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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. 1355.

29 Julie 1977.

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

No. 113 van 1977: Inkomstebelastingwet, 1977.

No. 1355.

29 July 1977.

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

No. 113 of 1977: Income Tax Act, 1977.

Act No. 113, 1977

INCOME TAX ACT, 1977.

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 1978 and 30 June 1978 and by companies in respect of taxable incomes for years of assessment ending during the period of twelve months ending on 31 March 1978; to provide for the payment of a portion of the normal tax payable by certain companies into the Revenue Fund of the territory of South West Africa; to provide for the repayment to the taxpayers concerned of a certain portion of the normal tax paid by those taxpayers; to amend the Income Tax Act, 1962; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 11 July 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly 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 28 February 1978 or 30 June 1978; and
- (b) the taxable income of any company for any year of assessment ending during the period of twelve months ending on 31 March 1978,

shall be as set forth in the Schedule to this Act.

Portion of normal tax payable by certain companies to be paid into the Revenue Fund of the territory of South West Africa.

2. (1) Notwithstanding the provisions of section 5 (1) of the principal Act but subject to the provisions of any law providing for the payment of moneys into the Rehoboth Revenue Fund, a portion equal to one-seventh of any amount of tax calculated in accordance with item (i) of subparagraph (b) of paragraph 1 of the Schedule to this Act, before the addition of the surcharge referred to in the proviso to the said subparagraph, shall accrue for the benefit of the Revenue Fund of the territory of South West Africa and shall be paid into the said fund in the manner prescribed in section 22 (2) (c) of the South West Africa Affairs Act, 1969 (Act No. 25 of 1969).

(2) The provisions of subsection (1) shall be deemed to have come into operation on 1 April 1977.

Certain portion of the normal tax to be repayable to taxpayers.

3. The portion of the normal tax determined in accordance with the provisions of paragraph 1 (h) or (i) of the Schedule to this Act shall be a loan portion of that tax.

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 1978 en 30 Junie 1978, en deur maatskappye ten opsigte van belasbare inkomstes vir jare van aanslag eindigende gedurende die tydperk van twaalf maande eindigende op 31 Maart 1978; om voorsiening te maak vir die storting in die Inkomstefonds van die gebied Suidwes-Afrika van 'n gedeelte van die normale belasting deur sekere maatskappye betaalbaar; om voorsiening te maak vir die terugbetaling aan die betrokke belastingpligtiges van 'n sekere gedeelte van die normale belasting wat deur daardie belastingpligtiges betaal is; om die Inkomstebelastingwet, 1962, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)

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

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

Skale van normale belasting.

(a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op 28 Februarie 1978 of 30 Junie 1978; en

(b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag wat eindig gedurende die tydperk van twaalf maande eindigende op 31 Maart 1978,

is soos uiteengesit in die Bylae by hierdie Wet.

2. (1) Ondanks die bepalinge van artikel 5 (1) van die Hoofwet, maar behoudens die bepalinge van die een of ander wet wat voorsiening maak vir die storting van geld in die Rehoboth-inkomstefonds, val 'n gedeelte gelyk aan een-sewende van 'n bedrag van belasting bereken ooreenkomstig item (i) van subparagraaf (b) van paragraaf 1 van die Bylae by hierdie Wet, voor die byvoeging van die toeslag bedoel in die voorbehoudsbepaling by bedoelde subparagraaf, toe ten bate van die Inkomstefonds van die gebied Suidwes-Afrika, en word dit in genoemde fonds gestort op die wyse voorgeskryf in artikel 22 (2) (c) van die Wet op Aangeleenthede met betrekking tot Suidwes-Afrika, 1969 (Wet No. 25 van 1969).

Gedeelte van normale belasting betaalbaar deur sekere maatskappye word in die Inkomstefonds van die gebied Suidwes-Afrika gestort.

(2) Die bepalinge van subartikel (1) word geag in werking te getree het op 1 April 1977.

3. Die gedeelte van die normale belasting wat ooreenkomstig die bepalinge van paragraaf 1 (h) of (i) van die Bylae by hierdie Wet vasgestel is, is 'n leningsgedeelte van daardie belasting.

Sekere gedeelte van die normale belasting is terugbetaalbaar aan belastingpligtiges.

Act No. 113, 1977

INCOME TAX ACT, 1977.

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 and section 4 of Act 103 of 1976.

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

- (a) by the substitution for the words preceding paragraph (a) of the definition of “dividend” of the following words:

“‘dividend’ means any amount distributed by a company (not being a permanent building society or an association or institution to which section 10 (1) (d) applies) to its shareholders or any amount distributed out of the assets pertaining to any unit portfolio referred to in paragraph (e) of the definition of ‘company’ in this section to shareholders in relation to such unit portfolio, (including, in the case of any co-operative society or company referred to in section 27, any amount distributed on or after 1 April 1977 to its members, whether divided among the members in accordance with their rights as shareholders or according to the value of business transactions between individual members and such society or company or on some other basis), and in this definition the expression ‘amount distributed’ includes—”;

- (b) by the insertion after paragraph (h) of the said definition of “dividend” of the following paragraph:

- “(i) (i) any amount distributed by any co-operative society or company referred to in section 27 by way of a bonus out of its profits for any year of assessment of such society or company commencing before 1 April 1977, if such amount is divided among the members according to the value of the business transactions between the society or company and the members and is distributed not later than twelve months after the end of such year of assessment;
- (ii) any amount distributed by such society or company by way of a bonus, to the extent that such amount is allowable as a deduction from the income of such society or company under the provisions of section 27; and
- (iii) any amount distributed out of the stabilization fund referred to in section 27 (2) (h);”;

- (c) by the substitution for paragraph (l) of the definition of “gross income” of the following paragraph:

“(l) any amount received or accrued by way of grant or subsidy in respect of any soil erosion works referred to in section 17A (1) or any of the matters mentioned in items (a) to (j), inclusive, of paragraph 12 (1) of the First Schedule;”;

- (d) by the insertion after the definition of “specified date” of the following definition:

“‘specified period’, in relation to a year of assessment of any company commencing on or after 1 April 1977, means—

- (a) where such year of assessment is the first financial year of such company, the period commencing on the first day of such year and ending six months after the specified date in respect of such year; and
- (b) where such year of assessment is a subsequent financial year of such company, the period commencing the day after the end of the specified period in respect of the immediately preceding year of assessment and ending six months after the specified date in respect of the year of assessment in question;”.

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

- (a) deur na die omskrywing van „bepaalde datum” die volgende omskrywing in te voeg:

„bepaalde tydperk” met betrekking tot ’n jaar van aanslag van ’n maatskappy wat op of na 1 April 1977 begin—

- (a) waar daardie jaar van aanslag die eerste boekjaar van daardie maatskappy is, die tydperk beginnende op die eerste dag van daardie jaar en eindigende ses maande na die bepaalde datum ten opsigte van daardie jaar; en

- (b) waar daardie jaar van aanslag ’n daaropvolgende boekjaar van daardie maatskappy is, die tydperk beginnende die dag na die einde van die bepaalde tydperk ten opsigte van die onmiddellik voorafgaande jaar van aanslag en eindigende ses maande na die bepaalde datum ten opsigte van die betrokke jaar van aanslag;”;

- (b) deur paragraaf (l) van die omskrywing van „bruto inkomste” deur die volgende paragraaf te vervang:

„(l) ’n bedrag ontvang of toegeval by wyse van toekenning of subsidie ten opsigte van grondbewaringswerke in artikel 17A (1) bedoel of ’n aangeleentheid in items (a) tot en met (j) van paragraaf 12 (1) van die Eerste Bylae vermeld;”;

- (c) deur die woorde wat paragraaf (a) van die omskrywing van „dividend” voorafgaan, deur die volgende woorde te vervang:

„dividend” ’n bedrag deur ’n ander maatskappy as ’n permanente bouvereniging of ’n vereniging of inrigting waarop artikel 10 (1) (d) van toepassing is, aan sy aandeelhouders uitgekeer of ’n bedrag uit die bates met betrekking tot ’n effektegroepe bedoel in paragraaf (e) van die omskrywing van „maatskappy” in hierdie artikel, aan aandeelhouders met betrekking tot sodanige effektegroepe uitgekeer (met inbegrip van, in die geval van ’n in artikel 27 bedoelde koöperatiewe vereniging of -maatskappy, ’n bedrag wat op of na 1 April 1977 aan sy lede uitgekeer word, hetsy onder die lede ooreenkomstig hulle regte as aandeelhouders of volgens die waarde van besigheidstransaksies tussen individuele lede en bedoelde vereniging of maatskappy of op ’n ander basis verdeel), en omvat in hierdie omskrywing die uitdrukking „bedrag uitgekeer”; en

- (d) deur na paragraaf (h) van genoemde omskrywing van „dividend” die volgende paragraaf in te voeg:

„(i) (i) ’n bedrag deur ’n in artikel 27 bedoelde koöperatiewe vereniging of maatskappy uitgekeer by wyse van ’n bonus uit sy winste vir ’n jaar van aanslag van daardie vereniging of maatskappy beginnende voor 1 April 1977, indien daardie bedrag onder die lede verdeel word volgens die waarde van die besigheidstransaksies tussen die vereniging of maatskappy en die lede en dit nie later nie as twaalf maande na die einde van bedoelde jaar van aanslag uitgekeer word;

- (ii) ’n bedrag deur bedoelde vereniging of maatskappy by wyse van ’n bonus uitgekeer, vir sover daardie bedrag ingevolge die bepalings van artikel 27 as ’n aftrekking van die inkomste van bedoelde vereniging of maatskappy toelaatbaar is; en

- (iii) ’n bedrag wat uit die in artikel 27 (2) (h) bedoelde stabilisatiefonds uitgekeer is;”.

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van Wet 95 van 1967, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975 en artikel 4 van Wet 103 van 1976.

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INCOME TAX ACT, 1977.

(2) The amendments effected by subsection (1) (a) and (b) shall, for the purposes of assessments under the principal Act in respect of years of assessment ending on or after 1 April 1977, be deemed to have taken effect on that date.

Amendment of section 5 of Act 58 of 1962, as substituted by section 2 of Act 6 of 1963 and amended by section 5 of Act 90 of 1964, section 6 of Act 88 of 1965, section 7 of Act 55 of 1966, section 6 of Act 95 of 1967, section 6 of Act 77 of 1968, section 7 of Act 89 of 1969, section 7 of Act 52 of 1970, section 5 of Act 88 of 1971, section 5 of Act 90 of 1972, section 5 of Act 65 of 1973 and section 5 of Act 103 of 1976.

5. Section 5 of the principal Act is hereby amended—

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

“(2) Subject to the provisions of subsections (2A) and (3) to (7), inclusive, and the provisions of the Fourth Schedule, the rates of tax chargeable in respect of taxable income shall be fixed annually by Parliament, but the rates fixed by Parliament in respect of any year of assessment or financial year or, if the rates so fixed have been varied by the Minister of Finance by way of an amendment made under subsection (3) which is still in force, the rates as so varied, shall be deemed to continue in force until the next such determination or variation of rates and shall be applied for the purposes of calculating the tax payable in respect of any such taxable income received by or accrued to or in favour of any person during the next succeeding year of assessment or financial year, as the case may be, if in the opinion of the Secretary the calculation and collection of the tax chargeable in respect of such taxable income cannot without risk of loss of revenue be postponed until after the rates for that year have been determined.”; and

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

“(2A) (a) In the case of any company which derives taxable income from mining for natural oil, the normal tax payable in respect of such taxable income shall be determined separately in respect of—

- (i) taxable income which is derived by the company from mining for natural oil (excluding gas); and
- (ii) taxable income which is derived by the company from mining for natural oil in the form of gas.

- (b) In addition to the amount of normal tax payable by any company in respect of taxable income referred to in paragraph (a) (i), as determined in accordance with the rates referred to in subsection (2) which are in force in respect of the year of assessment in question, there shall in respect of such taxable income be paid by such company, by way of additional normal tax, an amount equal to forty per cent of the amount remaining after deducting the said amount of normal tax from such taxable income.
- (c) The normal tax chargeable in respect of taxable income referred to in subparagraph (i) or (ii) of paragraph (a), and the additional normal tax referred to in paragraph (b), shall be reduced to or by such an amount, and on such conditions, as the Minister of Mines, in consultation with the Minister of Finance, may determine.
- (d) For the purposes of this subsection where sulphur, salt or any other mineral is won by any company in the course of mining for natural oil (excluding gas) or natural oil in the form of gas, the income derived from the mining of such sulphur, salt or other mineral shall be deemed to be derived from mining for natural oil (excluding gas) or natural oil in the form of gas, as the case may be.”.

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(2) Die wysigings deur subartikel (1) (c) en (d) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet ten opsigte van jare van aanslag wat op of na 1 April 1977 eindig, geag op daardie datum in werking te getree het.

5. Artikel 5 van die Hoofwet word hierby gewysig—

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

„(2) Behoudens die bepalings van subartikels (2A) en (3) tot en met (7), en die bepalings van die Vierde Bylae, word die belastingskale ten opsigte van belasbare inkomste jaarliks deur die Parlement vasgestel, maar word dié skale ten opsigte van enige jaar van aanslag of boekjaar deur die Parlement vasgestel of, indien die aldus vasgestelde skale verander is deur die Minister van Finansies by wyse van 'n wysiging ingevolge subartikel (3) gemaak wat nog van krag is, die aldus veranderde skale, geag van krag te bly tot die volgende sodanige vasstelling of verandering van belastingskale en word dit toegepas vir die berekening van die belasting betaalbaar ten opsigte van bedoelde belasbare inkomste gedurende die daaropvolgende jaar van aanslag of boekjaar, na gelang van die geval, deur enige persoon ontvang of aan of ten gunste van hom toegeval, indien die berekening en invordering van die belasting ten opsigte van sodanige belasbare inkomste volgens die Sekretaris se oordeel nie sonder gevaar van verlies van inkomste tot na die vasstelling van die skale vir daardie jaar uitgestel kan word nie.”; en

(b) deur subartikel (2A) deur die volgende subartikel te vervang:

„(2A) (a) In die geval van 'n maatskappy wat belasbare inkomste uit die myn van aardolie verkry, word die normale belasting wat ten opsigte van daardie belasbare inkomste betaalbaar is, afsonderlik bepaal ten opsigte van—

(i) belasbare inkomste wat deur die maatskappy verkry word uit die myn van aardolie (behalwe gas); en

(ii) belasbare inkomste wat deur die maatskappy verkry word uit die myn van aardolie in die vorm van gas.

(b) Benewens die bedrag van normale belasting deur 'n maatskappy betaalbaar ten opsigte van belasbare inkomste in paragraaf (a) (i) bedoel, soos bepaal ooreenkomstig die skale in subartikel (2) bedoel wat ten opsigte van die betrokke jaar van aanslag van krag is, word daar deur daardie maatskappy ten opsigte van bedoelde belasbare inkomste 'n bedrag betaal, by wyse van addisionele normale belasting, gelyk aan veertig persent van die bedrag wat oorbly nadat genoemde bedrag van normale belasting van bedoelde belasbare inkomste afgetrek is.

(c) Die normale belasting wat hefbaar is ten opsigte van belasbare inkomste in subparagraaf (i) of (ii) van paragraaf (a) bedoel, en die in paragraaf (b) bedoelde addisionele normale belasting, word na of met so 'n bedrag verminder, en op sodanige voorwaardes, as wat die Minister van Mynwese, in oorleg met die Minister van Finansies, vasstel.

(d) By die toepassing van hierdie subartikel, waar swaai, sout of 'n ander mineraal deur die maatskappy in die loop van die myn van aardolie (behalwe gas) of aardolie in die vorm van gas gewin word, word die inkomste uit die myn van sodanige swaai, sout of ander mineraal verkry, geag uit die myn van aardolie (behalwe gas) of aardolie in die vorm van gas, na gelang van die geval, verkry te wees.”

Wysiging van artikel 5 van Wet 58 van 1962, soos vervang deur artikel 2 van Wet 6 van 1963 en gewysig deur artikel 5 van Wet 90 van 1964, artikel 6 van Wet 88 van 1965, artikel 7 van Wet 55 van 1966, artikel 6 van Wet 95 van 1967, artikel 6 van Wet 77 van 1968, artikel 7 van Wet 89 van 1969, artikel 7 van Wet 52 van 1970, artikel 5 van Wet 88 van 1971, artikel 5 van Wet 90 van 1972, artikel 5 van Wet 65 van 1973 en artikel 5 van Wet 103 van 1976.

Act No. 113, 1977

INCOME TAX ACT, 1977.

Amendment of section 5A of Act 58 of 1962, as inserted by section 6 of Act 88 of 1971 and amended by section 5 of Act 85 of 1974 and section 5 of Act 69 of 1975.

6. Section 5A of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (3) of the following paragraph:

“(d) an amount equal to the aggregate of—

- (i) premiums paid by the taxpayer during the year of assessment upon policies under which he or his wife or any children or stepchildren referred to in paragraph (a) is or are insured against death, accident or sickness;
- (ii) fees, subscriptions or contributions paid by him during that year to any provident fund or benefit fund;
- (iii) contributions made by him during that year as an employee to any fund established under any law in force in the Republic relating to unemployment insurance; and
- (iv) any amounts (other than amounts recoverable by the taxpayer) which the Secretary is satisfied were paid by the taxpayer during the year of assessment to—
 - (aa) any dentist or medical practitioner for dental and medical services rendered to; or
 - (bb) any duly registered nursing home or hospital or any duly registered or enrolled nurse, midwife or nursing assistant (or to any nursing agency in respect of the services of such a nurse, midwife or nursing assistant) in respect of the illness or confinement of; or
 - (cc) any duly registered pharmacist for medicines (other than medicines the cost of which has been deducted from the taxpayer's income under section 21^{quat}) supplied on the prescription of any dentist or medical practitioner for,

the taxpayer or his wife or his children or stepchildren referred to in paragraph (a),

but subject to a maximum abatement under this paragraph of one thousand rand where the taxpayer is a married person or is entitled to the further abatement referred to in paragraph (dd) of the proviso to paragraph (a) or an abatement under paragraph (f), or seven hundred and fifty rand in any other case: Provided that no abatement shall be allowed in respect of insurance under a policy of motor insurance, nor under any other policy if the amount paid as premium for such other policy has been allowed as a deduction from the income of the taxpayer under the provisions of section 11: Provided further that any amount paid by the estate of a deceased taxpayer or by the estate of a taxpayer's deceased wife which would, if it had been paid by the taxpayer, have been taken into account for an abatement under this paragraph, shall for the purposes of this paragraph be deemed to have been paid by the taxpayer on the day before his or his wife's death, as the case may be;”.

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

7. (1) Section 8 of the principal Act is hereby amended—

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

“(4) (a) There shall be included in the taxpayer's income all amounts allowed to be deducted or set off under the provisions of sections 11 to 20, inclusive, and section 27 (2) (b) and (d) of this Act, except section 11 (k), (p) and (q), section 11^{quin}, section 12 (2) or section 12 (2) as applied by section 12 (3), section 12A (3), section 13 (5), or

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6. Artikel 5A van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (3) deur die volgende paragraaf te vervang:

„(d) 'n bedrag gelyk aan die totaal van—

- (i) premies deur die belastingpligtige gedurende die jaar van aanslag betaal op polisse ingevolge waarvan hy of sy eggenote of kinders of stiefkinders in paragraaf (a) bedoel teen dood, ongeluk of siekte verseker is;
- (ii) gelde, subskripsies of bydraes deur hom gedurende daardie jaar aan 'n voorsorgsfonds of bystandsfonds betaal;
- (iii) bydraes deur hom gedurende daardie jaar as 'n werknemer gemaak aan 'n fonds ingestel ingevolge 'n wet op werkloosheidsversekering wat in die Republiek geld; en
- (iv) bedrae (behalwe bedrae wat deur die belastingpligtige verhaalbaar is) wat volgens die Sekretaris se oortuiging gedurende die jaar van aanslag deur die belastingpligtige betaal is—
 - (aa) aan 'n tandarts of geneesheer vir tandheelkundige en mediese dienste gelewer aan; of
 - (bb) aan 'n behoorlik geregistreerde verpleeginrigting of hospitaal of 'n behoorlik geregistreerde of ingeskrewe verpleegster, vroedvrou of verpleegassistent (of aan 'n verplegingsagentskap ten opsigte van die dienste van so 'n verpleegster, vroedvrou of verpleegassistent) ten opsigte van siekte of 'n bevalling van; of
 - (cc) aan 'n behoorlik geregistreerde apteker vir medisyne (behalwe medisyne waarvan die koste ingevolge artikel 21*quat* van die belastingpligtige se inkomste afgetrek is) wat op die voorskrif van 'n tandarts of geneesheer verskaf is vir,

die belastingpligtige of sy vrou of sy kinders of stiefkinders in paragraaf (a) bedoel,

maar onderworpe aan 'n maksimum inkomstekorting ingevolge hierdie paragraaf van eenduisend rand waar die belastingpligtige 'n getroude persoon is of geregtig is op die verdere inkomstekorting bedoel in paragraaf (dd) van die voorbehoudsbepaling by paragraaf (a) of 'n inkomstekorting ingevolge paragraaf (f), of sewehonderden-vyftig rand in enige ander geval: Met dien verstande dat geen inkomstekorting ten opsigte van versekering ingevolge 'n motorversekeringspolis toegestaan word nie en ook nie ten opsigte van enige ander polis nie indien die bedrag by wyse van premie op so 'n ander polis betaal, ingevolge die bepaling van artikel 11 as 'n aftrekking van die inkomste van die belastingpligtige toegestaan is: Met dien verstande voorts dat 'n bedrag betaal deur die boedel van 'n oorlede belastingpligtige of deur die boedel van 'n belastingpligtige se oorlede vrou wat, indien dit deur die belastingpligtige betaal was, vir 'n korting ingevolge hierdie paragraaf in berekening gebring sou gewees het, by die toepassing van hierdie paragraaf geag word deur die belastingpligtige op die dag voor sy of sy vrou se oorlyde, na gelang van die geval, betaal te gewees het;”.

