



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1375.

23 Julie 1975.

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

No. 70 van 1975: Wysigingswet op Inkomstewette, 1975.

No. 1375.

23 July 1975.

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

No. 70 of 1975: Revenue Laws Amendment Act, 1975.

Act No. 70, 1975

REVENUE LAWS AMENDMENT ACT, 1975.

ACT

To amend the provisions of the Transfer Duty Act, 1949, so as to further regulate the production to a registration officer of proof of payment of transfer duty; to amend the provisions of the Estate Duty Act, 1955, so as to increase the maximum amounts of certain deductions permitted in the determination of the net value of an estate; to amend the provisions of the Stamp Duties Act, 1968, so as to delete a provision which has lapsed; to further regulate the payment of stamp duties in respect of the renewal of certain policies or certificates of insurance; to provide for an additional method of denoting stamp duty paid on certain classes of policies of insurance; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 30 June 1975.)*

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

Amendment of section 12 of Act 40 of 1949, as substituted by section 8 of Act 103 of 1969 and amended by section 2 of Act 72 of 1970 and section 2 of Act 92 of 1971.

1. (1) Section 12 of the Transfer Duty Act, 1949, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) where the property is in terms of section 11 of the Sale of Land on Instalments Act, 1971, to be transferred from the registered owner direct to a person who acquired the property under a transaction which is an intermediate transaction contemplated in the said Act, that any duty payable under this Act or any other law has been paid in respect of the acquisition of the property by the person who acquired the property from the registered owner, and in respect of each subsequent acquisition of the property by any person under such a transaction.”.

(2) Subsection (1) shall come into operation on the date referred to in section 14 of the Sale of Land on Instalments Amendment Act, 1975.

Amendment of section 4 of Act 45 of 1955, as amended by section 2 of Act 59 of 1957, section 3 of Act 65 of 1960, section 9 of Act 71 of 1961, section 9 of Act 77 of 1964,

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

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

“(k) so much of the aggregate of the amounts which are deemed to be property of the deceased under section 3 (3) (a) and (a)bis as does not exceed thirty-five thousand rand;” and

WET

Tot wysiging van die bepalings van die Wet op Hereregte, 1949, ten einde die voorlegging aan 'n registrasie-amptenaar van bewys van die betaling van hereregte verder te reël; tot wysiging van die bepalings van die Boedelbelastingwet, 1955, ten einde die maksimum bedrae te verhoog van sekere kortings wat toegelaat word by die bepaling van die netto waarde van 'n boedel; tot wysiging van die bepalings van die Wet op Seëlregte, 1968, ten einde 'n bepaling te skrap wat verval het; die betaling van seëlregte ten opsigte van die hernuwing van sekere polisse of sertifikate van versekering verder te reël; voorsiening te maak vir 'n bykomende metode van aanduiding van seëlreg betaal op sekere klasse van versekeringspolisse; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Junie 1975.)*

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

1. (1) Artikel 12 van die Wet op Hereregte, 1949, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) waar die eiendom ingevolge artikel 11 van die Wet op die Verkoop van Grond op Afbetaling, 1971, regstreeks van die geregistreerde eienaar getransporteer staan te word aan 'n persoon wat die eiendom verkry het ingevolge 'n transaksie wat 'n in genoemde Wet bedoelde intermediêre transaksie is, dat hereregte wat kragtens hierdie Wet of 'n ander wetsbepaling betaalbaar is, betaal is ten opsigte van die verkryging van bedoelde eiendom deur die persoon wat die eiendom van die geregistreerde eienaar verkry het, en ten opsigte van elke daaropvolgende verkryging van die eiendom deur enigiemand ingevolge so 'n transaksie.”.

Wysiging van artikel 12 van Wet 40 van 1949, soos vervang deur artikel 8 van Wet 103 van 1969 en gewysig deur artikel 2 van Wet 72 van 1970 en artikel 2 van Wet 92 van 1971.
- (2) Subartikel (1) tree in werking op die datum bedoel in artikel 14 van die Wysigingswet op die Verkoop van Grond op Afbetaling, 1975.
2. (1) Artikel 4 van die Boedelbelastingwet, 1955, word hierby gewysig—
 - (a) deur paragraaf (k) deur die volgende paragraaf te vervang:

„(k) soveel van die som van die bedrae wat kragtens artikel 3 (3) (a) en (a)bis eiendom van die ooreledene geag word as wat vyf-en-dertigduisend rand nie te bowe gaan nie;” en

Wysiging van artikel 4 van Wet 45 van 1955 soos gewysig deur artikel 2 van Wet 59 van 1957, artikel 3 van Wet 65 van 1960, artikel 9 van Wet 71 van 1961, artikel 9 van Wet 77 van 1964,

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section 3 of
Act 81 of 1965,
section 2 of
Act 94 of 1967
and section 5 of
Act 92 of 1971.

