

“(A) 15 persent van 'n bedrag gelykstaande met die bedrag wat oorbly na aftrekking van die inkomste deur die belastingpligtige gedurende die jaar van aanslag verkry (uitgesonderd inkomste verkry uit enige uittredingfunderingsdiens (synde die inkomste of gedeelte daarvan bedoel in die omskrywing van 'uittredingfunderingsdiens' in artikel 1)) van die aftrekkings wat teen daardie inkomste ingevolge hierdie Wet (behalwe hierdie paragraaf, artikels 17A, 18, 18A en 19 (3) [en 20A (1) (b)] van hierdie Wet en paragraaf 12 (1) (c) tot en met (j) van die Eerste Bylae) toelaatbaar is; of”; 40
- (c) deur paragraaf (vii) van die voorbehoudsbepaling by paragraaf (n) deur die volgende paragraaf te vervang: 45

“(vii) waar die belastingpligtige 'n getroude vrou is, die bedrae van R3 500, R1 750 en R1 800 beoog in onderskeidelik items [(A) en] (B) en (C) van subparagraaf (aa) en subparagraaf (bb), uitgelê word as 'n som gelyk aan een helfte van die betrokke bedrag.”; 50
- (d) deur die volgende paragraaf by die voorbehoudsbepaling by paragraaf (n) te voeg:

“(viii) waar 'n bedoelde bydrae as 'n aftrekking aan 'n getroude vrou toegestaan is, geen aftrekking ten opsigte van daardie bydrae aan haar man toegestaan word nie.”; en 55
- (e) deur in paragraaf (o) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“behoudens die bepalings van paragraaf 12 (2) van die Eerste Bylae, 'n vermindering ten opsigte van 'n gebou (of gedeelte daarvan) in artikel 13 (1) of (4) of artikel 13bis (1) of artikel 27 (2) (b) bedoel of van verbeterings (of gedeelte daarvan) aan bedoelde gebou of van 'n in 60

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- (c) Subsection (1) (g) shall be deemed to have come into operation on 1 August 1989 and shall apply in respect of all interest received or accrued on or after that date.
- 5 (d) Subsection (1) (j), (k), (l) and (m) shall be deemed to have come into operation on 1 March 1990 and shall apply in respect of all dividends received or accrued on or after that date.
- (e) Subsection (1) (q) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 April 1990.
- 10 (f) Subsection (1) (r) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 15 May 1989.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 9 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1979, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983, section 11 of Act 121 of 1984, section 46 of Act 97 of 1986, section 10 of Act 85 of 1987, section 8 of Act 90 of 1988 and section 8 of Act 70 of 1989

11. (1) Section 11 of the principal Act is hereby amended—

- 25 (a) by the substitution in paragraph (e) for the words preceding the proviso of the following words:
- “save as provided in paragraph 12 (2) of the First Schedule, such sum as the Commissioner may think just and reasonable as representing the amount by which the value of any machinery, plant, implements, utensils and articles (other than machinery, plant, implements, utensils and articles in respect of which a deduction may be granted under section 12B or 12C) used by the taxpayer for the purpose of his trade has been diminished by reason of wear and tear or depreciation during the year of assessment.”;
- 30 (b) by the substitution for item (A) of subparagraph (aa) of paragraph (n) of the following item:
- 35 “(A) 15 per cent of an amount equal to the amount remaining after deducting from the income derived by the taxpayer during the year of assessment (excluding income derived from any retirement funding employment (being the income or part thereof referred to in the definition of ‘retirement-funding employment’ in section 1)) the deductions admissible against such income under this Act (excluding this paragraph, sections 17A, 18, 18A and 19 (3) [and 20A (1) (b)] of this Act and paragraph 12 (1) (c) to (j), inclusive, of the First Schedule); or”;
- 40 (c) by the substitution for paragraph (vii) of the proviso to paragraph (n) in the Afrikaans text of the following paragraph:
- 45 “(vii) waar die belastingpligtige ’n getroude vrou is, die bedrae van R3 500, R1 750 en R1 800 beoog in onderskeidelik items [(A) en] (B) en (C) van subparagraaf (aa) en subparagraaf (bb), uitgelê word as ’n som gelyk aan een helfte van die betrokke bedrag.”;
- 50 (d) by the addition to the proviso to paragraph (n) of the following paragraph:
- “(viii) where any such contribution was allowed as a deduction to a married woman, no deduction in respect of such contribution shall be allowed to her husband;”;
- 55 (e) by the substitution in paragraph (o) for the words preceding the proviso of the following words:
- 60 “save as provided in paragraph 12 (2) of the First Schedule, an allowance in respect of any building (or portion thereof) referred to in section 13 (1) or (4) or section 13bis (1) or section 27 (2) (b) or of any improvements (or portion thereof) to such building or of any ship-

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artikel 13 (8) bedoelde skeepsbouwerk of van verbeterings aan be-
doelde skepsbouwerk of van 'n wooneenheid in artikel 13ter bedoel of
van enige permanente werk, padplaveisel of bykomstige diens in
artikel 24G bedoel of van masjinerie, installasie, gereedskap, werktuie
of artikels deur die belastingpligtige gebruik vir die doeleindes van sy 5
bedryf, wat gedurende die jaar van aanslag deur die belastingpligtige
as uitgadien onttrek is, te wete, 'n vermindering gelyk aan die bedrag
waarmee die oorspronklike koste aan die belastingpligtige van be-
doelde gebou (of gedeelte daarvan) of bedoelde verbeterings (of
gedeelte daarvan) aan bedoelde gebou of bedoelde skeepsbouwerk of 10
bedoelde verbeterings aan bedoelde skeepsbouwerk of bedoelde
wooneenheid of bedoelde permanente werk, padplaveisel of bykom-
stige diens of bedoelde masjinerie, installasie, gereedskap, werktuie of
artikels meer is as die totale bedrag verkry deur al die verminderings
ingevolge die bepalings van paragraaf (e) van hierdie artikel, of artikel 15
12 (1), of artikel 12 (1) soos toegepas deur artikel 12 (3), of artikel 12A
(2), of artikel 12B, of artikel 12C, of artikel 13 (1), of artikel 13 (1)
soos toegepas deur artikel 13 (4) of (8), of artikel 13bis (1), (2) of (3),
of artikel 13ter (2) of (3), of artikel 14 (1) (a) of (b), of die
ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet, of 20
artikel 14bis (1) (a) of (b), of artikel 24F, of artikel 24G, of artikel 27
(2) (b) of (d), ten opsigte daarvan toegestaan, te voeg by enige bedrag
of die waarde van enige voordeel wat aan die belastingpligtige toeval
ten opsigte van die verkoop van of ander beskikking oor sodanige
gebou, skeepsbouwerk, verbeterings, wooneenheid, permanente 25
werk, padplaveisel of bykomstige diens, masjinerie, installasie,
gereedskap, werktuie of artikels:".

- (2) (a) Subartikel (1) (a) en (e) word geag op 15 Desember 1989 in werking te
getree het.
(b) Subartikel (1) (d) word geag in werking te getree het vanaf die begin van 30
jare van aanslag wat op of na 28 Februarie 1989 geëindig het of eindig.

**Wysiging van artikel 11sept van Wet 58 van 1962, soos vervang deur artikel 9 van Wet
104 van 1979 en gewysig deur artikel 11 van Wet 96 van 1981, artikel 9 van Wet 91
van 1982, artikel 13 van Wet 121 van 1984 en artikel 8 van Wet 96 van 1985**

12. Artikel 11sept van die Hoofwet word hierby gewysig deur by subartikel (3) die 35
volgende voorbehoudsbepaling te voeg:

"Met dien verstande dat geen vermindering ingevolge hierdie artikel toegestaan
word nie ten opsigte van enige bedoelde opleidingskoste wat op of na 31 Julie
1990 aangegaan is."

**Wysiging van artikel 12B van Wet 58 van 1962, soos ingevoeg deur artikel 11 van Wet 40
90 van 1988**

13. (1) Artikel 12B van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (4) te voeg:

"(e) 'n bate bedoel in subartikel (1) (a) tot en met (e) wat na 15 Desember
1989 in gebruik geneem word, behalwe so 'n bate wat deur die 45
belastingpligtige verkry is ingevolge 'n ooreenkoms wat voor of op
daardie datum formeel en finaal deur elke party tot die ooreenkoms
onderteken is;"; en

(b) deur na subartikel (4) die volgende subartikel in te voeg:

"(4A) Waar—

(a) 'n bate gedurende 'n jaar van aanslag deur iemand in gebruik geneem
word soos in subartikel (1) beoog; 50

(b) daardie bate voorheen deur 'n verbonde persoon (soos omskryf in
artikel 12C (6)) met betrekking tot daardie persoon in gebruik geneem
is; en 55

(c) 'n aftrekking ingevolge hierdie artikel, artikel 12 (1) of artikel 27 (2)
(d) voorheen aan bedoelde verbonde persoon toegestaan is, hetsy in
die lopende of 'n vorige jaar van aanslag,

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building structure referred to in section 13 (8) or of any improvement to such shipbuilding structure or of any residential unit referred to in section 13ter or of any permanent work, road pavement or ancillary service referred to in section 24G or of any machinery, plant, implements, utensils or articles used by the taxpayer for the purposes of his trade which have been scrapped by such taxpayer during the year of assessment, such allowance to be the excess of the original cost to such taxpayer of such building (or portion thereof) or such improvements (or portion thereof) to such building or such shipbuilding structure or such improvements to such shipbuilding structure or such residential unit or such permanent work, road pavement or ancillary service or such machinery, plant, implements, utensils or articles over the total amount arrived at by adding all the allowances made in respect thereof under the provisions of paragraph (e) of this section, or section 12 (1), or section 12 (1) as applied by section 12 (3), or section 12A (2), or section 12B, or section 12C, or section 13 (1), or section 13 (1) as applied by section 13 (4) or (8), or section 13bis (1), (2) or (3), or section 13ter (2) or (3), or section 14 (1) (a) or (b), or the corresponding provisions of any previous Income Tax Act, or section 14bis (1) (a) or (b), or section 24F, or section 24G, or section 27 (2) (b) or (d), to any amount or the value of any advantage accruing to the taxpayer in respect of the sale or other disposal of such building, shipbuilding structure, improvements, residential unit, permanent work, road pavement, ancillary service, machinery, plant, implements, utensils or articles:".

(2) (a) Subsection (1) (a) and (e) shall be deemed to have come into operation on 15 December 1989.

(b) Subsection (1) (d) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 28 February 1989.

Amendment of section 11sept of Act 58 of 1962, as substituted by section 9 of Act 104 of 1979 and amended by section 11 of Act 96 of 1981, section 9 of Act 91 of 1982, section 13 of Act 121 of 1984 and section 8 of Act 96 of 1985

12. Section 11sept of the principal Act is hereby amended by the addition to subsection (3) of the following proviso:

"Provided that no allowance shall be made under this section in respect of any such training expenses incurred on or after 31 July 1990."

Amendment of section 12B of Act 58 of 1962, as inserted by section 11 of Act 90 of 1988

13. (1) Section 12B of the principal Act is hereby amended—

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

"(e) any asset referred to in subsection (1) (a) to (e), inclusive, which is brought into use after 15 December 1989, except such an asset acquired by the taxpayer under an agreement formally and finally signed by every party to the agreement on or before that date."; and

(b) by the insertion after subsection (4) of the following subsection:

"(4A) Where—

(a) any asset was brought into use by any person as contemplated in subsection (1) during any year of assessment;

(b) such asset was previously brought into use by any connected person (as defined in section 12C (6)) in relation to such person; and

(c) a deduction under this section, section 12 (1) or section 27 (2) (d) was previously granted to such connected person, whether in the current or any previous year of assessment,

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word die aftrekking ingevolge hierdie artikel bereken op die minste van die koste van bedoelde bate vir bedoelde verbonde persoon of die markwaarde daarvan soos bepaal op die datum waarop die bate deur bedoelde persoon in gebruik geneem word.”.

(2) Subartikel (1) word geag op 15 Desember 1989 in werking te getree het. 5

Invoeging van artikel 12C in Wet 58 van 1962

14. (1) Die volgende artikel word hierby in die Hoofwet na artikel 12B ingevoeg:

“Aftrekking ten opsigte van sekere masjinerie, installasie, gereedskap, werktuie en artikels

12C. (1) Ten opsigte van enige—

- (a) masjinerie of installasie (behalwe masjinerie of installasie ten opsigte waarvan 'n aftrekking ingevolge paragraaf (b) aan die belastingpligtige toegestaan is) wat vir die eerste maal deur die belastingpligtige vir die doeleindes van sy bedryf (behalwe mynbou of boerdery) in gebruik geneem is of word en deur hom regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Kommissaris se oordeel van 'n dergelike aard is; of 10 15
 - (b) masjinerie of installasie (behalwe masjinerie of installasie ten opsigte waarvan 'n aftrekking ingevolge paragraaf (a) aan die belastingpligtige toegestaan is) wat deur 'n belastingpligtige verhuur is of word en vir die eerste maal deur die huurder vir die doeleindes van die huurder se bedryf (behalwe mynbou of boerdery) in gebruik geneem is of word en deur die huurder regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Kommissaris se oordeel van 'n dergelike aard is; of 20 25
 - (c) masjinerie of installasie (behalwe masjinerie of installasie ten opsigte waarvan 'n aftrekking ingevolge paragraaf (a) aan die belastingpligtige toegestaan is) wat vir die eerste maal deur 'n landboukoöperasie ingelyf is of geag word ingelyf te wees ingevolge die Koöperasiewet, 1981 (Wet No. 91 van 1981), in gebruik geneem is of word en deur hom regstreeks gebruik word vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte van sy lede (met inbegrip van 'n persoon wat 'n lid is van 'n ander landboukoöperasie wat self 'n lid van bedoelde landboukoöperasie is) of vir die onderwerping van bedoelde produkte aan 'n primêre proses soos in artikel 27 (9) omskryf; of 30 35
 - (d) masjinerie, gereedskap, werktuig of artikel (behalwe enige masjinerie, gereedskap, werktuig of artikel ten opsigte waarvan 'n aftrekking ingevolge paragraaf (e) aan die belastingpligtige toegestaan is) wat vir die eerste maal deur 'n belastingpligtige vir die doeleindes van sy bedryf as hotelhouer in gebruik geneem is of word en deur hom in 'n hotel gebruik word, behalwe 'n voertuig of uitrusting van kantore of van kamers vir bestuurders of dienaars; of 40 45
 - (e) masjinerie, gereedskap, werktuig of artikel (behalwe enige masjinerie, gereedskap, werktuig of artikel ten opsigte waarvan 'n aftrekking ingevolge paragraaf (d) aan die belastingpligtige toegestaan is) wat deur 'n belastingpligtige verhuur is of word en vir die eerste maal deur die huurder vir die doeleindes van die huurder se bedryf as hotelhouer in gebruik geneem is of word en deur hom in 'n hotel gebruik is of word, behalwe 'n voertuig of uitrusting van kantore of van kamers vir bestuurders of dienaars; 50
- word, behoudens die bepalings van subartikel (4), 'n aftrekking toegestaan gelyk aan 20 persent van die koste van bedoelde masjinerie, installasie, gereedskap, werktuig of artikel (hierna 'n bate genoem) in die jaar van aanslag waarin die bate aldus in gebruik geneem word en elkeen van die daaropvolgende vier jare van aanslag. 55
- (2) By die toepassing van hierdie artikel word die koste vir 'n belastingpligtige van 'n bate geag die minste te wees van die werklike 60

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the deduction in terms of this section shall be calculated on the lesser of the cost of such asset to such connected person or the market value thereof as determined on the date upon which the asset was brought into use by such person.”.

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

Insertion of section 12C in Act 58 of 1962

14. (1) The following section is hereby inserted in the principal Act after section 12B:

10 **“Deduction in respect of certain machinery, plant, implements, utensils and articles**

12C. (1) In respect of any—

- 15 (a) machinery or plant (other than machinery or plant in respect of which an allowance has been granted to the taxpayer under paragraph (b)) which was or is brought into use for the first time by the taxpayer for the purposes of his trade (other than mining or farming) and is used by him directly in a process of manufacture carried on by him or any other process carried on by him which in the opinion of the Commissioner is of a similar nature; or
- 20 (b) machinery or plant (other than machinery or plant in respect of which an allowance has been granted to the taxpayer under paragraph (a)) which was or is let by any taxpayer and was or is brought into use for the first time by the lessee for the purposes of the lessee's trade (other than mining or farming) and is used by the lessee directly in a process of manufacture carried on by him or any other process carried on by him which in the opinion of the Commissioner is of a similar nature; or
- 25 (c) machinery or plant (other than machinery or plant in respect of which an allowance has been granted to the taxpayer under paragraph (a)) which was or is brought into use for the first time by any agricultural co-operative incorporated or deemed to be incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981), and is used by it directly for storing or packing pastoral, agricultural or other farm products of its members (including any person who is a member of another agricultural co-operative which is itself a member of such agricultural co-operative) or for subjecting such products to a primary process as defined in section 27 (9); or
- 30 (d) machinery, implement, utensil or article (other than any machinery, implement, utensil or article in respect of which an allowance has been granted to the taxpayer under paragraph (e)) which was or is brought into use for the first time by any taxpayer for the purposes of his trade as hotelkeeper and is used by him in a hotel, except any vehicle or equipment for offices or managers' or servants' rooms; or
- 35 (e) machinery, implement, utensil or article (other than any machinery, implement, utensil or article in respect of which an allowance has been granted to the taxpayer under paragraph (d)) which was or is let by any taxpayer and was or is brought into use for the first time by the lessee for the purposes of the lessee's trade as hotelkeeper and used by him in a hotel, except any vehicle or equipment for offices or managers' or servants' rooms,
- 40
- 45
- 50

a deduction equal to 20 per cent of the cost of such machinery, plant, implement, utensil or article (hereinafter referred to as an asset) shall, subject to the provisions of subsection (4), be allowed in the year of assessment during which the asset is so brought into use and in each of the four succeeding years of assessment.

(2) For the purposes of this section the cost to a taxpayer of any asset shall be deemed to be the lesser of the actual cost to the taxpayer or the

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koste vir die belastingpligtige of die koste wat iemand, indien hy bedoelde bate verkry het ingevolge 'n kontanttransaksie waarin die uiterste voorwaardes beding is, aangegaan op die datum waarop die transaksie vir die verkryging van bedoelde bate inderdaad aangegaan is, sou aangegaan het ten opsigte van die regstreekse koste van die verkryging van die bate, met inbegrip van die regstreekse koste van die installering of oprigting daarvan of, waar die bate verkry is ter vervanging van 'n bate wat beskadig of vernietig is, bedoelde koste min enige bedrag wat ten opsigte van die beskadigde of vernietigde bate teruggekry of vergoed is en ingevolge artikel 8 (4) (e) van die belastingpligtige se inkomste uitgesluit is, hetsy in die lopende of 'n vorige jaar van aanslag.

(3) Geen aftrekking word ingevolge hierdie artikel toegestaan nie ten opsigte van—

- (a) 'n bate wat deur die belastingpligtige verhuur is ingevolge 'n huur behalwe 'n bedryfshuur soos in artikel 23A (1) omskryf, tensy die huurder ingevolge bedoelde huur by die beoefening van sy bedryf bedrae verkry wat vir die doeleindes van hierdie Wet inkomste uitmaak;
- (b) 'n bate wat bevat word in, of deel uitmaak van, 'n skip, indien die koste van bedoelde bate ingesluit is by die veranderbare koste van daardie skip soos in artikel 14 (2) omskryf;
- (c) 'n bate wat in 'n vorige jaar van aanslag deur die belastingpligtige van die hand gesit is.

(4) Waar—

- (a) 'n bate gedurende 'n jaar van aanslag deur iemand in gebruik geneem word soos in subartikel (1) beoog;
- (b) daardie bate voorheen deur 'n verbonde persoon met betrekking tot daardie persoon in gebruik geneem is; en
- (c) 'n aftrekking ingevolge hierdie artikel, artikel 12 (1), artikel 12B of artikel 27 (2) (d) voorheen aan bedoelde verbonde persoon toegestaan is, hetsy in die lopende of 'n vorige jaar van aanslag, word die aftrekking ingevolge hierdie artikel bereken op die minste van die koste van bedoelde bate vir bedoelde verbonde persoon of die markwaarde daarvan soos bepaal op die datum waarop die bate deur bedoelde persoon in gebruik geneem word.

(5) Die aftrekkings wat kragtens hierdie artikel en artikel 11 (o) ten opsigte van 'n bate toegestaan mag word, is in totaal nie meer nie as die koste vir die belastingpligtige van die bate.

(6) By die toepassing van hierdie artikel beteken 'verbonde persoon'—

- (a) met betrekking tot 'n maatskappy—
 - (i) 'n ander maatskappy indien albei bedoelde maatskappye in wese regstreks of onregstreks deur dieselfde persone beheer of besit word; of
 - (ii) 'n persoon in subparagraaf (i) bedoel;
- (b) met betrekking tot 'n persoon behalwe 'n maatskappy, 'n maatskappy wat ingevolge die bepalinge van paragraaf (a) 'n verbonde persoon met betrekking tot daardie persoon is."

(2) Subartikel (1) word geag op 15 Desember 1989 in werking te getree het en is van toepassing op enige masjinerie, installasie, gereedskap, werktuig of artikel wat na daardie datum in gebruik geneem word, behalwe enige masjinerie, installasie, gereedskap, werktuig of artikel ten opsigte waarvan 'n aftrekking ingevolge artikel 12B toegestaan mag word.

Herroeping van artikel 15A van Wet 58 van 1962, soos ingevoeg deur artikel 15 van Wet 69 van 1975 en gewysig deur artikel 11 van Wet 104 van 1980

15. Artikel 15A van die Hoofwet word hierby herroep.

Wysiging van artikel 18 van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 104 van 1980 en gewysig deur artikel 15 van Wet 96 van 1981, artikel 15 van Wet 121 van 1984, artikel 11 van Wet 96 van 1985, artikel 14 van Wet 90 van 1988 en artikel 11 van Wet 70 van 1989

16. Artikel 18 van die Hoofwet word hierby gewysig—

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cost which a person would, if he had acquired the said asset under a cash transaction concluded at arm's length on the date on which the transaction for the acquisition of the said asset was in fact concluded, have incurred in respect of the direct cost of acquisition of the asset, including the direct cost of the installation or erection thereof or, where the asset has been acquired to replace an asset which has been damaged or destroyed, such cost less any amount which has been recovered or recouped in respect of the damaged or destroyed asset and has been excluded from the taxpayer's income in terms of section 8 (4) (e), whether in the current or any previous year of assessment.