Wysiging van artikel 5A van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 88 van 1971 en gewysig deur artikel 5 van Wet 85 van 1974 en artikel 5 van Wet 69 van 1975.

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

(a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

„(4) (a) By die belastingpligtige se inkomste word ingereken alle bedrae wat ingevolge die bepaling van artikels 11 tot en met 20 en artikel 27 (2) (b) en (d) van hierdie Wet, behalwe artikel 11 (k), (p) en (q), artikel 11*quin*, artikel 12 (2), of artikel 12 (2) soos toegepas deur artikel 12 (3), artikel 12A (3), artikel 13 (5), of artikel 13 (5) soos toegepas deur

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

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Act 89 of 1969,
section 6 of
Act 90 of 1972,
section 8 of
Act 85 of 1974
and section 7 of
Act 69 of 1975.

section 13 (5) as applied by section 13 (8), or section 13*bis* (7), or section 15 (a), or section 15A, or under the corresponding provisions of any previous Income Tax Act, or, in the case of a company, under the said provisions or the provisions of section 11 (2), except paragraph (r) thereof, of the Income Tax Ordinance, 1961 (Ordinance No. 10 of 1961), of the territory, or section 11 (3) of that Ordinance, or the corresponding provisions of any previous Income Tax Ordinance of the territory, whether in the current or any previous year of assessment or any year of assessment under any such Ordinance, which have been recovered or recouped during the current year of assessment.”; and

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

“(e) 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 27 (2) (d) or, in the case of a company, under any of the said provisions or the provisions of section 11 (2) (e) of the Income Tax Ordinance, 1961 (Ordinance No. 10 of 1961), of the territory or the corresponding provisions of any previous Income Tax Ordinance of the territory, 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 Secretary 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 Secretary—

(i) that he has concluded or will within a period of one year (or such longer period as the Secretary in the circumstances of the case may allow) from the date of the event conclude a contract for the acquisition by him of further new or unused machinery or plant (hereinafter referred to as the ‘further machinery or plant’) to replace the aforesaid machinery or plant; and

(ii) that the further machinery or plant has been or will be brought into use within a period of three years from the date of the event and will be used by him directly in a process of manufacture or any other process which in the opinion of the Secretary is of a similar nature, or, in the case of such co-operative, directly for storing or packing pastoral, agricultural or other farm products or for subjecting such products to a primary process, as defined in section 27 (9), for a period of not less than five years or until the further machinery or plant is scrapped or disposed of in the ordinary

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artikel 13 (8), of artikel 13*bis* (7), of artikel 15 (a), of artikel 15A, of ingevolge die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet of, in die geval van 'n maatskappy, ingevolge bedoelde bepalings of die bepalings van artikel 11 (2), behalwe paragraaf (r) daarvan, van die Inkomstebelastingordonnansie, 1961 (Ordonnansie No. 10 van 1961), van die gebied, of artikel 11 (3) van daardie Ordonnansie of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingordonnansie van die gebied, toegelaat is, hetsy in die lopende of 'n vorige jaar van aanslag of 'n jaar van aanslag ingevolge so 'n Ordonnansie, om afgetrek of verreken te word, en gedurende die lopende jaar van aanslag verhaal of vergoed is.''; en

Wet 89 van 1969,
artikel 6 van
Wet 90 van 1972,
artikel 8 van
Wet 85 van 1974
en artikel 7 van
Wet 69 van 1975.

- (b) deur paragraaf (e) van genoemde subartikel deur die volgende paragraaf te vervang:

„(e) 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 27 (2) (d) of, in die geval van 'n maatskappy, ingevolge die een of die ander van bedoelde bepalings of die bepalings van artikel 11 (2) (e) van die Inkomstebelastingordonnansie, 1961 (Ordonnansie No. 10 van 1961), van die gebied of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingordonnansie van die gebied, 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 Sekretaris 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 Sekretaris oortuig—

(i) dat hy binne 'n tydperk van een jaar (of so 'n langer tydperk as wat die Sekretaris onder die omstandighede van die geval mag toelaat) vanaf die datum van die gebeurtenis 'n kontrak gesluit het of sal sluit vir die verkryging deur hom van verdere nuwe of ongebruikte masjinerie of installasie (hieronder die 'verdere masjinerie of installasie' genoem) ter vervanging van voormelde masjinerie of installasie; en

(ii) dat die verdere masjinerie of installasie binne 'n tydperk van drie jaar vanaf die datum van die gebeurtenis in gebruik geneem is of sal word en deur hom regstreeks by 'n vervaardigingsproses of 'n ander proses wat volgens die Sekretaris se oordeel van dergelike aard is, of, in die geval van bedoelde koöperasie, regstreeks vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte of om bedoelde produkte aan 'n primêre proses, soos omskryf in artikel 27 (9), te onderwerp, vir 'n tydperk van minstens vyf jaar of totdat die verdere masjinerie of installasie in die gewone loop van die belastingpligtige se bedryf voor die verstryking van

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course of the taxpayer's trade prior to the expiry of such period of five years, the said amount shall, notwithstanding the provisions of paragraph (a) of this subsection, not be included in the income of the taxpayer for the aforesaid year of assessment: Provided that if, owing to any occurrence or because of any circumstance arising during any year of assessment the Secretary is no longer satisfied in regard to the matters in regard to which in terms of the preceding provisions of this paragraph he is required to be satisfied, the said amount shall be included in the income of the taxpayer for the year of assessment during which such occurrence takes place or such circumstance arises."

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect in respect of years of assessment commencing on or after 1 April 1977.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975 and section 9 of Act 103 of 1976.

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

- (a) by the substitution in subparagraph (xiii) of paragraph (i) of subsection (1) for the words "seven hundred and fifty" of the words "eight hundred"; and
- (b) by the substitution in paragraph (aa) of the proviso to the said subparagraph (xiii) of the said paragraph (i) of the said subsection for the words "seven and a half" of the word "eight".

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 28 February 1977.

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

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

- (a) by the substitution for paragraph (iv) of the proviso to paragraph (e) of the following paragraph:

"(iv) the value of new or unused machinery, implements, utensils or articles which—

- (aa) were used by the taxpayer directly in a process of manufacture or, if brought into use on or after 15 March 1961, in any other process which in the opinion of the Secretary is of a similar nature or, where the taxpayer is an agricultural co-operative (as defined in section 27 (9)), 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); and

- (bb) were acquired to replace machinery, implements, utensils or articles which were damaged or destroyed,

shall be reduced by any amount which has been recovered or recouped as contemplated in para-

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bedoelde tydperk van vyf jaar as uitgedien onttrek of van die hand gesit word, gebruik sal word,

word bedoelde bedrag, ondanks die bepalinge van paragraaf (a) van hierdie subartikel, nie by die belastingpligtige se inkomste vir voormelde jaar van aanslag ingereken nie: Met dien verstande dat indien as gevolg van enige voorval of weens die ontstaan van enige omstandigheid gedurende 'n jaar van aanslag die Sekretaris nie meer oortuig is met betrekking tot die sake waaromtrent hy ooreenkomstig die voorgaande bepalinge van hierdie paragraaf oortuig moet wees nie, bedoelde bedrag ingereken word by die inkomste van die belastingpligtige vir die jaar van aanslag waarin bedoelde voorval plaasvind of bedoelde omstandigheid ontstaan."

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het ten opsigte van jare van aanslag wat op of na 1 April 1977 begin.

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

- (a) deur in subparagraaf (xiii) van paragraaf (i) van subartikel (1) die woord „sewehonderd-en-vyftig” deur die woord „agthonderd” te vervang; en
- (b) deur in paragraaf (aa) van die voorbehoudsbepaling by genoemde subparagraaf (xiii) van genoemde paragraaf (i) van genoemde subartikel die woord „sewe-en-'n-half” deur die woord „agt” te vervang.

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 28 Februarie 1977 geëindig het of eindig.

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975 en artikel 9 van Wet 103 van 1976.

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

- (a) deur paragraaf (iv) van die voorbehoudsbepaling by paragraaf (e) deur die volgende paragraaf te vervang: „(iv) die waarde van nuwe of ongebruikte masjinerie, gereedskap, werktuie of artikels wat—

- (aa) deur die belastingpligtige regstreeks gebruik is by 'n vervaardigingsproses of, indien op of na 15 Maart 1961 in gebruik geneem, by enige ander proses wat volgens die Sekretaris se oordeel van 'n dergelike aard is of, waar die belastingpligtige 'n landboukoöperasie is (soos in artikel 27 (9) omskryf), vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte of om bedoelde produkte aan 'n primêre proses (soos in genoemde artikel 27 (9) omskryf) te onderwerp; en

- (bb) verkry is ter vervanging van masjinerie, gereedskap, werktuie of artikels wat beskadig of vernietig is, verminder word met enige bedrag wat ten opsigte van die beskadigde of vernietigde masjinerie,

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

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Act 65 of 1973,
section 12 of
Act 85 of 1974
and section 11 of
Act 69 of 1975.

graph (a) of subsection (4) of section 8 or the corresponding provisions of any previous Income Tax Act in respect of the damaged or destroyed machinery, implements, utensils or articles and has been excluded from the taxpayer's income in terms of paragraph (e) of the said subsection or the corresponding provisions of any previous Income Tax Act, and not included in the taxpayer's income in terms of the proviso to the said paragraph or the corresponding provisions of any previous Income Tax Act in the current or any previous year of assessment;";

- (b) by the substitution for paragraph (vi) of the said proviso of the following paragraph:

"(vi) the value of any machinery, implements, utensils or articles used by the taxpayer for the purposes of his trade shall be reduced by the amount of any deduction made under subsection (1) of section 12 or under that subsection as applied by subsection (3) of the said section, or under the corresponding provisions of any previous Income Tax Act or under section 12A (2) or under section 27 (2) (d);";

- (c) by the substitution for paragraph (iv) of the proviso to paragraph (g) of the following paragraph:

"(iv) the aggregate of the allowances under this paragraph in respect of any building or improvements referred to in section 13 (1) or (4) or 27 (2) (b) shall not exceed the cost (after the deduction of any amount which has been set off against the cost of such building or improvements under section 13 (3) or section 27 (4)) to the taxpayer of such building or improvements less the aggregate of the allowances in respect of such building or improvements made to the taxpayer under the said section 13 (1) or (4) or 27 (2) (b) or the corresponding provisions of any previous Income Tax Act;";

- (d) by the insertion after paragraph (gB) of the following paragraph:

"(gC) in the case of any taxpayer who is an exporter as defined in section 11bis (1), expenditure (including search and application fees) actually incurred by him in obtaining in any export country, as defined in the said section, the registration of any patent or the restoration of any patent or the registration of any design or trade mark or the extension of the term or registration period of, or the renewal of the registration of, any patent, design or trade mark;";

- (e) by the substitution for paragraph (k) of the following paragraph:

"(k) (i) any sum contributed during the year of assessment to any pension fund by way of current contribution by any person holding any office or employment, where the making of such a contribution is a condition of the holding of such office or employment: Provided that the deduction to be allowed in respect of contributions to a pension fund not established by law or for the benefit of employees of a local authority shall not exceed the sum of one thousand seven hundred and fifty rand;
(ii) any sum paid during the year of assessment to any pension fund by any person who, as a

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gereedskap, werktuie of artikels verhaal of vergoed is soos in paragraaf (a) van subartikel (4) van artikel 8 of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet beoog, en wat ingevolge paragraaf (e) van bedoelde subartikel of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet van die belastingpligtige se inkomste uitgesluit is en nie ingevolge die voorbehoudsbepaling by bedoelde paragraaf of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet by die belastingpligtige se inkomste in die lopende of 'n vorige jaar van aanslag ingereken is nie;";

Wet 65 van 1973,
artikel 12 van
Wet 85 van 1974
en artikel 11 van
Wet 69 van 1975.

- (b) deur paragraaf (vi) van genoemde voorbehoudsbepaling deur die volgende paragraaf te vervang:

„(vi) die waarde van masjinerie, gereedskap, werktuie of artikels wat deur die belastingpligtige vir die doeleindes van sy bedryf gebruik word, verminder word met die bedrag van enige aftrekking gemaak ingevolge subartikel (1) van artikel 12 of ingevolge daardie subartikel soos deur subartikel (3) van bedoelde artikel toegepas of ingevolge die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet of ingevolge artikel 12A (2) of ingevolge artikel 27 (2) (d);";

- (c) deur paragraaf (iv) van die voorbehoudsbepaling by paragraaf (g) deur die volgende paragraaf te vervang:

„(iv) die som van die verminderings ingevolge hierdie paragraaf ten opsigte van 'n gebou of verbeterings bedoel in artikel 13 (1) of (4) of 27 (2) (b) nie die koste (na aftrekking van enige bedrag wat ingevolge artikel 13 (3) of artikel 27 (4) teen die koste van sodanige gebou of verbeterings in vermindering gebring is) vir die belastingpligtige van sodanige gebou of verbeterings, min die som van die verminderings ten opsigte van sodanige gebou of verbeterings wat ingevolge genoemde artikel 13 (1) of (4) of 27 (2) (b) of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet aan die belastingpligtige toegestaan is, te bowe gaan nie;";

- (d) deur na paragraaf (gB) die volgende paragraaf in te voeg:

„(gC) in die geval van 'n belastingpligtige wat 'n uitvoerder is soos in artikel 11*bis* (1) omskryf, onkoste (met inbegrip van seek- en aansoekgelde) deur hom werklik aangegaan by die verkryging in 'n uitvoerland, soos in genoemde artikel omskryf, van die registrasie van 'n patent of die herstel van 'n patent of die registrasie van 'n model of handelsmerk of die verlenging van die termyn of registrasietermyn van, of die hernuwing van die registrasie van, 'n patent, model of handelsmerk;";

- (e) deur paragraaf (k) deur die volgende paragraaf te vervang:

„(k) (i) 'n som gedurende die jaar van aanslag bygedra by wyse van lopende bydrae tot 'n pensioenfonds deur iemand wat 'n amp of betrekking beklee, waar die storting van so 'n bydrae 'n voorwaarde van die bekleding van die amp of betrekking is: Met dien verstande dat die aftrekking toegestaan ten opsigte van bydraes tot 'n pensioenfonds wat nie by wet of ten voordeel van werknemers van 'n plaaslike bestuur ingestel is nie, die bedrag van eenduisend sewehonderd-en-veertig rand nie te bowe gaan nie;

- (ii) 'n som gedurende die jaar van aanslag aan 'n pensioenfonds betaal deur iemand wat, as 'n lid van daardie fonds, ingevolge die reëls wat

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member of such fund, has in terms of the rules governing such fund undertaken to pay such sum in respect of any past period which is to be reckoned as pensionable service of that member: Provided that the deduction to be allowed in respect of any sums so paid shall not in respect of the year of assessment exceed the sum of one thousand rand;'';

(f) by the substitution for paragraph (n) of the following paragraph:

“(n) (aa) so much of the current contributions to any retirement annuity fund made by any person as a member of such fund during a year of assessment during which such person has carried on any trade as does not exceed three thousand five hundred rand in the case of the taxpayer or, where the taxpayer is entitled to a deduction under paragraph (k) (i), the amount by which the amount of the deduction under the said paragraph is less than three thousand five hundred rand: Provided that—

- (i) where any person has become a member of a retirement annuity fund before the date of commencement of the Income Tax Act, 1968, such person's contributions to such fund during the year of assessment shall qualify for deduction under this paragraph in the same manner as the aforesaid contributions if the Secretary is satisfied that the contributions would, in accordance with the general practice prevailing immediately prior to the said date, have qualified for deduction under this paragraph before the amendment thereof by the said Act;
- (ii) the deductions under the foregoing provisions of this paragraph shall not exceed an amount equal to the amount remaining after deducting from the income derived by the taxpayer from trade during the year of assessment the deductions admissible against such income under this Act, excluding this paragraph, section 17A of this Act and paragraph 12 (1) (c) to (j), inclusive, of the First Schedule;
- (iii) any amount disallowed as a deduction solely under proviso (ii) shall be carried forward and be deemed for the purposes of this paragraph to be current contributions made to the fund in question during the next succeeding year of assessment;

(bb) any contributions, not exceeding one thousand rand in the case of the taxpayer, to any retirement annuity fund made by any person as a member of such fund during a year of assessment during which such person has carried on any trade, where such contributions are made under conditions prescribed in the rules of such fund whereby a member who has discontinued his contributions prematurely is entitled to be reinstated as a full member thereof;'';

(g) by the substitution in paragraph (o) for the words preceding the proviso of the following words:

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daardie fonds beheer, onderneem het om bedoelde som te betaal ten opsigte van 'n vergange tydperk wat as pensioengewende diens van daardie lid gereken sal word: Met dien verstande dat die aftrekking toegestaan ten opsigte van somme aldus betaal, ten opsigte van die jaar van aanslag nie die bedrag van eenduisend rand te bowe gaan nie;";

- (f) deur paragraaf (n) deur die volgende paragraaf te vervang:

„(n) (aa) soveel van die lopende bydraes aan 'n uittredingannuïteitsfonds wat deur iemand as 'n lid van daardie fonds gemaak word gedurende 'n jaar van aanslag waarin so iemand 'n bedryf beoefen het, as wat nie meer bedra nie as drieduisend vyfhonderd rand in die geval van die belastingpligtige of, waar die belastingpligtige op 'n aftrekking ingevolge paragraaf (k) (i) geregtig is, die bedrag waarmee die aftrekking ingevolge daardie paragraaf minder is as drieduisend vyfhonderd rand: Met dien verstande dat—

- (i) waar 'n persoon voor die datum van inwerkingtreding van die Inkomstebelastingwet, 1968, 'n lid van 'n uittredingannuïteitsfonds geword het, daardie persoon se bydraes aan daardie fonds gedurende die jaar van aanslag vir aftrekking ingevolge hierdie paragraaf in aanmerking kom op dieselfde manier as voormelde bydraes, indien die Sekretaris oortuig is dat, volgens die algemene gebruik wat onmiddellik voor gemelde datum geheers het, die bydraes ingevolge hierdie paragraaf, voordat dit deur genoemde Wet gewysig is, vir aftrekking in aanmerking sou gekom het;
 - (ii) die aftrekking ingevolge die voorgaande bepaling van hierdie paragraaf nie meer bedra nie as 'n bedrag gelyk aan die bedrag wat oorbly na aftrekking van die bedryfsinkomste deur die belastingpligtige gedurende die jaar van aanslag verkry, van die aftekkings wat teen daardie inkomste ingevolge hierdie Wet (behalwe hierdie paragraaf, artikel 17A van hierdie Wet en paragraaf 12 (1) (c) tot en met (j) van die Eerste Bylae) toelaatbaar is;
 - (iii) enige bedrag wat slegs ingevolge voorbehoudsbepaling (ii) as 'n aftrekking verwerp word, oorgedra word en by die toepassing van hierdie paragraaf geag word lopende bydraes te wees wat gedurende die daaropvolgende jaar van aanslag aan die betrokke fonds gemaak is;
- (bb) bydraes wat in die geval van die belastingpligtige nie meer as eenduisend rand bedra nie, wat deur iemand as 'n lid van 'n uittredingannuïteitsfonds aan dié fonds gemaak word gedurende 'n jaar van aanslag waarin so iemand 'n bedryf beoefen het, waar bedoelde bydraes gemaak word op voorwaardes voorgeskryf in die reëls van daardie fonds waarvolgens 'n lid wat sy bydraes ontydig gestaak het, op herstel as 'n volwaardige lid daarvan geregtig is;";
- (g) deur in paragraaf (o) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

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“(o) 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 13*bis* (1) or section 27 (2) (b) or of any improvements (or portion thereof) to such building or of any shipbuilding structure referred to in section 13 (8) or of any improvements to such shipbuilding structure or of any machinery, 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 machinery, implements, utensils or articles over the total amount arrived at by adding all the allowances made in respect thereof under the provisions of paragraph (e) of this section, or section 12 (1), or section 12 (1) as applied by section 12 (3), or section 12A (2), or section 13 (1), or section 13 (1) as applied by section 13 (4) or (8), or section 13*bis* (1), (2) or (3), or section 14 (1) (a) or (b), or the corresponding provisions of any previous Income Tax Act, or section 14*bis* (1) (a) or (b), or section 27 (2) (b) or (d), or, in the case of a company, any of the said provisions or the provisions of section 11 (2) (e) of the Income Tax Ordinance, 1961 (Ordinance No. 10 of 1961), of the territory, or the corresponding provision of any previous Income Tax Ordinance of the territory, 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, machinery, implements, utensils or articles:” and

(h) by the substitution for paragraph (ii) of the proviso to paragraph (t) of the following paragraph:

“(ii) the aggregate of all the allowances made under this paragraph or the corresponding provisions of any previous Income Tax Act in respect of the erection of any one dwelling shall not exceed the sum of three thousand rand;”.