- (b) by the substitution for paragraph (l) of the following paragraph:

“(l) so much of the aggregate amount of the value or the proceeds—

- (i) of any local registered stock issued in terms of section 5 (1) (a) of the General Loans Act, 1961 (Act No. 16 of 1961), or any similar provision of any previous Act of Parliament;
- (ii) of any local bonds (excluding bonds the interest on which is exempt from income tax in terms of section 10 of the Income Tax Act, 1962 (Act No. 58 of 1962)) issued in the Republic in terms of paragraph (d) of section 5 (1) of the General Loans Act, 1961, and of any local debentures issued in the Republic in terms of that paragraph; and
- (iii) of any debentures issued by the Land and Agricultural Bank of South Africa,

included as property of the deceased, as does not exceed the difference between the sum of seventy thousand rand and the amount allowed under paragraph (k);”

(2) The amendments effected by subsection (1) shall apply in respect of the estate of any person who died or dies on or after 27 March 1975.

Amendment of
section 7 of
Act 77 of 1968,
as amended by
section 18 of
Act 103 of 1969,
section 10 of
Act 89 of 1972
and section 8 of
Act 66 of 1973.

3. Section 7 of the Stamp Duties Act, 1968, is hereby amended by the deletion of paragraph (a).

Amendment of
section 24 of
Act 77 of 1968,
as amended by
section 21 of
Act 103 of 1969
and section 11
of Act 88 of 1974

4. (1) Section 24 of the Stamp Duties Act, 1968, is hereby amended—

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

“(1) Where a renewal of any policy or certificate of insurance chargeable with duty under Item 18 (4) of Schedule 1 is effected by the payment of a premium, a premium receipt shall be issued and stamped for the proper amount of duty payable on the renewal.”;

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

“(a) receives or takes credit for any premium or consideration for any policy or certificate of insurance or any endorsement thereto chargeable with duty under Item 18 of Schedule 1 or for any renewal of any policy or certificate of insurance chargeable with duty under paragraph (4) of the said Item and does not within one month after receiving or taking credit for such premium or consideration make out and execute a policy, receipt or instrument; or”;

- (c) by the insertion after subsection (2) of the following subsection:

“(2A) Where a renewal of any policy or certificate of insurance chargeable with duty under paragraph (6) of Item 18 of Schedule 1 falls due, duty in respect of such renewal shall, notwithstanding that no premium

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- (b) deur paragraaf (l) deur die volgende paragraaf te vervang:
- „(l) soveel van die totale bedrag van die waarde of die opbrengs—

artikel 3 van
Wet 81 van 1965,
artikel 2 van
Wet 94 van 1967
en artikel 5 van
Wet 92 van 1971.

(i) van plaaslike geregistreerde effekte uitgereik ingevolge artikel 5 (1) (a) van die Algemene Leningswet, 1961 (Wet No. 16 van 1961), of enige gelykluidende bepaling van enige vorige Wet van die Parlement;

(ii) van plaaslike obligasies (behalwe obligasies waarvan die rente daarop ingevolge artikel 10 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), van inkomstebelasting vrygestel is) wat ingevolge paragraaf (d) van artikel 5 (1) van die Algemene Leningswet, 1961, in die Republiek uitgereik is, en van plaaslike skuldbriewe wat ingevolge daardie paragraaf in die Republiek uitgereik is; en

(iii) van obligasies deur die Land- en Landboubank van Suid-Afrika uitgereik,

as eiendom van die oorledene ingesluit, as wat nie die verskil tussen sewentigduisend rand en die bedrag wat kragtens paragraaf (k) toegelaat is, te bowe gaan nie;”.

(2) Die wysigings deur subartikel (1) aangebring, is van toepassing ten opsigte van die boedel van iemand wat op of na 27 Maart 1975 te sterwe gekom het of te sterwe kom.

3. Artikel 7 van die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (a) te skrap.

Wysiging van
artikel 7 van
Wet 77 van 1968,
soos gewysig deur
artikel 18 van
Wet 103 van 1969,
artikel 10 van
Wet 89 van 1972
en artikel 8 van
Wet 66 van 1973.

4. (1) Artikel 24 van die Wet op Seëlregte, 1968, word hierby gewysig—

Wysiging van
artikel 24 van
Wet 77 van 1968,
soos gewysig deur
artikel 21 van
Wet 103 van 1969
en artikel 11 van
Wet 88 van 1974.