(3) No deduction shall be allowed under this section in respect of—

- (a) any asset which has been let by the taxpayer under a lease other than an operating lease as defined in section 23A (1), unless the lessee under such lease derives in the carrying on of his trade amounts constituting income for the purposes of this Act;
- (b) any asset contained in, or forming part of, any ship, if the cost of such asset has been included in the adjustable cost of such ship as defined in section 14 (2);
- (c) any asset which has been disposed of by the taxpayer during any previous year of assessment.

(4) Where—

- (a) any asset was brought into use by any person as contemplated in subsection (1) during any year of assessment;
- (b) such asset was previously brought into use by any connected person in relation to such person; and
- (c) a deduction under this section, section 12 (1), section 12B or section 27 (2) (d) was previously granted to such connected person, whether in the current or any previous year of assessment,

the deduction in terms of this section shall be calculated on the lesser of the cost of such asset to such connected person or the market value thereof as determined on the date upon which the asset was brought into use by such person.

(5) The deductions which may be allowed in terms of this section and section 11 (o) in respect of any asset shall not in the aggregate exceed the cost to the taxpayer of such asset.

(6) For the purposes of this section 'connected person' means—

- (a) in relation to a company—
 - (i) any other company if both such companies are controlled or owned directly or indirectly by substantially the same persons;
 - (ii) any person contemplated in subparagraph (i);
- (b) in relation to a person other than a company, any company which is under the provisions of paragraph (a) a connected person in relation to the said person."

(2) Subsection (1) shall be deemed to have come into operation on 15 December 1989 and shall apply to any machinery, plant, implement, utensil or article brought into use after that date, other than any machinery, plant, implement, utensil or article in respect of which a deduction may be allowed in terms of section 12B.

Repeal of section 15A of Act 58 of 1962, as inserted by section 15 of Act 69 of 1975 and amended by section 11 of Act 104 of 1980

15. Section 15A of the principal Act is hereby repealed.

Amendment of section 18 of Act 58 of 1962, as inserted by section 12 of Act 104 of 1980 and amended by section 15 of Act 96 of 1981, section 15 of Act 121 of 1984, section 11 of Act 96 of 1985, section 14 of Act 90 of 1988 and section 11 of Act 70 of 1989

16. Section 18 of the principal Act is hereby amended—

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- (a) deur die tweede voorbehoudsbepaling by subartikel (1) te skrap; en
 (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
 “(b) waar die belastingpligtige nie op bedoelde korting geregtig is nie, soveel van die som van bedoelde bedrae as wat die grootste van R1 000 of 5 persent van die belastingpligtige se belasbare inkomste soos vasgestel voor die toestaan van ’n vermindering ingevolge hierdie artikel **[en artikel 20A (1) (b)]** te bowe gaan.”.

Wysiging van artikel 18A van Wet 58 van 1962, soos vervang deur artikel 16 van Wet 96 van 1981 en gewysig deur artikel 14 van Wet 91 van 1982, artikel 16 van Wet 94 van 1983, artikel 16 van Wet 121 van 1984 en artikel 15 van Wet 90 van 1988

17. Artikel 18A van die Hoofwet word hierby gewysig deur paragraaf (aa) van subartikel (2) deur die volgende paragraaf te vervang:

- “(aa) in die geval van ’n ander persoon as ’n maatskappy, nie R500 of 2 persent van sy belasbare inkomste (soos bereken voordat ’n aftrekking ingevolge hierdie artikel en artikel 18 **[en artikel 20A (1) (b)]** toegelaat word), wat ook al die grootste is, te bowe gaan nie; of”.

Wysiging van artikel 19 van Wet 58 van 1962, soos gewysig deur artikel 15 van Wet 90 van 1962, artikel 6 van Wet 6 van 1963, artikel 17 van Wet 88 van 1965, artikel 17 van Wet 88 van 1971, artikel 14 van Wet 90 van 1972, artikel 18 van Wet 85 van 1974, artikel 14 van Wet 104 van 1980, artikel 17 van Wet 96 van 1981, artikel 15 van Wet 91 van 1982, artikel 17 van Wet 94 van 1983, artikel 17 van Wet 121 van 1984, artikel 12 van Wet 96 van 1985, artikel 12 van Wet 65 van 1986, artikel 4 van Wet 108 van 1986 en artikel 13 van Wet 85 van 1987

18. (1) Artikel 19 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1A) die uitdrukking “R1 000” deur die uitdrukking “R2 000” te vervang;
 (b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Ten opsigte van inkomste in die vorm van dividende (behalwe enige **[gedeelte van ’n dividend wat ingevolge artikel 8D by ’n belastingpligtige se inkomste ingesluit is en]** dividende in artikel 11 (s) bedoel) deur ’n persoon verkry, word daar as ’n aftrekking by die vasstelling van die belasbare inkomste van—”; en
 (c) deur na subartikel (3) die volgende subartikel in te voeg:
 “(4) Die aftrekking ingevolge subartikel (3) ten opsigte van inkomste in die vorm van dividende ontvang deur of toegeval aan ’n persoon op ’n belegging soos bedoel in subartikel (5A), word ten opsigte van die jaar van aanslag eindigende op—
 (a) 28 Februarie 1991, tot 80 persent;
 (b) 29 Februarie 1992, tot 60 persent;
 (c) 28 Februarie 1993, tot 40 persent;
 (d) 28 Februarie 1994, tot 20 persent; of
 (e) 28 Februarie 1995 en enige daaropvolgende jaar van aanslag, tot nul persent,
 van bedoelde aftrekking beperk: Met dien verstande dat—
 (i) waar enige gedeelte van bedoelde inkomste ontvang deur of toegeval aan ’n persoon gedurende enige bedoelde jaar van aanslag bereken is ten opsigte van ’n tydperk wat in die onmiddellik voorafgaande jaar van aanslag val, die vrystelling wat ten opsigte van bedoelde gedeelte toegelaat staan te word, kragtens hierdie subartikel bepaal word asof bedoelde gedeelte ontvang is deur of toegeval het aan die persoon gedurende bedoelde voorafgaande jaar van aanslag;
 (ii) geen aftrekking ingevolge subartikel (3) toegestaan word nie in die geval van—
 (aa) inkomste ontvang deur of toegeval aan ’n persoon op ’n bedoelde belegging wat op of na 1 Maart 1990 gemaak is; en

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- (a) by the deletion of the second proviso to subsection (1); and
- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

5 “(b) where the taxpayer is not entitled to such rebate, so much of the sum of such amounts as exceeds the greater of R1 000 or 5 per cent of the taxpayer’s taxable income as determined before granting an allowance under this section **[and section 20A (1) (b)]**.”.

10 **Amendment of section 18A of Act 58 of 1962, as substituted by section 16 of Act 96 of 1981 and amended by section 14 of Act 91 of 1982, section 16 of Act 94 of 1983, section 16 of Act 121 of 1984 and section 15 of Act 90 of 1988**

17. Section 18A of the principal Act is hereby amended by the substitution for paragraph (aa) of subsection (2) of the following paragraph:

15 “(aa) in the case of a person other than a company, R500 or 2 per cent of his taxable income (as calculated before allowing any deduction under this section and section 18 **[and section 20A (1) (b)]**), whichever is the greater; or”.

20 **Amendment of section 19 of Act 58 of 1962, as amended by section 15 of Act 90 of 1962, section 6 of Act 6 of 1963, section 17 of Act 88 of 1965, section 17 of Act 88 of 1971, section 14 of Act 90 of 1972, section 18 of Act 85 of 1974, section 14 of Act 104 of 1980, section 17 of Act 96 of 1981, section 15 of Act 91 of 1982, section 17 of Act 94 of 1983, section 17 of Act 121 of 1984, section 12 of Act 96 of 1985, section 12 of Act 65 of 1986, section 4 of Act 108 of 1986 and section 13 of Act 85 of 1987**

18. (1) Section 19 of the principal Act is hereby amended—

- 25 (a) by the substitution in subsection (1A) for the expression “R1 000” of the expression “R2 000”;
- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

30 “In respect of income in the form of dividends (other than **[any portion of a dividend included in a taxpayer’s income under section 8D and]** any dividends referred to in section 11 (s)) derived by any person, there shall be allowed as a deduction in the determination of the taxable income of—”; and

- (c) by the insertion after subsection (3) of the following subsection:
- 35 “(4) The deduction in terms of subsection (3) in respect of income in the form of dividends received by or accrued to any person on any investment as referred to in subsection (5A), shall be limited in respect of the year of assessment ending on—

- 40 (a) 28 February 1991, to 80 per cent;
- (b) 29 February 1992, to 60 per cent;
- (c) 28 February 1993, to 40 per cent;
- (d) 28 February 1994, to 20 per cent; or
- (e) 28 February 1995 and any subsequent year of assessment, to nil per cent,

of such deduction: Provided that—

- 45 (i) where any portion of such income received by or accrued to any person during any such year of assessment is calculated in respect of a period falling in the immediately preceding year of assessment, the exemption to be granted in respect of such portion shall be determined under this subsection as if such portion had been received by or accrued to that person during such preceding year of assessment;
- 50 (ii) no deduction in terms of subsection (3) shall be allowed in the case of—
 - (aa) income received by or accrued to any person on any such investment made on or after 1 March 1990; and

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(bb) 'n bedoelde belegging wat voor daardie datum gemaak is, op inkomste ontvang deur of toegeval aan 'n persoon op of na 1 Maart 1995."

(2) Subartikel (1) (b) word geag op 1 Maart 1990 in werking te getree het.

Wysiging van artikel 20 van Wet 58 van 1962, soos gewysig deur artikel 13 van Wet 90 van 1964, artikel 18 van Wet 88 van 1965, artikel 13 van Wet 76 van 1968, artikel 18 van Wet 89 van 1969, artikel 15 van Wet 65 van 1973, artikel 8 van Wet 101 van 1978 en artikel 18 van Wet 94 van 1983

19. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by die voorbehoudsbepaling by paragraaf (a) van subartikel (1) te voeg:

“(iii) waar in die geval van 'n getroude man die balans van vasgestelde verlies beskikbaar om oorgebring te word van die jaar van aanslag geëindig op 28 Februarie 1990 geheel en al of gedeeltelik toeskryfbaar was aan die insluiting in sy inkomste in daardie jaar of 'n vorige jaar van inkomste verkry deur sy vrou uit 'n bedryf deur haar beoefen, en (A) sy vrou voortgegaan het om bedoelde bedryf gedurende die jaar van aanslag eindigende op 28 Februarie 1991 te beoefen; en (B) die inkomste deur haar verkry uit die beoefening van bedoelde bedryf nie langer ten gevolge van die wysiging aan artikel 7 (2) aangebring deur artikel 4 van die Inkomstebelastingwet, 1990, by sy inkomste inrekenbaar is nie, bedoelde balans van vasgestelde verlies, in die mate waarin dit aan die insluiting in sy inkomste van bedoelde inkomste deur sy vrou verkry, toeskryfbaar is, nie teen inkomste deur hom verkry gedurende die jaar van aanslag geëindig op 28 Februarie 1991 verreken word nie, maar vir doeleindes van die vasstelling van die belasbare inkomste deur sy vrou verkry gedurende bedoelde laasgenoemde jaar geag word 'n balans van vasgestelde verlies te wees deur haar aangegaan in bedoelde eersgenoemde jaar.”; en

(b) deur subartikel (3) te skrap.

Herroeping van artikel 20A van Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 89 van 1969 en gewysig deur artikel 16 van Wet 52 van 1970, artikel 15 van Wet 90 van 1972, artikel 19 van Wet 85 van 1974, artikel 17 van Wet 69 van 1975, artikel 15 van Wet 113 van 1977, artikel 12 van Wet 104 van 1979, artikel 15 van Wet 104 van 1980, artikel 18 van Wet 96 van 1981, artikel 16 van Wet 91 van 1982, artikel 13 van Wet 65 van 1986, artikel 14 van Wet 85 van 1987 en artikel 16 van Wet 90 van 1988

20. Artikel 20A van die Hoofwet word hierby herroep.

Wysiging van artikel 22 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 6 van 1963, artikel 14 van Wet 90 van 1964, artikel 21 van Wet 89 van 1969, artikel 23 van Wet 85 van 1974, artikel 20 van Wet 69 van 1975, artikel 15 van Wet 103 van 1976, artikel 20 van Wet 94 van 1983, artikel 19 van Wet 121 van 1984, artikel 14 van Wet 65 van 1986 en artikel 5 van Wet 108 van 1986

21. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) (a) Waar 'n persoon 'n konstruksie-, bou-, ingenieurs- of ander bedryf beoefen in die loop waarvan verbeterings deur hom aangebring word aan vaste eiendom waarvan 'n ander persoon die eienaar is, word enige bedoelde verbeterings deur hom aangebring en enige materiaal deur hom aan bedoelde vaste eiendom afgelewer wat nie langer sy eiendom is nie, totdat die kontrak waarkragtens bedoelde verbeterings aangebring is, voltooi is, by die toepassing van hierdie artikel geag handelsvoorraad te wees wat hy besit het en nie van die hand gesit het nie.

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(bb) any such investment made before that date, on income received by or accrued to any person on or after 1 March 1995.”

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 March 1990.

5 Amendment of section 20 of Act 58 of 1962, as amended by section 13 of Act 90 of 1964, section 18 of Act 88 of 1965, section 13 of Act 76 of 1968, section 18 of Act 89 of 1969, section 15 of Act 65 of 1973, section 8 of Act 101 of 1978 and section 18 of Act 94 of 1983

19. Section 20 of the principal Act is hereby amended—

10 (a) by the addition to the proviso to paragraph (a) of subsection (1) of the following paragraph:

“(iii) where in the case of any married man the balance of assessed loss available to be carried forward from the year of assessment ended on 28 February 1990 was in whole or in part attributable to the inclusion in his income in that year or any previous year of income derived by his wife from any trade carried on by her, and

(A) his wife has continued to carry on the said trade during the year of assessment ending on 28 February 1991; and

(B) the income derived by her from the carrying on of the said trade is in consequence of the amendment to section 7 (2) effected by section 4 of the Income Tax Act, 1990, no longer includable in his income,

such balance of assessed loss shall, to the extent that it is attributable to the inclusion in his income of the said income derived by his wife, not be set off against income derived by him during the year of assessment ending on 28 February 1991, but shall for the purposes of determining the taxable income derived by his wife during such last-mentioned year be deemed to be a balance of assessed loss incurred by her in such first-mentioned year.”; and

30 (b) by the deletion of subsection (3).

35 Repeal of section 20A of Act 58 of 1962, as inserted by section 19 of Act 89 of 1969 and amended by section 16 of Act 52 of 1970, section 15 of Act 90 of 1972, section 19 of Act 85 of 1974, section 17 of Act 69 of 1975, section 15 of Act 113 of 1977, section 12 of Act 104 of 1979, section 15 of Act 104 of 1980, section 18 of Act 96 of 1981, section 16 of Act 91 of 1982, section 13 of Act 65 of 1986, section 14 of Act 85 of 1987 and section 16 of Act 90 of 1988

20. Section 20A of the principal Act is hereby repealed.

40 Amendment of section 22 of Act 58 of 1962, as amended by section 8 of Act 6 of 1963, section 14 of Act 90 of 1964, section 21 of Act 89 of 1969, section 23 of Act 85 of 1974, section 20 of Act 69 of 1975, section 15 of Act 103 of 1976, section 20 of Act 94 of 1983, section 19 of Act 121 of 1984, section 14 of Act 65 of 1986 and section 5 of Act 108 of 1986

21. Section 22 of the principal Act is hereby amended—

(a) by the insertion after subsection (2) of the following subsection:

45 “(2A) (a) Where any person carries on any construction, building, engineering or other trade in the course of which improvements are effected by him to fixed property owned by any other person, any such improvements effected by him and any materials delivered by him to such fixed property which are no longer owned by him shall, until the contract under which such improvements are effected has been completed, be deemed for the purposes of this section to be trading stock held and not disposed of by him.

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- (b) By die toepassing van paragraaf (a) word 'n kontrak geag voltooi te gewees het wanneer 'n belastingpligtige al die verpligtinge aan hom opgelê kragtens die ooreenkoms nagekom het en geregtig geword het om betaling te eis van alle bedrae aan hom verskuldig kragtens die ooreenkoms.”;
- (b) deur na subartikel (3) die volgende subartikels in te voeg:
- “(3A) By die toepassing van hierdie artikel is die kosprys van handelsvoorraad bedoel in subartikel (2A) die som van die koste vir die belastingpligtige van materiaal deur hom gebruik by die aanbring van die betrokke verbeterings, en bedoelde verdere koste deur hom aangegaan soos wat ooreenkomstig algemeen aanvaarde rekeningkundige praktyk beskou word regstreeks aangegaan te gewees het in verband met die betrokke kontrak, en bedoelde gedeelte of enige ander koste deur hom aangegaan in verband met die betrokke kontrak en ander kontrakte soos wat ooreenkomstig algemeen aanvaarde rekeningkundige praktyk beskou word aangegaan te gewees het in verband met die betrokke kontrak, min 'n aftrekking van soveel van—
- (a) enige inkomste ontvang deur of toegeval aan 'n belastingpligtige ten opsigte van die betrokke kontrak;
- (b) enige gedeelte van 'n bedrag betaalbaar aan die belastingpligtige kragtens die betrokke kontrak (maar wat nie 15 persent van die totale bedrag aan hom betaalbaar kragtens bedoelde kontrak, te bowe gaan nie) waarvan die betaling as 'n retensie teruggehou word; en
- (c) enige van genoemde koste ingesluit ingevolge hierdie subartikel wat daardie gedeelte van die kontrakprys wat betrekking het op die verbeterings werklik deur hom aangebring, te bowe gaan, as wat nie die genoemde som te bowe gaan nie.
- (3B) Waar ten gevolge van die wysiging aan die omskrywing van 'handelsvoorraad' in artikel 1 van hierdie Wet aangebring deur artikel 2 (1) (b) van die Inkomstebelastingwet, 1990, of die invoeging van subartikel (2A) in hierdie artikel deur artikel 21 (a) van daardie Wet, die waarde van handelsvoorraad deur 'n persoon besit en nie deur hom van die hand gesit nie aan die einde van sy eerste jaar van aanslag eindigende op of na 1 Januarie 1991, die waarde van enige handelsvoorraad (hieronder nuwe handelsvoorraad genoem) van enige klas handelsvoorraad insluit wat deur bedoelde persoon ingesluit is nie in handelsvoorraad deur hom besit en nie deur hom van die hand gesit nie aan die einde van die laaste jaar van aanslag ten opsigte waarvan hy nie later nie as die datum van afkondiging van die genoemde Wet 'n opgawe van inkomste aan die Kommissaris verstrek het, word daar, na bedoelde persoon se keuse, van die waarde van handelsvoorraad deur hom besit en nie deur hom van die hand gesit nie aan die einde van genoemde eerste jaar en aan die einde van die agt daaropvolgende jare van aanslag (hieronder die tweede tot negende jare in tydsorde genoem), 'n bedrag (wat die waarde van die handelsvoorraad wat aan die einde van die betrokke jaar van aanslag deur bedoelde persoon besit en nie deur hom van die hand gesit is nie, nie te bowe gaan nie) afgetrek gelyk aan—
- (a) met betrekking tot handelsvoorraad aan die einde van genoemde eerste jaar besit en nie van die hand gesit nie, 97,5 persent van die waarde van bedoelde nuwe handelsvoorraad;
- (b) met betrekking tot handelsvoorraad aan die einde van die tweede jaar besit en nie van die hand gesit nie, 95 persent van die waarde van bedoelde nuwe handelsvoorraad;
- (c) met betrekking tot handelsvoorraad aan die einde van die derde jaar besit en nie van die hand gesit nie, 90 persent van die waarde van bedoelde nuwe handelsvoorraad;
- (d) met betrekking tot handelsvoorraad aan die einde van die vierde jaar besit en nie van die hand gesit nie, 85 persent van die waarde van bedoelde nuwe handelsvoorraad;
- (e) met betrekking tot handelsvoorraad aan die einde van die vyfde jaar besit en nie van die hand gesit nie, 75 persent van die waarde van bedoelde nuwe handelsvoorraad;

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(b) For the purposes of paragraph (a), a contract shall be deemed to have been completed when the taxpayer has carried out all the obligations imposed upon him under the contract and has become entitled to claim payment of all amounts due to him under the contract.”;

5 (b) by the insertion after subsection (3) of the following subsections:

“(3A) For the purposes of this section the cost price of trading stock referred to in subsection (2A) shall be the sum of the cost to the taxpayer of material used by him in effecting the relevant improvements, and such further costs incurred by him as in accordance with generally accepted
10 accounting practice are to be regarded as having been incurred directly in connection with the relevant contract, and such portion of any other costs incurred by him in connection with the relevant contract and other contracts as in accordance with generally accepted accounting practice are to be regarded as having been incurred in connection with the relevant
15 contract, less a deduction of so much of—

- (a) any income received by or accrued to the taxpayer in respect of the relevant contract;
- (b) any portion of an amount payable to the taxpayer under the relevant contract (but not exceeding 15 per cent of the total amount payable to him under such contract) the payment of which has been withheld as a retention; and
- (c) any of the said costs included under this subsection as exceed that portion of the contract price which relates to the improvements actually effected by him,
- 25 as does not exceed the said sum.