(2) For the purposes of assessments under the principal Act—

- (a) the amendments effected by subsection (1) (a), (b), (c) and (g) shall be deemed to have taken effect as from the commencement of years of assessment commencing on or after 1 April 1977;
- (b) the amendment effected by subsection (1) (d) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1977.

Amendment of section 11*bis* of Act 58 of 1962, as inserted by section 10 of Act 90 of 1962 and amended by section 9 of Act 72 of 1963, section 13 of Act 55 of 1966, section 12 of Act 95 of 1967,

10. (1) Section 11*bis* of the principal Act is hereby amended—
(a) by the substitution for the definition of “goods” in subsection (1) of the following definition:

“‘goods’ means anything (excluding specie, gold or silver bullion, any other precious metals contemplated in the definition of ‘precious metals’ in section 1 of the Mining Rights Act, 1967 (Act No. 20 of 1967), and uncut diamonds, not being manufactured diamonds, but including pastoral, agricultural and other farming produce) which has

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- „(o) 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 13*bis* (1) of artikel 27 (2) (b) bedoel of van verbeterings (of gedeelte daarvan) aan bedoelde gebou of van 'n in artikel 13 (8) bedoelde skeepsbouwerk of van verbeterings aan bedoelde skeepsbouwerk of van masjinerie, gereedskap, werktuie of artikels deur die belastingpligtige gebruik vir die doeleindes van sy bedryf, wat gedurende die jaar van aanslag deur die belastingpligtige as uitgedien onttrek is, te wete, 'n vermindering gelyk aan die bedrag wat die oorspronklike koste aan die belastingpligtige van bedoelde gebou (of gedeelte daarvan) of bedoelde verbeterings (of gedeelte daarvan) aan bedoelde gebou of bedoelde skeepsbouwerk of bedoelde verbeterings aan bedoelde skeepsbouwerk of bedoelde masjinerie, gereedskap, werktuie of artikels meer is as die totale bedrag verkry deur al die verminderings ingevolge die bepalings van paragraaf (e) van hierdie artikel, of artikel 12 (1), of artikel 12 (1) soos toegepas deur artikel 12 (3), of artikel 12A (2), of artikel 13 (1), of artikel 13 (1) soos toegepas deur artikel 13 (4) of (8), of artikel 13*bis* (1), (2) of (3), of artikel 14 (1) (a) of (b), of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet, of artikel 14*bis* (1) (a) of (b), of artikel 27 (2) (b) of (d), of, in die geval van 'n maatskappy, die een of die ander van bedoelde bepalings of die bepalings van artikel 11 (2) (e) van die Inkomstebelastingordonnansie, 1961 (Ordonnansie No. 10 van 1961), van die gebied, of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingordonnansie van die gebied 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, masjinerie, gereedskap, werktuie of artikels;” en
- (h) deur paragraaf (ii) van die voorbehoudsbepaling by paragraaf (t) deur die volgende paragraaf te vervang:
- „(ii) die totaalbedrag van al die verminderings wat ingevolge hierdie paragraaf of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet ten opsigte van die oprigting van 'n enkele woning toegestaan word, die bedrag van drieduisend rand nie te bowe gaan nie;”
- (2) Vir die doeleindes van aanslae ingevolge die Hoofwet—
- (a) word die wysigings deur subartikel (1) (a), (b), (c) en (g) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 April 1977 begin;
- (b) word die wysiging deur subartikel (1) (d) aangebring, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1977 geëindig het of eindig.

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

- (a) deur die omskrywing van „goedere” in subartikel (1) deur die volgende omskrywing te vervang:

„„goedere” enigiets (behalwe spesie, staafgoud of staafsilwer, ander edelmetale soos in die omskrywing van „edelmetale” in artikel 1 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), beoog, en ongeslÿpte diamante, uitgesonderd vervaardigde diamante, maar insluitende veeboerdery-, landbou- en ander boerderyprodukte) wat in die Republiek

Wysiging van artikel 11*bis* van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 90 van 1962 en gewysig deur artikel 9 van Wet 72 van 1963, artikel 13 van Wet 55 van 1966, artikel 12 van Wet 95 van 1967.

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section 10 of
Act 76 of 1968,
section 11 of
Act 52 of 1970,
section 9 of
Act 90 of 1972,
section 10 of
Act 65 of 1973,
section 13 of
Act 85 of 1974,
section 10 of
Act 69 of 1975
and section 10 of
Act 103 of 1976.

- been produced in the Republic or which has undergone in the Republic any process of manufacture or any other process which in the opinion of the Secretary is of a similar nature.”;
- (b) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:
“(4) For the purposes of subsection (3) the marketing expenditure on which the exporters’ allowance is to be calculated shall be the sum of such amounts granted by the exporter by way of special discounts during the year of assessment as have been determined under subsection (4E) and so much of the expenditure incurred by the exporter during such year and allowed to be deducted from his income under sections 11 and 17 as is proved to the satisfaction of the Secretary to have been incurred directly—”;
- (c) by the substitution for paragraph (a) of the said subsection (4) of the following paragraph:
“(a) in research into or obtaining information (including the remuneration of consultants, agents or representatives) in regard to—
(i) the marketing of goods in any export country; or
(ii) in the case of an exporter carrying on any trade defined or recognized under subsection (4B) as an export service industry, the rendering of services or the supply of goods in the course of such trade to persons based in an export country;”;
- (d) by the substitution for paragraph (d) of the said subsection (4) of the following paragraph:
“(d) in bringing prospective customers from any export country to the Republic;”;
- (e) by the substitution for paragraph (e) of the said subsection (4) of the following paragraph:
“(e) in connection with the preparation or submission of tenders or quotations in respect of—
(i) goods to be exported to any export country; or
(ii) in the case of an exporter carrying on any trade defined or recognized under subsection (4B) as an export service industry, the rendering of services or the supply of goods in the course of such trade to persons based in an export country;”;
- (f) by the substitution for paragraph (f) of the said subsection (4) of the following paragraph:
“(f) in respect of commission or other remuneration in respect of the sale of goods exported to any export country and, in the case of an exporter who carries on any trade defined or recognized under subsection (4B) as an export service industry, any commission or other remuneration in respect of orders for services or goods obtained in the course of such trade from persons based in an export country;”;
- (g) by the insertion after paragraph (f) of the said subsection (4) of the following paragraph:
“(fA) in respect of the appointment of agents in any export country;”;
- (h) by the deletion of paragraph (j) of the said subsection (4);
- (i) by the deletion of paragraph (m) of the said subsection (4);
- (j) by the substitution for paragraph (o) of the said subsection (4) of the following paragraph:
“(o) in maintaining any depot or warehouse in any export country which is used for the purpose of storing exported goods or goods intended to be exported;”;

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- geproduseer is of wat in die Republiek 'n vervaardigingsproses of enige ander proses wat volgens die Sekretaris se oordeel van 'n dergelike aard is, ondergaan het;"
- (b) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 „(4) By die toepassing van subartikel (3) is die bemarkingskoste waarop die uitvoerderstoelae bereken moet word die som van die bedrae wat die uitvoerder by wyse van spesiale diskonto's gedurende die jaar van aanslag gegee het, soos ingevolge subartikel (4E) vasgestel is, en soveel van die onkoste deur die uitvoerder gedurende bedoelde jaar aangegaan wat ingevolge artikels 11 en 17 toegelaat is om van sy inkomste afgetrek te word as wat, na tot bevrediging van die Sekretaris bewys word, regstreeks aangegaan is—”;
- (c) deur paragraaf (a) van genoemde subartikel (4) deur die volgende paragraaf te vervang:
 „(a) by navorsing of die verkryging van inligting (insluitende vergoeding van konsultante, agente of verteenwoordigers) met betrekking tot—
 (i) die bemarking van goedere in enige uitvoerland; of
 (ii) in die geval van 'n uitvoerder wat 'n bedryf beoefen wat ingevolge subartikel (4B) as 'n uitvoerdiensbedryf omskryf of erken is, die lewering van dienste of die verskaffing van goedere in die loop van daardie bedryf aan persone gevestig in 'n uitvoerland;”;
- (d) deur paragraaf (d) van genoemde subartikel (4) deur die volgende paragraaf te vervang:
 „(d) ten einde maandelike klante van 'n uitvoerland na die Republiek te bring;”;
- (e) deur paragraaf (e) van genoemde subartikel (4) deur die volgende paragraaf te vervang:
 „(e) in verband met die voorbereiding of verstrekking van tenders of kwotasies ten opsigte van—
 (i) goedere vir uitvoer na 'n uitvoerland bestem; of
 (ii) in die geval van 'n uitvoerder wat 'n bedryf beoefen wat ingevolge subartikel (4B) as 'n uitvoerdiensbedryf omskryf of erken is, die lewering van dienste of die verskaffing van goedere in die loop van daardie bedryf aan persone gevestig in 'n uitvoerland;”;
- (f) deur paragraaf (f) van genoemde subartikel (4) deur die volgende paragraaf te vervang:
 „(f) ten opsigte van kommissie of ander vergoeding ten opsigte van die verkoop van goedere uitgevoer na 'n uitvoerland en, in die geval van 'n uitvoerder wat 'n bedryf beoefen wat ingevolge subartikel (4B) as 'n uitvoerdiensbedryf omskryf of erken is, kommissie of ander vergoeding ten opsigte van bestellings vir dienste of goedere wat in die loop van daardie bedryf verkry word van persone gevestig in 'n uitvoerland;”;
- (g) deur na paragraaf (f) van genoemde subartikel (4) die volgende paragraaf in te voeg:
 „(fA) ten opsigte van die aanstelling van agente in 'n uitvoerland;”;
- (h) deur paragraaf (j) van genoemde subartikel (4) te skrap;
 (i) deur paragraaf (m) van genoemde subartikel (4) te skrap;
 (j) deur paragraaf (o) van genoemde subartikel (4) deur die volgende paragraaf te vervang:
 „(o) by die instandhouding van 'n depot of pakhuis in 'n uitvoerland wat gebruik word vir die bewaring van uitgevoerde goedere of goedere wat vir uitvoer bestem is;”;

artikel 10 van
 Wet 76 van 1968,
 artikel 11 van
 Wet 52 van 1970,
 artikel 9 van
 Wet 90 van 1972,
 artikel 10 van
 Wet 65 van 1973,
 artikel 13 van
 Wet 85 van 1974,
 artikel 10 van
 Wet 69 van 1975
 en artikel 10 van
 Wet 103 van 1976.

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- (k) by the addition to the said subsection (4) of the following proviso:

“Provided that where any amount included in such marketing expenditure has been recovered or recouped, whether in the current or a following year of assessment, such amount shall not be included in the taxpayer's income under the provisions of section 8 (4) (a) as an amount allowed as a deduction under this section which has been recovered or recouped, but shall be deducted from the said expenditure, and notwithstanding anything to the contrary contained in this Act the Secretary shall raise an assessment in respect of such amount.”;

- (l) by the substitution for subsection (4A) of the following subsection:

“(4A) Where it is proved to the satisfaction of the Secretary that any expenditure of the nature referred to in subsection (4) has been incurred in connection with the export of pastoral, agricultural or other farming produce and that such expenditure was incurred or controlled by—

- (a) the South African Sugar Association; or
- (b) a marketing committee appointed by the Wattle Bark Industry Board under section 2 (2) (f) of the Wattle Bark Industry Act, 1960 (Act No. 23 of 1960); or
- (c) any control board established under the Marketing Act, 1968 (Act No. 59 of 1968); or
- (d) any co-operative agricultural society or company or farmers' special co-operative company as defined in the Co-operative Societies Act, 1939 (Act No. 29 of 1939); or
- (e) the South African Canned Fruit Export Board established by the Canned Fruit Export Marketing Act, 1967 (Act No. 100 of 1967),

so much of such expenditure as the Secretary is satisfied was in effect borne by any producer of any pastoral, agricultural or other farming produce exported by the said Association or by any such committee, board, society or company or by some other person under marketing arrangements controlled by the said Association or by such committee, board, society or company, shall for the purposes of this section be deemed to be marketing expenditure incurred by such producer, provided such expenditure, had it been incurred directly by such producer, would have ranked for deduction from his income under section 11 or 17, and, where such expenditure was incurred by any such co-operative agricultural society or company or farmers' special co-operative company, the expenditure shall be excluded from any marketing expenditure taken into account for the purposes of any allowance to such society or company under this section.”; and

- (m) by the substitution for paragraph (a) of subsection (4E) of the following paragraph:

“(a) Where the Secretary for Commerce, having regard to the circumstances of the case, is satisfied that an exporter has, in respect of goods exported by him, granted special discounts on the prices of such goods to agents, distributors or purchasers in any export country, and such discounts have been granted instead of commissions or have been granted at an abnormally high rate in order to penetrate or maintain a market in an export country, the said Secretary shall determine the amounts of such discounts to be included in the

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- (k) deur die volgende voorbehoudsbepaling by genoemde subartikel (4) te voeg:

„Met dien verstande dat waar enige bedrag wat by bedoelde bemarkingskoste ingesluit is, verhaal of vergoed is, hetsy in die lopende of 'n daaropvolgende jaar van aanslag, bedoelde bedrag nie ingevolge die bepalings van artikel 8 (4) (a) by die belastingpligtige se inkomste ingesluit word nie as 'n bedrag wat ingevolge hierdie artikel as 'n aftrekking toegelaat en verhaal of vergoed is, maar van genoemde onkoste afgetrek word, en ondanks andersluidende bepalings van hierdie Wet moet die Sekretaris 'n aanslag ten opsigte van bedoelde bedrag doen.”;

- (l) deur subartikel (4A) deur die volgende subartikel te vervang:

„(4A) Waar tot bevrediging van die Sekretaris bewys word dat onkoste van die aard in subartikel (4) bedoel, aangegaan is in verband met die uitvoer van veeboerdery-, landbou- of ander boerderyprodukte en dat daardie onkoste aangegaan of beheer is deur—

- (a) die Suid-Afrikaanse Suikervereniging; of
- (b) 'n bemarkingskomitee aangestel deur die Raad vir die Wattelbasnywerheid ingevolge artikel 2 (2) (f) van die Wet op die Wattelbasnywerheid, 1960 (Wet No. 23 van 1960); of
- (c) 'n beheerraad wat ingevolge die Bemarkingswet, 1968 (Wet No. 59 van 1968), ingestel is; of
- (d) 'n koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy soos omskryf in die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939); of
- (e) die Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte wat by die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967 (Wet No. 100 van 1967), ingestel is,

word by die toepassing van hierdie artikel, soveel van bedoelde onkoste as wat volgens oortuiging van die Sekretaris in werklikheid gedra is deur 'n produsent van veeboerdery-, landbou- of ander boerderyprodukte wat deur bedoelde Suikervereniging of deur 'n bedoelde komitee, raad, vereniging of maatskappy of deur 'n ander persoon volgens bemarkingsreëlings onder die beheer van bedoelde Suikervereniging of bedoelde komitee, raad, vereniging of maatskappy uitgevoer is, geag bemarkingskoste te wees wat deur daardie produsent aangegaan is, mits daardie onkoste, indien dit regstreeks deur daardie produsent aangegaan was, ingevolge artikel 11 of 17 vir aftrekking van sy inkomste in aanmerking sou gekom het, en, waar bedoelde onkoste deur bedoelde koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy aangegaan is, word dié onkoste uitgesluit van enige bemarkingskoste wat vir die doeleindes van 'n vermindering aan bedoelde vereniging of maatskappy ingevolge hierdie artikel in berekening gebring word.”;

en

- (m) deur paragraaf (a) van subartikel (4E) deur die volgende paragraaf te vervang:

„(a) Waar die Sekretaris van Handel, met inagneming van die omstandighede van die geval, oortuig is dat 'n uitvoerder ten opsigte van goedere wat hy uitgevoer het, spesiale diskonto's op die pryse van bedoelde goedere toegestaan het aan agente, distributeurs of kopers in 'n uitvoerland en dat bedoelde diskonto's in plaas van kommissies toegestaan is of teen 'n abnormaal hoë koers toegestaan is ten einde die mark in 'n uitvoerland binne te dring of te handhaaf, doen genoemde Sekretaris 'n vasstelling van die bedrag van

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exporter's marketing expenditure under subsection (4): Provided that no determination shall be made under this paragraph in respect of any application for such determination received by the said Secretary after 30 June 1977."

(2) The amendments effected by subsection (1), except paragraphs (a), (b), (h), (i) and (m) thereof, shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1977, and the amendment effected by subsection (1) (m) shall take effect on 1 July 1977.

Amendment of section 11quin of Act 58 of 1962, as inserted by section 10 of Act 90 of 1964 and substituted by section 12 of Act 88 of 1965.

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

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

"(1) If—

(a) any person (hereinafter referred to as the industrialist) carries on in any economic development area, the trade of a manufacturer or any trade which in the opinion of the Secretary is of a similar nature, and in the course of such trade incurs expenditure in connection with the erection or acquisition of any dwelling for the exclusive occupation of persons or the households of persons who are the industrialist's employees and are employed by him for the purposes of such trade; or

(b) any person who is engaged in the provision of housing facilities for employees employed by the industrialist in such trade, incurs such expenditure, there shall, if the Minister of Finance, having regard to the circumstances of the case so directs, but subject to the provisions of subsections (2) and (3), be deducted from the income of the industrialist (if such expenditure was incurred by him) or the said person (if such expenditure was incurred by him) an allowance (in lieu of any allowance in respect of such expenditure under the provisions of paragraph (t) of section 11)—

(i) for the year of assessment during which the erection of such dwelling is completed or such dwelling is acquired, of such amount, not exceeding thirty-five per cent of such expenditure, as the Minister of Finance may direct; and

(ii) for each of the succeeding nine years of assessment, of such amount, not exceeding ten per cent of such expenditure, as the Minister of Finance may direct;" and

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) prior to or during such year the industrialist or the person by whom such expenditure was incurred ceased to control such dwelling, whether as owner or as lessee; or"

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect in respect of years of assessment ending on or after 1 January 1977.

Amendment of section 11sept of Act 58 of 1962, as inserted by section 14 of Act 85 of 1974 and amended by section 11 of Act 103 of 1976.

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

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

"(2) For the purposes of this section, where the Secretary for Bantu Education has, by way of a written notification addressed to the administrator, manager or controller of a training centre or scheme or to the employer concerned, notified such person that the

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bedoelde diskonto's wat by die uitvoerder se bemarkingskoste ingevolge subartikel (4) ingesluit moet word: Met dien verstande dat geen vasstelling ingevolge hierdie paragraaf gemaak word nie ten opsigte van 'n aansoek om so 'n vasstelling wat deur genoemde Sekretaris na 30 Junie 1977 ontvang word."

(2) Die wysigings aangebring deur subartikel (1), behalwe paragrawe (a), (b), (h), (i) en (m) daarvan, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1977 geëindig het of eindig, en die wysiging deur subartikel (1) (m) aangebring, tree op 1 Julie 1977 in werking.

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

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

„(1) Indien—

- (a) enige persoon (hieronder die nyweraar genoem) in 'n ekonomiese ontwikkelingsgebied die bedryf van 'n vervaardiger of 'n bedryf wat volgens die Sekretaris se oordeel van dergelike aard is, beoefen, en in die loop van dié bedryf onkoste aangaan in verband met die oprigting of verkryging van 'n woning vir die uitsluitlike bewoning van persone of die gesinne van persone wat die nyweraar se werknemers is en wat vir die doeleindes van bedoelde bedryf by hom in diens is; of
- (b) iemand wat hom toelê op die verskaffing van behuisingsfasiliteite vir werknemers in diens van die nyweraar in bedoelde bedryf, bedoelde onkoste aangaan,

word daar, indien die Minister van Finansies met inagneming van die omstandighede van die geval aldus gelas, maar behoudens die bepalinge van subartikels (2) en (3), 'n vermindering (in plaas van enige vermindering ten opsigte van bedoelde koste ingevolge die bepalinge van paragraaf (t) van artikel 11) op die inkomste van die nyweraar (indien bedoelde onkoste deur hom aangegaan is) of bedoelde persoon (indien bedoelde onkoste deur hom aangegaan is) toegelaat—

- (i) vir die jaar van aanslag waartydens die oprigting van bedoelde woning voltooi of bedoelde woning verkry word, van 'n bedrag (van hoogstens vyf-en-dertig persent van bedoelde onkoste) wat die Minister van Finansies gelas; en
- (ii) vir elk van die nege daaropvolgende jare van aanslag, van 'n bedrag (van hoogstens tien persent van bedoelde onkoste) wat die Minister van Finansies gelas;" en
- (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

„(a) die nyweraar of persoon deur wie daardie onkoste aangegaan is voor of gedurende bedoelde jaar opgehou het om bedoelde woning te beheer, hetsy as eienaar of as huurder; of"

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het ten opsigte van jare van aanslag wat op of na 1 Januarie 1977 eindig.