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

„(1) Waar die hernuwing van 'n polis of sertifikaat van versekering wat ingevolge Item 18 (4) van Bylae 1 aan seëlreg onderhewig is, deur die betaling van 'n premie geskied, moet 'n premie-kwitansie uitgereik word en vir die juiste bedrag aan seëlreg wat by hernuwing betaalbaar is, geseël word.”;

- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) 'n premie of vergoeding ontvang vir 'n polis of sertifikaat van versekering of endossement daarby wat ingevolge Item 18 van Bylae 1 aan seëlreg onderhewig is, of vir 'n hernuwing van 'n polis of sertifikaat van versekering wat ingevolge paragraaf (4) van genoemde Item aan seëlreg onderhewig is, of daarvoor krediet neem, en nie binne een maand nadat hy so 'n premie of vergoeding ontvang of daarvoor krediet geneem het 'n polis, kwitansie of stuk uitmaak en verly nie; of”;

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

„(2A) Waar 'n hernuwing van 'n polis of sertifikaat van versekering wat ingevolge paragraaf (6) van Item 18 van Bylae 1 aan seëlreg onderhewig is, moet geskied, is, ondanks die feit dat geen premie-kwitansie of stuk ten opsigte van daardie hernuwing verly word

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- receipt or instrument is executed in respect of such renewal, be chargeable under the said paragraph and be paid in the manner prescribed in subsection (4).";
- (d) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

"(4) Every insurer who derives premiums in respect of policies or certificates of insurance or endorsements thereto or renewals thereof chargeable with duty under Item 18 (6) of Schedule 1, shall within two months after the end of each period of three months ending the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in any year or within such further period as the Secretary, having regard to the special circumstances of the case, may approve—"; and

- (e) by the substitution in subsection (10) for the words following upon paragraph (c) of the following words: "the Secretary may, at his discretion, authorize the insurer, subject to any conditions the Secretary may impose, to pay the duty in respect of the policies referred to in paragraph (a) in the manner prescribed in subsection (11), in which case the duty chargeable in respect of any of such policies shall not be denoted by means of stamps affixed thereto but such policy shall, provided the amount of duty in respect of such policy and the words 'duty paid' appear on the face thereof or are printed elsewhere in the policy by means of any computer process, be deemed to be duly stamped.".

- (2) (a) Paragraphs (a), (b), (c) and (d) of subsection (1) shall come into operation on 1 July 1975.
- (b) Paragraph (e) of subsection (1) shall be deemed to have come into operation on 29 November 1974.

Short title.

5. This Act shall be called the Revenue Laws Amendment Act, 1975.

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nie, seëlreg ten opsigte van bedoelde hernuwing ingevolge genoemde paragraaf hefbaar en word dit betaal op die wyse in subartikel (4) voorgeskryf.”;

- (d) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(4) Elke versekeraar wat premies verkry ten opsigte van polisse of sertifikate van versekering of endossemente daarby of hernuwings daarvan wat aan seëlreg ingevolge Item 18 (6) van Bylae 1 onderhewig is, moet binne twee maande na die end van elke tydperk van drie maande eindigende op die een-en-dertigste dag van Maart, die dertigste dag van Junie, die dertigste dag van September en die een-en-dertigste dag van Desember in enige jaar of binne die verdere tydperk wat die Sekretaris, met inagneming van die spesiale omstandighede van die geval, goedkeur—”; en

- (e) deur in subartikel (10) die woorde wat volg op paragraaf (c) deur die volgende woorde te vervang:

„kan die Sekretaris na goeë dunks die versekeraar magtig om, onderworpe aan enige voorwaardes wat die Sekretaris ople, die seëlreg ten opsigte van die in paragraaf (a) bedoelde polisse te betaal op die wyse in subartikel (11) voorgeskryf, in welke geval die seëlreg wat ten opsigte van enige van bedoelde polisse betaalbaar is nie aangedui word deur middel van die aanhegting van seëls daarop nie maar bedoelde polis, mits die bedrag van seëlreg ten opsigte van daardie polis en die woorde „seëlreg betaal” op die voorkant daarvan voorkom of elders in die polis deur middel van ’n rekenaarsproes gedruk word, geag word behoorlik geseël te wees.”.

- (2) (a) Paragrafe (a), (b), (c) en (d) van subartikel (1) tree in werking op 1 Julie 1975.

- (b) Paragraaf (e) van subartikel (1) word geag op 29 November 1974 in werking te getree het.

5. Hierdie Wet heet die Wysigingswet op Inkomstewette, Kort titel. 1975.