(3B) Where in consequence of the amendment effected to the definition of ‘trading stock’ in section 1 of this Act by section 2 (1) (a) of the Income Tax Act, 1990, or the insertion of subsection (2A) in this section by section 21 (a) of that Act, the value of trading stock held and not disposed of by any person at the end of his first year of assessment ending on or after 1 January 1991, includes the value of any trading stock (hereinafter referred to as new trading stock) of any class of trading stock which was not included by such person in the trading stock held and not disposed of by him at the end of the latest year of assessment in respect of which he had not later than the date of promulgation of the said Act submitted a return of income to the Commissioner, there shall, at the option of such person, be deducted from the value of the trading stock held and not disposed of by him at the end of the said first year and at the end of the eight succeeding years of assessment (hereinafter referred to as the second to ninth years, in chronological order), an amount (not exceeding the value of the trading stock held and not disposed of by such person at the end of the year of assessment in question) equal to—

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- (a) as respects trading stock held and not disposed of at the end of the said first year, 97.5 per cent of the value of such new trading stock;
- (b) as respects trading stock held and not disposed of at the end of the second year, 95 per cent of the value of such new trading stock;
- 50 (c) as respects trading stock held and not disposed of at the end of the third year, 90 per cent of the value of such new trading stock;
- (d) as respects trading stock held and not disposed of at the end of the fourth year, 85 per cent of the value of such new trading stock;
- 55 (e) as respects trading stock held and not disposed of at the end of the fifth year, 75 per cent of the value of such new trading stock;

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- (f) met betrekking tot handelsvoorraad aan die einde van die sesde jaar besit en nie van die hand gesit nie, 65 persent van die waarde van bedoelde nuwe handelsvoorraad;
- (g) met betrekking tot handelsvoorraad aan die einde van die sewende jaar besit en nie van die hand gesit nie, 50 persent van die waarde van bedoelde nuwe handelsvoorraad;
- (h) met betrekking tot handelsvoorraad aan die einde van die agtste jaar besit en nie van die hand gesit nie, 35 persent van die waarde van bedoelde nuwe handelsvoorraad; en
- (i) met betrekking tot handelsvoorraad aan die einde van die negende jaar besit en nie van die hand gesit nie, 20 persent van die waarde van bedoelde nuwe handelsvoorraad:

Met dien verstande dat geen aftrekking ingevolge hierdie subartikel gedoen word nie ten opsigte van handelsvoorraad wat besit word op 'n datum waarop bedoelde persoon beoefening gestaak het van die bedryf ten opsigte waarvan bedoelde handelsvoorraad besit is.”;

- (c) deur by paragraaf (e) van subartikel (5) die volgende verdere voorbehoudsbepaling te voeg:

“Met dien verstande voorts dat die LIEU-reserwe by die toepassing van hierdie paragraaf in enige jaar van aanslag wat eindig gedurende die tydperk van 12 maande met ingang van—

- (i) 1 Januarie 1991, met 2,5 persent;
- (ii) 1 Januarie 1992, met 5 persent;
- (iii) 1 Januarie 1993, met 10 persent;
- (iv) 1 Januarie 1994, met 15 persent;
- (v) 1 Januarie 1995, met 25 persent;
- (vi) 1 Januarie 1996, met 35 persent;
- (vii) 1 Januarie 1997, met 50 persent;
- (viii) 1 Januarie 1998, met 65 persent;
- (ix) 1 Januarie 1999, met 80 persent; en
- (x) 1 Januarie 2000 en 'n daaropvolgende datum, met 100 persent, van die bedrag van die LIEU-reserwe wat as 'n aftrekking kragtens hierdie paragraaf toegestaan is in die jaar van aanslag wat geëindig het gedurende die tydperk van 12 maande wat op 1 Januarie 1990 'n aanvang geneem het, verminder word.”; en

- (d) deur by subartikel (8) die volgende verdere voorbehoudsbepaling te voeg:

“Met dien verstande voorts dat waar enige handelsvoorraad (behalwe lewende hawe of produkte) van 'n maatskappy op of na 12 Junie 1990 by wyse van 'n dividend aan 'n persoon uitgekeer is, daar by die inkomste van bedoelde maatskappy in die jaar van aanslag waarin die bedoelde dividend uitgekeer is 'n bedrag gelyk aan die markwaarde van bedoelde handelsvoorraad, ingesluit word.”.

Wysiging van artikel 23A van Wet 58 van 1962, soos vervang deur artikel 12 van Wet 70 van 1989

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

- (a) deur in subartikel (1) paragraaf (b) van die omskrywing van “geaffekteerde bate” deur die volgende paragraaf te vervang:

“(b) enige masjinerie, installasie, gereedskap, werktuig of artikel wat verhuur is en ten opsigte waarvan die verhuurder hetsy in die lopende of 'n vorige jaar van aanslag op 'n vermindering ingevolge artikel 12B of 12C geregtig is of was, behalwe enige bedoelde masjinerie, installasie, gereedskap, werktuig of artikel wat deur hom ingevolge 'n huurooreenkoms wat voor 19 November 1988 formeel en finaal deur elke party tot die ooreenkoms onderteken is, verhuur is,”;

- (b) deur in subartikel (1) die omskrywing van “huurinkomste” deur die volgende omskrywing te vervang:

“‘huurinkomste’ inkomste verkry by wyse van huurgeld uit die verhuring van roerende eiendom of enige masjinerie of installasie ten opsigte waarvan 'n vermindering ingevolge artikel 12 [of], 12B of 12C aan die verhuurder toegestaan is, hetsy in die lopende of 'n vorige jaar van aanslag.”; en

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- (f) as respects trading stock held and not disposed of at the end of the sixth year, 65 per cent of the value of such new trading stock;
- (g) as respects trading stock held and not disposed of at the end of the seventh year, 50 per cent of the value of such new trading stock;
- 5 (h) as respects trading stock held and not disposed of at the end of the eighth year, 35 per cent of the value of such new trading stock; and
- (i) as respects trading stock held and not disposed of at the end of the ninth year, 20 per cent of the value of such new trading stock:
- 10 Provided that no deduction shall be made under this subsection in respect of trading stock held on any date on which such person has ceased to carry on the trade in relation to which such trading stock was held.”;
- (c) by the addition to paragraph (e) of subsection (5) of the following further proviso:
- 15 “Provided further that the LIFO reserve shall for the purposes of this paragraph be reduced in any year of assessment ending during the period of 12 months commencing on—
- (i) 1 January 1991, by 2,5 per cent;
- (ii) 1 January 1992, by 5 per cent;
- 20 (iii) 1 January 1993, by 10 per cent;
- (iv) 1 January 1994, by 15 per cent;
- (v) 1 January 1995, by 25 per cent;
- (vi) 1 January 1996, by 35 per cent;
- (vii) 1 January 1997, by 50 per cent;
- 25 (viii) 1 January 1998, by 65 per cent;
- (ix) 1 January 1999, by 80 per cent; and
- (x) 1 January 2000 and any subsequent date, by 100 per cent, of the amount of the LIFO reserve allowed as a deduction under this paragraph in the year of assessment ended during the period of 12 months which commenced on 1 January 1990.”; and
- 30 (d) by the addition to subsection (8) of the following further proviso:
- 35 “Provided further that where any trading stock (other than livestock or produce) of any company has on or after 12 June 1990 been distributed to any person by way of a dividend, there shall be included in the income of such company during the year of assessment in which such dividend was distributed an amount equal to the market value of such trading stock.”.

Amendment of section 23A of Act 58 of 1962, as substituted by section 12 of Act 70 of 1989

22. (1) Section 23A of the principal Act is hereby amended—
- 40 (a) by the substitution in subsection (1) for paragraph (b) of the definition of “affected asset” of the following paragraph:
- “(b) any machinery, plant, implement, utensil or article which has been let and in respect of which the lessor is or was entitled to an allowance under section 12B or 12C, whether in the current or a previous year of assessment, other than any such machinery, plant, implement, utensil
- 45 or article let by him under an agreement of lease formally and finally signed by every party to the agreement before 19 November 1988.”;
- (b) by the substitution in subsection (1) for the definition of “rental income” of the following definition:
- 50 ““rental income” means income derived by way of rent from the letting of movable property or any machinery or plant in respect of which an allowance has been granted to the lessor under section 12 [or], 12B or 12C, whether in the current or any previous year of assessment.”; and

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

“(2) Ondanks die bepalings van artikels 11 (e) en (o), 12, 12B, 12C en 14bis, is die som van die aftrekkings wat ingevolge daardie bepalings aan die belastingpligtige in ’n jaar van aanslag ten opsigte van enige geaffekteerde bates toegestaan kan word, nie meer nie as die belasbare inkomste (soos vasgestel voordat die genoemde aftrekkings gedoen is) wat deur hom vanuit huurinkomste gedurende bedoelde jaar verkry is.” 5

(2) Subartikel (1) word geag op 15 Desember 1989 in werking te getree het.

Wysiging van artikel 24 van Wet 58 van 1962, soos vervang deur artikel 16 van Wet 65 van 1986 en gewysig deur artikel 6 van Wet 108 van 1986 10

23. Artikel 24 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

“(5) Waar ’n belastingpligtige ten opsigte van sy laaste jaar van aanslag geëindig voor of op 6 Mei 1989 geregtig was op ’n vermindering kragtens subartikel (2) ten opsigte van enige klas eiendom deur hom verkoop in die loop van sy bedryf, maar ten gevolge van sy nakoming van ’n regulasie afgekondig ingevolge artikel 3 van die Wet op Kredietooreenkomste, 1980 (Wet No. 75 van 1980), nie meer op bedoelde vermindering ten opsigte van daardie klas eiendom geregtig is nie, word daar vir die belastingpligtige se eerste jaar van aanslag wat onmiddellik volg op bedoelde laaste jaar van aanslag en elk van die drie daaropvolgende jare van aanslag (bedoelde daaropvolgende jare word hierna die tweede, derde en vierde jare in tydorde genoem) ’n aftrekking van sy inkomste toegelaat, bereken ooreenkomstig die bepalings van subartikel (6): Met dien verstande dat— 15 20

(a) ’n aldus toegelate aftrekking in die belastingpligtige se inkomste vir die volgende jaar van aanslag ingesluit word; en 25

(b) geen aftrekking kragtens hierdie subartikel gedoen word nie—

(i) indien die belastingpligtige gedurende die lopende of ’n vorige jaar van aanslag sy bedryf met daardie klas eiendom gestaak het; of

(ii) in ’n jaar van aanslag waarin die belastingpligtige, ten gevolge van die wysiging of herroeping van bedoelde regulasie, weer eens geregtig is om ’n vermindering kragtens subartikel (2) ten opsigte van daardie klas eiendom te eis. 30

(6) Die vermindering kragtens subartikel (5) is— 35

(a) ten opsigte van genoemde eerste jaar, 80 persent;

(b) ten opsigte van genoemde tweede jaar, 60 persent;

(c) ten opsigte van genoemde derde jaar, 40 persent; en

(d) ten opsigte van genoemde vierde jaar, 20 persent,

van die vermindering aan die belastingpligtige toegestaan kragtens hierdie artikel ten opsigte van sy laaste jaar van aanslag in subartikel (5) bedoel: Met dien verstande dat die vermindering wat in genoemde eerste jaar toelaatbaar is, verminder word met enige vermindering waarop die belastingpligtige in daardie jaar kragtens die bepalings van subartikel (2) ten opsigte van daardie klas eiendom geregtig is.” 40

Wysiging van artikel 24F van Wet 58 van 1962, soos ingevoeg deur artikel 17 van Wet 85 van 1987 en gewysig deur artikel 19 van Wet 90 van 1988 45

24. (1) Artikel 24F van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van “afskrywingstydperk” te skrap;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Behoudens die bepalings van [subartikels] subartikel (4) [en (5)] is die bedrag van die rolprentvermindering wat ten opsigte van ’n enkele rolprent toegestaan kan word, die som van— 50

(a) [die grootste van—

(i) een vier-en-twintigste van die produksiekoste van bedoelde rolprent vir elke maand in die afskrywingstydperk wat in die jaar van aanslag begin, tesame met ’n bedrag wat ingevolge subartikel (6) ten opsigte van die na-produksiekoste van die rolprent vasgestel word; of 55

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

“(2) Notwithstanding the provisions of sections 11 (e) and (o), 12, 12B, 12C and 14bis, the sum of the deductions which may be allowed to any taxpayer in any year of assessment under those provisions in respect of any affected assets let by him shall not exceed the taxable income (as determined before making the said deductions) derived by him during such year from rental income.”

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

10 Amendment of section 24 of Act 58 of 1962, as substituted by section 16 of Act 65 of 1986 and amended by section 6 of Act 108 of 1986

23. Section 24 of the principal Act is hereby amended by the addition of the following subsections:

“(5) Where any taxpayer was in respect of his last year of assessment ended on or before 6 May 1989 entitled to an allowance under subsection (2) in respect of any class of property sold by him in the course of his trade but is in consequence of his compliance with any regulation promulgated in terms of section 3 of the Credit Agreements Act, 1980 (Act No. 75 of 1980), no longer entitled to such allowance in respect of that class of property, there shall be allowed to be deducted from the income of the taxpayer for his first year of assessment immediately following such last year and each of the three succeeding years of assessment (such succeeding years being referred to hereinafter as the second, third and fourth years, in chronological order) an allowance calculated in accordance with the provisions of subsection (6): Provided that—

(a) any deduction so allowed shall be included in the taxpayer's income in the following year of assessment; and

(b) no deduction shall be made under this subsection—

(i) if the taxpayer has during the current or any previous year of assessment ceased to trade with that class of property; or

(ii) in any year of assessment during which the taxpayer is, in consequence of the amendment or repeal of any such regulation, once again entitled to claim an allowance under subsection (2) in respect of that class of property.

(6) The allowance under subsection (5) shall be—

(a) in respect of the said first year, 80 per cent;

(b) in respect of the said second year, 60 per cent;

(c) in respect of the said third year, 40 per cent; and

(d) in respect of the said fourth year, 20 per cent,

of the allowance granted to the taxpayer under this section in respect of his last year of assessment referred to in subsection (5): Provided that the allowance which may be granted in the said first year, shall be reduced by any allowance to which the taxpayer is entitled in that year under the provisions of subsection (2) in respect of that class of property.”

45 Amendment of section 24F of Act 58 of 1962, as inserted by section 17 of Act 85 of 1987 and amended by section 19 of Act 90 of 1988

24. (1) Section 24F of the principal Act is hereby amended—

- (a) by the deletion in subsection (1) of the definition of “write-off period”;
- (b) by the substitution for subsection (3) of the following subsection:

“(3) Subject to the provisions of [subsections] subsection (4) [and (5)], the amount of the film allowance which may be granted in respect of any one film shall be the sum of—

- (a) [the greater of—
- (i) one twenty-fourth of the production cost of such film for each month in the write-off period commencing in the year of assessment, together with any amount determined under subsection (6) in respect of the post-production cost of such film; or

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- (ii) die bedrag aan inkomste wat gedurende die jaar van aanslag deur die rolprenteienaar uit die benutting van die rolprent verkry is of, indien die rolprenteienaar 'n rolprentprodusent is, uit die benutting van enige rolprente wat aan hom behoort;]
- in die jaar van aanslag waarin die datum van voltooiing van bedoelde rolprent val, die produksiekoste van bedoelde rolprent en enige na-produksiekoste van bedoelde rolprent gedurende bedoelde jaar aangegaan; en
- (b) [die bedrag aan enige na-produksiekoste wat gedurende die jaar van aanslag na die einde van die afskrywingstydperk aangegaan word; en
- (c)] in 'n daaropvolgende jaar van aanslag, enige na-produksiekoste van bedoelde rolprent aangegaan gedurende bedoelde jaar en die bedrag aan enige rolprentvermindering wat ingevolge die bepalings van subartikel (4) in die voorafgaande jaar van aanslag nie toegestaan is nie.”;
- (c) deur subartikels (5) en (6) te skrap; en
- (d) deur paragraaf (a) van subartikel (9) deur die volgende paragraaf te vervang:
- “(a) word geen toelae ingevolge die bepalings van daardie artikel toegestaan nie ten opsigte van bemarkingskoste aangegaan ten opsigte van 'n rolprent—
- (i) wat nie met betrekking tot die jaar van aanslag 'n Suid-Afrikaanse uitvoerrolprent is nie; en
- (ii) ten opsigte waarvan die belastingpligtige vir 'n subsidie betaalbaar kragtens die A-skema soos uiteengesit in die Hoof: Rolprentbedryf se Omsendskrywe N101/3/1 gedateer 15 Mei 1989, of 'n variasie van daardie skema waarkragtens 'n subsidie betaal mag word ten opsigte van buitelandse inkomste verdien deur 'n rolprenteienaar uit die benutting van 'n rolprent, in aanmerking kom; en”.
- (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 15 Mei 1989 geëindig het of eindig en is van toepassing op 'n rolprent waarvan die produksie op of na daardie datum 'n aanvang neem.
- Wysiging van artikel 28 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 90 van 1962, artikel 22 van Wet 55 van 1966, artikel 24 van Wet 89 van 1969, artikel 21 van Wet 88 van 1971, artikel 19 van Wet 65 van 1973, artikel 19 van Wet 91 van 1982, artikel 22 van Wet 94 van 1983, artikel 17 van Wet 65 van 1986, artikel 23 van Wet 90 van 1988 en artikel 13 van Wet 70 van 1989**
25. (1) Artikel 28 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Ondanks enigiets in hierdie Wet vervat, is die belasbare inkomste uit die dryf van langtermynversekeringsbesigheid verkry deur 'n belastingpligtige wat so 'n besigheid in die Republiek dryf (hetsy volgens onderlinge beginsels of andersins) [die som van—
- (a)] 'n bedrag vasgestel ooreenkomstig die formule—
- $$T = I - E$$
- in welke formule—
- [(A)] (a) 'T' die bedrag aan belasbare inkomste voorstel wat ingevolge hierdie paragraaf vasgestel staan te word;
- [(B)] (b) 'I' die som van die bruto bedrae voorstel—
- (i) wat na oortuiging van die Kommissaris deur die belastingpligtige gedurende die jaar van aanslag verkry is uit die belegging (met inbegrip van die verhuur van eiendom) van soveel van sy fondse as wat binne of buite die Republiek belê is ten opsigte van langtermynversekeringsbesigheid deur hom in die Republiek gedryf en van soveel van sy fondse as wat in die Republiek belê is ten opsigte van langtermynversekeringsbesigheid deur hom buite die Republiek gedryf, maar met uitsluiting van een-derde van enige bedoelde bedrae wat by wyse van dividende (behalwe dividende soos bedoel in artikel 11 (s)) verkry is en van—
- [(i)] (A) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te gewees het uit die belegging van

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- (ii) **the amount of income derived by the film owner during the year of assessment from the exploitation of the film or, if the film owner is a film manufacturer, from the exploitation of any films owned by him;]**
- 5 in the year of assessment in which the completion date of such film falls, the production cost of such film and any post-production cost of such film incurred during such year; and
- (b) **[the amount of any post-production cost incurred during the year of assessment after the end of the write-off period; and**
- 10 (c) **in any subsequent year of assessment, any post-production cost of such film incurred during such year and the amount of any film allowance disallowed in the preceding year of assessment under the provisions of subsection (4).”;**
- (c) by the deletion of subsections (5) and (6); and
- 15 (d) by the substitution for paragraph (a) of subsection (9) of the following paragraph:
- “(a) no allowance shall be granted under the provisions of that section in respect of marketing expenditure incurred in respect of a film—
- 20 (i) which is in relation to the year of assessment not a South African export film; and
- (ii) in respect of which the taxpayer has qualified for any subsidy payable in terms of the A-scheme as set out in the Head: Film Industry’s Circular N101/3/1 dated 15 May 1989, or any variation of that scheme in terms of which a subsidy may be paid in respect of foreign revenue earned by a film owner from the exploitation of a film; and”.
- 25
- (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 15 May 1989 and shall apply in respect of any film the production of which is commenced on or after
- 30 that date.

Amendment of section 28 of Act 58 of 1962, as amended by section 17 of Act 90 of 1962, section 22 of Act 55 of 1966, section 24 of Act 89 of 1969, section 21 of Act 88 of 1971, section 19 of Act 65 of 1973, section 19 of Act 91 of 1982, section 22 of Act 94 of 1983, section 17 of Act 65 of 1986, section 23 of Act 90 of 1988 and section 13 of

35 **Act 70 of 1989**

25. (1) Section 28 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Notwithstanding anything to the contrary contained in this Act the taxable income derived from the carrying on of long-term insurance business by any taxpayer who carries on such business in the Republic (whether on mutual principles or otherwise), shall be **[the sum of—**
- 40 (a) **an amount determined in accordance with the formula—**
- $$T = I - E$$
- in which formula—
- 45 **[(A)] (a) ‘T’ represents the amount of taxable income determinable under this paragraph;**
- [(B)] (b) ‘I’ represents the sum of—**
- (i) the gross amounts which the Commissioner is satisfied have been derived by the taxpayer during the year of assessment from the investment (including the letting of any property) of so much of his funds as are invested within or outside the Republic in respect of any long-term insurance business carried on by him in the Republic and of so much of his funds as are invested within the Republic in respect of any long-term insurance business carried on by him outside the Republic, but excluding one-third of any such amounts which have been derived by way of dividends (other than dividends referred to in section 11 (s)) and—
- 50
- 55 **[(i)] (A) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds**

fondse afkomstig van langtermynversekeringsbesigheid deur die belastingpligtige in die Republiek met 'n pensioenfonds, **[of 'n] voorsorgsfonds of uittredingannuïteitsfonds** gedryf of van langtermynversekeringsbesigheid deur die belastingpligtige in die gebied of in 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het, gedryf met 'n fonds waarvan die ontvangste en toevallings ingevolge die bepalinge van artikel 10 (1) (dA) van belasting vrygestel is;

[(ii)] (B) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te gewees het uit die belegging van fondse afkomstig van individuele annuïteitskontrakte deur hom aangegaan ten opsigte waarvan jaargelde betaal word en wat nie met besigheid deur hom in die Republiek gedryf met 'n in item **[(i)] (A)** bedoelde fonds in verband staan nie;

[(iii)] (C) rente op die leningsgedeelte van die normale belasting ingevolge 'n Inkomstebelastingwet opgelê; **[en]**

[(iv)] (D) bedrae wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige verkry te gewees het uit die belegging van fondse afkomstig van langtermynversekeringsbesigheid deur die belastingpligtige gedryf in 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het, indien—

(aa) die wins of inkomste verkry uit die bedryf van bedoelde besigheid, soos ingevolge die belastingwet van daardie land vasgestel, onderworpe is aan 'n belasting op inkomste wat deur daardie land gehef word en nie van daardie belasting ingevolge 'n ooreenkoms vir die vermyding van dubbele belasting wat tussen daardie land en die Republiek van krag is van belasting vrygestel is nie; en

(bb) geen belasting deur bedoelde land gehef word nie op bedrae deur die belastingpligtige uit die belegging van fondse wat betrekking het op langtermynversekeringsbesigheid wat deur hom in die Republiek gedryf word; en

(ii) waar die belastingpligtige 'n maatskappy is, wat deur die belastingpligtige gedurende die jaar van aanslag by wyse van vergoeding vir bestuurs- of sekretariële of ander dienste verkry is van filiaalmaatskappye van die belastingpligtige (met inbegrip van 'n maatskappy waarin die belastingpligtige 'n regstreekse of onregstreekse belang het, indien die voordelige belang van die belastingpligtige in die uitgereikte aandelekapitaal of die uitgereikte ekwiteitsaandelekapitaal van daardie maatskappy 'n regstreekse belang in minstens 10 persent van bedoelde uitgereikte aandelekapitaal of bedoelde uitgereikte ekwiteitsaandelekapitaal is of gelyk is aan so 'n regstreekse belang, maar met uitsluiting van 'n maatskappy waarvan die enigste of vernaamste funksie volgens oortuiging van die Kommissaris die lewering van dienste is); en