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

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

„(2) By die toepassing van hierdie artikel, waar die Sekretaris van Bantoe-onderwys, by wyse van 'n skriftelike kennisgewing gerig aan die administrateur, bestuurder of beheerder van 'n opleidingsentrum of -skema of aan die betrokke werkgewer, daardie persoon

Wysiging van artikel 11*quin* van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 90 van 1964 en vervang deur artikel 12 van Wet 88 van 1965.

Wysiging van artikel 11*sept* van Wet 58 van 1962, soos ingevoeg deur artikel 14 van Wet 85 van 1974 en gewysig deur artikel 11 van Wet 103 van 1976.

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training provided in such centre or under such scheme is no longer approved as contemplated in paragraph (a) of the definition of 'training centre or scheme' in subsection (1), or where, under the provisions of the Bantu Employees' In-Service Training Act, 1976 (Act No. 86 of 1976), any training centre has been closed or the approval or recognition of any training centre or scheme has been withdrawn, the training centre or scheme in question shall, as it concerns any taxpayer, be deemed to have ceased to be a training centre or scheme as from the beginning of the first year of assessment of the taxpayer succeeding the year of assessment of the taxpayer during which the said notification was issued or such training centre was closed or the approval or recognition of such training centre or scheme was withdrawn, as the case may be."; and

- (b) by the substitution for paragraph (e) of subsection (5) of the following paragraph:

"(e) the cost of materials, fuel or power consumed for the purposes of a training scheme, less so much of such cost as may, on the basis of a fair and reasonable apportionment, be regarded as having been incurred in respect of materials, fuel or power consumed in respect of productive work done by the trainees in such centre or under such scheme;"

(2) The amendments effected by subsection (1) shall be deemed to have taken effect from the commencement of years of assessment ended or ending on or after the date of commencement of the Bantu Employees' In-Service Training Act, 1976 (Act No. 86 of 1976).

Amendment of section 12 of Act 58 of 1962, as substituted by section 15 of Act 55 of 1966 and amended by section 12 of Act 52 of 1970, section 11 of Act 88 of 1971, section 11 of Act 90 of 1972, section 12 of Act 65 of 1973, section 15 of Act 85 of 1974 and section 11 of Act 69 of 1975.

13. Section 12 of the principal Act is hereby amended—

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

"(1) In respect of new or unused machinery or plant—

- (a) which is brought into use by any 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 Secretary is of a similar nature; or
- (b) which was or is first let by any taxpayer on or after 17 August 1966 and is brought into use 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 Secretary is of a similar nature,

there shall be allowed to be deducted from the income of such taxpayer for the year of assessment during which such machinery or plant is so brought into use an allowance, to be known as the 'machinery initial allowance'."; and

- (b) by the substitution in subsection (2) for the words preceding paragraph (i) of the following words:

"(2) Where any new or unused machinery or plant—

- (a) is brought into use by any 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 Secretary is of a similar nature; or

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in kennis gestel het dat die opleiding wat in bedoelde sentrum of ingevolge bedoelde skema voorsien word nie meer goedgekeur word soos in paragraaf (a) van die omskrywing van 'opleidingsentrum of -skema' in subartikel (1) beoog nie, of waar, ingevolge die bepalings van die Wet op Indiensopleiding van Bantoewerkers, 1976 (Wet No. 86 van 1976), 'n opleidingsentrum gesluit is of die goedkeuring of erkenning van 'n opleidingsentrum of -skema ingetrek is, word die betrokke opleidingsentrum of -skema, soos dit 'n belastingpligtige raak, geag op te gehou het om 'n opleidingsentrum of -skema te wees met ingang van die begin van die eerste jaar van aanslag van die belastingpligtige wat volg op die jaar van aanslag van die belastingpligtige waarin bedoelde kennisgewing uitgereik is of bedoelde opleidingsentrum gesluit is of die goedkeuring of erkenning van bedoelde opleidingsentrum of -skema ingetrek is, na gelang van die geval."; en

- (b) deur paragraaf (e) van subartikel (5) deur die volgende paragraaf te vervang:

„(e) die koste van stowwe, brandstof of krag verbruik vir die doeleindes van 'n opleidingskema, min soveel van daardie koste as wat, op die grondslag van 'n billike en redelike toedeling, beskou kan word as aangegaan te gewees het ten opsigte van stowwe, brandstof of krag verbruik ten opsigte van produktiewe werk wat verrig is deur die kwekelinge in bedoelde sentrum of ingevolge bedoelde skema;”.

(2) Die wysigings deur subartikel (1) aangebring, word geag in werking te getree het van die begin van jare van aanslag wat geëindig het of eindig op of na die datum van inwerkingtreding van die Wet op Indiensopleiding van Bantoewerknemers, 1976 (Wet No. 86 van 1976).

13. Artikel 12 van die Hoofwet word hierby gewysig—

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

„(1) Ten opsigte van nuwe of ongebruikte masjinerie of installasie—

- (a) wat deur 'n belastingpligtige vir die doeleindes van sy bedryf (behalwe mynbou of boerdery) in gebruik geneem word en deur hom regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Sekretaris se oordeel van dergelike aard is; of
- (b) wat vir die eerste maal op of na 17 Augustus 1966 deur 'n belastingpligtige verhuur is of word en deur die huurder vir die doeleindes van die huurder se bedryf (behalwe mynbou of boerdery) in gebruik geneem word en deur die huurder regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Sekretaris se oordeel van dergelike aard is,

word daar vir die jaar van aanslag waarin dié masjinerie of installasie aldus in gebruik geneem word, aan die belastingpligtige 'n vermindering op sy inkomste, genoem die 'masjinerie-aanvangsvermindering', toegelaat."; en

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

„(2) Waar enige nuwe of ongebruikte masjinerie of installasie—

- (a) deur 'n belastingpligtige vir die doeleindes van sy bedryf (behalwe mynbou of boerdery) in gebruik geneem word en deur hom regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Sekretaris se oordeel van dergelike aard is; of

Wysiging van artikel 12 van Wet 58 van 1962, soos vervang deur artikel 15 van Wet 55 van 1966 en gewysig deur artikel 12 van Wet 52 van 1970, artikel 11 van Wet 88 van 1971, artikel 11 van Wet 90 van 1972, artikel 12 van Wet 65 van 1973, artikel 15 van Wet 85 van 1974 en artikel 11 van Wet 69 van 1975.

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- (b) was or is first let by any taxpayer on or after 17 August 1966 and is brought into use 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 Secretary is of a similar nature,

there shall further be allowed to be deducted from the income of such taxpayer for the year of assessment during which such machinery or plant is so brought into use an allowance, to be known as the 'machinery investment allowance', if—"

Substitution of section 17 of Act 58 of 1962, as substituted by section 14 of Act 90 of 1962.

14. (1) The following section is hereby substituted for section 17 of the principal Act:

"Deduction of expenses incurred in appointing agents outside the Republic.

17. (1) There shall be allowed to be deducted from the income of any taxpayer who in the course of any trade (other than mining or farming) carried on by him in the Republic manufactures goods or who is authorized by any other person to sell or to obtain orders for the purchase of any goods so manufactured by such other person, any expenditure actually incurred by him during the year of assessment in connection with the appointment of any agent outside the Republic for the sale of such goods to persons outside the Republic or for the obtaining from such persons of orders for the purchase of such goods.

(2) There shall be allowed to be deducted from the income of any taxpayer derived in the course of any trade carried on by him in the Republic which is defined or recognized under section 11*bis* (4B) as an export service industry, any expenditure actually incurred by him during the year of assessment in connection with the appointment of any agent in an export country (as defined in section 11*bis* (1)) for the obtaining from persons in such country or in any other export country of orders for the supply of services or goods supplied in the course of such trade."

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1977.

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

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

- (a) by the substitution in paragraph (b) of subsection (2) for paragraph (i) of the definition of "earnings" of the following paragraph:

"(i) income derived from the letting of any property;"; and

- (b) by the insertion after the said paragraph (i) of the said definition of the following paragraph:

"(iA) income derived from the use of or the grant of permission to use any patent, design, trade mark or copyright or other property of a similar nature contemplated in the definition of 'trade' in section 1, unless such income was derived by such woman in the course of any business, employment, calling or occupation carried on by her;";

(2) The amendments effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of the year of assessment ended 28 February 1977.

Amendment of section 21*ter* of Act 58 of 1962,

16. (1) Section 21*ter* of the principal Act is hereby amended by the substitution in subsection (3A) for the words preceding paragraph (a) of the following words:

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- (b) vir die eerste maal op of na 17 Augustus 1966 deur 'n belastingpligtige verhuur is of word en deur die huurder vir die doeleindes van die huurder se bedryf (behalwe mynbou of boerdery) in gebruik geneem word en deur die huurder regstreeks gebruik word by 'n vervaardigingsproses deur hom uitgevoer of 'n ander proses deur hom uitgevoer wat volgens die Sekretaris se oordeel van dergelike aard is,

word daar bowendien vir die jaar van aanslag waarin dié masjinerie of installasie aldus in gebruik geneem word, aan die belastingpligtige 'n vermindering op sy inkomste, genoem die „masjinerie-beleggings-vermindering”, toegelaat indien—.”

14. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 17 van Wet 58 van 1962, soos vervang deur artikel 14 van Wet 90 van 1962.

„Aftrekking van onkoste aangegaan by aanstelling van agente buite die Republiek.

17. (1) In die geval van 'n belastingpligtige wat in die loop van 'n bedryf (behalwe mynbou of boerdery) deur hom in die Republiek beoefen, goedere vervaardig, of wat deur 'n ander persoon gemagtig is om goedere aldus deur daardie ander persoon vervaardig, te verkoop of bestellings vir die aankoop daarvan te verkry, word as aftrekking van sy inkomste enige onkoste toegelaat wat werklik deur hom gedurende die jaar van aanslag aangegaan is in verband met die aanstelling van 'n agent buite die Republiek vir die verkoop van bedoelde goedere aan persone buite die Republiek of vir die verkryging van bestellings van sodanige persone vir die aankoop van bedoelde goedere.

(2) In die geval van 'n belastingpligtige wat in die loop van 'n bedryf deur hom in die Republiek beoefen wat ingevolge artikel 11*bis* (4B) as 'n uitvoerdiens-bedryf omskryf of erken is, word as aftrekking van sy inkomste enige onkoste toegelaat wat werklik deur hom gedurende die jaar van aanslag aangegaan is in verband met die aanstelling van 'n agent in 'n uitvoerland (soos in artikel 11*bis* (1) omskryf) vir die verkryging van bestellings in bedoelde land of in 'n ander uitvoerland vir die verskaffing van dienste of goedere wat in die loop van bedoelde bedryf verskaf word.”

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1977 geëindig het of eindig.

15. (1) Artikel 20A van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van subartikel (2) paragraaf (i) van die omskrywing van „verdienste” deur die volgende paragraaf te vervang:

„(i) inkomste verkry uit die verhuur van goed;”; en

- (b) deur na genoemde paragraaf (i) van genoemde omskrywing die volgende paragraaf in te voeg:

„(iA) inkomste verkry uit die gebruik of die verleen van toestemming tot die gebruik van 'n patent, model, handelsmerk of outeursreg of ander goed van dergelike aard in die omskrywing van „bedryf” in artikel 1 beoog, tensy bedoelde inkomste deur bedoelde vrou verkry is in die loop van enige besigheid, diens, beroep of vak deur haar bedryf;”.

(2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van die jaar van aanslag wat op 28 Februarie 1977 geëindig het.

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

16. (1) Artikel 21*ter* van die Hoofwet word hierby gewysig deur in subartikel (3A) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

Wysiging van artikel 21*ter* van Wet 58 van 1962,

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as inserted by
section 20 of
Act 89 of 1969
and amended by
section 17 of
Act 52 of 1970,
section 18 of
Act 88 of 1971,
section 17 of
Act 90 of 1972,
section 16 of
Act 65 of 1973,
section 21 of
Act 85 of 1974,
section 19 of
Act 69 of 1975
and section 14 of
Act 103 of 1976.

Amendment of
section 27 of
Act 58 of 1962.

“(3A) Where it is shown to the satisfaction of the Minister that an industrialist on or after 1 March 1961—”

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 1 April 1976.

17. (1) Section 27 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

“(2) In the determination of the taxable income of any agricultural co-operative, there shall be allowed as deductions from the income of such agricultural co-operative for the year of assessment in question—

- (a) the amounts of any profits distributed by it during the specified period in relation to the year of assessment by way of bonuses (other than bonuses distributed out of the stabilization fund referred to in paragraph (h)) to persons entitled to participate in such distribution: Provided that the amounts allowed as deductions under this paragraph shall not in the aggregate exceed an amount equal to the taxable income of such agricultural co-operative for the year of assessment, as calculated before allowing any deductions under this paragraph, paragraphs (c), (e) and (f) of this subsection and sections 11*bis*, 11*ter*, 11*quat*, 11*quin*, 11*sept*, 12 (2), 12A (3), 13 (5), 13*bis* (7), 15A and 21*ter* and before setting off any balance of assessed loss brought forward from a previous year of assessment;
- (b) subject to the provisions of subsections (3), (4) and (5), an allowance equal to two per cent of the cost (after the deduction of any amount referred to in subsection (4)) to such agricultural co-operative of—
 - (i) any building which was during the year of assessment wholly or mainly used by such co-operative as a storage building, if such building was erected by such co-operative or by any other co-operative agricultural society or company or farmers' special co-operative company as defined in the Co-operative Societies Act, 1939, and the erection of such building was commenced on or after 25 March 1959; or
 - (ii) any improvements (other than repairs) to any building referred to in subparagraph (i) which was during the year of assessment used as contemplated in that subparagraph; or
 - (iii) any improvements (other than repairs) to any other building which was during the year of assessment used as a storage building by such co-operative, if such improvements were commenced on or after 1 April 1971:

Provided that no allowance shall be granted under this paragraph in respect of the cost of any building or improvements if an allowance in respect of such cost has been granted in respect of the year of assessment under the provisions of section 13 (1): Provided further that no allowance shall be made under this paragraph in respect of such portion of the cost of any building or of any improvements as has been taken into account in the calculation of any allowance to such co-operative under

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„(3A) Waar daar tot bevrediging van die Minister bewys word dat 'n nyweraar op of na 1 Maart 1961—”.

(2) Die wysiging deur subartikel (1) aangebring word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 April 1976 geëindig het of eindig.

soos ingevoeg deur artikel 20 van Wet 89 van 1969 en gewysig deur artikel 17 van Wet 52 van 1970, artikel 18 van Wet 88 van 1971, artikel 17 van Wet 90 van 1972, artikel 16 van Wet 65 van 1973, artikel 21 van Wet 85 van 1974, artikel 19 van Wet 69 van 1975 en artikel 14 van Wet 103 van 1976.

17. (1) Artikel 27 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) deur die volgende subartikels te vervang:

Wysiging van artikel 27 van Wet 58 van 1962.

„(2) By die vasstelling van die belasbare inkomste van 'n landboukoöperasie word daar as aftrekkings van die inkomste van bedoelde landboukoöperasie vir die betrokke jaar van aanslag toegelaat—

(a) die bedrae van enige winste deur hom gedurende die bepaalde tydperk met betrekking tot die jaar van aanslag by wyse van bonusse (behalwe bonusse uitgekeer uit die stabilisasiefonds in paragraaf (h) bedoel) uitgekeer aan persone wat geregtig is om in so 'n uitkering te deel: Met dien verstande dat die bedrae wat as aftrekkings ingevolge hierdie paragraaf toegelaat word in totaal 'n bedrag is wat hoogstens gelyk is aan die belasbare inkomste van bedoelde landboukoöperasie vir die jaar van aanslag, soos bereken voordat enige aftrekkings ingevolge hierdie paragraaf, paragrawe (c), (e) en (f) van hierdie subartikel en artikels 11*bis*, 11*ter*, 11*quat* 11*quin*, 11*sept*, 12 (2), 12A (3), 13 (5), 13*bis* (7), 15A en 21*ter* toegelaat word en voordat enige balans van vasgestelde verlies wat van 'n vorige jaar van aanslag oorgedra is, in vergelyking gebring word;

(b) onderworpe aan die bepalinge van subartikels (3), (4) en (5), 'n vermindering gelyk aan twee persent van die koste (na aftrekking van 'n bedrag in subartikel (4) bedoel) vir bedoelde landboukoöperasie van—

(i) 'n gebou wat gedurende die jaar van aanslag geheel en al of hoofsaaklik as 'n opslagplek deur bedoelde koöperasie gebruik is, indien daardie gebou opgerig is deur bedoelde koöperasie of deur 'n ander koöperatiewe landbouvereniging of -maatskappy of spesiale koöperatiewe boeremaatskappy, soos in die Wet op Koöperatiewe Verenigings, 1939, omskryf, en die oprigting van dié gebou op of na 25 Maart 1959 'n aanvang geneem het; of

(ii) verbeterings (behalwe herstelwerk) aan 'n in subparagraaf (i) bedoelde gebou wat gedurende die jaar van aanslag gebruik is soos in daardie subparagraaf beoog; of

(iii) verbeterings (behalwe herstelwerk) aan 'n ander gebou wat gedurende die jaar van aanslag as 'n opslagplek deur bedoelde koöperasie gebruik is, indien bedoelde verbeterings op of na 1 April 1971 'n aanvang geneem het:

Met dien verstande dat geen vermindering ingevolge hierdie paragraaf ten opsigte van die koste van 'n gebou of verbeterings toegestaan word nie indien 'n vermindering ten opsigte van bedoelde koste ingevolge die bepalinge van artikel 13 (1) ten opsigte van die jaar van aanslag toegestaan is: Met dien verstande voorts dat geen vermindering ingevolge hierdie paragraaf gemaak word nie ten opsigte van enige gedeelte van die koste van 'n gebou of van verbeterings wat by die berekening van 'n vermindering aan bedoelde koöperasie ingevolge

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section 11 (g), whether in the current or any previous year of assessment;

- (c) an allowance, to be known as the storage building investment allowance, in respect of the cost to such agricultural co-operative—
- (i) of any building erected and brought into use by such co-operative as a storage building, if the erection of such building was commenced on or after 13 August 1970 but not later than 30 June 1979 and such building was first used during any year of assessment commencing on or after 1 April 1977; or
 - (ii) of any improvements (other than repairs) to any building used by such co-operative as a storage building, if such improvements were or are commenced on or after 13 August 1970 but not later than 30 June 1979 and are completed during any year of assessment commencing on or after 1 April 1977,

such allowance to be made in respect of the year of assessment referred to in subsection (6) and to be calculated at the relevant rate prescribed in subsection (7): Provided that no allowance shall be granted under this paragraph in respect of any building or improvements on any premises not owned by the agricultural co-operative, unless such co-operative at the date on which the erection of such building or the effecting of such improvements is commenced, is entitled to the occupation of such premises for a period ending not less than ten years after such date: Provided further that no allowance shall be granted under this paragraph in respect of the cost of any building or improvements if an allowance in respect of such cost has been granted under the provisions of section 13 (5);

- (d) an allowance, to be known as the special machinery initial allowance, equal to twenty-five per cent of the cost (as established to the satisfaction of the Secretary) to such agricultural co-operative of any new or unused machinery or plant which is brought into use by such co-operative during any year of assessment commencing on or after 1 April 1977 and is used by it directly for storing or packing pastoral, agricultural or other farm products of its members (including any person who is for the purposes of the definition of 'storage building' in subsection (9) deemed to be a member of such co-operative) or for subjecting such products to a primary process, such allowance to be granted for the year of assessment during which such machinery or plant is so brought into use: Provided that no allowance shall be granted under this paragraph in respect of the cost of any machinery or plant if an allowance in respect of such cost has been granted under the provisions of section 12 (1);
- (e) an allowance, to be known as the special machinery investment allowance, equal to thirty per cent of the cost (as established to the satisfaction of the Secretary) to such agricultural co-operative of any new or unused machinery or plant which is brought into use by such co-operative during any year of assessment of such co-operative commencing on or after 1 April 1977 and is brought into use not later than 30 June 1979 and used by it directly for storing or packing pastoral, agricultural or other farm products of its members (including any person who is for the purposes of the definition of

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artikel 11 (g) in aanmerking geneem is, hetsy in die lopende of 'n vorige jaar van aanslag;

- (c) 'n vermindering, wat as die opslagplek-beleggingsvermindering bekend staan, ten opsigte van die koste vir bedoelde landboukoöperasie—