[(C)] (c) 'E' 'n bedrag voorstel gelyk aan 55 persent van soveel van die totaal van—

(i) die jaarlikse gemiddelde van die uitgawes wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige by wyse van verkooponkoste in die lopende en die voorafgaande vier jare van aanslag aangegaan te gewees het; en

(ii) enige ander uitgawes wat tot bevrediging van die Kommissaris bewys word deur die belastingpligtige gedurende die jaar van aanslag in die bedryf van bedoelde besigheid aangegaan te gewees het,

(behalwe enige bedoelde uitgawes wat betrekking het op bedrae in items **[(i)] (A)** tot **[(iv)] (D)** van **[subparagraaf (B)] paragraaf (b) (i)** bedoel) wat oorbly nadat van genoemde totaal 'n bedrag afgetrek is wat tot genoemde totaal in dieselfde verhouding staan as die verhouding waarin soveel van enige dividende wat uitgesluit is soos in die voorgaande bepalinge van hierdie paragraaf beoog, staan tot die som van die bruto bedrae beoog in hierdie paragraaf (voor die aftrekking van genoemde dividende) **[en paragraaf (b); en]**

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attributable to any long-term insurance business carried on by him in the Republic with any pension fund, provident fund or retirement annuity fund or to any long-term insurance business carried on by the taxpayer in the territory or in any country the territory of which formerly formed part of the Republic with any fund the receipts and accruals of which are exempt from tax under the provisions of section 10 (1) (dA);

[(ii)] (B) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds attributable to individual annuity contracts entered into by him in respect of which annuities are being paid and which are not connected with any business carried on by him in the Republic with any fund referred to in item [(i)] (A);

[(iii)] (C) interest on the loan portion of the normal tax imposed under any Income Tax Act; **[and]**

[(iv)] (D) amounts proved to the satisfaction of the Commissioner to have been derived by the taxpayer from the investment of funds attributable to any long-term insurance business carried on by the taxpayer in any country the territory of which formerly formed part of the Republic, if—

(aa) the profit or income derived from carrying on such business, as determined under the taxation law of such country, is subject to a tax on income imposed by such country and is not relieved from such tax under any agreement in force between such country and the Republic for the avoidance of double taxation; and

(bb) no tax on income is imposed by such country on amounts derived by the taxpayer from the investment of funds relating to long-term insurance business carried on by him in the Republic; and

(ii) where the taxpayer is a company, the gross amounts which have been derived by the taxpayer during the year of assessment by way of remuneration for managerial or secretarial or other services from subsidiary companies of the taxpayer (including any company in which the taxpayer is directly or indirectly interested, if the beneficial interest of the taxpayer in the issued share capital or the issued equity share capital of such company is a direct interest, or is equivalent to a direct interest, in at least 10 per cent of such issued share capital or such equity share capital, but excluding any company the sole or principal function of which is, in the opinion of the Commissioner, the rendering of services); and

[(C)] (c) 'E' represents an amount equal to 55 per cent of so much of the total of—

(i) the annual average of the expenditure proved to the satisfaction of the Commissioner to have been incurred by the taxpayer by way of selling expenses during the current and the four preceding years of assessment; and

(ii) any other expenditure proved to the satisfaction of the Commissioner to have been incurred by the taxpayer during the year of assessment in the carrying on of such business,

(other than any such expenditure which relates to amounts contemplated in items [(i)] (A) to [(iv)] (D) of **[subparagraph (B)] paragraph (b) (i)**) as remains after deducting from the said total an amount which bears to the said total the same ratio as so much of any dividends which have been excluded as contemplated in the foregoing provisions of this paragraph bears to the sum of the gross amounts contemplated in this paragraph (before the deduction of the said dividends) **[and paragraph (b); and]**

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- (b) waar die belastingpligtige 'n maatskappy is, die bruto bedrae wat deur die belastingpligtige gedurende die jaar van aanslag by wyse van vergoeding vir bestuurs- of sekretariële of ander dienste verkry is van filiaalmaatskappye van die belastingpligtige (met inbegrip van 'n maatskappy waarin die belastingpligtige 'n regstreekse of onregstreekse belang het, indien die voordelige belang van die belastingpligtige in die uitgereikte aandelekapitaal of die uitgereikte ekwiteitsaandelekapitaal van daardie maatskappy 'n regstreekse belang in minstens 10 persent van bedoelde uitgereikte aandelekapitaal of bedoelde uitgereikte ekwiteitsaandelekapitaal is of gelyk is aan so 'n regstreekse belang maar met uitsluiting van 'n maatskappy waarvan die enigste of vernaamste funksie volgens oortuiging van die Kommissaris, die lewering van dienste is)";
- (b) deur in subartikel (1B) die uitdrukking "subartikel (1) (a)" deur die uitdrukking "subartikel (1)" te vervang; en
- (c) deur in subartikel (3) die uitdrukking "subartikel (1) (a)" deur die uitdrukking "subartikel (1)" te vervang.
- (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 April 1989 geëindig het of eindig.

Wysiging van artikel 36 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 72 van 1963, artikel 15 van Wet 90 van 1964, artikel 20 van Wet 88 van 1965, artikel 23 van Wet 55 van 1966, artikel 16 van Wet 95 van 1967, artikel 14 van Wet 76 van 1968, artikel 26 van Wet 89 van 1969, artikel 21 van Wet 65 van 1973, artikel 28 van Wet 85 van 1974, artikel 20 van Wet 104 van 1980, artikel 25 van Wet 94 van 1983, artikel 16 van Wet 96 van 1985 en artikel 14 van Wet 70 van 1989

26. Artikel 36 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (7C) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- "Behoudens die bepalings van [subartikel] subartikels (7D), (7E), (7F) en (7G), is die bedrae wat ingevolge artikel 15 (a) afgetrek moet word van inkomste verkry gedurende die eerste jaar van aanslag van die belastingpligtige wat na 31 Desember 1973 eindig (hieronder die oorgangsjaar genoem) en daaropvolgende jare van aanslag uit die eksploitering van 'n myn—";
- (b) deur subartikel (7E) deur die volgende subartikel te vervang:
- "(7E) Die totaal van die bedrae van kapitaaluitgawe ingevolge subartikel (7C) ten opsigte van 'n jaar van aanslag vasgestel met betrekking tot 'n myn of myne, gaan nie die belasbare inkomste (soos vasgestel voor die aftrekking van 'n bedrag ingevolge artikel 15 (a) toelaatbaar, maar na die verrekening van enige balans van 'n vasgestelde verlies deur 'n belastingpligtige met betrekking tot bedoelde myn of myne in 'n vorige jaar gelyk wat van die vorige jaar van aanslag oorgebring is) deur die belastingpligtige uit mynbou verkry, te bowe nie, en enige bedrag waarmee genoemde totaal by ontstentenis van die bepalings van hierdie subartikel bedoelde belasbare inkomste soos aldus vasgestel, te bowe sou gegaan het, word oorgedra en geag 'n bedrag van kapitaaluitgawe aangegaan te wees gedurende die volgende daaropvolgende jaar van aanslag ten opsigte van die myn of myne waarop bedoelde kapitaaluitgawe betrekking het.";
- (c) deur in subartikel (7F) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- "Die totaal van die bedrae van kapitaaluitgawe ingevolge subartikel (7C) ten opsigte van 'n jaar van aanslag vasgestel met betrekking tot 'n enkele myn, gaan nie, tensy die Minister van Finansies, na oorleg met die Minister van Mineraal- en Energiesake en met inagneming van enige tersaaklike fiskale, finansiële en tegniese implikasies, anders gelas, die belasbare inkomste (soos vasgestel voor die aftrekking van 'n bedrag ingevolge artikel 15 (a) toelaatbaar, maar na die verrekening van enige balans van 'n vasgestelde verlies deur 'n belastingpligtige met betrekking tot daardie myn in 'n vorige jaar gelyk wat van die

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- (b) where the taxpayer is a company, the gross amounts which have been derived by the taxpayer during the year of assessment by way of remuneration for managerial or secretarial or other services from subsidiary companies of the taxpayer (including any company in which the taxpayer is directly or indirectly interested, if the beneficial interest of the taxpayer in the issued share capital or the issued equity share capital of such company is a direct interest or is equivalent to a direct interest, in at least 10 per cent of such issued share capital or such equity share capital, but excluding any company the sole or principal function of which is, in the opinion of the Commissioner, the rendering of services)]”;
- (b) by the substitution in subsection (1B) for the expression “subsection (1) (a)” of the expression “subsection (1)”;
- (c) by the substitution in subsection (3) for the expression “subsection (1) (a)” of the expression “subsection (1)”.
- (2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 April 1989.

Amendment of section 36 of Act 58 of 1962, as amended by section 12 of Act 72 of 1963, section 15 of Act 90 of 1964, section 20 of Act 88 of 1965, section 23 of Act 55 of 1966, section 16 of Act 95 of 1967, section 14 of Act 76 of 1968, section 26 of Act 89 of 1969, section 21 of Act 65 of 1973, section 28 of Act 85 of 1974, section 20 of Act 104 of 1980, section 25 of Act 94 of 1983, section 16 of Act 96 of 1985 and section 14 of Act 70 of 1989

26. Section 36 of the principal Act is hereby amended—
- (a) by the substitution in subsection (7C) for the words preceding paragraph (a) of the following words:
- “Subject to the provisions of **[subsection]** subsections (7D), (7E), (7F) and (7G), the amounts to be deducted under section 15 (a) from income derived during the first year of assessment of the taxpayer ending after 31 December 1973 (hereinafter referred to as the transition year) and succeeding years of assessment from the working of any mine shall be—”;
- (b) by the substitution for subsection (7E) of the following subsection:
- “(7E) The aggregate of the amounts of capital expenditure determined under subsection (7C) in respect of any year of assessment in relation to any mine or mines shall not exceed the taxable income (as determined before the deduction of any amount allowable under section 15 (a), but after the set-off of any balance of assessed loss incurred by the taxpayer in relation to such mine or mines in any previous year which has been carried forward from the preceding year of assessment) derived by the taxpayer from mining, and any amount by which the said aggregate would, but for the provisions of this subsection, have exceeded such taxable income as so determined, shall be carried forward and be deemed to be an amount of capital expenditure incurred during the next succeeding year of assessment in respect of the mine or mines to which such capital expenditure relates.”;
- (c) by the substitution in subsection (7F) for the words preceding the proviso of the following words:
- “The aggregate of the amounts of capital expenditure determined under subsection (7C) in respect of any year of assessment in relation to any one mine shall, unless the Minister of Finance, after consultation with the Minister of Mineral and Energy Affairs and having regard to any relevant fiscal, financial or technical implications, otherwise directs, not exceed the taxable income (as determined before the deduction of any amount allowable under section 15 (a), but after the set-off of any balance of assessed loss incurred by the taxpayer in relation to that mine in any previous year which has been

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vorige jaar van aanslag oorgebring is) deur die belastingpligtige uit mynbou op daardie myn verkry, te bowe nie, en enige bedrag waarmee genoemde totaal by ontstentenis van die bepalings van hierdie subartikel bedoelde belasbare inkomste soos aldus vasgestel, te bowe sou gegaan het, word oorgedra en geag 'n bedrag van kapitaalluitgawe aangegaan te wees gedurende die volgende daaropvolgende jaar van aanslag ten opsigte van daardie myn.”;

(d) deur na subartikel (7F) die volgende subartikel in te voeg:

“(7G) (a) Waar in die geval van 'n myn ten opsigte waarvan mynbou of enige aanverwante bedrywighede deur die belastingpligtige mee begin is of word na 14 Maart 1990 (in hierdie subartikel na verwys as 'n nuwe myn) 'n bedrag van kapitaalluitgawe kragtens die bepalings van subartikel (7F) afgewys staan te word, word daar, ondanks die bepalings van daardie subartikel, van die totale belasbare inkomste verkry deur die belastingpligtige uit mynbou (soos vasgestel na die aftrekking van enige kapitaalluitgawe wat nie kragtens die genoemde bepalings afgewys staan te word nie en na die verrekening van enige vasgestelde verlies uit mynbou deur hom in 'n vorige jaar van aanslag gely wat oorgebring is) afgetrek soveel van die totale bedrag van kapitaalluitgawe wat aldus afgewys is met betrekking tot alle produserende nuwe myne deur die belastingpligtige besit as wat nie 25 persent van bedoelde belasbare inkomste oorskry nie.

(b) Die bepalings van paragraaf (a) is nie van toepassing nie op kapitaalluitgawe aangegaan ten opsigte van 'n nuwe myn—

(i) wat deur die belastingpligtige vervreem is in die lopende of 'n vorige jaar van aanslag; of

(ii) indien die belastingpligtige 'n maatskappy is en sy verkryging van die reg om te myn of die mineraalregte ten opsigte van bedoelde myn geheel en al of gedeeltelik gefinansier is deur die uitreiking van 'n aandeel ten opsigte waarvan 'n dividend bereken staan te word met betrekking tot daardie gedeelte van die maatskappy se winste wat toeskryfbaar is aan die bedryf van bedoelde myn.”; en

(e) deur in paragraaf (c) van die omskrywing van “kapitaalluitgawe” in subartikel (11) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“in die geval van 'n na-1973-goudmyn, 'n ander diep-goudmyn, 'n na-1990-goudmyn of 'n aardoliemyn, 'n bedrag bereken so na as moontlik op die wyse voorgeskryf vir die berekening van die kapitaaltoelae waarvoor in artikel 26 (2) van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), voorsiening gemaak word, teen die koers van 10 persent per jaar in die geval van 'n na-1973-goudmyn of 'n ander diep-goudmyn of 12 persent per jaar in die geval van 'n na-1990-goudmyn of 6 persent per jaar in die geval van 'n aardoliemyn op die bedrag van die ongedeelde balans van die totaal van—

(i) die uitgawe in paragraaf (a) en (b) bedoel, behalwe rente en ander koste op lenings in paragraaf (b) bedoel, indien die myn 'n na-1973-goudmyn, 'n na-1990-goudmyn of aardoliemyn is, of die in paragraaf (a) bedoelde uitgawe, indien die myn 'n ander diep-goudmyn is;

(ii) die bedrag (as daar is) wat ingevolge artikel 37 toegelaat word om as kapitaalluitgawe in aanmerking te kom;

(iii) 'n uitgawe gedurende enige tydperk van produksie aangegaan aan ontwikkeling op 'n rif waarop daar op die datum van sodanige ontwikkeling nog nie met afbouing begin is nie;

(iv) die bedrag bereken ingevolge hierdie paragraaf tot aan die einde van die jaar van aanslag wat die onderhawige jaar van aanslag onmiddellik voorafgaan; en

(v) die uitgewepaaiement in paragraaf (d) bedoel, indien die myn 'n na-1973-goudmyn, 'n na-1990-goudmyn of 'n aardoliemyn is, vir die tydperk vanaf die einde van die maand waarin die uitgawe werklik aangegaan word tot die einde van die jaar van aanslag wat die eerste jaar van aanslag onmiddellik voorafgaan ten opsigte waarvan die vasstelling van die belasbare inkomste verkry uit die

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carried forward from the preceding year of assessment) derived by the taxpayer from mining on that mine, and any amount by which the said aggregate would, but for the provisions of this subsection, have exceeded such taxable income as so determined, shall be carried forward and be deemed to be an amount of capital expenditure incurred during the next succeeding year of assessment in respect of that mine:";

(d) by the insertion after subsection (7F) of the following subsection:

"(7G) (a) Where in the case of any mine in respect of which mining operations or any related operations were or are commenced by the taxpayer after 14 March 1990 (in this subsection referred to as a new mine) an amount of capital expenditure falls to be disallowed under the provisions of subsection (7F), there shall, notwithstanding the provisions of that subsection, be deducted from the total taxable income derived by the taxpayer from mining (as determined after the deduction of any capital expenditure which does not fall to be disallowed under the said provisions and after the set-off of any assessed loss incurred by him from mining operations in a previous year of assessment which has been carried forward) so much of the total amount of capital expenditure which has been so disallowed in relation to all producing new mines owned by the taxpayer as does not exceed 25 per cent of such taxable income.

(b) The provisions of paragraph (a) shall not apply to capital expenditure incurred in respect of any new mine—

- (i) which has been disposed of by the taxpayer in the current or any previous year of assessment; or
- (ii) if the taxpayer is a company and its acquisition of the right to mine or the mineral rights in respect of such mine was financed wholly or partly by the issue of any share in respect of which any dividend is to be calculated by reference to that portion of the company's profits which is attributable to the operation of such mine.";

(e) by the substitution in paragraph (c) of the definition of "capital expenditure" in subsection (11) for the words preceding the proviso of the following words:

"in the case of any post-1973 gold mine, any other deep level gold mine, any post-1990 gold mine or any natural oil mine, an amount calculated as nearly as may be in the manner prescribed for the calculation of the capital allowance provided for in section 26 (2) of the Mining Rights Act, 1967 (Act No. 20 of 1967), at the rate of 10 per cent per annum in the case of a post-1973 gold mine or any other deep level gold mine or 12 per cent per annum in the case of any post-1990 gold mine or 6 per cent per annum in the case of any natural oil mine on the amount of the unredeemed balance of the aggregate of—

- (i) the expenditure referred to in paragraphs (a) and (b), excluding any interest and other charges on loans referred to in paragraph (b), if the mine is a post-1973 gold mine, a post-1990 gold mine or a natural oil mine, or the expenditure referred to in paragraph (a), if the mine is any other deep level gold mine;
- (ii) the amount (if any) allowed to rank as capital expenditure in terms of section 37;
- (iii) any expenditure incurred during any period of production on development on any reef on which at the date of such development stopping has not yet commenced;
- (iv) the amount calculated in terms of this paragraph up to the end of the year of assessment immediately preceding the year of assessment under charge; and
- (v) the instalments of expenditure referred to in paragraph (d), if the mine is a post-1973 gold mine, a post-1990 gold mine or a natural oil mine, for the period from the end of the month in which the expenditure is actually incurred up to the end of the year of assessment immediately preceding the first year of assessment in respect of which the determination of the taxable income derived from the working of such mine does not result in an assessed loss or nil, and, if the mine is

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eksploitering van so 'n myn nie op 'n vasgestelde verlies of nul uitloop nie, en, indien die myn 'n ander diep-goudmyn is, vir 'n tydperk van 10 jaar vanaf die begin van die jaar van aanslag waartydens die myn as 'n ander diep-goudmyn erken word:".

Invoeging van artikel 37D in Wet 58 van 1962

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27. Die volgende artikel word hierby in die Hoofwet na artikel 37C ingevoeg:

"Vasstelling van belasbare inkomste van getroude vroue

37D. Vir die doeleindes van die vasstelling van die belasbare inkomste van 'n getroude vrou, waar 'n reël voorsien in hierdie Wet aangaande die insluiting van 'n bedrag in haar inkomste of aangaande die aftrekking of verrekening van 'n bedrag van of teen haar inkomste, in werklikheid vereis dat rekening gehou word met enigiets wat gedoen is of gebeur het in of met betrekking tot 'n vorige jaar van aanslag, word, behoudens sodanige aanpassings wat in die omstandighede toepaslik mag wees, enigiets wat inderdaad gedoen is of inderdaad gebeur het in of met betrekking tot 'n jaar van aanslag waartydens inkomste deur bedoelde getroude vrou verkry wat kragtens die bepalinge van artikel 7 (2) (voor die wysiging daarvan deur artikel 4 van die Inkomstebelastingwet, 1990), geag was inkomste te wees deur haar man verkry, in aanmerking geneem vir die doeleindes van die toepassing van bedoelde reël.".

Wysiging van artikel 40A van Wet 58 van 1962, soos ingevoeg deur artikel 25 van Wet 121 van 1984

28. (1) Artikel 40A van die Hoofwet word hierby gewysig deur subartikels (2), (3) en (4) te skrap.

(2) Subartikel (1) word geag op 1 Maart 1990 in werking te getree het en is van toepassing ten opsigte van enige omskepping soos in subartikel (1) van genoemde artikel 40A bedoel wat op of na daardie datum geskied.

Herroeping van artikel 40B van Wet 58 van 1962, soos ingevoeg deur artikel 17 van Wet 96 van 1985

29. (1) Artikel 40B van die Hoofwet word hierby met ingang van 1 Maart 1990 herroep.

(2) Ondanks die bepalinge van subartikel (1), gaan die vrystelling van belasting op buitelandse aandeelhouders waarvoor voorsiening gemaak word in artikel 40B (3) (d) van die Hoofwet, voort om van toepassing te wees op 'n dividend deur 'n maatskappy verklaar nie later nie as 30 September 1990, indien die likwidasië of deregistrasie van bedoelde maatskappy 'n aanvang geneem het voor of op die datum van afkondiging van hierdie Wet.

Herroeping van artikel 48 van Wet 58 van 1962, soos vervang deur artikel 30 van Wet 89 van 1969 en gewysig deur artikel 23 van Wet 65 van 1973, artikel 33 van Wet 85 van 1974 en artikel 19 van Wet 103 van 1976

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30. (1) Artikel 48 van die Hoofwet word hierby herroep.

(2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Maart 1990 geëindig het of eindig.

Herroeping van artikel 49 van Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 90 van 1962, artikel 9 van Wet 6 van 1963, artikel 17 van Wet 90 van 1964, artikel 31 van Wet 89 van 1969, artikel 24 van Wet 88 van 1971, artikel 24 van Wet 65 van 1973, artikel 34 van Wet 85 van 1974, artikel 23 van Wet 69 van 1975, artikel 20 van Wet 113 van 1977, artikel 21 van Wet 104 van 1980, artikel 22 van Wet 96 van 1981, artikel 30 van Wet 94 van 1983, artikel 26 van Wet 121 van 1984, artikels 46 en 47 van Wet 97 van 1986 en artikel 19 van Wet 85 van 1987

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31. (1) Artikel 49 van die Hoofwet word hierby herroep.

(2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Maart 1990 geëindig het of eindig.

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any other deep level gold mine, for a period of 10 years from the commencement of the year of assessment during which the mine is recognized as any other deep level gold mine.”.

Insertion of section 37D in Act 58 of 1962

- 5 27. The following section is hereby inserted in the principal Act after section 37C:

“Determination of taxable income of married women

- 10 37D. For the purposes of the determination of the taxable income of any married woman, where any rule provided in this Act as to the inclusion of any amount in her income or as to the deduction or set-off of any amount from or against her income, in effect requires that regard shall be had to anything that has been done or has occurred in or in relation to a previous year of assessment, anything that has in fact been done or has in fact occurred in or in relation to a year of assessment during which income derived by such married woman was under the provisions of section 7 (2) (prior to the amendment thereof by section 4 of the Income Tax Act, 1990) deemed to be income derived by her husband, shall, subject to such adjustments as may in the circumstances be appropriate, be taken into account for the purposes of applying such rule.”.

- 20 **Amendment of section 40A of Act 58 of 1962, as inserted by section 25 of Act 121 of 1984**

28. (1) Section 40A of the principal Act is hereby amended by the deletion of subsections (2), (3) and (4).

- 25 (2) Subsection (1) shall be deemed to have come into operation on 1 March 1990 and is applicable in respect of any conversion as referred to in subsection (1) of the said section 40A which occurs on or after that date.

Repeal of section 40B of Act 58 of 1962, as inserted by section 17 of Act 96 of 1985

29. (1) Section 40B of the principal Act is hereby repealed with effect from 1 March 1990.

- 30 (2) Notwithstanding the provisions of subsection (1), the exemption from non-resident shareholders' tax provided for in section 40B (3) (d) of the principal Act, shall continue to apply to any dividend declared by a company not later than 30 September 1990, if the winding up or deregistration of such company was commenced on or before the date of promulgation of this Act.

- 35 **Repeal of section 48 of Act 58 of 1962, as substituted by section 30 of Act 89 of 1969 and amended by section 23 of Act 65 of 1973, section 33 of Act 85 of 1974 and section 19 of Act 103 of 1976**

30. (1) Section 48 of the principal Act is hereby repealed.

- 40 (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 March 1990.

- 45 **Repeal of section 49 of Act 58 of 1962, as amended by section 22 of Act 90 of 1962, section 9 of Act 6 of 1963, section 17 of Act 90 of 1964, section 31 of Act 89 of 1969, section 24 of Act 88 of 1971, section 24 of Act 65 of 1973, section 34 of Act 85 of 1974, section 23 of Act 69 of 1975, section 20 of Act 113 of 1977, section 21 of Act 104 of 1980, section 22 of Act 96 of 1981, section 30 of Act 94 of 1983, section 26 of Act 121 of 1984, sections 46 and 47 of Act 97 of 1986 and section 19 of Act 85 of 1987**

31. (1) Section 49 of the principal Act is hereby repealed.

- (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 March 1990.

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Herroeping van artikel 50 van Wet 58 van 1962, soos gewysig deur artikel 23 van Wet 90 van 1962, artikel 19 van Wet 95 van 1967, artikel 32 van Wet 89 van 1969, artikel 25 van Wet 88 van 1971, artikel 25 van Wet 65 van 1973, artikel 35 van Wet 85 van 1974, artikel 27 van Wet 121 van 1984 en artikel 20 van Wet 85 van 1987

32. (1) Artikel 50 van die Hoofwet word hierby herroep. 5
 (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Maart 1990 geëindig het of eindig.

Herroeping van artikel 51 van Wet 58 van 1962

33. (1) Artikel 51 van die Hoofwet word hierby herroep.
 (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Maart 1990 geëindig het of eindig. 10

Herroeping van artikel 52 van Wet 58 van 1962, soos gewysig deur artikel 24 van Wet 90 van 1962 en artikel 36 van Wet 85 van 1974

34. (1) Artikel 52 van die Hoofwet word hierby herroep.
 (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Maart 1990 geëindig het of eindig. 15

Herroeping van artikel 53 van Wet 58 van 1962

35. (1) Artikel 53 van die Hoofwet word hierby herroep.
 (2) Subartikel (1) word geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Maart 1990 geëindig het of eindig. 20

Wysiging van artikel 62 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 114 van 1977

36. Artikel 62 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:
 “(1A) Waar ’n maatskappy wat nie op enige effektebeurs genoteer word nie 25
 onroerende goed besit waarop *bona fide*-boerdery in die Republiek voortgesit word, word die waarde van bedoelde onroerende goed, vir sover dit toepaslik is vir die doeleindes van die bepaling van die waarde van enige aandele in bedoelde maatskappy, volgens voorskrif van die omskrywing van ‘billike markwaarde’ in artikel 55 (1) bepaal.” 30

Wysiging van artikel 66 van Wet 58 van 1962, soos gewysig deur artikel 10 van Wet 6 van 1963, artikel 19 van Wet 90 van 1964, artikel 27 van Wet 88 van 1971, artikel 22 van Wet 91 van 1982, artikel 19 van Wet 65 van 1986 en artikel 23 van Wet 85 van 1987

37. Artikel 66 van die Hoofwet word hierby gewysig deur in item (aa) van subparagraaf (ii) van paragraaf (b) van subartikel (1) die uitdrukking “R1 000” deur die uitdrukking “R2 000” te vervang. 35

Wysiging van artikel 67 van Wet 58 van 1962, soos gewysig deur artikel 16 van Wet 76 van 1968 en artikel 37 van Wet 90 van 1988

38. Artikel 67 van die Hoofwet word hierby gewysig deur subartikel (5) te skrap. 40

Wysiging van artikel 68 van Wet 58 van 1962, soos gewysig deur artikel 26 van Wet 90 van 1962 en artikel 23 van Wet 88 van 1965

39. Artikel 68 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 45

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Repeal of section 50 of Act 58 of 1962, as amended by section 23 of Act 90 of 1962, section 19 of Act 95 of 1967, section 32 of Act 89 of 1969, section 25 of Act 88 of 1971, section 25 of Act 65 of 1973, section 35 of Act 85 of 1974, section 27 of Act 121 of 1984 and section 20 of Act 85 of 1987

- 5 **32.** (1) Section 50 of the principal Act is hereby repealed.
 (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 March 1990.

Repeal of section 51 of Act 58 of 1962

- 10 **33.** (1) Section 51 of the principal Act is hereby repealed.
 (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 March 1990.

Repeal of section 52 of Act 58 of 1962, as amended by section 24 of Act 90 of 1962 and section 36 of Act 85 of 1974

- 15 **34.** (1) Section 52 of the principal Act is hereby repealed.
 (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 March 1990.

Repeal of section 53 of Act 58 of 1962

- 20 **35.** (1) Section 53 of the principal Act is hereby repealed.
 (2) Subsection (1) shall be deemed to have come into operation as from the commencement of years of assessment ended or ending on or after 1 March 1990.

Amendment of section 62 of Act 58 of 1962, as amended by section 8 of Act 114 of 1977

36. Section 62 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

- 25 “(1A) Where any company not quoted on any stock exchange owns immovable property on which *bona fide* farming operations are being carried on in the Republic, the value of such immovable property shall, in so far as it is relevant for the purposes of determining the value of any shares in such company, be determined in the manner prescribed in the definition of ‘fair market value’ in section 55 (1).”.

- 30 **Amendment of section 66 of Act 58 of 1962, as amended by section 10 of Act 6 of 1963, section 19 of Act 90 of 1964, section 27 of Act 88 of 1971, section 22 of Act 91 of 1982, section 19 of Act 65 of 1986 and section 23 of Act 85 of 1987**

- 35 **37.** Section 66 of the principal Act is hereby amended by the substitution in item (aa) of subparagraph (ii) of paragraph (b) of subsection (1) for the expression “R1 000” of the expression “R2 000”.

Amendment of section 67 of Act 58 of 1962, as amended by section 16 of Act 76 of 1968 and section 37 of Act 90 of 1988

38. Section 67 of the principal Act is hereby amended by the deletion of subsection (5).

- 40 **Amendment of section 68 of Act 58 of 1962, as amended by section 26 of Act 90 of 1962 and section 23 of Act 88 of 1965**

39. Section 68 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

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“[Die] Enige inkomste ontvang deur of toegeval aan of ten gunste van ’n getroude vrou wat in of buite gemeenskap van goedere getroud is [en nie apart van haar man woon nie in omstandighede wat, volgens die oordeel van die Kommissaris, aandui dat die skeiding waarskynlik permanent sal wees] wat ingevolge artikel 7 (2) geag word inkomste te wees wat deur haar man ontvang is of aan hom toegeval het, word deur hom ingesluit in die opgawes van inkomste wat ingevolge hierdie Wet deur hom verstrekk moet word.” 5

Wysiging van artikel 75 van Wet 58 van 1962

40. Artikel 75 van die Hoofwet word hierby gewysig deur in subartikel (1) die uitdrukking “honderd rand” deur die uitdrukking “R300” te vervang. 10

Wysiging van artikel 77 van Wet 58 van 1962, soos gewysig deur artikel 25 van Wet 69 van 1975

41. Artikel 77 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (5) die uitdrukking “een-en-twintig” deur die uitdrukking “30” te vervang; en 15
- (b) deur die volgende subartikel by te voeg:

“(8) Waar ’n vroulike belastingpligtige gedurende ’n gedeelte van ’n jaar van aanslag ’n getroude vrou is en gedurende die oorblywende gedeelte van bedoelde jaar nie ’n getroude vrou is nie, word sy afsonderlik aangeslaan ten opsigte van elke bedoelde periode.” 20

Wysiging van paragraaf 11 van 1ste Bylae by Wet 58 van 1962

42. Paragraaf 11 van die Eerste Bylae by die Hoofwet word hierby deur die volgende paragraaf vervang:

“11. Indien lewende hawe of produkte gedurende ’n jaar van aanslag deur ’n boer geskenk is of vir ander doeleindes as die verkryging deur hom van inkomste uit bronne binne die Republiek deur hom uit die Republiek verwyder is of waar die boer ’n maatskappy is en enige lewende hawe of produkte op of na 12 Junie 1990 deur bedoelde maatskappy by wyse van ’n dividend uitgekeer is, word daar by die inkomste van bedoelde boer vir daardie jaar van aanslag ’n bedrag ingereken gelyk aan [die prys wat volgens die Kommissaris se oordeel] die heersende [markprys] markwaarde van daardie lewende hawe of produkte [is].” 25 30

Wysiging van paragraaf 1 van 2de Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 23 van Wet 90 van 1964, artikel 34 van Wet 88 van 1971, artikel 34 van Wet 69 van 1975, artikel 26 van Wet 113 van 1977, artikel 17 van Wet 104 van 1979, artikel 27 van Wet 104 van 1980, artikel 28 van Wet 96 van 1981, artikel 46 van Wet 94 van 1983 en artikel 24 van Wet 65 van 1986 35

43. Paragraaf 1 van die Tweede Bylae by die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by die omskrywing van “formule B” te voeg:

“Met dien verstande dat, ondanks die bepalings van artikel 37D, ’n enkelbedragvoordeel wat ontvang is deur of toegeval het aan ’n getroude vrou en wat vir die doeleindes van hierdie omskrywing in die vasstelling van haar man se belasbare inkomste in berekening gebring is, word by die toepassing van hierdie omskrywing met betrekking tot ’n enkelbedrag daarna ontvang deur of toegeval aan enige gade geag ’n enkelbedrag te wees wat ontvang is deur of toegeval het aan die man;” 40 45

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- 5 **"[The] Any income received by or accrued to or in favour of a married woman married with or without community of property [and not living apart from her husband in circumstances which, in the opinion of the Commissioner, indicate that the separation is likely to be permanent] which in terms of section 7 (2) is deemed to be income received by or accrued to her husband, shall be included by him in returns of income required to be rendered by him under this Act:".**

Amendment of section 75 of Act 58 of 1962

40. Section 75 of the principal Act is hereby amended by the substitution in subsection (1) for the expression "one hundred rand" of the expression "R300".

10 Amendment of section 77 of Act 58 of 1962, as amended by section 25 of Act 69 of 1975

41. Section 77 of the principal Act is hereby amended—
- (a) by the substitution in subsection (5) for the expression "twenty-one" of the expression "30"; and
 - (b) by the addition of the following subsection:
- 15 "(8) Where any female taxpayer is during any portion of the year of assessment a married woman and during the remaining portion of such year not a married woman, separate assessments shall be made upon her in respect of each such period."

Amendment of paragraph 11 of 1st Schedule to Act 58 of 1962

- 20 42. The following paragraph is hereby substituted for paragraph 11 of the First Schedule to the principal Act:

25 "11. If during any year of assessment livestock or produce has been donated by any farmer or has, for purposes other than that of the production to him of income from sources within the Republic, been removed by him from the Republic or where the farmer is a company and any livestock or produce has on or after 12 June 1990 been distributed by such company by way of a dividend, there shall be included in the income of such farmer for that year of assessment an amount equal to **[the price which in the opinion of the Commissioner is]** the current market **[price]** value of such livestock or produce."

- 30 **Amendment of paragraph 1 of 2nd Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 23 of Act 90 of 1964, section 34 of Act 88 of 1971, section 34 of Act 69 of 1975, section 26 of Act 113 of 1977, section 17 of Act 104 of 1979, section 27 of Act 104 of 1980, section 28 of Act 96 of 1981, section 46 of Act 94 of 1983 and section 24 of Act 65 of 1986**

- 35 43. Paragraph 1 of the Second Schedule to the principal Act is hereby amended by the addition to the definition of "formula B" of the following proviso:

40 "Provided that, notwithstanding the provisions of section 37D, any lump sum benefit which was received by or accrued to a married woman and which was taken into account for the purposes of this definition in the determination of her husband's taxable income, shall for the purposes of this definition in relation to any lump sum subsequently received by or accrued to either spouse be deemed to be a lump sum which was received by or accrued to the husband;"

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INKOMSTEBELASTINGWET, 1990

Wysiging van paragraaf 1 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 22 van Wet 72 van 1963, artikel 44 van Wet 89 van 1969, artikel 24 van Wet 52 van 1970, artikel 37 van Wet 88 van 1971, artikel 47 van Wet 85 van 1974, artikel 6 van Wet 30 van 1984, artikel 38 van Wet 121 van 1984 en artikel 20 van Wet 70 van 1989

5

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

(a) deur voor die omskrywing van “besoldiging” die volgende omskrywing in te voeg:

“‘arbeidsmakelaar’ ’n persoon wat ’n arbeidsmakelaarskantoor drywe of voortsit soos in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), omskryf, ongeag of bedoelde arbeidsmakelaarskantoor ingevolge artikel 63 van daardie Wet geregistreer is al dan nie;”;

10

(b) deur in die omskrywing van “besoldiging” die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

15

“enige voorskot betaal of betaalbaar aan ’n direkteur van ’n maatskappy ten opsigte van dienste wat deur dié direkteur aan bedoelde maatskappy bewys is of nog bewys moet word en ’n bedrag aan inkomste wat by wyse van salaris, verlofgratifikasie, toelae, loon, besoldiging vir oortydwerk, bonus, gratifikasie, kommissie, gelde, vergoeding, pensioen, toelae by bereiking van pensioenleeftyd, aftreetoelae, stipendium of traktament aan iemand betaal word of betaalbaar is, hetsy in kontant of andersins, en ongeag of dit ten opsigte van bewese dienste is al dan nie, met inbegrip van—”;

20

(c) deur in paragraaf (ii) van die omskrywing van “besoldiging” die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

25

“’n bedrag betaal of betaalbaar ten opsigte van bewese dienste of dienste wat nog bewys moet word deur iemand (behalwe iemand wat nie gewoonlik in die Republiek woonagtig is nie of ’n werknemer in paragraaf (b), (c) of (d) van die omskrywing van ‘werknemer’ beoog) in die loop van ’n bedryf wat deur hom onafhanklik van die persoon deur wie bedoelde bedrag betaal word of betaalbaar is en van die persoon aan wie daardie dienste bewys is of bewys moet word, beoefen word nie;”;

30

(d) deur paragraaf (iv) van die omskrywing van “besoldiging” te skrap;

(e) deur paragraaf (vii) van die omskrywing van “besoldiging” deur die volgende paragraaf te vervang:

“(vii) enige bedoelde voorskot betaal of betaalbaar aan ’n direkteur van ’n maatskappy indien die Kommissaris in die besondere geval aldus gelas;”;

40

(f) deur die omskrywing van “werkgewer” deur die volgende omskrywing te vervang:

“‘werkgewer’ ’n persoon (uitgesonderd ’n persoon wat nie as prinsipaal optree nie, maar met inbegrip van ’n persoon wat in ’n fidusiêre hoedanigheid of in die hoedanigheid van trustee van ’n insolvente boedel, ’n eksekuteur of ’n administrateur van ’n bystandsfonds, pensioenfonds, voorsorgsfonds, uittredingannuïteitsfonds of enige ander fonds optree) wat aan ’n [ander] persoon [as ’n maatskappy] ’n bedrag by wyse van besoldiging betaal of verskuldig is, en ’n persoon verantwoordelik vir die betaling aan ’n [ander] persoon [as ’n maatskappy] van ’n bedrag by wyse van besoldiging ingevolge ’n wetsbepaling of uit staatsfondse (met inbegrip van die fondse van ’n provinsiale raad of ’n administrasie of onderneming van die Staat) of uit fondse deur die Parlement of ’n provinsiale raad beskikbaar gestel;”;

45

50

55

(g) deur die omskrywing van “werknemer” deur die volgende omskrywing te vervang:

“‘werknemer’—

(a) ’n persoon (behalwe ’n maatskappy) wat besoldiging ontvang of aan wie besoldiging toeval;

60

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Amendment of paragraph 1 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 22 of Act 72 of 1963, section 44 of Act 89 of 1969, section 24 of Act 52 of 1970, section 37 of Act 88 of 1971, section 47 of Act 85 of 1974, section 6 of Act 30 of 1984, section 38 of Act 121 of 1984 and section 20 of Act 70 of 1989

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

(a) by the substitution for the definition of “employee” of the following definition:

10 “‘employee’ means—

(a) any person (other than a company) who receives any remuneration or to whom any remuneration accrues;

15 (b) any person who receives any remuneration or to whom any remuneration accrues by reason of any services rendered by such person to or on behalf of a labour broker;

(c) any labour broker; and

(d) any person or class or category of person whom the Minister of Finance by notice in the *Gazette* declares to be an employee for the purposes of this definition;”;

20 (b) by the substitution for the definition of “employer” of the following definition:

25 “‘employer’ means any person (excluding any person not acting as a principal, but including any person acting in a fiduciary capacity or in his capacity as a trustee in an insolvent estate, an executor or an administrator of a benefit fund, pension fund, provident fund, retirement annuity fund or any other fund) who pays or is liable to pay to any person **[other than a company]** any amount by way of remuneration, and any person responsible for the payment of any amount by way of remuneration to any person **[other than a company]** under the provisions of any law or out of public funds (including the funds of any provincial council or any administration or undertaking of the State) or out of funds voted by Parliament or a provincial council;”;

30 (c) by the insertion after the definition of “employer” of the following definition:

35 “‘labour broker’ means any person who conducts or carries on a labour broker’s office as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956), whether or not such labour broker’s office is registered under section 63 of that Act;”;

40 (d) by the substitution in the definition of “remuneration” for the words preceding paragraph (a) of the following words:

45 “means any advance paid or payable to any director of any company in respect of services rendered or to be rendered by such director to such company, and any amount of income which is paid or is payable to any person by way of any salary, leave pay, allowance, wage, overtime pay, bonus, gratuity, commission, fee, emolument, pension, superannuation allowance, retiring allowance or stipend, whether in cash or otherwise and whether or not in respect of services rendered, including—”;

50 (e) by the substitution in paragraph (ii) of the definition of “remuneration” for the words preceding the proviso of the following words:

55 “any amount paid or payable in respect of services rendered or to be rendered by any person (other than a person who is not ordinarily resident in the Republic or an employee contemplated in paragraph (b), (c) or (d) of the definition of ‘employee’) in the course of any trade carried on by him independently of the person by whom such amount is paid or payable and of the person to whom such services have been or are to be rendered;”;

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- (b) 'n persoon wat besoldiging ontvang of aan wie besoldiging toeval weens dienste deur bedoelde persoon aan of ten behoeve van 'n arbeidsmakelaar bewys;
- (c) 'n arbeidsmakelaar; en
- (d) 'n persoon of klas of kategorie persoon wat die Minister van Finansies by kennisgewing in die *Staatskoerant* as werknemer vir die doeleindes van hierdie omskrywing verklaar;".
- (2) Subartikel (1) (b), (d) en (e) tree op 1 Maart 1991 in werking.

Wysiging van paragraaf 2 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 28 van Wet 113 van 1977, artikel 40 van Wet 90 van 1988 en artikel 21 van Wet 70 van 1989

45. Paragraaf 2 van die Vierde Bylae by die Hoofwet word hierby gewysig deur die volgende subparagraaf by te voeg:

- "(5) (a) Die Kommissaris moet op aansoek aan hom gedoen deur 'n persoon wat 'n arbeidsmakelaar is of wat weens die bepalings van paragraaf (d) van die omskrywing van 'werknemer' in paragraaf 1 'n werknemer is, aan bedoelde persoon 'n vrystellingsertifikaat uitreik indien—
- (i) bedoelde persoon 'n onafhanklike bedryf beoefen en ingevolge die bepalings van paragraaf 17 as 'n voorlopige belastingpligtige geregistreer is;
- (ii) in die geval van bedoelde arbeidsmakelaar, hy ingevolge die bepalings van paragraaf 15 as 'n werkgever geregistreer is; en
- (iii) bedoelde persoon, behoudens enige uitstel wat deur die Kommissaris verleen is, alle sodanige opgawes ingedien het as wat ingevolge hierdie Wet deur hom ingedien moet word.
- (b) Die vrystellingsertifikaat in item (a) bedoel, word in die vorm uitgereik wat die Kommissaris besluit en is geldig vir die tydperk wat die Kommissaris daarop aandui.
- (c) 'n Werkgever is nie verplig om werknemersbelasting af te trek of te weerhou nie van enige besoldiging wat deur hom betaal of verskuldig word aan 'n persoon wat aan die werkgever 'n geldige vrystellingsertifikaat toon wat ingevolge item (a) deur die Kommissaris uitgereik is."

Wysiging van paragraaf 9 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 39 van Wet 88 van 1971, artikel 32 van Wet 103 van 1976 en artikel 29 van Wet 104 van 1980

46. Paragraaf 9 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in subparagraaf (1) die uitdrukking "artikel 6 (2) en (3) (a)" deur die uitdrukking "artikel 6" te vervang.