- (i) van 'n gebou wat as 'n opslagplek deur bedoelde landboukoöperasie opgerig en in gebruik geneem is, indien die oprigting van bedoelde gebou op of na 13 Augustus 1970 maar nie later as 30 Junie 1979 nie, 'n aanvang geneem het, en daardie gebou vir die eerste maal gedurende 'n jaar van aanslag wat op of na 1 April 1977 begin het, gebruik is; of
- (ii) van verbeterings (behalwe herstelwerk) aan 'n gebou wat as 'n opslagplek deur bedoelde koöperasie gebruik word, indien daardie verbeterings op of na 13 Augustus 1970 maar nie later as 30 Junie 1979 nie, 'n aanvang geneem het of neem en dit voltooi word gedurende 'n jaar van aanslag wat op of na 1 April 1977 begin,

bedoelde vermindering gemaak te word ten opsigte van die in subartikel (6) bedoelde jaar van aanslag en bereken te word teen die toepaslike skaal wat in subartikel (7) voorgeskryf word: Met dien verstande dat geen vermindering ingevolge hierdie paragraaf toegestaan word nie ten opsigte van 'n gebou of verbeterings op 'n perseel wat nie aan die landboukoöperasie behoort nie, tensy bedoelde koöperasie op die datum waarop die oprigting van sodanige gebou of die aanbring van sodanige verbeterings 'n aanvang neem, op die okkupasie van sodanige perseel vir 'n tydperk eindigende nie minder nie as tien jaar na bedoelde datum, geregtig is: Met dien verstande voorts dat geen vermindering ingevolge hierdie paragraaf toegestaan word nie ten opsigte van die koste van 'n gebou of verbeterings indien 'n vermindering ten opsigte van bedoelde koste ingevolge die bepalinge van artikel 13 (5) toegestaan is;

- (d) 'n vermindering, wat as die spesiale masjinerie-aanvangsvermindering bekend staan, gelyk aan vyf-en-twintig persent van die koste (soos tot bevrediging van die Sekretaris vasgestel) vir bedoelde landboukoöperasie van nuwe of ongebruikte masjinerie of installasie wat deur bedoelde koöperasie gedurende 'n jaar van aanslag beginnende op of na 1 April 1977 in gebruik geneem is en deur hom regstreeks gebruik is vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte van sy lede (met inbegrip van 'n persoon wat by die toepassing van die omskrywing van 'opslagplek' in subartikel (9) geag word 'n lid van bedoelde koöperasie te wees) of vir die onderwerping van bedoelde produkte aan 'n primêre proses, bedoelde vermindering toegestaan te word vir die jaar van aanslag waarin bedoelde masjinerie of installasie aldus in gebruik geneem is: Met dien verstande dat geen vermindering ingevolge hierdie paragraaf toegestaan word nie ten opsigte van die koste van masjinerie of installasie indien 'n vermindering ten opsigte van bedoelde koste ingevolge die bepalinge van artikel 12 (1) toegestaan is;

- (e) 'n vermindering, wat as die spesiale masjinerie-beleggingsvermindering bekend staan, gelyk aan dertig persent van die koste (soos tot bevrediging van die Sekretaris vasgestel) vir bedoelde landboukoöperasie van nuwe of ongebruikte masjinerie of installasie wat deur bedoelde koöperasie in gebruik geneem is gedurende 'n jaar van aanslag van daardie koöperasie beginnende op of na 1 April 1977 en nie later nie as 30 Junie 1979 in gebruik geneem is en deur hom regstreeks gebruik vir die opberging of verpakking van veeboerdery-, landbou- of ander plaasprodukte van sy

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'storage building' in subsection (9) deemed to be a member of such co-operative) or for subjecting such products to a primary process, such allowance to be granted for the year of assessment during which such machinery or plant is so brought into use: Provided that no allowance shall be granted under this paragraph in respect of the cost of any machinery or plant if an allowance in respect of such cost has been granted under the provisions of section 12 (2);

(f) any amount actually expended by such agricultural co-operative during the year of assessment in repayment or reduction of a loan or advance obtained from any person (other than any company controlled directly or indirectly by such co-operative) and used by it in order to finance the cost of erecting any storage building or the cost of acquiring from any person (other than any company controlled directly or indirectly by such co-operative) any storage building (excluding the cost, as established to the satisfaction of the Secretary, of the land upon which that building is erected) or the cost of any improvements (other than repairs) to any storage building or the cost of acquiring any immovable machinery or plant wholly or mainly used by such co-operative for storing or packing pastoral, agricultural or other farm products produced by its members (including any person who is for the purposes of the definition of 'storage building' in subsection (9) deemed to be a member of such co-operative) or for subjecting such products to a primary process, if the Secretary is satisfied that the repayment or reduction of such loan or advance has not been financed out of other borrowed funds: Provided that—

(i) the aggregate of the deductions allowed under this paragraph in respect of amounts expended in repayment or reduction of loans or advances relating to any such building, improvements, machinery or plant shall not exceed the cost thereof to the agricultural co-operative, less the amount of any investment allowance in respect thereof granted in respect of any year of assessment to such co-operative under paragraph (c) or (e) of this subsection or section 12 (2) or section 13 (5) and any amounts expended by such co-operative during years of assessment which commenced before 1 April 1977 in repayment or reduction of such loans or advances;

(ii) the amounts of any deductions allowed under this paragraph in respect of any year of assessment shall not in the aggregate exceed an amount equal to the taxable income of such agricultural co-operative for such year of assessment, as calculated before allowing any deductions under this paragraph, paragraphs (c) and (e) of this subsection and sections 11*bis*, 11*ter*, 11*quat*, 11*quin*, 11*sept*, 12 (2), 12A (3), 13 (5), 13*bis* (7), 15A and 21*ter* and before setting off any balance of assessed loss brought forward from a previous year of assessment;

(iii) no deduction shall be allowed under this paragraph except in respect of the first year of assessment of such agricultural co-operative commencing on or

lede (met inbegrip van 'n persoon wat by die toepassing van die omskrywing van 'opslagplek' in subartikel (9) geag word 'n lid van bedoelde koöperasie te wees) of vir die onderwerping van bedoelde produkte aan 'n primêre proses, bedoelde vermindering toegestaan te word vir die jaar van aanslag waarin bedoelde masjinerie of installasie aldus in gebruik geneem is: Met dien verstande dat geen vermindering ingevolge hierdie paragraaf toegestaan word nie ten opsigte van die koste van masjinerie of installasie indien 'n vermindering ten opsigte van bedoelde koste ingevolge die bepaling van artikel 12 (2) toegestaan is;

- (f) 'n bedrag wat deur bedoelde landboukoöperasie gedurende die jaar van aanslag werklik uitgegee is ter terugbetaling of vermindering van 'n lening of voorskot wat deur hom van enige persoon (behalwe 'n maatskappy wat regstreeks of onregstreeks deur bedoelde koöperasie beheer word) verkry is en gebruik is vir die finansiering van die oprigtingskoste van 'n opslagplek of die koste van verkryging van 'n opslagplek van enige persoon (behalwe 'n maatskappy wat regstreeks of onregstreeks deur bedoelde koöperasie beheer word), behalwe die koste, tot bevrediging van die Sekretaris vasgestel, van die grond waarop daardie gebou opgerig is, of die koste van verbeterings (behalwe herstelwerk) aan 'n opslagplek of die koste van verkryging van onroerende masjinerie of installasie wat geheel en al of hoofsaaklik deur daardie koöperasie gebruik is vir die opberging of die verpakking van veeboerdery-, landbou- of ander plaasprodukte wat deur sy lede (met inbegrip van 'n persoon wat by die toepassing van die omskrywing van 'opslagplek' in subartikel (9) geag word 'n lid van bedoelde koöperasie te wees) geproduseer is of vir die onderwerping van bedoelde produkte aan 'n primêre proses, indien die Sekretaris oortuig is dat die terugbetaling of vermindering van bedoelde lening of voorskot nie uit ander geleende fondse gefinansier is nie: Met dien verstande dat—

- (i) die totaal van die aftrekkings wat ingevolge hierdie paragraaf toegelaat word ten opsigte van bedrae uitgegee ter terugbetaling of vermindering van lenings of voorskotte met betrekking tot sodanige gebou, verbeterings, masjinerie of installasie nie meer is nie as die koste daarvan vir die landboukoöperasie, min die bedrag van enige beleggingsvermindering ten opsigte daarvan wat ten opsigte van enige jaar van aanslag aan bedoelde koöperasie ingevolge paragraaf (c) of (e) van hierdie subartikel of artikel 12 (2) of artikel 13 (5) toegestaan is en bedrae wat deur bedoelde koöperasie gedurende jare van aanslag wat voor 1 April 1977 begin het, uitgegee is ter terugbetaling of vermindering van bedoelde lenings of voorskotte;
- (ii) die bedrae van enige aftrekkings wat ingevolge hierdie paragraaf ten opsigte van 'n jaar van aanslag toegelaat word in totaal 'n bedrag is wat hoogstens gelyk is aan die belasbare inkomste van bedoelde landboukoöperasie vir daardie jaar van aanslag, soos bereken voordat enige aftrekkings ingevolge hierdie paragraaf, paragrawe (c) en (e) van hierdie subartikel en artikels 11*bis*, 11*ter*, 11*quat*, 11*quin*, 11*sept*, 12 (2), 12A (3), 13 (5), 13*bis* (7), 15A en 21*ter* toegelaat word en voordat enige balans van vasgestelde verlies wat van 'n vorige jaar van aanslag oorgedra is, in vergelyking gebring word;
- (iii) geen aftrekking ingevolge hierdie paragraaf toegestaan word nie behalwe ten opsigte van die eerste jaar van aanslag van bedoelde landboukoöperasie

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after 1 April 1977 or any of the nine succeeding years of assessment of such co-operative;

- (iv) where an agricultural co-operative formed on or after 1 April 1977 has taken over any undertaking from any other agricultural co-operative, whether by purchase or under a scheme for the amalgamation of two or more agricultural co-operatives or otherwise; no deduction shall be allowed under this paragraph in respect of any year of assessment in respect of which such deduction would, in the opinion of the Secretary, not have been made if the co-operative so formed and such other co-operative had at all material times been one co-operative;
- (g) such allowance in respect of the year of assessment as the Secretary may make in respect of losses suffered by such agricultural co-operative in consequence of physical damage to or deterioration of pastoral, agricultural and other farm products held by such agricultural co-operative on behalf of any control board established under the provisions of the Marketing Act, 1968 (Act No. 59 of 1968): Provided that such allowance shall be included in the income of such agricultural co-operative in the following year of assessment; and
- (h) in the case of the vereniging defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), an allowance equal to so much of any amount which the said vereniging has, within the specified period in relation to the year of assessment, transferred from its profits for such year to a price stabilization fund for distribution to its members or winegrowers within a period not exceeding five years reckoned from the end of such year of assessment, as does not exceed an amount equal to that portion of the profits derived by such vereniging for that year of assessment as the Secretary is satisfied was derived by the vereniging in the exercise of its functions relating to the control of, and the stabilization of prices in, the wine industry.

(3) The aggregate of the allowances under subsection (2) (b) and section 13 (1) in respect of any building or improvements shall not exceed the cost (after the deduction of any amount referred to in subsection (4)) of such building or improvements, as the case may be, less the aggregate of any allowances made to the agricultural co-operative concerned in respect of such building or improvements, as the case may be, under section 11 (g).

(4) If in any year of assessment there falls to be included in an agricultural co-operative's income in terms of paragraph (a) of section 8 (4) an amount, which has been recovered or recouped, in respect of any allowance made under subsection (2) (b) in respect of any building or improvements, such portion of the amount so recovered or recouped as is set off against the cost of a further building as hereinafter provided shall, notwithstanding the provisions of the said paragraph, at the option of such co-operative, to be notified by it in writing to the Secretary when submitting its return of income for the year of assessment during which the recovery or recoupment occurred, and provided it erects within twelve months or such further period as the Secretary may allow from the date on which the event giving rise to the recovery or recoupment occurred, any other building to which the provisions of subsection (2) (b) apply, not be included in its income for such year of assessment, but shall be set off against so much of the cost to it of such further building erected by it as remains after the deduction of any portion of such cost in respect of which an allowance has been granted to such co-operative under section 11 (g), whether in the current or any previous year of assessment.

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wat op of na 1 April 1977 begin of enige van die nege daaropvolgende jare van aanslag van daardie koöperasie;

- (iv) waar 'n landboukoöperasie wat op of na 1 April 1977 gestig is, enige onderneming van 'n ander landboukoöperasie oorgeneem het, hetsy deur koop of ingevolge 'n skema vir die amalgamasie van twee of meer landboukoöperasies of andersins, geen aftrekking ingevolge hierdie paragraaf toegestaan word nie ten opsigte van 'n jaar van aanslag ten opsigte waarvan bedoelde aftrekking, volgens die oordeel van die Sekretaris, nie toegestaan sou gewees het nie indien die koöperasie aldus gestig en bedoelde ander koöperasie te alle saaklike tye een koöperasie was;

- (g) so 'n vermindering ten opsigte van die jaar van aanslag as wat deur die Sekretaris toegestaan word ten opsigte van verliese deur bedoelde landboukoöperasie gelyk as gevolg van fisiese skade aan of bederf van veeboerdery-, landbou- of ander plaasprodukte wat deur bedoelde landboukoöperasie gehou word namens 'n beheerraad wat ingevolge die bepalings van die Bemarkingswet, 1968 (Wet No. 59 van 1968) ingestel is: Met dien verstande dat bedoelde vermindering by die inkomste van bedoelde landboukoöperasie in die volgende jaar van aanslag ingereken word; en

- (h) in die geval van die vereniging omskryf in artikel 1 van die Wet op Beheer van Wyn en Spiritus, 1970 (Wet No. 47 van 1970), 'n vermindering gelyk aan soveel van 'n bedrag wat genoemde vereniging, binne die bepaalde tydperk met betrekking tot die jaar van aanslag, uit sy winste vir daardie jaar na 'n prysstabilisasiefonds oorgeplaas het vir uitkering aan sy lede of wynboere binne 'n tydperk van hoogstens vyf jaar gereken vanaf die einde van bedoelde jaar van aanslag, as wat nie meer is nie as 'n bedrag gelyk aan daardie deel van die winste deur bedoelde vereniging vir daardie jaar van aanslag verkry ten opsigte waarvan die Sekretaris oortuig is dat dit deur die vereniging verkry is by die beoefening van sy funksies met betrekking tot die beheer van, en die stabilisasie van pryse in, die wynbedryf.

(3) Die totaal van die verminderings ingevolge subartikel (2) (b) en artikel 13 (1) ten opsigte van 'n gebou of verbeterings gaan nie die koste (na die aftrekking van 'n bedrag in subartikel (4) bedoel) van daardie gebou of verbeterings, na gelang van die geval, min die som van enige verminderings aan die betrokke landboukoöperasie ten opsigte van bedoelde gebou of verbeterings, na gelang van die geval, toegestaan ingevolge artikel 11 (g), te bowe nie.

(4) Indien daar in 'n jaar van aanslag ingevolge paragraaf (a) van artikel 8 (4) 'n bedrag by 'n landboukoöperasie se inkomste ingereken moet word ten opsigte van 'n vermindering ingevolge subartikel (2) (b) vir 'n gebou of verbeterings toegelaat, wat teruggekry of vergoed is, word so 'n gedeelte van die bedrag aldus teruggekry of vergoed as wat in vermindering gebring word teen die koste van 'n verdere gebou soos hieronder bepaal, ondanks die bepalings van bedoelde paragraaf, na keuse van bedoelde koöperasie, waarvan hy die Sekretaris skriftelik in kennis moet stel wanneer hy sy opgawe van inkomste voorlê vir die jaar van aanslag waartydens die terugkryging of vergoeding plaasgevind het, en mits hy binne twaalf maande of sodanige verdere tydperk as wat die Sekretaris toestaan vanaf die datum waarop die voorval plaasgevind het wat tot die terugkryging of vergoeding aanleiding gee, 'n ander gebou ten opsigte waarvan die bepalings van subartikel (2) (b) van toepassing is, oprig, nie by sy inkomste vir daardie jaar van aanslag ingereken nie, maar in vermindering gebring teen soveel van die koste vir hom van daardie verdere gebou deur hom opgerig as wat oorbly na die aftrekking van die een of ander gedeelte van bedoelde koste ten opsigte waarvan 'n vermindering ingevolge artikel 11 (g) aan bedoelde koöperasie toegestaan is, hetsy in die lopende of 'n vorige jaar van aanslag.

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(5) Where any agricultural co-operative (hereinafter referred to as the new co-operative) has been constituted by an amalgamation under section 94 of the Co-operative Societies Act, 1939, of two or more other agricultural co-operatives and by reason of such amalgamation the ownership of any building used as a storage building by one of such other co-operatives (hereinafter referred to as the other co-operative) has passed from the other co-operative to the new co-operative—

- (a) an allowance may in the appropriate circumstances be granted under subsection (2) (b) to the new co-operative in respect of such building or any improvements (other than repairs) thereto if the Secretary is satisfied that such allowance would have been granted to the other co-operative if the amalgamation had not been effected;
- (b) a deduction may in the appropriate circumstances be allowed to the new co-operative under subsection (2) (f) in respect of any amount actually expended by the new co-operative in repaying or reducing the amount of any debt owed by it, if such debt was owing by the other co-operative at the time of the amalgamation and by reason of the amalgamation it became a debt owing by the new co-operative and the Secretary is satisfied that such deduction would have been allowed to the other co-operative if the amalgamation had not been effected;
- (c) where an allowance or deduction may be granted or allowed as contemplated in paragraph (a) or (b), the provisions of subsections (2) (b) and (f), (3) and (4) shall be applied as though the other co-operative and the new co-operative had at all relevant times been one co-operative.

(6) The storage building investment allowance shall be made for the year of assessment (being a year of assessment commencing on or after 1 April 1977) during which—

- (a) in the case of the cost of erection of a storage building, the building was first used;
- (b) in the case of the cost of any improvements to a storage building, the improvements were completed:

Provided that the allowance shall not be made in respect of any building brought into use or in respect of any improvements completed after 30 June 1980.

(7) The storage building investment allowance shall be calculated on the cost to the agricultural co-operative of the relevant building or improvements and the rate of such allowance shall be—

- (a) if the erection of such building was commenced on or before 31 March 1973, or such improvements were commenced on or before that date, ten per cent of such cost; or
- (b) if the erection of such building was commenced on or after 1 April 1973 and on or before 26 March 1975, or such improvements were commenced on or after 1 April 1973 and on or before 26 March 1975, fifteen per cent of such cost; or
- (c) if the erection of such building was commenced on or after 27 March 1975 and on or before 30 June 1979, or such improvements were commenced on or after 27 March 1975 and on or before 30 June 1979, twenty per cent of such cost.

- (8) (a) The full amount of any bonus distributed by any agricultural co-operative shall, to the extent that such amount qualifies for deduction from the income of such co-operative under subsection (2) (a) or, if it is distributed out of the stabilization fund referred to in subsection (2) (h), be included in the gross income of the person who has become entitled thereto and shall be deemed to have accrued to such person on the date of the distribution of the bonus by such co-operative.

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(5) Waar 'n landboukoöperasie (hieronder die nuwe koöperasie genoem) gevorm is ingevolge 'n amalgamasie van twee of meer ander landboukoöperasies ingevolge artikel 94 van die Wet op Koöperatiewe Verenigings, 1939, en uit hoofde van daardie amalgamasie die eiendomsreg in 'n gebou wat as 'n opslagplek deur een van bedoelde ander koöperasies (hieronder die ander koöperasie genoem) gebruik is, van die ander koöperasie op die nuwe koöperasie oorgegaan het—

- (a) kan in die paslike omstandighede 'n vermindering ingevolge subartikel (2) (b) aan die nuwe koöperasie ten opsigte van bedoelde gebou of verbeterings (behalwe herstelwerk) daaraan toegestaan word indien die Sekretaris oortuig is dat sodanige vermindering aan die ander koöperasie toegestaan sou gewees het indien die amalgamasie nie bewerkstellig was nie;
 - (b) kan in die paslike omstandighede 'n aftrekking ingevolge subartikel (2) (f) aan die nuwe koöperasie toegelaat word ten opsigte van 'n bedrag werklik deur die nuwe koöperasie uitgegee ter terugbetaling of vermindering van die bedrag van 'n skuld deur hom verskuldig, indien daardie skuld ten tyde van die amalgamasie deur die ander koöperasie verskuldig was en dit uit hoofde van die amalgamasie 'n skuld wat deur die nuwe koöperasie verskuldig was, geword het en die Sekretaris oortuig is dat bedoelde vermindering aan die ander koöperasie toegelaat sou gewees het indien die amalgamasie nie bewerkstellig was nie;
 - (c) word, waar 'n vermindering of aftrekking toegestaan of toegelaat kan word soos in paragraaf (a) of (b) beoog, die bepalings van subartikels (2) (b) en (f), (3) en (4) toegepas asof die ander koöperasie en die nuwe koöperasie te alle tersaaklike tye een koöperasie was.
- (6) Die opslagplek-beleggingsvermindering word toegestaan vir die jaar van aanslag (synde 'n jaar van aanslag beginnende op of na 1 April 1977) waartydens—

- (a) in die geval van die koste van oprigting van 'n opslagplek, die betrokke gebou vir die eerste maal gebruik is;
- (b) in die geval van die koste van enige verbeterings aan 'n opslagplek, die verbeterings voltooi is:

Met dien verstande dat die vermindering nie ten opsigte van 'n gebou in gebruik geneem of nie ten opsigte van verbeterings voltooi na 30 Junie 1980, toegestaan word nie.

(7) Die opslagplek-beleggingsvermindering word op die koste vir die landboukoöperasie van die betrokke gebou of verbeterings bereken, en die skaal van bedoelde vermindering is—

- (a) indien die oprigting van bedoelde gebou op of voor 31 Maart 1973 'n aanvang geneem het, of met bedoelde verbeterings op of voor daardie datum begin is, tien persent van bedoelde koste; of
- (b) indien die oprigting van bedoelde gebou op of na 1 April 1973 en op of voor 26 Maart 1975 'n aanvang geneem het, of met bedoelde verbeterings op of na 1 April 1973 en op of voor 26 Maart 1975 begin is, vyftien persent van bedoelde koste; of
- (c) indien die oprigting van bedoelde gebou op of na 27 Maart 1975 en op of voor 30 Junie 1979 'n aanvang geneem het, of met bedoelde verbeterings op of na 27 Maart 1975 en op of voor 30 Junie 1979 begin is, twintig persent van bedoelde koste.

- (8) (a) Die volle bedrag van 'n bonus deur 'n landboukoöperasie uitgekeer, word, vir sover sodanige bedrag vir aftrekking van die inkomste van bedoelde koöperasie ingevolge subartikel (2) (a) in aanmerking kom of, indien dit uit die in subartikel (2) (h) bedoelde stabilisasiefonds uitgekeer word, ingesluit by die bruto inkomste van die persoon wat daarop geregtig is en word geag aan bedoelde persoon toe te geval het op die datum van die uitkering van die bonus deur bedoelde koöperasie.

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- (b) For the purposes of this section the amount of any bonus distributed by way of capitalization shares or bonus debentures or securities shall be deemed to be the nominal value of such shares, debentures or securities, as the case may be.

(9) In this section—

‘agricultural co-operative’ means any co-operative agricultural society or company or any farmers’ special co-operative company, as defined in the Co-operative Societies Act, 1939;

‘bonus’ means any amount distributed by any co-operative society or company referred to in this section out of its profits or surplus for any year of assessment or, in the case of the vereniging referred to in paragraph (h) of subsection (2), out of the stabilization fund referred to in that paragraph, whether such amount is distributed in cash or by way of a credit or an award of capitalization shares or bonus debentures or securities, if such amount—

(a) is divided among the persons entitled thereto in such manner that the amount accruing to each such person is determined in accordance with the value of the business transactions between such society or company and such person; and

(b) is distributed during the specified period in relation to such year of assessment or is distributed out of the stabilization fund referred to in subsection (2) (h);

‘improvements’, in relation to any storage building, means any extension, addition or improvements (other than repairs) to a storage building which is or are effected for the purpose of increasing the capacity of the building for storing or packing pastoral, agricultural or other farm products or for carrying on therein any primary process in respect of any such products;

‘primary process’, in relation to any product produced in the course of pastoral, agricultural or other farming operations, means the first process to which such product is subjected by an agricultural co-operative in order to render such product marketable or to convert such product into a marketable commodity, and includes any further process carried on by such co-operative which is shown to the satisfaction of the Secretary to be so connected with the said first process that such first process and such further process or processes may be regarded as one process and to be necessary to convert such product into a marketable commodity;

‘storage building’, in relation to any agricultural co-operative, means a building which is at any relevant time or during any relevant period wholly or mainly used by such co-operative for storing or packing pastoral, agricultural or other farm products produced by such co-operative’s members or for carrying on therein any primary process in respect of any such products: Provided that for the purposes of this definition the members of a central co-operative agricultural company or central farmers’ special co-operative company or federal co-operative agricultural company or federal farmers’ special co-operative company, as defined in the Co-operative Societies Act, 1939, shall be deemed to include the members of any agricultural co-operative which itself is a member of such company.”

(2) The amendments effected by subsection (1) shall, for the purposes of assessments made upon co-operative societies and companies under the principal Act, be deemed to have taken effect from the commencement of years of assessment commencing on or after 1 April 1977.

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- (b) Vir die doeleindes van hierdie artikel word die bedrag van 'n bonus uitgekeer by wyse van kapitalisasie-aandeel of bonusobligasies of -effekte geag die nominale waarde van bedoelde aandeel, obligasies of effekte, na gelang van die geval, te wees.
- (9) In hierdie artikel beteken—
- 'bonus' 'n bedrag uitgekeer deur 'n in hierdie artikel bedoelde koöperatiewe vereniging of -maatskappy uit sy winste of surplus vir 'n jaar van aanslag of, in die geval van die vereniging bedoel in paragraaf (h) van subartikel (2), uit die in daardie paragraaf bedoelde stabilisasiefonds, ongeag of bedoelde bedrag in kontant of by wyse van 'n krediet of die toekenning van kapitalisasie-aandeel of bonusobligasies of -effekte uitgekeer word, indien bedoelde bedrag—
- (a) onder die persone wat daarop geregtig is, verdeel word op so 'n wyse dat die bedrag wat aan elke bedoelde persoon toeval, bepaal word volgens die waarde van die besigheidstransaksies tussen bedoelde vereniging of maatskappy en daardie persoon; en
- (b) gedurende die bepaalde tydperk met betrekking tot daardie jaar van aanslag uitgekeer word of uit die in subartikel (2) (h) bedoelde stabilisasiefonds uitgekeer word;
- 'landboukoöperasie' 'n koöperatiewe landbouvereniging of -maatskappy of 'n spesiale koöperatiewe boeremaatskappy soos in die Wet op Koöperatiewe Verenigings, 1939, omskryf;
- 'opslagplek', met betrekking tot 'n landboukoöperasie, 'n gebou wat op 'n tersaaklike tydstip of gedurende 'n tersaaklike tydperk geheel en al of hoofsaaklik deur bedoelde koöperasie gebruik word vir die opberging of die verpakking van veeboerdery-, landbou- of ander plaasprodukte wat deur bedoelde koöperasie se lede geproduseer is of om daarin 'n primêre proses ten opsigte van daardie produkte uit te voer: Met dien verstande dat vir die doeleindes van hierdie omskrywing die lede van 'n sentrale koöperatiewe landboumaatskappy of sentrale spesiale koöperatiewe boeremaatskappy of federale koöperatiewe landboumaatskappy of federale spesiale koöperatiewe boeremaatskappy, soos in die Wet op Koöperatiewe Verenigings, 1939, omskryf, geag word die lede van 'n landboukoöperasie wat self 'n lid van bedoelde maatskappy is, in te sluit;
- 'primêre proses', met betrekking tot 'n produk wat in die loop van veeboerdery-, landbou- of ander boerdery-bedrywighede geproduseer word, die eerste proses waaraan dié produk deur 'n landboukoöperasie onderwerp word ten einde daardie produk bemarkbaar te maak of om daardie produk in 'n bemarkbare handelsartikel te omskep, en ook 'n verdere proses, deur so 'n koöperasie uitgevoer, ten opsigte waarvan, tot bevrediging van die Sekretaris, bewys word dat dit sodanig met bedoelde eerste proses verband hou dat daardie eerste proses en bedoelde verdere proses of prosesse beskou kan word as 'n proses en nodig is ten einde bedoelde produk in 'n bemarkbare handelsartikel te omskep;
- 'verbeterings', met betrekking tot 'n opslagplek, 'n uitbreiding van of aanbousel of verbeterings (behalwe herstelwerk) aan 'n opslagplek wat aangebring word ten einde die kapasiteit van die gebou vir die opberging of die verpakking van veeboerdery-, landbou- of ander plaasprodukte of vir die uitvoering daarin van 'n primêre proses ten opsigte van sulke produkte te verhoog.
- (2) Die wysigings deur subartikel (1) aangebring, word, vir die doeleindes van aanslae gehef op koöperatiewe verenigings en maatskappye ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 April 1977 begin.

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Amendment of section 28bis of Act 58 of 1962, as inserted by section 19 of Act 88 of 1965 and amended by section 25 of Act 89 of 1969 and section 25 of Act 85 of 1974.

18. (1) Section 28bis of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) that at the time the arrangement was implemented, all the issued shares of the subsidiary were held for its own benefit by the foreign company or a company which was incorporated, managed and controlled outside the Republic and was controlled by or controlled the foreign company, or that the arrangement was implemented in order to meet the requirements of section 3quat of the Insurance Act, 1943, (Act No. 27 of 1943).”

(2) The amendment effected by subsection (1) shall, for the purposes of assessments under the principal Act, be deemed to have taken effect from the commencement of years of assessment ended or ending on or after 1 January 1976.

Amendment of section 42 of Act 58 of 1962, as amended by section 21 of Act 88 of 1965, section 17 of Act 95 of 1967, section 29 of Act 89 of 1969, section 19 of Act 52 of 1970, section 23 of Act 88 of 1971, section 18 of Act 90 of 1972, section 22 of Act 65 of 1973, section 32 of Act 85 of 1974, section 22 of Act 69 of 1975 and section 18 of Act 103 of 1976.

19. (1) Section 42 of the principal Act is hereby amended—

(a) by the addition to subsection (2) of the following paragraphs:

“(i) any dividend declared on or after 31 March 1976 and accruing to any company (not being a South African company and not being a mutual insurer as defined in the Insurance Act, 1943 (Act No. 27 of 1943)), hereinafter referred to as the insurance company, in respect of shares included in the assets of the insurance company relating to any insurance business carried on by it in the Republic, if—

(i) in compliance with the provisions of section 3quat of the said Act, a South African company has been formed to acquire such business and has acquired all the assets and assumed all the liabilities of the insurance company relating to such business; and

(ii) the Secretary is satisfied that such dividend accrued to the insurance company for the benefit of the said business and has not been remitted by it to any address outside the Republic, whether in cash or by way of a remittance of profits or a transfer of assets or otherwise;

Provided that if the Secretary is satisfied as to the matters referred to in subparagraph (ii), save only that such dividend has in part been remitted to an address outside the Republic, the exemption under this paragraph shall apply, but only in respect of such portion of the said dividend as the Secretary is satisfied has not been remitted to any address outside the Republic, whether in cash or by way of a remittance of profits or a transfer of assets or otherwise;

(j) any dividend declared on or after 31 March 1976 and accruing to any company (other than a South African company) which is a mutual insurer as defined in the Insurance Act, 1943, in respect of shares included in the assets of such company relating to any insurance business carried on by it in the Republic, if such company has become a domestic insurer in terms of section 3quat of the said Act, and the Secretary is satisfied—

(i) that such dividend accrued to such company before the date on which it became a domestic insurer as aforesaid and that such dividend accrued for the benefit of the said business and

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18. (1) Artikel 28*bis* van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) dat toe die reëling uitgevoer is al die uitgereikte aandele van die filiaal vir sy eie voordeel besit is deur die buitelandse maatskappy of 'n maatskappy wat buite die Republiek ingelyf, bestuur en beheer was en deur die buitelandse maatskappy beheer was of dit beheer het, of dat die reëling uitgevoer is ten einde aan die voorskrifte van artikel 3*quat* van die Versekeringswet, 1943 (Wet No. 27 van 1943), te voldoen.”

Wysiging van artikel 28*bis* van Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 88 van 1965 en gewysig deur artikel 25 van Wet 89 van 1969 en artikel 25 van Wet 85 van 1974.

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1976 geëindig het of eindig.

19. (1) Artikel 42 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragrawe by subartikel (2) te voeg:

„(i) 'n dividend wat op of na 31 Maart 1976 verklaar is en wat toeval aan 'n maatskappy (wat nie 'n Suid-Afrikaanse maatskappy is nie en wat nie 'n onderlinge versekeraar soos omskryf in die Versekeringswet, 1943 (Wet No. 27 van 1943), is nie), hieronder die versekeringsmaatskappy genoem, ten opsigte van aandele wat by die bates van die versekeringsmaatskappy ingesluit is met betrekking tot enige versekeringsbesigheid deur hom in die Republiek gedryf, indien—

Wysiging van artikel 42 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 88 van 1965, artikel 17 van Wet 95 van 1967, artikel 29 van Wet 89 van 1969, artikel 19 van Wet 52 van 1970, artikel 23 van Wet 88 van 1971, artikel 18 van Wet 90 van 1972, artikel 22 van Wet 65 van 1973, artikel 32 van Wet 85 van 1974, artikel 22 van Wet 69 van 1975 en artikel 18 van Wet 103 van 1976.

(i) ooreenkomstig die bepalinge van artikel 3*quat* van genoemde Wet 'n Suid-Afrikaanse maatskappy gestig is om bedoelde besigheid te verkry en al die bates van die versekeringsmaatskappy met betrekking tot bedoelde besigheid verkry het en al die verpligtinge met betrekking tot dié besigheid oorgeneem het; en

(ii) die Sekretaris oortuig is dat bedoelde dividend aan die versekeringsmaatskappy toegeval het tot voordeel van genoemde besigheid en nie deur hom na 'n adres buite die Republiek oorgestuurd is nie, hetsy in kontant of by wyse van 'n remise van winste of 'n oordrag van bates of andersins;

Met dien verstande dat indien die Sekretaris oortuig is aangaande die sake in subparagraaf (ii) bedoel, behalwe slegs dat bedoelde dividend gedeeltelik na 'n adres buite die Republiek oorgestuurd is, die vrystelling ingevolge hierdie paragraaf van toepassing is, maar slegs ten opsigte van so 'n deel van genoemde dividend as wat, na oortuiging van die Sekretaris, nie na 'n adres buite die Republiek oorgestuurd is nie, hetsy in kontant of by wyse van 'n remise van winste of 'n oordrag van bates of andersins;

(j) 'n dividend wat op of na 31 Maart 1976 verklaar is en wat toeval aan 'n maatskappy (behalwe 'n Suid-Afrikaanse maatskappy) wat 'n onderlinge versekeraar is soos omskryf in die Versekeringswet, 1943, ten opsigte van aandele wat by die bates van bedoelde maatskappy ingesluit is met betrekking tot enige versekeringsbesigheid deur hom in die Republiek gedryf, indien bedoelde maatskappy ingevolge artikel 3*quat* van genoemde Wet 'n binnelandse versekeraar geword het, en die Sekretaris oortuig is—

(i) dat bedoelde dividend aan bedoelde maatskappy toegeval het voor die datum waarop hy 'n binnelandse versekeraar soos voormeld geword het en dat bedoelde dividend ten

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was not before the said date remitted by it to any address outside the Republic, whether in cash or by way of a remittance of profits or a transfer of assets or otherwise; or

- (ii) that such dividend accrued to such company on or after the date referred to in subparagraph (i) and that such dividend accrued for the benefit of the said business:

Provided that if the Secretary is satisfied as to the matters referred to in subparagraph (i), save only that the dividend in question has in part been remitted to an address outside the Republic, the exemption under this paragraph in respect of such dividend shall apply, but only in respect of such portion of such dividend as the Secretary is satisfied has not been remitted to any address outside the Republic, whether in cash or by way of a remittance of profits or otherwise.”; and

- (b) by the addition of the following subsections:

“(6) For the purposes of this Part, where any company which is a mutual insurer—

- (a) has in terms of section 3 *quat* of the Insurance Act, 1943, become a domestic insurer for the purposes of that Act;

- (b) has derived any dividends which have been exempted from non-resident shareholders tax in terms of subsection (2) (j); and

- (c) has after becoming a domestic insurer remitted any amount to any address outside the Republic, such amount (less so much thereof as the Secretary is satisfied does not consist of profits earned by such company) shall, to the extent that it does not exceed the sum of the amounts of the dividends referred to in paragraph (b) which such company has derived during the period commencing on 31 March 1976 and ending on the date on which the said amount is remitted as contemplated in paragraph (c) (less any amounts previously subjected to non-resident shareholders tax in terms of this subsection), be subject to non-resident shareholders tax in the hands of such company at the rate of non-resident shareholders tax in force in respect of a dividend declared by a company on the date on which the said amount is remitted as aforesaid.

(7) The non-resident shareholders tax payable in terms of subsection (6) shall be assessed by the Secretary and shall be payable by and be recoverable from the company in whose hands it is subject to tax as contemplated in the said subsection.”.

- (2) The amendments effected by subsection (1) shall be deemed to have taken effect on 31 March 1976.

Amendment of section 49 of Act 58 of 1962, as amended by section 22 of Act 90 of 1962, section 9 of Act 6 of 1963, section 17 of Act 90 of 1964, section 31 of Act 89 of 1969, section 24 of Act 88 of 1971, section 24 of Act 65 of 1973, section 34 of Act 85 of 1974 and section 23 of Act 69 of 1975.

20. (1) Section 49 of the principal Act is hereby amended by the deletion of the definition of “specified period”.

(2) The amendment effected by subsection (1) shall, for the purposes of assessments of undistributed profits tax under the principal Act, apply with effect from the commencement of years of assessment commencing on or after 1 April 1977.

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voordeel van genoemde besigheid toegeval het en nie voor genoemde datum na 'n adres buite die Republiek oorgestuurd is nie, hetsy in kontant of by wyse van 'n remise van winste of 'n oordrag van bates of andersins; of

- (ii) dat bedoelde dividend aan bedoelde maatskappy toegeval het na die datum in subparagraaf (i) bedoel en dat bedoelde dividend ten voordeel van genoemde besigheid toegeval het;

Met dien verstande dat indien die Sekretaris oortuig is aangaande die sake in subparagraaf (i) bedoel, behalwe slegs dat die betrokke dividend gedeeltelik na 'n adres buite die Republiek oorgestuurd is, die vrystelling ingevolge hierdie paragraaf van toepassing is, maar slegs ten opsigte van só 'n deel van bedoelde dividend as wat, volgens oortuiging van die Sekretaris, nie na 'n adres buite die Republiek oorgestuurd is nie, hetsy in kontant of by wyse van 'n remise van winste of 'n oordrag van bates of andersins.''; en

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

„(6) By die toepassing van hierdie Deel, waar 'n maatskappy wat 'n onderlinge versekeraar is—

- (a) ingevolge artikel 3 *quat* van die Versekeringswet, 1943, 'n binnelandse versekeraar vir die doeleindes van daardie Wet geword het;

- (b) dividende verkry het wat ingevolge subartikel (2) (j) van belasting op buitelandse aandeelhouders vrygestel is; en

- (c) nadat hy 'n binnelandse versekeraar geword het, 'n bedrag na 'n adres buite die Republiek oorgestuurd het,

is daardie bedrag (min soveel daarvan as wat, volgens oortuiging van die Sekretaris, nie uit winste verdien deur bedoelde maatskappy bestaan nie), vir sover dit nie die som van die bedrae van die dividende in paragraaf (b) bedoel wat bedoelde maatskappy gedurende die tydperk beginnende op 31 Maart 1976 en eindigende op die datum waarop genoemde bedrag oorgestuurd word soos in paragraaf (c) beoog (min bedrae voorheen ingevolge hierdie subartikel aan belasting op buitelandse aandeelhouders onderwerp) te bowe gaan nie, onderworpe aan belasting op buitelandse aandeelhouders in die hande van bedoelde maatskappy teen die skaal van belasting op buitelandse aandeelhouders wat van krag is ten opsigte van 'n dividend deur 'n maatskappy verklaar op die datum waarop genoemde bedrag soos voormeld oorgestuurd is.

(7) Die belasting op buitelandse aandeelhouders betaalbaar ingevolge subartikel (6) word deur die Sekretaris aangeslaan en is betaalbaar deur en verhaalbaar op die maatskappy in wie se hande dit aan belasting onderworpe is soos in genoemde subartikel beoog.'';

- (2) Die wysigings deur subartikel (1) aangebring, word geag op 31 Maart 1976 in werking te getree het.

20. (1) Artikel 49 van die Hoofwet word hierby gewysig deur die omskrywing van „bepaalde tydperk” te skrap.

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae van belasting op onuitgekeerde winste ingevolge die Hoofwet, geag in werking te getree het van die begin van jare van aanslag wat op of na 1 April 1977 begin.

Wysiging van artikel 49 van Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 90 van 1962, artikel 9 van Wet 6 van 1963, artikel 17 van Wet 90 van 1964, artikel 31 van Wet 89 van 1969, artikel 24 van Wet 88 van 1971, artikel 24 van Wet 65 van 1973, artikel 34 van Wet 85 van 1974 en artikel 23 van Wet 69 van 1975.

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Amendment of section 56 of Act 58 of 1962, as amended by section 18 of Act 90 of 1964, section 25 of Act 55 of 1966, section 33 of Act 89 of 1969 and section 38 of Act 85 of 1974.

Amendment of section 64C of Act 58 of 1962, as inserted by section 20 of Act 95 of 1967 and amended by section 15 of Act 76 of 1968, section 36 of Act 89 of 1969, section 21 of Act 52 of 1970, section 26 of Act 88 of 1971, section 20 of Act 90 of 1972 and section 42 of Act 85 of 1974.

Amendment of paragraph 7 of 1st Schedule to Act 58 of 1962.

Amendment of paragraph 12 of 1st Schedule to Act 58 of 1962, as amended by section 27 of Act 55 of 1966 and section 42 of Act 89 of 1969.

21. Section 56 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (g) of subsection (1) of the following subparagraph:

“(ii) by inheritance from a person who at the date of his death was not ordinarily resident in the Republic or by a donation if at the date of the donation the donor was a person (other than a company) not ordinarily resident in the Republic; or”.