Wysiging van paragraaf 11B van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en ingevoeg deur artikel 41 van Wet 90 van 1988 en gewysig deur artikel 22 van Wet 70 van 1989

47. Paragraaf 11B van die Vierde Bylae by die Hoofwet word hierby gewysig—

- (a) deur in subparagraaf (1) paragraaf (b) van die voorbehoudsbepaling by die omskrywing van "belastingtydperk" deur die volgende paragraaf te vervang:
- "(b) waar 'n werkgever by die toepassing van paragraaf 15 aansoek gedoen het om aparte registrasie van takke van sy onderneming, elke bedoelde tak by die toepassing van hierdie omskrywing na die keuse van die werkgever geag word 'n aparte werkgever te wees;";
- (b) deur in subparagraaf (1) die omskrywing van "jaarlikse belasting" deur die volgende omskrywing te vervang:
- "jaarlikse belasting", met betrekking tot 'n bedrag aan netto besoldiging, 'n bedrag gelyk aan die normale belasting betaalbaar ooreenkomstig die skale van belasting wat ingevolge artikel 5 (2) van hierdie Wet vasgestel is [of, indien bedoelde skale op die datum waarop 'n bedrag

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- (f) by the deletion of paragraph (iv) of the definition of "remuneration"; and
 (g) by the substitution for paragraph (vii) of the definition of "remuneration" of the following paragraph:

"(vii) any such advance paid or payable to any director of any company if the Commissioner in the particular case so directs;"

- (2) Subsection (1) (d), (f) and (g) shall come into operation on 1 March 1991.

Amendment of paragraph 2 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 28 of Act 113 of 1977, section 40 of Act 90 of 1988 and section 21 of Act 70 of 1989

45. Paragraph 2 of the Fourth Schedule to the principal Act is hereby amended by the addition of the following subparagraph:

"(5) (a) The Commissioner shall on application made to him by any person who is a labour broker or who is an employee by reason of the provisions of paragraph (d) of the definition of 'employee' in paragraph 1, issue to such person a certificate of exemption if—

(i) such person carries on an independent trade and is registered as a provisional taxpayer under the provisions of paragraph 17;

(ii) in the case of any such labour broker, he is registered as an employer under the provisions of paragraph 15; and

(iii) such person has, subject to any extension granted by the Commissioner, submitted all such returns as are required to be submitted by him under this Act.

(b) The certificate of exemption referred to in item (a) shall be issued in such form as the Commissioner may decide and shall be valid for such period as the Commissioner may indicate thereon.

(c) An employer shall not be required to deduct or withhold employees tax from any remuneration paid or payable by him to any person who produces to the employer a valid certificate of exemption issued by the Commissioner under item (a)."

Amendment of paragraph 9 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 39 of Act 88 of 1971, section 32 of Act 103 of 1976 and section 29 of Act 104 of 1980

46. Paragraph 9 of the Fourth Schedule to the principal Act is hereby amended by the substitution in subparagraph (1) for the expression "section 6 (2) and (3) (a)" of the expression "section 6".

Amendment of paragraph 11B of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and inserted by section 41 of Act 90 of 1988 and amended by section 22 of Act 70 of 1989

47. Paragraph 11B of the Fourth Schedule to the principal Act is hereby amended—

(a) by the substitution in subparagraph (1) for the definition of "annual tax" of the following definition:

"'annual tax', in relation to any amount of net remuneration, means an amount equal to the normal tax payable in accordance with the rates of tax fixed in respect of the relevant year of assessment under section 5 (2) of this Act [or, if such rates have not been fixed on the date upon which any amount of annual tax is required to be determined, the rates of tax so fixed in respect of the preceding year of assessment] in

- aan jaarlikse belasting vasgestel moet word, nog nie vasgestel is nie, die skale van belasting aldus ten opsigte van die voorafgaande jaar van aanslag vasgestel] ten opsigte van 'n belasbare inkomste gelyk aan bedoelde netto besoldiging, min 'n aftrekking gelyk aan die som van die kortings waarop die werknemer ingevolge artikel 6 (2) en (3) 5 geregtig sou gewees het indien die betrokke jaar van aanslag op die laaste dag van die betrokke belastingtydperk sou geëindig het;";
- (c) deur in subparagraaf (1) paragrafe (b) en (c) van die omskrywing van "netto besoldiging" deur onderskeidelik die volgende paragrafe te vervang: 10
- “(b) enige bedrag, indien die belastingpligtige by die voortbrenging van dié bedrag onkoste aangegaan het **[wat 1 persent van bedoelde bedrag te bowe gaan en]** wat by die vasstelling van die belasbare inkomste wat hy uit bedoelde bedrag verkry het, aftrekbaar is, of indien hy op 'n vermindering kragtens artikel 11 (e) geregtig is wat aldus aftrekbaar is, 15 en bedoelde onkoste of vermindering, of die som van bedoelde onkoste en vermindering, na gelang van die geval, 1 persent van bedoelde bedrag te bowe gaan;
- (c) enige besoldiging wat **[in die in artikel 20A (2) (b) (ii) of (iii) van hierdie Wet bedoelde omstandighede]** deur 'n getroude vrou verkry word wat 20 kragtens die bepalings van artikel 7 (2) geag word inkomste te wees wat aan haar man toegeval het;";
- (d) deur in subparagraaf (1) paragraaf (e) van die omskrywing van "netto besoldiging" te skrap;
- (e) deur in subparagraaf (1) paragraaf (b) van die omskrywing van 25 "standaarddiens" deur die volgende paragraaf te vervang:
- “(b) die diens van 'n werknemer by 'n werkgewer indien bedoelde werknemer in die opgawe van persoonlike besonderhede soos bedoel in paragraaf 12 verklaar dat hy nie gedurende die tydperk waarin hy bedoelde diens behou dienste (behalwe sodanige toevallige dienste 30 soos vasgestel mag word deur die Kommissaris in die aftrekkingstabelle deur hom voorgeskryf kragtens paragraaf 9) aan enige ander werkgewer lewer of sal lewer nie; of";
- (f) deur items (a) en (b) van subparagraaf (2) deur onderskeidelik die volgende items te vervang: 35
- “(a) in die mate wat die jaarlikse ekwivalent van alle bedoelde netto besoldiging aldus betaal of betaalbaar gedurende die belastingtydperk nie R40 000 te bowe gaan nie **[in die geval van 'n getroude vrou]**; of 40
- (b) **[in enige ander geval, in die mate waarin die jaarlikse ekwivalent van alle sodanige netto besoldiging wat aldus gedurende die belastingtydperk betaal of verskuldig word nie R20 000 te bowe gaan nie, of]** waar bedoelde netto besoldiging 'n jaarlikse betaling insluit (synde 'n bedrag aan netto besoldiging wat ingevolge die werknemer se diensvoorwaardes of ooreenkomstig die werkgewer se praktyk een maal per jaar aan die werknemer betaalbaar is of wat bereken word sonder 45 verwysing na 'n tydperk), in die mate waarin die som van alle sodanige jaarlikse betalings en die jaarlikse ekwivalent van alle ander netto besoldiging wat aldus gedurende die belastingtydperk betaal of verskuldig word nie **[R20 000]** R40 000 te bowe gaan nie;";
- (g) deur items (a) en (b) van subparagraaf (3) deur onderskeidelik die 50 volgende items te vervang:
- “(a) in die geval van enige netto besoldiging behalwe 'n jaarlikse betaling in subparagraaf (2) (b) bedoel, 'n bedrag gelyk aan die jaarlikse belasting vasgestel met betrekking tot soveel van die jaarlikse ekwivalent van bedoelde netto besoldiging **[of, in die geval van 'n werknemer behalwe 55 'n getroude vrou, soveel van bedoelde jaarlikse ekwivalent]** as wat **[R20 000]** R40 000 nie te bowe gaan nie **[I]** gedeel deur die verhouding waarin 'n volle jaar tot die belastingtydperk staan; en
- (b) in die geval van 'n jaarlikse betaling in subparagraaf (2) (b) bedoel, 'n bedrag vasgestel ooreenkomstig die formule— 60

$$[S = \frac{T1 - T2}{R}]$$

$$S = T1 - T2$$

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respect of a taxable income equal to such net remuneration, less a deduction equal to the sum of the rebates to which the employee would have been entitled under section 6 (2) and (3) had the relevant year of assessment ended on the last day of the relevant tax period;”;

5 (b) by the substitution in subparagraph (1) for paragraphs (b) and (c) of the definition of “net remuneration” of the following paragraphs, respectively:

10 “(b) any amount, if the taxpayer has in the production of such amount incurred expenditure **[exceeding 1 per cent of such amount]** which is deductible in the determination of the taxable income derived by him from such amount, or if he is entitled to an allowance under section 11 (e) which is so deductible, and such expenditure or allowance, or the sum of such expenditure and allowance, as the case may be, exceeds 1 per cent of such amount;

15 (c) any remuneration derived by a married woman **[in the circumstances contemplated in section 20A (2) (b) (ii) or (iii) of this Act]** which is under the provisions of section 7 (2) deemed to be income accrued to her husband;”;

(c) by the deletion in subparagraph (1) of paragraph (e) of the definition of “net remuneration”;

20 (d) by the substitution in subparagraph (1) for paragraph (b) of the definition of “standard employment” of the following paragraph:

25 “(b) the employment of any employee with an employer if such employee declares on the return of personal particulars referred to in paragraph 12 that he does not and will not during the period in which he holds such employment render services (other than such casual services as may be determined by the Commissioner in the deduction tables prescribed by him under paragraph 9) to any other employer; or”;

(e) by the substitution in subparagraph (1) for paragraph (b) of the proviso to the definition of “tax period” of the following paragraph:

30 “(b) where any employer has for the purposes of paragraph 15 applied for separate registration of branches of his undertaking, each such branch shall for the purposes of this definition be deemed at the option of the employer to be a separate employer;”;

35 (f) by the substitution for items (a) and (b) of subparagraph (2) of the following items, respectively:

“(a) to the extent that the annual equivalent of all such net remuneration so paid or payable during the tax period does not exceed R40 000 [in the case of a married woman]; or

40 (b) **[in any other case, to the extent that the annual equivalent of all such net remuneration so paid or payable during the tax period does not exceed R20 000, or]** where such net remuneration includes any annual payment (being an amount of net remuneration which in terms of the employee’s service conditions or in accordance with the employer’s practice is payable to the employee once annually or which is determined without reference to any period), to the extent that the sum of all such annual payments and the annual equivalent of all other net remuneration so paid or payable during the tax period does not exceed **[R20 000] R40 000;**”;

50 (g) by the substitution for items (a) and (b) of subparagraph (3) of the following items, respectively:

55 “(a) in the case of any net remuneration other than an annual payment referred to in subparagraph (2) (b), be an amount equal to the annual tax determined in relation to so much of the annual equivalent of such net remuneration [(or, in the case of an employee other than a married woman, so much of such annual equivalent)] as does not exceed **[R20 000] R40 000** divided by the ratio which a full year bears to the tax period; and

(b) in the case of any annual payment referred to in subparagraph (2) (b), be an amount determined in accordance with the formula—

60

$$S = \frac{T1 - T2}{R}$$

$$S = T1 - T2$$

in welke formule—

- (i) 'S' die bedrag aan Standaard Inkomstebelasting op Werknemers voorstel wat vasgestel moet word;
 - (ii) 'T1' die jaarlikse belasting voorstel wat vasgestel is met betrekking tot 'n bedrag (wat nie **[R20 000 in die geval van iemand behalwe 'n getroude vrou]** R40 000 te bowe gaan nie) gelyk aan die som van alle bedoelde jaarlikse betalings en die jaarlikse ekwivalent van alle ander netto besoldiging wat in die belastingtydperk deur die werkgever aan die werknemer betaal is of verskuldig geword het; en
 - (iii) 'T2' die jaarlikse belasting voorstel wat vasgestel is met betrekking tot 'n bedrag (wat nie **[die betrokke genoemde bedrag]** R40 000 te bowe gaan nie) gelyk aan genoemde jaarlikse ekwivalent **[en**
 - (iv) **'R' die verhouding voorstel waarin 'n volle jaar tot die belastingtydperk staan]**.”;
- (h) deur in subparagraaf (4) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang:
- “Waar die belastingpligtige geregtig is op 'n aftrekking ingevolge artikel 11 (k) of (n) van hierdie Wet ten opsigte van 'n bydrae aan 'n pensioen- of uittredingannuïteitsfonds wat nie deur sy werkgever by die vasstelling van die balans in die omskrywing van 'netto besoldiging' in subparagraaf (1) bedoel in aanmerking geneem is nie, of op 'n aftrekking ingevolge artikel 16A of 18 van hierdie Wet, en die belastingpligtige se belasbare inkomste wat anders as uit netto besoldiging verkry is nie met die volle bedrag van so 'n aftrekking verminder kan word nie, wysig die Kommissaris op aansoek van die belastingpligtige —”; en
- (i) deur die volgende subparagraaf by te voeg:
- “(9) (a) Vir die doeleindes van die vasstelling van die bedrag aan Standaard Inkomstebelasting op Werknemers waarvoor 'n werknemer aan die einde van 'n belastingtydperk aanspreeklik geword het, moet 'n werkgever, behoudens 'n verandering bedoel in paragraaf 10, ag slaan op die jongste aftrekkingstabelle, en die wyse waarop bedoelde tabelle toegepas moet word, wat deur die Kommissaris voorgeskryf is ingevolge paragraaf 9 en wat op die datum waarop bedoelde belastingtydperk eindig van krag is.
- (b) 'n Vasstelling deur 'n werkgever gedoen in ooreenstemming met die bepalings van item (a) word geag juis in ooreenstemming met die skale van belasting vir die betrokke jaar van aanslag kragtens artikel 5 (2) vasgestel, en in ooreenstemming met die bepalings van hierdie Wet soos van toepassing op die belastingtydperk, gedoen te gewees het, ondanks dat die skale van belasting aldus vasgestel van die skale van belasting waarop bedoelde aftrekkingstabelle gebaseer is, mag verskil of dat 'n bepaling van hierdie Wet deur die Kommissaris in ag geneem by die voorskryf van die wyse waarop bedoelde tabelle toegepas moet word, met ingang van 'n datum wat voor die einde van bedoelde belastingtydperk val, gewysig is.”.

Wysiging van paragraaf 12 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 42 van Wet 90 van 1988

48. Paragraaf 12 van die Vierde Bylae by die Hoofwet word hierby gewysig deur na subparagraaf (1) die volgende subparagraaf in te voeg:

“(1A) 'n Werkgever wat vermoed dat 'n opgawe deur 'n werknemer verstrek kragtens subparagraaf (1) valse inligting bevat, mag bedoelde opgawe aan die Kommissaris voorleë vir kontrolering.”.

Wysiging van paragraaf 13 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 24 van Wet 72 van 1963 en artikel 29 van Wet 113 van 1977

49. Paragraaf 13 van die Vierde Bylae by die Hoofwet word hierby gewysig—

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in which formula—

- (i) 'S' represents the amount of Standard Income Tax on Employees to be determined;
 - (ii) 'T1' represents the annual tax determined in relation to an amount (not exceeding **[R20 000 in the case of an employee other than a married woman]** R40 000) equal to the sum of all such annual payments and the annual equivalent of all other net remuneration paid or payable by the employer to the employee during the tax period; and
 - (iii) 'T2' represents the annual tax determined in relation to an amount (not exceeding **[the relevant said amount]** R40 000) equal to the said annual equivalent **[and**
 - (iv) **'R' represents the ratio which a full year bears to the tax period].**";
- (h) by the substitution in subparagraph (4) for the words preceding item (a) of the following words:
- "Where the taxpayer is entitled to a deduction under section 11(k) or (n) of this Act in respect of any contribution to a pension fund or retirement annuity fund which has not been taken into account by his employer in the determination of the balance contemplated in the definition of 'net remuneration' in subparagraph (1), or to a deduction under section 16A or 18 of this Act, and the taxpayer's taxable income derived otherwise than from net remuneration cannot be reduced by the full amount of any such deduction, the Commissioner shall on application made by the taxpayer amend —"; and
- (i) by the addition of the following subparagraph:
- "(9) (a) For the purposes of determining the amount of Standard Income Tax on Employees for which any employee has become liable at the end of any tax period, an employer shall, subject to any variation referred to in paragraph 10, have regard to the latest tax deduction tables, and the manner in which such tables shall be applied, which have been prescribed by the Commissioner under paragraph 9 and which are in force on the date upon which such tax period ends.**
- (b) Any determination made by an employer in accordance with the provisions of item (a) shall be deemed to have been correctly made in accordance with the rates of tax fixed for the relevant year of assessment under section 5 (2) and in accordance with the provisions of this Act as applicable to the tax period, notwithstanding that the rates of tax so fixed may differ from the rates of tax upon which such deduction tables are based or that any provision of this Act taken into account by the Commissioner in prescribing the manner in which such tables shall be applied, is amended with effect from a date falling before the end of such tax period."**

Amendment of paragraph 12 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 42 of Act 90 of 1988

- 45 **48.** Paragraph 12 of the Fourth Schedule to the principal Act is hereby amended by the insertion after subparagraph (1) of the following subparagraph:

"(1A) Any employer who suspects that a return furnished by an employee under subparagraph (1) contains false information, may submit such return to the Commissioner for verification."

- 50 **Amendment of paragraph 13 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 24 of Act 72 of 1963 and section 29 of Act 113 of 1977**

- 49.** Paragraph 13 of the Fourth Schedule to the principal Act is hereby amended—

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- (a) deur subparagraaf (1) deur die volgende subparagraaf te vervang:
- “(1) Behoudens die bepalings van paragrawe 5 en 28, moet elke werkgewer wat gedurende **[die]** ’n tydperk **[van 12 maande eindigende op die laaste dag van Februarie 1964 of ’n daaropvolgende tydperk van 12 maande]** bedoel in subparagraaf (1A) ’n bedrag by wyse van werknemersbelasting volgens voorskrif van paragraaf 2 aftrek of terughou, binne die tyd by subparagraaf (2) van hierdie paragraaf toegelaat aan elke werknemer of voormalige werknemer aan wie besoldiging gedurende die betrokke tydperk deur bedoelde werkgewer betaal is of verskuldig geword het, ’n werknemersbelastingcertifikaat verstrek in ’n vorm wat die Kommissaris voorskryf of goedkeur, wat die totale besoldiging van die werknemer of voormalige werknemer gedurende dié tydperk en die som van die bedrae gedurende dié tydperk by wyse van werknemersbelasting deur bedoelde werkgewer afgetrek of teruggehou van sodanige besoldiging aantoon, maar met uitsluiting van enige bedrag by wyse van besoldiging of werknemersbelasting wat ingesluit is by ’n ander werknemersbelastingcertifikaat deur bedoelde werkgewer uitgereik tensy sodanige ander sertifikaat aan bedoelde werkgewer deur die werknemer of voormalige werknemer teruggegee is en deur bedoelde werkgewer gekanselleer is en deur hom volgens voorskrif van subparagraaf (10) behandel is.”;
- (b) deur na subparagraaf (1) die volgende subparagraawe in te voeg:
- “(1A) Die tydperk bedoel in subparagraaf (1) is die tydperk van 12 maande eindigende op die laaste dag van Februarie van ’n jaar of, na die keuse van die werkgewer wat deur hom uitgeoefen mag word met betrekking tot al sy werknemers of ’n groep van sy werknemers, die tydperk, hetsy van 12 maande of nie (’n alternatiewe tydperk genoem), beginnende op die dag wat volg op die laaste dag van die voorafgaande alternatiewe tydperk met betrekking tot die werkgewer en eindigende op ’n datum wat nie meer nie as 14 dae (of sodanige groter aantal dae as wat die Kommissaris met inagneming van die omstandighede van die geval mag toelaat) voor of na die laaste dag van Februarie van ’n jaar val.
- (1B) Waar ’n werkgewer met betrekking tot ’n werknemer ’n keuse uitgeoefen het soos beoog in subparagraaf (1A), word enige besoldiging wat betaal is of betaalbaar word aan ’n werknemer deur ’n werkgewer gedurende ’n alternatiewe tydperk by die toepassing van hierdie Wet geag betaal te gewees het of betaalbaar te geword het aan ’n werknemer gedurende die jaar van aanslag geëindig op die laaste dag van Februarie van die kalenderjaar waarin bedoelde alternatiewe tydperk geëindig het.”;
- en
- (c) deur in item (a) van subparagraaf (2) die uitdrukking “veertien dae” deur die uitdrukking “60 dae” te vervang.

Wysiging van paragraaf 14 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 40 van Wet 88 van 1971

50. Paragraaf 14 van die Vierde Bylae by die Hoofwet word hierby gewysig deur subparagraaf (3) deur die volgende subparagraaf te vervang:

“(3) Elke werkgewer moet—

- (a) **[ten opsigte van die]** binne 60 dae na die einde van elke tydperk **[van 12 maande eindigende op die laaste dag van Februarie 1964 en elke daaropvolgende tydperk van 12 maande]** bedoel in paragraaf 13 (1A);
- en
- (b) indien hy gedurende bedoelde tydperk ophou om ’n besigheid of ander onderneming te dryf ten opsigte waarvan hy aan ’n werknemer besoldiging betaal of verskuldig geword het, of indien hy andersins ophou om ’n werkgewer te wees, **[ten opsigte van die tydperk vanaf die eerste dag van Maart onmiddellik voor die datum waarop hy dié besigheid of ander onderneming gestaak het of opgehou het om ’n werkgewer te wees, na gelang van die geval, tot]** binne 14 dae na die datum waarop hy aldus die besigheid of onderneming gestaak het of opgehou het om ’n werkgewer te wees, na gelang van die geval, **[binne 14 dae na die einde van die betrokke tydperk]** of binne so ’n langer tyd as wat die Kommissaris goedkeur, ’n opgawe aan die Kommissaris indien in ’n

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- (a) by the substitution for subparagraph (1) of the following subparagraph:
“(1) Subject to the provisions of paragraphs 5 and 28, every employer who during **[the] any period [of 12 months ending the last day of February, 1964, or any succeeding period of 12 months]** contemplated in subparagraph (1A) deducts or withholds any amount by way of employees tax as required by paragraph 2 shall within the time allowed by subparagraph (2) of this paragraph deliver to each employee or former employee to whom remuneration has during the period in question been paid or become due by such employer, an employees tax certificate in such form as the Commissioner may prescribe or approve, which shall show the total remuneration of such employee or former employee and the sum of the amounts of employees tax deducted or withheld by such employer from such remuneration during the said period, excluding any amount of remuneration or employees tax included in any other employees tax certificate issued by such employer unless such other certificate has been surrendered to such employer by the employee or former employee and has been cancelled by such employer and dealt with by him as provided in subparagraph (10).”;
- (b) by the insertion after subparagraph (1) of the following subparagraphs:
“(1A) The period referred to in subparagraph (1) shall be the period of 12 months ending on the last day of February of any year or, at the option of the employer which may be exercised by him in relation to all his employees or any class of his employees, the period, whether of 12 months or not (to be known as an alternate period), commencing on the day following the last day of the preceding alternate period in relation to the employer and ending on a date falling not more than 14 days (or such greater number of days as the Commissioner having regard to the circumstances of the case may allow) before or after the last day of February of any year.
(1B) Where any employer has in relation to any employee exercised an option as contemplated in subparagraph (1A), any remuneration which is paid or becomes payable to the employee by the employer during an alternate period shall for the purposes of this Act be deemed to have been paid or to have become payable to the employee during the year of assessment ended on the last day of February of the calendar year in which such alternate period ended.”; and
- (c) by the substitution in item (a) of subparagraph (2) for the expression “fourteen days” of the expression “60 days”.