22. (1) Section 64C of the principal Act is hereby amended by the substitution in paragraph (i) of the proviso to paragraph (fA) for the words “seven and a half” of the word “eight”.

(2) The amendment effected by subsection (1) shall be deemed to have taken effect on 1 June 1976.

23. (1) Paragraph 7 of the First Schedule to the principal Act is hereby amended by the substitution for the expression “sub-item (ii) of item (b)” of the expression “subparagraph (1) (b) (ii), (1) (c) (ii) or (1) (d) (ii)”.

(2) The amendment effected by subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 January 1977.

24. Paragraph 12 of the First Schedule to the principal Act is hereby amended—

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

“(j) the acquisition of machinery, implements, utensils and articles used by the farmer for farming purposes, except any motor vehicle the sole or primary function of which is the conveyance of persons or any caravan or any aircraft or any office furniture or equipment or anything the cost of which is deductible from the farmer's income under the preceding items of this paragraph or under any other provision of this Act.”;

(b) by the insertion after subparagraph (1) of the following subparagraphs:

“(1A) Where, at the commencement of the year of assessment ending on 28 February 1978, a farmer held for farming purposes any machinery, implements, utensils or articles (except any motor vehicle the sole or primary function of which is the conveyance of persons or any caravan or any aircraft or any office furniture or equipment) which had not previously been disposed of or scrapped by him and in respect of which any allowances had been granted under section 11 (e) of this Act for years of assessment preceding the said year, there shall, subject to the provisions of subparagraphs (1B) (c) and (3), be allowable as a deduction in the determination of the taxable income derived by the farmer for each of the years of assessment ending on the last day of February, 1978, 1979 and 1980, an amount equal to one-third of the amount by which the original cost to the farmer of such machinery, implements, utensils or articles exceeds the sum of the allowances granted as aforesaid.

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21. Artikel 56 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van paragraaf (g) van subartikel (1) deur die volgende subparagraaf te vervang:

„(ii) deur erflating van iemand wat op die datum van sy oorlyde nie gewoonlik in die Republiek woonagtig was nie of by wyse van 'n skenking indien die skenker op die datum van die skenking 'n persoon (behalwe 'n maatskappy) was wat nie gewoonlik in die Republiek woonagtig was nie; of”.

Wysiging van artikel 56 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 90 van 1964, artikel 25 van Wet 55 van 1966, artikel 33 van Wet 89 van 1969 en artikel 38 van Wet 85 van 1974.

22. (1) Artikel 64C van die Hoofwet word hierby gewysig deur in paragraaf (i) van die voorbehoudsbepaling by paragraaf (fA) die uitdrukking „sewe-en-'n-half” deur die woord „agt” te vervang.

(2) Die wysiging deur subartikel (1) aangebring, word geag op 1 Junie 1976 in werking te getree het.

Wysiging van artikel 64C van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 95 van 1967 en gewysig deur artikel 15 van Wet 76 van 1968, artikel 36 van Wet 89 van 1969, artikel 21 van Wet 52 van 1970, artikel 26 van Wet 88 van 1971, artikel 20 van Wet 90 van 1972 en artikel 42 van Wet 85 van 1974.

23. (1) Paragraaf 7 van die Eerste Bylae by die Hoofwet word hierby gewysig deur die uitdrukking „sub-item (ii) van item (b)” deur die uitdrukking „subparagraaf (1) (b) (ii), (1) (c) (ii) of (1) (d) (ii)” te vervang.

(2) Die wysiging deur subartikel (1) aangebring word geag in werking te getree het van die begin van jare van aanslag wat op of na 1 Januarie 1977 geëindig het of eindig.

Wysiging van paragraaf 7 van 1ste Bylae by Wet 58 van 1962.

24. Paragraaf 12 van die Eerste Bylae by die Hoofwet word hierby gewysig—

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

„(j) die verkryging van masjinerie, gereedskap, werktuie en artikels wat deur die boer vir boerderydoel-eindes gebruik word, behalwe 'n motorvoertuig waarvan die uitsluitlike of primêre funksie die vervoer van persone is of 'n woonwa of 'n lugvaartuig of kantoormeubels of -toerusting of enigiets waarvan die koste ingevolge die voorafgaande items van hierdie paragraaf of ingevolge 'n ander bepaling van hierdie Wet van die boer se inkomste aftrekbaar is.”;

(b) deur na subparagraaf (1) die volgende subparagraawe in te voeg:

„(1A) Waar, aan die begin van die jaar van aanslag eindigende op 28 Februarie 1978, 'n boer masjinerie, gereedskap, werktuie of artikels (behalwe 'n motorvoertuig waarvan die uitsluitlike of primêre funksie die vervoer van persone is of 'n woonwa of 'n lugvaartuig of kantoormeubels of -toerusting) vir boerderydoel-eindes besit het, wat nie voorheen deur hom van die hand gesit of as uitgedien onttrek was nie en ten opsigte waarvan verminderings ingevolge artikel 11 (e) van hierdie Wet vir die jare van aanslag wat genoemde jaar voorafgaan, toegestaan was, word daar, behoudens die bepalings van subparagraawe (1B) (c) en (3), as 'n aftrekking by die vasstelling van die belasbare inkomste verkry deur die boer vir elk van die jare van aanslag wat eindig op die laaste dag van Februarie, 1978, 1979 en 1980, 'n bedrag toegelaat wat gelyk is aan een-derde van die bedrag waarmee die oorspronklike koste vir die boer van bedoelde masjinerie, gereedskap, werktuie of artikels die som van die verminderings wat soos voormeld toegestaan is, te bowe gaan.

Wysiging van paragraaf 12 van 1ste Bylae by Wet 58 van 1962, soos gewysig deur artikel 27 van Wet 55 van 1966 en artikel 42 van Wet 89 van 1969.

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(1B) (a) Where any asset in respect of which any deduction has been allowed to a farmer under the provisions of subparagraph (1) or (1A) (whether in the current or any previous year of assessment) and which is or has become a movable asset, is disposed of by the farmer, there shall be included in his income so much of the amounts received by or accrued to or in favour of the farmer in respect of such disposal as does not exceed the expenditure in respect of such asset allowed under subparagraph (1) or the original cost to him of such asset taken into account under subparagraph (1A), as the case may be, less any amounts which in terms of item (c) of this subparagraph are not allowable as deductions under subparagraph (1A) in respect of such asset in respect of the succeeding year or years of assessment referred to in the said item.

(b) Where any allowance was granted in respect of such asset under the provisions of section 11 (e) of this Act the provisions of section 8 (4) (a) of this Act shall not apply in respect of any amount recovered or recouped in respect of such allowance.

(c) Where such asset is disposed of during the year of assessment ending on 28 February 1978 or the year of assessment ending on 28 February 1979, no deduction in respect of such asset shall be made under subparagraph (1A) in respect of the succeeding year or years of assessment.

(1C) For the purposes of this paragraph, where any asset in respect of which any deduction has been allowed to a farmer under the provisions of subparagraph (1) or (1A) (whether in the current or any previous year of assessment) and which is or has become a movable asset, is disposed of by the farmer to any other person by way of donation or for a consideration, which, in the opinion of the Secretary, is not an adequate consideration or is not readily capable of valuation, a consideration equal in value to an amount determined by the Secretary as the fair value of such asset shall be deemed to have been received by the farmer in respect of his disposal of the asset and to have been paid by such other person in respect of his acquisition of the asset: Provided that the amount so determined shall not exceed the cost to the farmer of such asset.”;

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

“(2) No deduction under section 11 (e) or (o) of this Act shall be allowed in respect of any machinery, articles or plant for which a deduction has been allowed under subparagraph (1) or (1A) of this paragraph or the corresponding provisions of a previous Income Tax Act or under paragraph 12 (1) of the Second Schedule to the Income Tax Ordinance, 1961 (Ordinance No. 10 of 1961), of the territory or the corresponding provisions of a previous Income Tax Ordinance of the territory and no deduction under section 11 (q) of this Act shall be allowed in respect of expenditure of a capital nature for which a deduction has been allowed under subparagraph (1) or (1A) of this paragraph or the said paragraph 12 (1) or any of the said corresponding provisions.”; and

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- (1B) (a) Waar 'n bate ten opsigte waarvan 'n aftrekking aan 'n boer ingevolge die bepalinge van subparagraaf (1) of (1A) toegelaat is (hetsy in die lopende of 'n vorige jaar van aanslag) en wat 'n roerende bate is of geword het, deur die boer van die hand gesit word, word by sy inkomste ingesluit soveel van die bedrae ontvang deur of toegeval aan of ten gunste van die boer ten opsigte van bedoelde vandiehandsetting as wat nie meer is nie as die onkoste ten opsigte van bedoelde bate wat ingevolge subparagraaf (1) toegelaat is of die oorspronklike koste vir hom van bedoelde bate wat ingevolge subparagraaf (1A) in berekening gebring is, na gelang van die geval, min enige bedrae wat kragtens item (c) van hierdie subparagraaf nie ten opsigte van bedoelde bate ten opsigte van die in bedoelde item bedoelde daaropvolgende jaar of jare van aanslag as aftrekkings ingevolge subparagraaf (1A) toelaatbaar is nie.
- (b) Waar 'n vermindering ingevolge die bepalinge van artikel 11 (e) van hierdie Wet ten opsigte van bedoelde bate toegestaan is, is die bepalinge van artikel 8 (4) (a) van hierdie Wet nie van toepassing nie ten opsigte van 'n bedrag wat ten opsigte van bedoelde vermindering verhaal of vergoed is.
- (c) Waar bedoelde bate gedurende die jaar van aanslag eindigende op 28 Februarie 1978 of die jaar van aanslag eindigende op 28 Februarie 1979 van die hand gesit word, word geen aftrekking ingevolge subparagraaf (1A) ten opsigte van daardie bate ten opsigte van die daaropvolgende jaar of jare van aanslag gemaak nie.

(1C) By die toepassing van hierdie paragraaf, waar 'n bate ten opsigte waarvan 'n aftrekking aan 'n boer ingevolge die bepalinge van subparagraaf (1) of (1A) toegelaat is (hetsy in die lopende of 'n vorige jaar van aanslag) en wat 'n roerende bate is of geword het, deur die boer van die hand gesit word aan 'n ander persoon by wyse van skenking of teen 'n vergoeding wat volgens die Sekretaris se oordeel nie voldoende vergoeding is nie of nie geredelik gewaardeer kan word nie, word 'n vergoeding, waarvan die waarde gelyk is aan 'n bedrag wat die Sekretaris as die billike waarde van die bate vasstel, geag deur die boer ten opsigte van sy vandiehandsetting van die bate deur hom ontvang te gewees het en deur bedoelde ander persoon ten opsigte van die verkryging van die bate deur hom betaal te gewees het: Met dien verstande dat die aldus vasgestelde bedrag nie meer is nie as die koste vir die boer van bedoelde bate.”;

- (c) deur subparagraaf (2) deur die volgende subparagraaf te vervang:

„(2) Geen aftrekking ingevolge artikel 11 (e) of (o) van hierdie Wet word toegestaan ten opsigte van masjinerie, artikels of toerusting waarvoor 'n aftrekking ingevolge subparagraaf (1) of (1A) van hierdie paragraaf of die ooreenstemmende bepalinge van 'n vorige Inkomstebelastingwet of ingevolge paragraaf 12 (1) van die Tweede Bylae by die Inkomstebelastingordonnansie, 1961 (Ordonnansie No. 10 van 1961), van die gebied of die ooreenstemmende bepalinge van 'n vorige Inkomstebelastingordonnansie van die gebied toegestaan is nie, en geen aftrekking ingevolge artikel 11 (q) van hierdie Wet word toegestaan ten opsigte van onkoste van 'n kapitale aard waarvoor 'n aftrekking ingevolge subparagraaf (1) of (1A) van hierdie paragraaf of genoemde paragraaf 12 (1) of sodanige ooreenstemmende bepalinge toegestaan is nie.”; en

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- (d) by the substitution in subparagraph (3) for the words preceding the proviso of the following words:

“(3) The total amount allowable as deductions to any farmer under items (c) to (j), inclusive, of subparagraph (1) and under subparagraph (1A) in any year of assessment shall not exceed the taxable income (as calculated before allowing the said deductions) derived by him from farming operations during that year of assessment.”.

Amendment of paragraph 20 of 1st Schedule to Act 58 of 1962, as added by section 33 of Act 69 of 1975 and amended by section 31 of Act 103 of 1976.

25. Paragraph 20 of the First Schedule to the principal Act is hereby amended by the insertion after subparagraph (1) of the following subparagraph:

“(1A) Where it is shown by the taxpayer to the satisfaction of the Secretary that the land referred to in subparagraph (1) was acquired as contemplated in item (a) of that subparagraph within the period of twelve months after the owner accepted an offer to purchase the land, it shall be deemed for purposes of that subparagraph that such land was acquired on the date on which the offer was accepted.”.

Amendment of paragraph 1 of Second 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 and section 34 of Act 69 of 1975.

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

- (a) by the substitution in the definition of “formula A” for the words “twenty thousand” of the words “twenty-two thousand five hundred”; and
(b) by the substitution in paragraph (b) of the definition of “formula B” for the words “forty thousand” of the words “forty-five thousand”.

Amendment of paragraph 5 of Second Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 21 of Act 72 of 1963, section 25 of Act 90 of 1964, section 35 of Act 88 of 1971 and section 35 of Act 69 of 1975.

27. Paragraph 5 of the Second Schedule to the principal Act is hereby amended—

- (a) by the substitution in item (a) of subparagraph (2) for the words “eight thousand” of the words “nine thousand”;
(b) by the substitution in item (b) of the said subparagraph for the words “twenty thousand”, wherever they occur, of the words “twenty-two thousand five hundred”; and
(c) by the substitution in item (d) of the said subparagraph for the words “forty thousand” of the words “forty-five thousand”.

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 and section 48 of Act 85 of 1974.

28. Paragraph 2 of the Fourth Schedule to the principal Act is hereby amended by the substitution in subparagraph (4) for the expression “11 (k)” of the expression “11 (k) (i)” and for the expression “11 (n)” of the expression “11 (n) (aa)”.

Amendment of paragraph 13 of 4th Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963.

29. (1) Paragraph 13 of the Fourth Schedule to the principal Act is hereby amended by the substitution in subparagraph (5) for the word “sub-section” of the word “subparagraph”.

(2) The amendment effected by subsection (1) shall be deemed to have taken effect from the commencement of the Income Tax Amendment Act, 1963.

Commencement of certain amendments.

30. Save in so far as is otherwise provided therein or the context otherwise indicates, the amendments effected to the principal Act by this Act, shall, for the purposes of assessments in

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- (d) deur in subparagraaf (3) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(3) Die totaalbedrag wat ingevolge items (c) tot en met (j) van subparagraaf (1) en ingevolge subparagraaf (1A) aan 'n boer in 'n jaar van aanslag as aftrekkings toegestaan kan word, gaan nie die belasbare inkomste (soos bereken voordat bedoelde aftrekkings toegestaan is) gedurende daardie jaar van aanslag deur hom uit boerdery verkry, te bowe nie:”.

25. Paragraaf 20 van die Eerste Bylae by die Hoofwet word hierby gewysig deur na subparagraaf (1) die volgende subparagraaf in te voeg:

„(1A) Waar daar tot bevrediging van die Sekretaris deur die belastingpligtige bewys word dat die in subparagraaf (1) bedoelde grond verkry is soos in item (a) van daardie subparagraaf beoog binne die tydperk van twaalf maande nadat die eienaar 'n aanbod om die grond te koop, aanvaar het, word, by die toepassing van bedoelde subparagraaf, geag dat bedoelde grond verkry is op die datum waarop die aanbod aanvaar is.”.

Wysiging van paragraaf 20 van 1ste Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 33 van Wet 69 van 1975 en gewysig deur artikel 31 van Wet 103 van 1976.

26. Paragraaf 1 van die Tweede Bylae by die Hoofwet word hierby gewysig—

- (a) deur in die omskrywing van „formule A” die woord „twintigduisend” deur die woorde „twee-en-twintigduisend vyfhonderd” te vervang; en
(b) deur in paragraaf (b) van die omskrywing van „formule B” die woord „veertigduisend” deur die woord „vyf-en-veertigduisend” te vervang.

Wysiging van paragraaf 1 van Tweede 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 en artikel 34 van Wet 69 van 1975.

27. Paragraaf 5 van die Tweede Bylae by die Hoofwet word hierby gewysig—

- (a) deur in item (a) van subparagraaf (2) die woord „agtduisend” deur die woord „negeduisend” te vervang;
(b) deur in item (b) van genoemde subparagraaf die woord „twintigduisend”, waar dit ook al voorkom, deur die woorde „twee-en-twintigduisend vyfhonderd” te vervang; en
(c) deur in item (d) van genoemde subparagraaf die woord „veertigduisend” deur die woord „vyf-en-veertigduisend” te vervang.

Wysiging van paragraaf 5 van Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 21 van Wet 72 van 1963, artikel 25 van Wet 90 van 1964, artikel 35 van Wet 88 van 1971 en artikel 35 van Wet 69 van 1975.

28. Paragraaf 2 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in subparagraaf (4) die uitdrukking „11 (k)” deur die uitdrukking „11 (k) (i)” en die uitdrukking „11 (n)” deur die uitdrukking „11 (n) (aa)” te vervang.

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 en artikel 48 van Wet 85 van 1974.

29. (1) Paragraaf 13 van die Vierde Bylae by die Hoofwet word hierby gewysig deur in die Engelse teks van subparagraaf (5) die woord „sub-section” deur die woord „subparagraph” te vervang.

(2) Die wysiging deur subartikel (1) aangebring, word geag in werking te getree het van die inwerkingtreding van die Wysigingswet op Inkomstebelasting, 1963.

Wysiging van paragraaf 13 van 4de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963.

30. Behalwe vir sover daarin anders bepaal word, of uit die samehang anders blyk, word die wysigings deur hierdie Wet aan die Hoofwet aangebring, vir die doeleindes van aanslae ten

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respect of normal tax and undistributed profits tax under the principal Act, be deemed to have taken effect as from the commencement of years of assessment ending on or after 1 January 1978.

Application of Act
in South West
Africa.

31. This Act shall apply also in the territory of South West Africa.

Short title.

32. This Act shall be called the Income Tax Act, 1977.

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opsigte van normale belasting en belasting op onuitgekeerde winste ingevolge die Hoofwet, geag in werking te getree het van die begin van die jare van aanslag wat op of na 1 Januarie 1978 eindig.

31. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Toepassing
van Wet in
Suidwes-Afrika.

32. Hierdie Wet heet die Inkomstebelastingwet, 1977.

Kort titel.

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Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 28 FEBRUARY 1978 AND 30 JUNE 1978, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF TWELVE MONTHS ENDING 31 MARCH 1978.

(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 on the taxable amount of such person: Provided that—

(i) where, in the case of any person (other than a natural person who is over the age of sixty years on the last day of the year of assessment and whose taxable income for that year of assessment does not exceed five thousand rand), the amount of tax calculated in accordance with the said tables is not less than one hundred and fifty rand, there shall be added to the amount of tax so calculated a surcharge equal to ten per cent of that amount;

(ii) any fraction of a rand of the surcharge calculated under paragraph (i) of this proviso shall be disregarded:

Tables

Taxable Amount	Rates of tax in respect of married persons
Where the taxable amount—	
does not exceed R1 000	9 per cent of each R1 of the taxable amount;
exceeds R 1 000 but does not exceed R 2 000	R90 plus 10 per cent of the amount by which the taxable amount exceeds R1 000;
“ R 2 000 “ “ “ “ R 3 000	R190 plus 10 per cent of the amount by which the taxable amount exceeds R2 000;
“ R 3 000 “ “ “ “ R 4 000	R290 plus 11 per cent of the amount by which the taxable amount exceeds R3 000;
“ R 4 000 “ “ “ “ R 5 000	R400 plus 12 per cent of the amount by which the taxable amount exceeds R4 000;
“ R 5 000 “ “ “ “ R 6 000	R520 plus 14 per cent of the amount by which the taxable amount exceeds R5 000;
“ R 6 000 “ “ “ “ R 7 000	R660 plus 16 per cent of the amount by which the taxable amount exceeds R6 000;
“ R 7 000 “ “ “ “ R 8 000	R820 plus 18 per cent of the amount by which the taxable amount exceeds R7 000;
“ R 8 000 “ “ “ “ R 9 000	R1 000 plus 20 per cent of the amount by which the taxable amount exceeds R8 000;
“ R 9 000 “ “ “ “ R10 000	R1 200 plus 22 per cent of the amount by which the taxable amount exceeds R9 000;
“ R10 000 “ “ “ “ R11 000	R1 420 plus 24 per cent of the amount by which the taxable amount exceeds R10 000;
“ R11 000 “ “ “ “ R12 000	R1 660 plus 26 per cent of the amount by which the taxable amount exceeds R11 000;
“ R12 000 “ “ “ “ R13 000	R1 920 plus 28 per cent of the amount by which the taxable amount exceeds R12 000;
“ R13 000 “ “ “ “ R14 000	R2 200 plus 30 per cent of the amount by which the taxable amount exceeds R13 000;

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Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 28 FEBRUARIE 1978 EN 30 JUNIE 1978, EN DEUR MAATSKAPPE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN TWAALF MAANDE EINDIGENDE OP 31 MAART 1978.

(Artikel 1 van hierdie Wet)

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

- (a) ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n bedrag van belasting wat ooreenkomstig die tabelle hieronder op die belasbare bedrag van bedoelde persoon bereken word: Met dien verstande dat—
- (i) waar, in die geval van 'n persoon (behalwe 'n natuurlike persoon wat op die laaste dag van die jaar van aanslag bo die ouderdom van sesig jaar is en wie se belasbare inkomste vir daardie jaar van aanslag vyfduisend rand nie te bowe gaan nie), die bedrag van belasting ooreenkomstig bedoelde tabelle bereken nie minder as honderd-en-vyftig rand is nie, daar by die aldus berekende bedrag van belasting 'n toeslag gevoeg word gelyk aan tien persent van daardie bedrag;
- (ii) 'n breukdeel van 'n rand in die toeslag ingevolge paragraaf (i) van hierdie voorbehoudsbepaling bereken, buite rekening gelaat word:

Tabelle

Belasbare Bedrag	Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag—	
R1 000 nie te bowe gaan nie	9 persent van elke R1 van die belasbare bedrag;
R 1 000 te bowe gaan, maar nie R 2 000 nie	R90 plus 10 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R 2 000 " " " R 3 000 "	R190 plus 10 persent van die bedrag waarmee die belasbare Bedrag R2 000 oorskry;
R 3 000 " " " R 4 000 "	R290 plus 11 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R 4 000 " " " R 5 000 "	R400 plus 12 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R 5 000 " " " R 6 000 "	R520 plus 14 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R 6 000 " " " R 7 000 "	R660 plus 16 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R 7 000 " " " R 8 000 "	R820 plus 18 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R 8 000 " " " R 9 000 "	R1 000 plus 20 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R 9 000 " " " R10 000 "	R1 200 plus 22 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000 " " " R11 000 "	R1 420 plus 24 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000 " " " R12 000 "	R1 660 plus 26 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000 " " " R13 000 "	R1 920 plus 28 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000 " " " R14 000 "	R2 200 plus 30 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;

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Taxable Amount	Rates of tax in respect of married persons
Where the taxable amount— exceeds R14 000 but does not exceed R15 000	R2 500 plus 32 per cent of the amount by which the taxable amount exceeds R14 000;
" R15 000 " " " " R16 000	R2 820 plus 34 per cent of the amount by which the taxable amount exceeds R15 000;
" R16 000 " " " " R17 000	R3 160 plus 36 per cent of the amount by which the taxable amount exceeds R16 000;
" R17 000 " " " " R18 000	R3 520 plus 38 per cent of the amount by which the taxable amount exceeds R17 000;
" R18 000 " " " " R19 000	R3 900 plus 40 per cent of the amount by which the taxable amount exceeds R18 000;
" R19 000 " " " " R20 000	R4 300 plus 42 per cent of the amount by which the taxable amount exceeds R19 000;
" R20 000 " " " " R21 000	R4 720 plus 44 per cent of the amount by which the taxable amount exceeds R20 000;
" R21 000 " " " " R22 000	R5 160 plus 46 per cent of the amount by which the taxable amount exceeds R21 000;
" R22 000 " " " " R23 000	R5 620 plus 48 per cent of the amount by which the taxable amount exceeds R22 000;
" R23 000 " " " " R24 000	R6 100 plus 50 per cent of the amount by which the taxable amount exceeds R23 000;
" R24 000 " " " " R25 000	R6 600 plus 52 per cent of the amount by which the taxable amount exceeds R24 000;
" R25 000 " " " " R26 000	R7 120 plus 54 per cent of the amount by which the taxable amount exceeds R25 000;
" R26 000 " " " " R27 000	R7 660 plus 56 per cent of the amount by which the taxable amount exceeds R26 000;
" R27 000 " " " " R28 000	R8 220 plus 58 per cent of the amount by which the taxable amount exceeds R27 000;
" R28 000	R8 800 plus 60 per cent of the amount by which the taxable amount exceeds R28 000;

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Belasbare Bedrag				Skale van belasting ten opsigte van getroude persone
Waar die belasbare bedrag—				
R14 000 te bowe gaan, maar nie R15 000 nie				R2 500 plus 32 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000	„	„	R16 000	R2 820 plus 34 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000	„	„	R17 000	R3 160 plus 36 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R17 000	„	„	R18 000	R3 520 plus 38 persent van die bedrag waarmee die belasbare bedrag R17 000 oorskry;
R18 000	„	„	R19 000	R3 900 plus 40 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R19 000	„	„	R20 000	R4 300 plus 42 persent van die bedrag waarmee die belasbare bedrag R19 000 oorskry;
R20 000	„	„	R21 000	R4 720 plus 44 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R21 000	„	„	R22 000	R5 160 plus 46 persent van die bedrag waarmee die belasbare bedrag R21 000 oorskry;
R22 000	„	„	R23 000	R5 620 plus 48 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R23 000	„	„	R24 000	R6 100 plus 50 persent van die bedrag waarmee die belasbare bedrag R23 000 oorskry;
R24 000	„	„	R25 000	R6 600 plus 52 persent van die bedrag waarmee die belasbare bedrag R24 000 oorskry;
R25 000	„	„	R26 000	R7 120 plus 54 persent van die bedrag waarmee die belasbare bedrag R25 000 oorskry;
R26 000	„	„	R27 000	R7 660 plus 56 persent van die bedrag waarmee die belasbare bedrag R26 000 oorskry;
R27 000	„	„	R28 000	R8 220 plus 58 persent van die bedrag waarmee die belasbare bedrag R27 000 oorskry;
R28 000 te bowe gaan				R8 800 plus 60 persent van die bedrag waarmee die belasbare bedrag R28 000 oorskry;

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Taxable Amount	Rates of tax in respect of persons who are not married persons
Where the taxable amount—	
does not exceed R1 000	12 per cent of each R1 of the taxable amount;
exceeds R 1 000 but does not exceed R 2 000	R120 plus 12 per cent of the amount by which the amount exceeds R1 000;
" R 2 000 " " " " R 3 000	R240 plus 13 per cent of the amount by which the amount exceeds R2 000;
" R 3 000 " " " " R 4 000	R370 plus 14 per cent of the amount by which the amount exceeds R3 000;
" R 4 000 " " " " R 5 000	R510 plus 17 per cent of the amount by which the amount exceeds R4 000;
" R 5 000 " " " " R 6 000	R680 plus 20 per cent of the amount by which the amount exceeds R5 000;
" R 6 000 " " " " R 7 000	R880 plus 23 per cent of the amount by which the amount exceeds R6 000;
" R 7 000 " " " " R 8 000	R1 110 plus 26 per cent of the amount by which the amount exceeds R7 000;
" R 8 000 " " " " R 9 000	R1 370 plus 28 per cent of the amount by which the amount exceeds R8 000;
" R 9 000 " " " " R10 000	R1 650 plus 30 per cent of the amount by which the amount exceeds R9 000;
" R10 000 " " " " R11 000	R1 950 plus 32 per cent of the amount by which the amount exceeds R10 000;
" R11 000 " " " " R12 000	R2 270 plus 34 per cent of the amount by which the amount exceeds R11 000;
" R12 000 " " " " R13 000	R2 610 plus 36 per cent of the amount by which the amount exceeds R12 000;
" R13 000 " " " " R14 000	R2 970 plus 38 per cent of the amount by which the amount exceeds R13 000;
" R14 000 " " " " R15 000	R3 350 plus 40 per cent of the amount by which the amount exceeds R14 000;
" R15 000 " " " " R16 000	R3 750 plus 42 per cent of the amount by which the amount exceeds R15 000;
" R16 000 " " " " R17 000	R4 170 plus 44 per cent of the amount by which the amount exceeds R16 000;
" R17 000 " " " " R18 000	R4 610 plus 46 per cent of the amount by which the amount exceeds R17 000;
" R18 000 " " " " R19 000	R5 070 plus 48 per cent of the amount by which the amount exceeds R18 000;
" R19 000 " " " " R20 000	R5 550 plus 50 per cent of the amount by which the amount exceeds R19 000;

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Belasbare Bedrag	Skale van belasting ten opsigte van persone wat nie getroude persone is nie
Waar die belasbare bedrag—	
R 1 000 nie te bowe gaan nie	12 persent van elke R1 van die belasbare bedrag;
R 1 000 te bowe gaan, maar nie R 2 000 nie	R120 plus 12 persent van die bedrag waarmee die belasbare bedrag R1 000 oorskry;
R 2 000 " " " R 3 000 "	R240 plus 13 persent van die bedrag waarmee die belasbare bedrag R2 000 oorskry;
R 3 000 " " " R 4 000 "	R370 plus 14 persent van die bedrag waarmee die belasbare bedrag R3 000 oorskry;
R 4 000 " " " R 5 000 "	R510 plus 17 persent van die bedrag waarmee die belasbare bedrag R4 000 oorskry;
R 5 000 " " " R 6 000 "	R680 plus 20 persent van die bedrag waarmee die belasbare bedrag R5 000 oorskry;
R 6 000 " " " R 7 000 "	R880 plus 23 persent van die bedrag waarmee die belasbare bedrag R6 000 oorskry;
R 7 000 " " " R 8 000 "	R1 110 plus 26 persent van die bedrag waarmee die belasbare bedrag R7 000 oorskry;
R 8 000 " " " R 9 000 "	R1 370 plus 28 persent van die bedrag waarmee die belasbare bedrag R8 000 oorskry;
R 9 000 " " " R10 000 "	R1 650 plus 30 persent van die bedrag waarmee die belasbare bedrag R9 000 oorskry;
R10 000 " " " R11 000 "	R1 950 plus 32 persent van die bedrag waarmee die belasbare bedrag R10 000 oorskry;
R11 000 " " " R12 000 "	R2 270 plus 34 persent van die bedrag waarmee die belasbare bedrag R11 000 oorskry;
R12 000 " " " R13 000 "	R2 610 plus 36 persent van die bedrag waarmee die belasbare bedrag R12 000 oorskry;
R13 000 " " " R14 000 "	R2 970 plus 38 persent van die bedrag waarmee die belasbare bedrag R13 000 oorskry;
R14 000 " " " R15 000 "	R3 350 plus 40 persent van die bedrag waarmee die belasbare bedrag R14 000 oorskry;
R15 000 " " " R16 000 "	R3 750 plus 42 persent van die bedrag waarmee die belasbare bedrag R15 000 oorskry;
R16 000 " " " R17 000 "	R4 170 plus 44 persent van die bedrag waarmee die belasbare bedrag R16 000 oorskry;
R17 000 " " " R18 000 "	R4 610 plus 46 persent van die bedrag waarmee die belasbare bedrag R17 000 oorskry;
R18 000 " " " R19 000 "	R5 070 plus 48 persent van die bedrag waarmee die belasbare bedrag R18 000 oorskry;
R19 000 " " " R20 000 "	R5 550 plus 50 persent van die bedrag waarmee die belasbare bedrag R19 000 oorskry;

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Taxable Amount	Rates of tax in respect of persons who are not married persons
Where the taxable amount—	
exceeds R20 000 but does not exceed R21 000	R6 050 plus 52 per cent of the amount by which the taxable amount exceeds R20 000;
„ R21 000 „ „ „ „ R22 000	R6 570 plus 54 per cent of the amount by which the taxable amount exceeds R21 000;
„ R22 000 „ „ „ „ R23 000	R7 110 plus 56 per cent of the amount by which the taxable amount exceeds R22 000;
„ R23 000 „ „ „ „ R24 000	R7 670 plus 58 per cent of the amount by which the taxable amount exceeds R23 000;
„ R24 000	R8 250 plus 60 per cent of the amount by which the taxable amount exceeds R24 000;

- (b) on each rand of the taxable income of any company (excluding taxable income derived from mining operations and taxable income referred to in subparagraph (e)) which is determined under the principal Act to be derived—

- (i) within the territory of South West Africa, thirty-five cents;
- (ii) elsewhere than within the said territory, forty 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 seven and a half per cent of such amount;

- (c) on each rand of the taxable income derived by any company from mining for gold otherwise than on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Secretary determines to be attributable to the inclusion in the gross income of any amount under the provisions of paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

$$y = 60 - \frac{360}{x},$$

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

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

and if such taxable income exceeds forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20 in the formula

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

by one for each completed amount of two thousand five hundred rand by which the said taxable income exceeds forty thousand rand: Provided further that where a certificate is given by the Government Mining Engineer to the effect that the conditions in respect of an assisted gold mine imposed by the Minister of Mines under section 2 (2) of the Gold Mines Assistance Act, 1968 (Act No. 82 of 1968), have been complied with by the company concerned during the year of assessment, the rate of tax in respect of taxable income derived by the company from mining for gold on such mine shall not exceed a percentage determined in accordance with the formula

$$y = 68 - \frac{601}{x};$$

Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph, excluding the second proviso, a surcharge equal to ten per cent of such amount;

- (d) on each rand of the taxable income derived by any company from mining for gold on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Secretary determines to be attributable to the inclusion in the gross income of any amount

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Belasbare Bedrag	Skale van belasting ten opsigte van persone wat nie getroude persone is nie
Waar die belasbare bedrag—	
R20 000 te bowe gaan, maar nie R21 000 nie	R6 050 plus 52 persent van die bedrag waarmee die belasbare bedrag R20 000 oorskry;
R21 000 „ „ „ R22 000 „	R6 570 plus 54 persent van die bedrag waarmee die belasbare bedrag R21 000 oorskry;
R22 000 „ „ „ R23 000 „	R7 110 plus 56 persent van die bedrag waarmee die belasbare bedrag R22 000 oorskry;
R23 000 „ „ „ R24 000 „	R7 670 plus 58 persent van die bedrag waarmee die belasbare bedrag R23 000 oorskry;
R24 000 te bowe gaan	R8 250 plus 60 persent van die bedrag waarmee die belasbare bedrag R24 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 subparagraaf (e) bedoel) wat volgens 'n vasstelling ingevolge die Hoofwet verkry is—

- (i) in die gebied Suidwes-Afrika, vyf-en-dertig sent;
(ii) elders as in bedoelde gebied, veertig sent;

Met dien verstande dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan sewe-en-'n-half persent van bedoelde bedrag;

- (c) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van goud op 'n ander wyse as op 'n na-1966-goudmyn verkry word (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by die bruto inkomste van 'n bedrag ingevolge die bepalings van paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 60 - \frac{360}{x},$$

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

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

en indien bedoelde belasbare inkomste meer as veertigduisend rand bedra, die belasting skaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule

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

te verhoog met een vir elke volle bedrag van tweeduisend vyfhonderd rand wat genoemde belasbare inkomste meer as veertigduisend rand bedra: Met dien verstande voorts dat waar 'n sertifikaat deur die Staatsmyningenieur gegee word ten effekte dat die voorwaardes ten opsigte van 'n ondersteunde goudmyn wat deur die Minister van Mynwese ingevolge artikel 2 (2) van die Wet op Bystand aan Goudmyne, 1968 (Wet No. 82 van 1968), voorgeskryf is, gedurende die jaar van aanslag deur die betrokke maatskappy nagekom is, die belasting skaal ten opsigte van belasbare inkomste deur die maatskappy verkry uit die myn van goud op bedoelde myn nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule

$$y = 68 - \frac{601}{x};$$

Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf, behalwe die tweede voorbehoudsbepaling, 'n toeslag gevoeg word gelyk aan tien persent van bedoelde bedrag;

- (d) op elke rand van die belasbare inkomste wat verkry word deur 'n maatskappy uit die myn van goud op 'n na-1966-goudmyn (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening

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under the provisions of paragraph (j) of the definition of "gross income" in section 1 of the principal Act), a percentage determined in accordance with the formula:

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

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

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

and if such taxable income exceeds forty thousand rand, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by increasing the number 20 in the formula

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

by one for each completed amount of two thousand five hundred rand by which the said taxable income exceeds forty thousand rand: Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to ten per cent of such amount;

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is or has been mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Secretary determines to be attributable to the inclusion in its gross income of any amount under the provisions of 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 thirty-five cents, whichever is the higher;
- (f) on each rand of the taxable income derived by any company from mining for diamonds, forty-five 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 ten per cent of such amount;
- (g) on each rand of the taxable income derived by any company from mining operations (other than mining for gold or diamonds)—
 - (i) within the territory of South West Africa, thirty-five cents;
 - (ii) elsewhere than within the said territory, forty 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 seven and a half per cent of such amount;

- (h) in respect of the taxable income of any person other than a company, a sum equal to ten per cent of the amount of tax determined in accordance with subparagraph (a) before the addition of the surcharge referred to in the proviso to the said subparagraph, if such tax is not less than one hundred and fifty rand: Provided that any fraction of a rand of the tax calculated under this subparagraph shall be disregarded;
- (i) in respect of the taxable income of any company, a sum equal to fifteen per cent of the aggregate of the amounts of tax determined under subparagraphs (b), (c), (d), (f) and (g), before the addition of the surcharges referred to in the proviso to subparagraph (b), the third proviso to subparagraph (c), the second proviso to subparagraph (d), the proviso to subparagraph (f) and the proviso to subparagraph (g): Provided that any fraction of a rand of the tax calculated under this subparagraph shall be disregarded: Provided further that the tax calculated in terms of this subparagraph shall not be payable by any company whose liability under this subparagraph would, but for this proviso, be less than five rand.

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 the mining for gold, and any income which, in the opinion of the Secretary, results directly from mining for gold.

(2) For the purposes of subparagraph (e) of paragraph 1 the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with the said subparagraph for the period assessed) paid by the company concerned 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.

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

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

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by die bruto inkomste van 'n bedrag ingevolge die bepaling van paragraaf (j) van die omskrywing van „bruto inkomste” in artikel 1 van die Hoofwet, 'n persentasie vasgestel ooreenkomstig die formule:

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

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

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

en indien bedoelde belasbare inkomste meer as veertigduisend rand bedra, die belasting skaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die getal 20 in die formule

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

te verhoog met een vir elke volle bedrag van tweeduisend vyfhonderd rand wat genoemde belasbare inkomste meer as veertigduisend rand bedra: Met dien verstande voorts dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan tien persent van bedoelde bedrag;

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en die vasstelling van die belasbare inkomste van wie vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Sekretaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag ingevolge die bepaling van 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 vyf-en-dertig sent, watter ook al die hoogste is;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van diamante verkry word, vyf-en-veertig sent: Met dien verstande dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan tien persent van bedoelde bedrag;
- (g) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit myn-werksaamhede (behalwe die myn van goud of diamante)—
 - (i) in die gebied Suidwes-Afrika, vyf-en-dertig sent;
 - (ii) elders as in bedoelde gebied, veertig sent:

Met dien verstande dat daar by die bedrag van belasting bereken ooreenkomstig die voorgaande bepaling van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan sewe-en-n-half persent van bedoelde bedrag;

- (h) ten opsigte van die belasbare inkomste van 'n ander persoon as 'n maatskappy, 'n som gelyk aan tien persent van die bedrag aan belasting vasgestel ooreenkomstig subparagraaf (a) voor byvoeging van die toeslag in die voorbehoudsbepaling by genoemde subparagraaf bedoel, indien bedoelde bedrag nie minder as honderd-en-vyftig rand is nie: Met dien verstande dat 'n breukdeel van 'n rand in die belasting ingevolge hierdie subparagraaf bereken, buite rekening gelaat word;
 - (i) ten opsigte van die belasbare inkomste van 'n maatskappy, 'n som gelyk aan vyftien persent van die totaal van die bedrae van belasting wat ingevolge subparagraawe (b), (c), (d), (f) en (g) vasgestel is, voor die byvoeging van die toeslae bedoel in die voorbehoudsbepaling by subparagraaf (b), die derde voorbehoudsbepaling by subparagraaf (c), die twee voorbehoudsbepaling by subparagraaf (d), die voorbehoudsbepaling by subparagraaf (f) en die voorbehoudsbepaling by subparagraaf (g): Met dien verstande dat 'n breukdeel van 'n rand in die belasting ingevolge hierdie subparagraaf bereken, buite rekening gelaat word: Met dien verstande voorts dat die belasting ingevolge hierdie subparagraaf bereken, nie betaalbaar is nie deur 'n maatskappy wie se aanspreeklikheid ingevolge hierdie subparagraaf, by ontstentenis van hierdie voorbehoudsbepaling, minder as vyf rand sou wees.
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 Sekretaris regstreeks uit die myn van goud voortvloei.

(2) By die toepassing van subparagraaf (e) van paragraaf 1 word die gemiddelde skaal van normale belasting vasgestel deur die totale normale belasting (met uitsluiting van die belasting ooreenkomstig genoemde subparagraaf vasgestel vir die tydperk waarvoor aangeslaan word) wat deur die betrokke maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk van 1 Julie 1916 tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rande wat genoemde totale belasbare inkomste bevat.

(3) Die belasting ooreenkomstig enige van die subparagraawe van paragraaf 1 vasgestel, is betaalbaar benewens die belasting ooreenkomstig enige ander van genoemde subparagraawe vasgestel.

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