Amendment of paragraph 14 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 40 of Act 88 of 1971

- 40 **50.** Paragraph 14 of the Fourth Schedule to the principal Act is hereby amended by the substitution for subparagraph (3) of the following subparagraph:
“(3) Every employer shall—
(a) **[in respect of the]** within 60 days after the end of each period **[of 12 months ending the last day of February, 1964, and each succeeding period of 12 months]** contemplated in paragraph 13 (1A); and
(b) if during any such period he ceases to carry on any business or other undertaking in respect of which he has paid or becomes liable to pay remuneration to any employee or otherwise ceases to be an employer, **[in respect of the period from the first day of March immediately preceding the date on which he has ceased to carry on such business or other undertaking or to be an employer, as the case may be, to]** within 14 days after the date on which he has so ceased to carry on such business or undertaking or to be an employer, as the case may be,
55 **[within 14 days after the end of the period in question]** or within such longer time as the Commissioner may approve, render to the Commissioner a return in such

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vorm wat die Kommissaris voorskryf, aantonende die name en adresse van al die persone wat gedurende bedoelde tydperk werknemers met betrekking tot dié werkgewer was en die totale besoldiging wat ten opsigte van daardie tydperk aan elke werknemer betaal is of toegeval het en die totale bedrag aan werknemersbelasting wat gedurende daardie tydperk van die besoldiging van elk van daardie werknemers afgetrek of teruggehou is.”

Wysiging van paragraaf 17 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 27 van Wet 90 van 1964, artikel 41 van Wet 88 van 1971, artikel 33 van Wet 103 van 1976 en artikel 30 van Wet 104 van 1980

51. Paragraaf 17 van die Vierde Bylae by die Hoofwet word hierby gewysig deur die volgende subparagraaf by te voeg:

“(8) Elke persoon wat ’n voorlopige belastingpligtige is, moet binne 30 dae na die datum waarop hy ’n voorlopige belastingpligtige word, by die Kommissaris aansoek doen om registrasie as ’n voorlopige belastingpligtige.”

Wysiging van paragraaf 19 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 28 van Wet 88 van 1965, artikel 46 van Wet 89 van 1969, artikel 43 van Wet 88 van 1971, artikel 50 van Wet 85 van 1974 en artikel 49 van Wet 94 van 1983

52. (1) Paragraaf 19 van die Vierde Bylae by die Hoofwet word hierby gewysig—

(a) deur die volgende subitem by item (d) van subparagraaf (1) te voeg:

“(iii) met betrekking tot ’n skatting ingevolge item (a) verstrek deur ’n getroude vrou aan wie die Kommissaris nie ten minste 14 dae voor die datum waarop bedoelde skatting verstrek moet word ’n kennisgewing van aanslag ten opsigte van die jaar van aanslag geëindig op 28 Februarie 1991 uitgereik het nie en wat, by ontstentenis van die bepaling van artikel 7 (2) soos van toepassing in die jaar van aanslag geëindig op 28 Februarie 1990, ’n voorlopige belastingpligtige met betrekking tot bedoelde laasgenoemde jaar sou gewees het, ’n bedrag gelyk aan die bedrag waarop haar man se belasbare inkomste deur die Kommissaris aangeslaan sou gewees het vir die jongste voorafgaande jaar van aanslag van haar man met betrekking tot bedoelde skatting indien haar man se inkomste in bedoelde jongste voorafgaande jaar uitsluitlik uit inkomste ontvang deur of toegeval aan bedoelde getroude vrou gedurende daardie jaar bestaan het.”; en

(b) deur in subparagraaf (1) die volgende voorbehoudsbepaling by subitem (ii) van item (e) te voeg:

“Met dien verstande dat waar die Kommissaris met betrekking tot ’n skatting wat ’n voorlopige belastingpligtige moet verstrek ’n opgawe vir die betaling van voorlopige belasting aan die belastingpligtige uitgereik het waarop die Kommissaris die belastingpligtige se belasbare inkomste vir die jongste voorafgaande jaar van aanslag, ten opsigte waarvan ’n aanslagkennisgewing voor die datum van uitreiking van bedoelde opgawe uitgereik is, aangedui het, word bedoelde belasbare inkomste na die keuse van die belastingpligtige geag die basiese bedrag van toepassing op bedoelde skatting te wees.”

(2) Subartikel (1) (a) is van toepassing op die betaling van voorlopige belasting wat gedoen moet word kragtens paragraaf 21 (1) (b) van die Vierde Bylae by die Hoofwet ten opsigte van die jaar van aanslag eindigende op 28 Februarie 1991 en op ’n betaling van voorlopige belasting wat gedoen moet word ten opsigte van enige daaropvolgende jaar van aanslag.

Wysiging van paragraaf 23 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en vervang deur artikel 51 van Wet 94 van 1983 en gewysig deur artikel 41 van Wet 121 van 1984 en artikel 27 van Wet 65 van 1986

53. Paragraaf 23 van die Vierde Bylae by die Hoofwet word hierby gewysig deur na subparagraaf (b) die volgende woorde by te voeg:

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form as the Commissioner may prescribe showing the names and addresses of all the persons who during such period were employees in relation to such employer and the total remuneration paid to or accrued to each employee in respect of such period and the total amount of employees tax deducted or withheld from the remuneration of each such employee during such period.”.

Amendment of paragraph 17 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 27 of Act 90 of 1964, section 41 of Act 88 of 1971, section 33 of Act 103 of 1976 and section 30 of Act 104 of 1980

51. Paragraph 17 of the Fourth Schedule to the principal Act is hereby amended by the addition of the following subparagraph:

“(8) Every person who is a provisional taxpayer shall within 30 days after the date upon which he becomes a provisional taxpayer, apply to the Commissioner for registration as a provisional taxpayer.”.

Amendment of paragraph 19 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 28 of Act 88 of 1965, section 46 of Act 89 of 1969, section 43 of Act 88 of 1971, section 50 of Act 85 of 1974 and section 49 of Act 94 of 1983

52. (1) Paragraph 19 of the Fourth Schedule to the principal Act is hereby amended—

(a) by the addition to item (d) of subparagraph (1) of the following subitem:

“(iii) as respects an estimate submitted under item (a) by a married woman to whom the Commissioner has not at least 14 days before the date upon which such estimate is required to be submitted issued a notice of assessment in respect of the year of assessment ended on 28 February 1991 and who, but for the provisions of section 7 (2) as applicable in the year of assessment ended on 28 February 1990, would have been a provisional taxpayer in relation to such last-mentioned year, a sum equal to the amount at which her husband's taxable income would have been assessed by the Commissioner for the latest preceding year of assessment of her husband in relation to such estimate had her husband's income in such latest preceding year consisted solely of the income received by or accrued to such married woman during that year.”; and

(b) by the addition in subparagraph (1) to subitem (ii) of item (e) of the following proviso:

“Provided that where the Commissioner has in respect of any estimate required to be made by a provisional taxpayer issued to the taxpayer a return for the payment of provisional tax upon which the Commissioner has indicated the taxpayer's taxable income for the latest preceding year of assessment, in respect of which a notice of assessment was issued prior to the issue of such return, such taxable income shall at the option of the taxpayer be deemed to be the basic amount applicable to such estimate.”.

(2) Subsection (1) (a) shall apply to the payment of provisional tax required to be made under paragraph 21 (1) (b) of the Fourth Schedule to the principal Act in respect of the year of assessment ending on 28 February 1991 and to any payment of provisional tax required to be made in respect of any subsequent year of assessment.

Amendment of paragraph 23 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and substituted by section 51 of Act 94 of 1983 and amended by section 41 of Act 121 of 1984 and section 27 of Act 65 of 1986

53. Paragraph 23 of the Fourth Schedule to the principal Act is hereby amended by the addition after subparagraph (b) of the following words:

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“min, in beide gevalle, die som van die bedrae aan werknemersbelasting afgetrek deur die belastingpligtige se werkgever van die belastingpligtige se besoldiging gedurende die betrokke tydperk.”.

Vervanging van paragraaf 29 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en vervang deur artikel 43 van Wet 90 van 1988

5

54. Paragraaf 29 van die Vierde Bylae by die Hoofwet word hierby deur die volgende paragraaf vervang:

“29. Geen terugbetaling van enige bedrag aan werknemersbelasting of voorlopige belasting word aan die betrokke belastingpligtige gemaak op ’n ander wyse as dié wat in paragraaf 11B of 28 voorgeskryf word nie of in sodanige omstandighede as wat deur die Kommissaris vasgestel mag word in enige aftrekkingstabelle deur hom kragtens paragraaf 9 voorgeskryf.”.

10

Wysiging van paragraaf 1 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 26 van Wet 96 van 1985, Goewermentskennisgewing No. R.2706 van 29 November 1985, artikel 33 van Wet 65 van 1986, Goewermentskennisgewing No. R.2683 van 19 Desember 1986, artikel 28 van Wet 85 van 1987, Goewermentskennisgewing No. R.714 van 14 April 1989, artikel 24 van Wet 70 van 1989 en Goewermentskennisgewing No. R.763 van 29 Maart 1990

15

55. (1) Paragraaf 1 van die Sewende Bylae by die Hoofwet word hierby gewysig deur in die omskrywing van “amptelike rentekoers” die uitdrukking “16 persent” deur die uitdrukking “19 persent” te vervang.

20

(2) Subartikel (1) word geag op 1 Mei 1990 in werking te getree het.

Wysiging van paragraaf 2 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 27 van Wet 96 van 1985

56. Paragraaf 2 van die Sewende Bylae by die Hoofwet word hierby gewysig deur subparagraaf (f) deur die volgende subparagraaf te vervang:

25

“(f) ’n lening (behalwe ’n lening wat ingevolge die bepalings van artikel 8B van hierdie Wet as ’n dividend behandel [is] was voor die herroeping daarvan deur artikel 6 van die Inkomstebelastingwet, 1990, of ’n lening ten opsigte waarvan ’n subsidie betaalbaar is soos in subparagraaf (gA) beoog) aan die werknemer verleen is, hetsy deur die werkgever of deur ’n ander persoon volgens ’n ooreenkoms met die werkgever of ’n verwante inrigting met betrekking tot die werkgever, en òf geen rente deur die werknemer op daardie lening betaalbaar is nie òf rente daarop teen ’n koers laer as die amptelike rentekoers deur hom betaalbaar is; of”.

35

Wysiging van paragraaf 5 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 28 van Wet 96 van 1985

57. (1) Paragraaf 5 van die Sewende Bylae by die Hoofwet word hierby gewysig—

(a) deur die voorbehoudsbepaling by subparagraaf (2) deur die volgende voorbehoudsbepaling te vervang:

40

“Met dien verstande dat waar die betrokke bate roerende eiendom (behalwe handelseffekte) is en deur die werkgever verkry is ten einde dit aan die werknemer af te staan, of die betrokke bate (behalwe handelseffekte) deur die werkgever as handelsvoorraad gehou is, die waarde wat daarop geplaas moet word die koste daarvan vir die werkgever is of, waar bedoelde bate as handelsvoorraad gehou was en die markwaarde daarvan minder as bedoelde koste was, bedoelde markwaarde.”; en

45

(b) deur items (a) en (b) van subparagraaf (3) deur onderskeidelik die volgende items te vervang:

50

“(a) ’n bate deur ’n werkgever aan ’n werknemer geskenk as ’n toekenning vir dapperheid indien die koste vir die werkgever van alle bedoelde bates aldus toegeken aan die werknemer nie R2 000 gedurende die jaar van aanslag te bowe gaan nie; of

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"less, in either case, the total amount of employees tax deducted by the taxpayer's employer from the taxpayer's remuneration during the relevant period."

Substitution of paragraph 29 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and substituted by section 43 of Act 90 of 1988

54. The following paragraph is hereby substituted for paragraph 29 of the Fourth Schedule to the principal Act:

10 "29. No refund of any amount of employees tax or provisional tax shall be made to the taxpayer concerned otherwise than as provided in paragraph 11B or 28 or in such circumstances as may be determined by the Commissioner in any deduction tables prescribed by him under paragraph 9."

15 **Amendment of paragraph 1 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 26 of Act 96 of 1985, Government Notice No. R.2706 of 29 November 1985, section 33 of Act 65 of 1986, Government Notice No. R.2683 of 19 December 1986, section 28 of Act 85 of 1987, Government Notice No. R.714 of 14 April 1989, section 24 of Act 70 of 1989 and Government Notice No. R.763 of 29 March 1990**

55. (1) Paragraph 1 of the Seventh Schedule to the principal Act is hereby amended by the substitution in the definition of "official rate of interest" for the expression "16 per cent" of the expression "19 per cent".

(2) Subsection (1) shall be deemed to have come into operation on 1 May 1990.

Amendment of paragraph 2 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 27 of Act 96 of 1985

25 56. Paragraph 2 of the Seventh Schedule to the principal Act is hereby amended by the substitution for subparagraph (f) of the following subparagraph:

30 "(f) a loan (other than a loan which was treated as a dividend under the provisions of section 8B of this Act prior to the repeal thereof by section 6 of the Income Tax Act, 1990, or a loan in respect of which a subsidy is payable as contemplated in subparagraph (gA)) has been granted to the employee, whether by the employer or by any other person by arrangement with the employer or any associated institution in relation to the employer, and either no interest is payable by the employee on such loan or interest is payable by him thereon at a rate of lower than the official rate of interest; or"

35 **Amendment of paragraph 5 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 28 of Act 96 of 1985**

57. (1) Paragraph 5 of the Seventh Schedule to the principal Act is hereby amended—

40 (a) by the substitution for the proviso to subparagraph (2) of the following proviso:

45 "Provided that where the asset in question is movable property (other than marketable securities) and was acquired by the employer in order to dispose of it to the employee or the asset in question (other than marketable securities) was held by the employer as trading stock, the value to be placed thereon shall be the cost thereof to the employer or, where such asset was held as trading stock and the market value thereof was less than such cost, such market value."; and

(b) by the substitution for items (a) and (b) of subparagraph (3) of the following items, respectively:

50 "(a) any asset presented by an employer to an employee as an award for bravery if the cost to the employer of all such assets so awarded to the employee during the year of assessment does not exceed R2 000; or

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- (b) 'n bate deur 'n werkgever aan 'n werknemer gegee [omrede van veilige werk in 'n gevaarlike beroep of] vir langdurige diens [mits] indien die koste vir die werkgever van alle bedoelde [bate] bates aldus aan die werknemer gegee nie R2 000 gedurende die jaar van aanslag te bowe gaan nie; of".

(2) Subartikel (1) word geag op die datum van inwerkingtreding van hierdie Wet in werking te getree het en is van toepassing op 'n bate wat op of na daardie datum deur 'n werknemer verkry is.

Wysiging van paragraaf 7 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 30 van Wet 96 van 1985, artikel 10 van Wet 108 van 1986, Goewermentskennisgewing No. 956 van 11 Mei 1988, artikel 44 van Wet 90 van 1988, Goewermentskennisgewing No. R.715 van 14 April 1989, artikel 25 van Wet 70 van 1989 en Goewermentskennisgewing No. R.764 van 29 Maart 1990

58. (1) Paragraaf 7 van die Sewende Bylae by die Hoofwet word hierby gewysig deur item (a) van subparagraaf (4) deur die volgende item te vervang:

- “(a) met betrekking tot elke bedoelde maand, 'n bedrag ooreenkomstig die volgende skaal vasgestel, met inagneming van die vasgestelde waarde van bedoelde voertuig en die masjienkapasiteit daarvan:

Vasgestelde waarde	Waarde van private gebruik				20
	Masjienkapasiteit				
	0-1 600 cc	1 601-2 000 cc	2 001-3 000 cc	Bo 3 000 cc	
	R	R	R	R	
0-R 20 000	260	318	378	437	
R 20 001-R 25 000	299	357	417	476	25
R 25 001-R 30 000	338	397	457	516	
R 30 001-R 35 000	378	437	497	555	
R 35 001-R 40 000	417	476	537	595	
R 40 001-R 45 000	457	516	576	635	
R 45 001-R 50 000	497	555	616	675	30
R 50 001-R 60 000	576	635	695	755	
R 60 001-R 70 000	656	714	774	834	
R 70 001-R 80 000	735	794	854	912	
R 80 001-R 90 000	815	873	933	992	
R 90 001-R100 000	894	953	1 013	1 071	35
R100 001-R110 000	974	1 032	1 092	1 151	
R110 001-R120 000	1 053	1 110	1 171	1 230	
R120 001-R130 000	1 131	1 190	1 251	1 310	
R130 001-R140 000	1 211	1 269	1 331	1 389	
R140 001-R150 000	1 290	1 349	1 410	1 469	40

Met dien verstande dat—

- (i) waar die vasgestelde waarde van bedoelde voertuig die som van R150 000 te bowe gaan, die waarde van private gebruik vir elke bedoelde maand die bedrag vasgestel vir 'n voertuig met 'n vasgestelde waarde van R150 000 is, plus 'n bedrag van [R53] R80 vir elke volle bedrag van R10 000 waarby bedoelde vasgestelde waarde R150 000 te bowe gaan; en

- (ii) waar die werknemer—

(aa) die koste dra van alle brandstof gebruik vir die doeleindes van die private gebruik van die voertuig (met inbegrip van reise tussen die werknemer se woonplek en werkplek), die waarde van private gebruik vir elke bedoelde maand, soos ingevolge die voorafgaande bepalings van hierdie subparagraaf vasgestel, verminder word met 'n bedrag van [R67] R100;

(bb) die volle koste van die instandhouding van die voertuig dra (met inbegrip van die koste van herstelwerk, diens, smering en bande), die waarde van private gebruik vir elke bedoelde maand, soos ingevolge die voorafgaande bepalings van hierdie subparagraaf vasgestel, verminder word met 'n bedrag van [R41] R62; en”.

(2) Subartikel (1) word geag op 1 Mei 1990 in werking te getree het.

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- (b) any asset given by an employer to an employee [by reason of safe working in a dangerous occupation or] for long service [provided] if the cost to the employer of all such [asset] assets so given to the [employer] employee during the year of assessment does not exceed R2 000; or”.

5 (2) Subsection (1) shall be deemed to have come into operation on the date of commencement of this Act and shall apply in respect of any asset acquired by an employee on or after that date.

Amendment of paragraph 7 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 30 of Act 96 of 1985, section 10 of Act 108 of 1986, Government Notice No. 956 of 11 May 1988, section 44 of Act 90 of 1988, Government Notice No. R.715 of 14 April 1989, section 25 of Act 70 of 1989 and Government Notice No. R.764 of 29 March 1990

58. (1) Paragraph 7 of the Seventh Schedule to the principal Act is hereby amended by the substitution for item (a) of subparagraph (4) of the following item:
- 15 “(a) as respects each such month, be an amount determined in accordance with the following scale, having regard to the determined value of such vehicle and the engine capacity thereof:

Determined value	Value of private use			
	Engine capacity			
	0– 1 600 cc	1 601– 2 000 cc	2 001– 3 000 cc	Over 3 000 cc
0–R 20 000	R 260	R 318	R 378	R 437
R 20 001–R 25 000	299	357	417	476
R 25 001–R 30 000	338	397	457	516
R 30 001–R 35 000	378	437	497	555
R 35 001–R 40 000	417	476	537	595
R 40 001–R 45 000	457	516	576	635
R 45 001–R 50 000	497	555	616	675
R 50 001–R 60 000	576	635	695	755
R 60 001–R 70 000	656	714	774	834
R 70 001–R 80 000	735	794	854	912
R 80 001–R 90 000	815	873	933	992
R 90 001–R100 000	894	953	1 013	1 071
R100 001–R110 000	974	1 032	1 092	1 151
R110 001–R120 000	1 053	1 110	1 171	1 230
R120 001–R130 000	1 131	1 190	1 251	1 310
R130 001–R140 000	1 211	1 269	1 331	1 389
R140 001–R150 000	1 290	1 349	1 410	1 469

Provided that—

- (i) where the determined value of such vehicle exceeds the sum of R150 000, the value of private use for each such month shall be the amount determined for a vehicle with a determined value of R150 000 plus an amount of [R53] R80 for each completed amount of R10 000 by which such determined value exceeds R150 000; and
- (ii) where the employee—
- (aa) bears the cost of all fuel used for the purposes of the private use of the vehicle (including travelling between the employee's place of residence and his place of employment), the value of private use for each such month as determined in accordance with the foregoing provisions of this subparagraph shall be reduced by an amount of [R67] R100;
- (bb) bears the full cost of maintaining the vehicle (including the cost of repairs, servicing, lubrication and tyres), the value of private use for each such month as determined in accordance with the foregoing provisions of this subparagraph shall be reduced by an amount of [R41] R62; and”.
- (2) Subsection (1) shall be deemed to have come into operation on 1 May 1990.

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Wysiging van paragraaf 9 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 31 van Wet 96 van 1985, artikel 34 van Wet 65 van 1986 en artikel 29 van Wet 85 van 1987

59. Paragraaf 9 van die Sewende Bylae by die Hoofwet word hierby gewysig—
- (a) deur in item (b) van subparagraaf (4) die uitdrukking "R25" deur die uitdrukking "R35" te vervang;
 - (b) deur subparagraaf (9) deur die volgende subparagraaf te vervang:

“(9) Waar die werknemer 'n belang in die betrokke huisvesting, soos beoog in subparagraaf (10), het en die huisvesting aan die werkgewer of 'n verwante inrigting met betrekking tot die werkgewer verhuur is, word die huurwaarde van die huisvesting geag die som van die huurgeld wat die werkgewer of verwante inrigting daarvoor betaal en enige ander onkoste wat die werkgewer of verwante inrigting ten opsigte van bedoelde huisvesting bestry het, te wees, en in so 'n geval word genoemde huurgeld by die toepassing van hierdie Wet (behalwe hierdie subparagraaf) geag nie ontvang te gewees het deur of toe te geval het aan die verhuurder van bedoelde huisvesting nie.”; en
 - (c) deur die volgende subparagraaf by te voeg:

“(10) By die toepassing van subparagraaf (9), word 'n werknemer geag 'n belang by huisvesting te hê indien—

 - (a) bedoelde huisvesting deur die werknemer, sy gade of sy kind, of deur 'n maatskappy waarin die werknemer, sy gade of sy kind 'n wesentlike aandeelhouding besit, of deur 'n trust waarin die werknemer, sy gade of sy kind 'n begunstigde is, besit word; of
 - (b) 'n verhoging in die waarde van die huisvesting op enige wyse toegenaamd, hetsy regstreeks of onregstreeks, tot voordeel van die werknemer, sy gade of sy kind toeval.”.

Wysiging van paragraaf 10A van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en ingevoeg deur artikel 32 van Wet 96 van 1985

60. (1) Paragraaf 10A van die Sewende Bylae by die Hoofwet word hierby gewysig deur subparagraaf (2) deur die volgende subparagraaf te vervang:
- “(2) Die bepalings van paragraaf 2 (d) is nie van toepassing nie op enige huisvesting waarvan 'n werknemer voorsien is in die omstandighede in subparagraaf (1) beoog, en die bepalings van paragraaf 2 (a) is nie van toepassing nie waar enige sodanige huisvesting ingevolge 'n ooreenkoms in item (b) van daardie subparagraaf bedoel, deur die werknemer verkry word teen 'n prys wat nie minder is nie as die **[koste vir die werkgewer] markwaarde** van bedoelde huisvesting op die datum waarop bedoelde ooreenkoms gesluit is.”.
- (2) Subartikel (1) word geag op 14 Maart 1990 in werking te getree het en is van toepassing op alle ooreenkomste wat op of na daardie datum aangegaan is.

Invoeging van paragraaf 18 in 7de Bylae by Wet 58 van 1962

61. Die volgende paragraaf word hierby in die Sewende Bylae by die Hoofwet na paragraaf 17 ingevoeg:

- “18.(1) Elke werkgewer moet op die opgawe soos bedoel in paragraaf 14 van die Vierde Bylae verklaar dat alle belasbare voordele wat werknemers van daardie werkgewer geniet het gedurende die tydperk ten opsigte waarvan bedoelde opgawe verstrek is, op die werknemersbelastingssertifikate wat aan bedoelde werknemers uitgereik is of op die opgawe wat verstrek moet word ingevolge artikel 69, verklaar is.
- (2) Elke bedoelde opgawe moet, in die geval van 'n maatskappy, deur 'n direkteur van die maatskappy as juis gesertifiseer word.”.

Herroeping van artikel 28 van Wet 70 van 1989

62. Artikel 28 van die Inkomstebelastingwet, 1989 (Wet No. 70 van 1989), word hierby met ingang van 9 Junie 1989 herroep.

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Amendment of paragraph 9 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 31 of Act 96 of 1985, section 34 of Act 65 of 1986 and section 29 of Act 85 of 1987

59. Paragraph 9 of the Seventh Schedule to the principal Act is hereby amended—
- 5 (a) by the substitution in item (b) of subparagraph (4) for the expression “R25” of the expression “R35”;
- (b) by the substitution for subparagraph (9) of the following subparagraph:
- 10 “(9) Where the employee has an interest in the accommodation in question, as contemplated in subparagraph (10), and the accommodation has been let to the employer or to any associated institution in relation to the employer, the rental value of the accommodation shall be deemed to be the sum of the rental payable therefor by the employer or associated institution and any other expenditure defrayed by the employer or associated institution in respect of such accommodation, and in such case the said rental shall for the purposes of this Act (excluding this subparagraph) be deemed not to have been received by or to have accrued to the lessor of such accommodation.”; and
- 15 (c) by the addition of the following subparagraph:
- 20 “(10) For the purposes of subparagraph (9), an employee shall be deemed to have an interest in accommodation if—
- (a) such accommodation is owned by the employee, his spouse or his child, or by a company in which the employee, his spouse or his child has a substantial shareholding, or by a trust in which the employee, his spouse or his child is a beneficiary; or
- 25 (b) any increase in the value of the accommodation in any manner whatsoever, whether directly or indirectly, accrues for the benefit of the employee, his spouse or his child.”

Amendment of paragraph 10A of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and inserted by section 32 of Act 96 of 1985

- 30 60. (1) Paragraph 10A of the Seventh Schedule to the principal Act is hereby amended by the substitution for subparagraph (2) of the following subparagraph:
- “(2) The provisions of paragraph 2 (d) shall not apply to any residential accommodation with which an employee has been provided in the circumstances contemplated in subparagraph (1), and the provisions of paragraph 2 (a) shall
- 35 not apply where any such residential accommodation is acquired by the employee in terms of an agreement referred to in item (b) of that subparagraph at a price which is not lower than the **[cost]** market value of such residential accommodation **[to the employer]** on the date such agreement is concluded.”.
- (2) Subsection (1) shall be deemed to have come into operation on 14 March 1990
- 40 and shall apply in respect of all agreements entered into on or after that date.

Insertion of paragraph 18 in 7th Schedule to Act 58 of 1962

61. The following paragraph is hereby inserted in the Seventh Schedule to the principal Act after paragraph 17:

- 45 “18.(1) Every employer shall on the return referred to in paragraph 14 of the Fourth Schedule declare that all taxable benefits enjoyed by employees of such employer during the period in respect of which such return was furnished, are declared on the employees tax certificates delivered to such employees or on the return to be furnished in terms of section 69.
- (2) Every such return shall, in the case of a company, be certified as correct
- 50 by a director of such company.”.

Repeal of section 28 of Act 70 of 1989

62. Section 28 of the Income Tax Act, 1989 (Act No. 70 of 1989), is hereby repealed with effect from 9 June 1989.

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Intrekking van Goewermentskennisgewing No. R.763 en Goewermentskennisgewing No. R.764 van 29 Maart 1990

63. Goewermentskennisgewings Nos. R.763 en R.764 van 29 Maart 1990 word hierby met ingang van 1 Mei 1990 ingetrek.

Inwerkingtreding van sekere wysigings

5

64. (1) Behalwe vir sover daarin anders bepaal word of uit die samehang anders blyk, word die wysigings deur hierdie Wet aan die Hoofwet aangebring (behalwe die wysigings in subartikel (2) bedoel), geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1991 eindig.

(2) Die wysigings deur artikels 44 (1) (a), (c), (f) en (g), 45 en 53 aangebring, tree in werking op 'n datum wat die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal en is van toepassing op enige besoldiging wat deur 'n werkgewer aan 'n werknemer betaal of verskuldig word op of na die datum wat genoemde Minister in genoemde kennisgewing bepaal.

10

Kort titel

15

65. Hierdie Wet heet die Inkomstebelastingwet, 1990.

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Withdrawal of Government Notice No. R.763 and Government Notice No. R.764 of 29 March 1990

63. Government Notices Nos. R.763 and R.764 of 29 March 1990 are hereby withdrawn with effect from 1 May 1990.

5 Commencement of certain amendments

64. (1) Save in so far as is otherwise provided therein or the context otherwise indicates, the amendments effected to the principal Act by this Act (other than the amendments referred to in subsection (2)) shall be deemed to have taken effect as from the commencement of years of assessment ending on or after 1 January 1991.

- 10 (2) The amendments effected by sections 44 (1) (a), (b), (c) and (e), 45 and 53 shall come into operation on a date fixed by the Minister of Finance by notice in the *Gazette* and shall apply to any remuneration which is paid or becomes payable by an employer to an employee on or after a date determined by the said Minister in the said notice.

15 Short title

65. This Act shall be called the Income Tax Act, 1990.

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Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPYE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 28 FEBRUARIE 1991 EN 30 JUNIE 1991, EN DEUR MAATSKAPPYE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN 12 MAANDE EINDIGENDE OP 31 MAART 1991

(Artikel 1 van hierdie Wet)

1. Die skale van normale belasting bedoel in artikel 1 van hierdie Wet is soos volg:—

(a) Ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n bedrag aan belasting wat ooreenkomstig die tabelle hieronder bereken word:

TABELLE

Belasbare Inkomste	Skale van Belasting ten opsigte van Getroude Persone
Waar die belasbare inkomste—	
R 5 000 nie te bowe gaan nie	16 persent van elke R1 van die belasbare inkomste;
R 5 000 te bowe gaan, maar nie R10 000 nie	R800 plus 18 persent van die bedrag waarmee die belasbare inkomste R 5 000 oorskry;
R10 000 " " " " " " R15 000 "	R1 700 plus 20 persent van die bedrag waarmee die belasbare inkomste R10 000 oorskry;
R15 000 " " " " " " R20 000 "	R2 700 plus 22 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry;
R20 000 " " " " " " R25 000 "	R3 800 plus 24 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R25 000 " " " " " " R30 000 "	R5 000 plus 27 persent van die bedrag waarmee die belasbare inkomste R25 000 oorskry;
R30 000 " " " " " " R35 000 "	R6 350 plus 30 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry;
R35 000 " " " " " " R40 000 "	R7 850 plus 33 persent van die bedrag waarmee die belasbare inkomste R35 000 oorskry;
R40 000 " " " " " " R45 000 "	R9 500 plus 36 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;
R45 000 " " " " " " R50 000 "	R11 300 plus 39 persent van die bedrag waarmee die belasbare inkomste R45 000 oorskry;
R50 000 " " " " " " R55 000 "	R13 250 plus 40 persent van die bedrag waarmee die belasbare inkomste R50 000 oorskry;
R55 000 " " " " " " R60 000 "	R15 250 plus 41 persent van die bedrag waarmee die belasbare inkomste R55 000 oorskry;
R60 000 " " " " " " R70 000 "	R17 300 plus 42 persent van die bedrag waarmee die belasbare inkomste R60 000 oorskry;
R70 000 " " " " " " R80 000 "	R21 500 plus 43 persent van die bedrag waarmee die belasbare inkomste R70 000 oorskry;
R80 000 te bowe gaan	R25 800 plus 44 persent van die bedrag waarmee die belasbare inkomste R80 000 oorskry;

Belasbare Inkomste	Skale van Belasting ten opsigte van Persone wat nie Getroude Persone is nie
Waar die belasbare inkomste—	
R4 000 nie te bowe gaan nie	15 persent van elke R1 van die belasbare inkomste;
R4 000 te bowe gaan, maar nie R8 000 nie	R600 plus 18 persent van die bedrag waarmee die belasbare inkomste R4 000 oorskry;
R 8 000 " " " " " " R12 000 "	R1 320 plus 21 persent van die bedrag waarmee die belasbare inkomste R8 000 oorskry;
R12 000 " " " " " " R16 000 "	R2 160 plus 24 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R16 000 " " " " " " R20 000 "	R3 120 plus 27 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R20 000 " " " " " " R24 000 "	R4 200 plus 30 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R24 000 " " " " " " R28 000 "	R5 400 plus 33 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R28 000 " " " " " " R32 000 "	R6 720 plus 36 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R32 000 " " " " " " R36 000 "	R8 160 plus 39 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry;

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Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 28 FEBRUARY 1991 AND 30 JUNE 1991, AND BY COMPANIES' IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF 12 MONTHS ENDING 31 MARCH 1991

(Section 1 of this Act)

1. The rates of normal tax referred to in section 1 of this Act are as follows:—

(a) In respect of the taxable income of any person other than a company, an amount of tax calculated in accordance with the tables below:

TABLES

Taxable Income	Rates of Tax in respect of Married Persons
Where the taxable income—	
does not exceed R5 000	16 per cent of each R1 of the taxable income;
exceeds R 5 000 but does not exceed R10 000	R800 plus 18 per cent of the amount by which the taxable income exceeds R5 000;
„ R10 000 „ „ „ „ R15 000	R1 700 plus 20 per cent of the amount by which the taxable income exceeds R10 000;
„ R15 000 „ „ „ „ R20 000	R2 700 plus 22 per cent of the amount by which the taxable income exceeds R15 000;
„ R20 000 „ „ „ „ R25 000	R3 800 plus 24 per cent of the amount by which the taxable income exceeds R20 000;
„ R25 000 „ „ „ „ R30 000	R5 000 plus 27 per cent of the amount by which the taxable income exceeds R25 000;
„ R30 000 „ „ „ „ R35 000	R6 350 plus 30 per cent of the amount by which the taxable income exceeds R30 000;
„ R35 000 „ „ „ „ R40 000	R7 850 plus 33 per cent of the amount by which the taxable income exceeds R35 000;
„ R40 000 „ „ „ „ R45 000	R9 500 plus 36 per cent of the amount by which the taxable income exceeds R40 000;
„ R45 000 „ „ „ „ R50 000	R11 300 plus 39 per cent of the amount by which the taxable income exceeds R45 000;
„ R50 000 „ „ „ „ R55 000	R13 250 plus 40 per cent of the amount by which the taxable income exceeds R50 000;
„ R55 000 „ „ „ „ R60 000	R15 250 plus 41 per cent of the amount by which the taxable income exceeds R55 000;
„ R60 000 „ „ „ „ R70 000	R17 300 plus 42 per cent of the amount by which the taxable income exceeds R60 000;
„ R70 000 „ „ „ „ R80 000	R21 500 plus 43 per cent of the amount by which the taxable income exceeds R70 000;
„ R80 000	R25 800 plus 44 per cent of the amount by which the taxable income exceeds R80 000;

Taxable Income	Rates of Tax in respect of Persons who are not Married Persons
Where the taxable income—	
does not exceed R4 000	15 per cent of each R1 of the taxable income;
exceeds R4 000 but does not exceed R8 000	R600 plus 18 per cent of the amount by which the taxable income exceeds R4 000;
„ R 8 000 „ „ „ „ R12 000	R1 320 plus 21 per cent of the amount by which the taxable income exceeds R8 000;
„ R12 000 „ „ „ „ R16 000	R2 160 plus 24 per cent of the amount by which the taxable income exceeds R12 000;
„ R16 000 „ „ „ „ R20 000	R3 120 plus 27 per cent of the amount by which the taxable income exceeds R16 000;
„ R20 000 „ „ „ „ R24 000	R4 200 plus 30 per cent of the amount by which the taxable income exceeds R20 000;
„ R24 000 „ „ „ „ R28 000	R5 400 plus 33 per cent of the amount by which the taxable income exceeds R24 000;
„ R28 000 „ „ „ „ R32 000	R6 720 plus 36 per cent of the amount by which the taxable income exceeds R28 000;
„ R32 000 „ „ „ „ R36 000	R8 160 plus 39 per cent of the amount by which the taxable income exceeds R32 000;

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Belasbare Inkomste	Skale van Belasting ten opsigte van Persone wat nie Getroude Persone is nie
Waar die belasbare inkomste— R36 000 te bowe gaan, maar nie R40 000 nie	R9 720 plus 40 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry;
R40 000 " " " " " " R44 000 "	R11 320 plus 41 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;
R44 000 " " " " " " R48 000 "	R12 960 plus 42 persent van die bedrag waarmee die belasbare inkomste R44 000 oorskry;
R48 000 " " " " " " R56 000 "	R14 640 plus 43 persent van die bedrag waarmee die belasbare inkomste R48 000 oorskry;
R56 000 te bowe gaan	R18 080 plus 44 persent van die bedrag waarmee die belasbare inkomste R56 000 oorskry;
Belasbare Inkomste	Skale van Belasting ten opsigte van Getroude Vroue
Waar die belasbare inkomste — R 4 000 nie te bowe gaan nie	15 persent van elke R1 van die belasbare inkomste;
R 4 000 te bowe gaan, maar nie R 8 000 nie	R600 plus 18 persent van die bedrag waarmee die belasbare inkomste R4 000 oorskry;
R 8 000 " " " " " " R12 000 "	R1 320 plus 21 persent van die bedrag waarmee die belasbare inkomste R8 000 oorskry;
R12 000 " " " " " " R16 000 "	R2 160 plus 24 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry;
R16 000 " " " " " " R20 000 "	R3 120 plus 27 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry;
R20 000 " " " " " " R24 000 "	R4 200 plus 30 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry;
R24 000 " " " " " " R28 000 "	R5 400 plus 32 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry;
R28 000 " " " " " " R32 000 "	R6 680 plus 34 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry;
R32 000 " " " " " " R36 000 "	R8 040 plus 36 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry;
R36 000 " " " " " " R40 000 "	R9 480 plus 37 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry;
R40 000 te bowe gaan	R10 960 plus 38 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry;

- (b) op elke rand van die belasbare inkomste van 'n maatskappy (met uitsondering van belasbare inkomste uit mynwerksaamhede verkry en belasbare inkomste in subparagrafe (e) en (g) bedoel), 50 sent;
- (c) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van goud op 'n myn anders as 'n na-1966-goudmyn verkry word (met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet, maar na die verrekening van enige vasgestelde verlies ingevolge artikel 20 (1) van die Hoofwet), 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 71 - \frac{409}{x}$$

in welke formule y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreeë belasbare inkomste (met genoemde uitsluiting, maar voor die verrekening van enige vasgestelde verlies of aftrekking wat nie aan die myn van goud uit bedoelde goudmyn toeskryfbaar is nie) staan tot die aldus verkreeë inkomste (met genoemde uitsluiting);

- (d) op elke rand van die belasbare inkomste wat verkry word deur 'n maatskappy uit die myn van goud op 'n na-1966-goudmyn (met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet, maar na die verrekening van enige vasgestelde verlies ingevolge artikel 20 (1) van die Hoofwet), 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 71 - \frac{516}{x}$$

in welke formule y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreeë belasbare inkomste (met genoemde uitsluiting, maar voor die verrekening van enige vasgestelde verlies of aftrekking wat nie aan die myn van goud uit bedoelde goudmyn toeskryfbaar is nie) staan tot die aldus verkreeë inkomste (met genoemde uitsluiting);

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

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Taxable Income	Rates of Tax in respect of Persons who are not Married Persons
Where the taxable income— exceeds R36 000 but does not exceed R40 000	R9 720 plus 40 per cent of the amount by which the taxable income exceeds R36 000;
„ R40 000 „ „ „ „ R44 000	R11 320 plus 41 per cent of the amount by which the taxable income exceeds R40 000;
„ R44 000 „ „ „ „ R48 000	R12 960 plus 42 per cent of the amount by which the taxable income exceeds R44 000;
„ R48 000 „ „ „ „ R56 000	R14 640 plus 43 per cent of the amount by which the taxable income exceeds R48 000;
„ R56 000	R18 080 plus 44 per cent of the amount by which the taxable income exceeds R56 000;
Taxable Income	Rates of Tax in respect of Married Women
Where the taxable income— does not exceed R 4 000	15 per cent of each R1 of the taxable income;
exceeds R 4 000 but does not exceed R 8 000	R600 plus 18 per cent of the amount by which the taxable income exceeds R4 000;
„ R 8 000 „ „ „ „ R12 000	R1 320 plus 21 per cent of the amount by which the taxable income exceeds R8 000;
„ R12 000 „ „ „ „ R16 000	R2 160 plus 24 per cent of the amount by which the taxable income exceeds R12 000;
„ R16 000 „ „ „ „ R20 000	R3 120 plus 27 per cent of the amount by which the taxable income exceeds R16 000;
„ R20 000 „ „ „ „ R24 000	R4 200 plus 30 per cent of the amount by which the taxable income exceeds R20 000;
„ R24 000 „ „ „ „ R28 000	R5 400 plus 32 per cent of the amount by which the taxable income exceeds R24 000;
„ R28 000 „ „ „ „ R32 000	R6 680 plus 34 per cent of the amount by which the taxable income exceeds R28 000;
„ R32 000 „ „ „ „ R36 000	R8 040 plus 36 per cent of the amount by which the taxable income exceeds R32 000;
„ R36 000 „ „ „ „ R40 000	R9 480 plus 37 per cent of the amount by which the taxable income exceeds R36 000;
„ R40 000	R10 960 plus 38 per cent of the amount by which the taxable income exceeds R40 000;

- (b) on each rand of the taxable income of any company (excluding taxable income derived from mining operations and taxable income referred to in subparagraphs (e) and (g)), 50 cents;
- (c) on each rand of the taxable income derived by any company from mining for gold otherwise than on any post-1966 gold mine (with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, but after the set-off of any assessed loss in terms of section 20 (1) of the principal Act), a percentage determined in accordance with the formula:

$$y = 71 - \frac{409}{x}$$

in which formula y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion, but before the set-off of any assessed loss or deduction which is not attributable to the mining for gold from the said mine) bears to the income so derived (with the said exclusion);

- (d) on each rand of the taxable income derived by any company from mining for gold on any post-1966 gold mine (with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, but after the set-off of any assessed loss in terms of section 20 (1) of the principal Act), a percentage determined in accordance with the formula:

$$y = 71 - \frac{516}{x}$$

in which formula y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion, but before the set-off of any assessed loss or deduction which is not attributable to the mining for gold from the said mine) bears to the income so derived (with the said exclusion);

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

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- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit mynwerksaamhede (behalwe die myn van goud), 50 sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepalinge van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 9 persent van bedoelde bedrag; en
 - (g) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die bedryf van langtermynversekeringsbesigheid verkry word, 45 sent.
2. (1) By die toepassing van paragraaf 1 sluit inkomste uit die myn van goud verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin word, en enige ander inkomste wat volgens die oordeel van die Kommissaris regstreks uit die myn van goud voortvloei.
- (2) Die belasting ooreenkomstig enige van die subparagrafe van paragraaf 1 vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van genoemde subparagrafe vasgestel.
3. In hierdie Bylae, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Hoofwet 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

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- (f) on each rand of the taxable income derived by any company from mining operations (other than mining for gold), 50 cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 9 per cent of such amount; and
 - (g) on each rand of the taxable income derived by any company from the carrying on of long-term insurance business, 45 cents.
2. (1) For the purposes of paragraph 1 income derived from mining for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.
- (2) The tax payable in accordance with any of the subparagraphs of paragraph 1 shall be payable in addition to the tax determined in accordance with any other of the said subparagraphs.
3. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the principal Act, bears the meaning so assigned thereto.

