



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## KANTOOR VAN DIE EERSTE MINISTER

No. 426.

1 Maart 1982.

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

No. 40 van 1982: Wysigingswet op Verkoopbelasting, 1982.

## OFFICE OF THE PRIME MINISTER

No. 426.

1 March 1982.

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

No. 40 of 1982: Sales Tax Amendment Act, 1982.

Wet No. 40, 1982

## WYSIGINGSWET OP VERKOOPBELASTING, 1982

## ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui inwoegings in bestaande verordeninge aan.

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## WET

Tot wysiging van die Verkoopbelastingwet, 1978, ten einde die skaal van verkoopbelasting te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 26 Februarie 1982.)

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

Wysiging van artikel 5 van Wet 103 van 1978, soos gewysig deur artikel 3 van Wet 111 van 1979 en artikel 2 van Wet 97 van 1981.

Wysiging van artikel 11 van Wet 103 van 1978, soos gewysig deur artikel 7 van Wet 111 van 1979.

1. (1) Artikel 5 van die Verkoopbelastingwet, 1978 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die woord „vier” deur die woord „vyf” te vervang.  
(2) Behoudens die bepalings van artikel 11 van die Hoofwet is die wysiging deur subartikel (1) aangebring van toepassing vir doeleindes van die vasstelling van bedrae verkoopbelasting wat ingevolge artikel 8 van die Hoofwet geag word betaalbaar te word het op 'n datum wat op of na die datum van inwerkingtreding van hierdie Wet val.

2. Artikel 11 van die Hoofwet word hierby gewysig—  
(a) deur subartikel (1) deur die volgende subartikel te vervang:  
„(1) Waar belasting (behalwe belasting ten opsigte van die belasbare waarde van goed ingevoer in die Republiek of belasting vir die betaling waarvan hy ingevolge die bepalings van artikel 9 (c) aanspreeklik is) deur 'n ondernemer betaalbaar geword het gedurende 'n belastingtydperk van daardie ondernemer ten opsigte van 'n onderneming wat deur hom bedryf word, word sy aanspreeklikheid vir bedoelde belasting vir bedoelde tydperk en met betrekking tot bedoelde onderneming bereken ooreenkomstig die formule

$$\frac{r}{100 + r} \times t,$$

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in welke formule ,r’ die skaal van verkoopbelasting is, uitgedruk as 'n persentasie, wat ingevolge artikel 5 op die laaste dag van genoemde tydperk van krag was en ,t’ die bedrag is wat ingevolge subartikel (2) vasgestel word of, in die omstandighede beoog in subartikel (2A), genoemde bedrag soos ooreenkomstig subartikel (2A) reggestel: Met dien verstande dat waar belasting betaalbaar geword het ten opsigte van die verkoop van registreerbare goed beoog in artikel 35 en betaal moet word voordat registrasie van bedoelde goed deur 'n in daardie artikel bedoelde registrasie-owerheid bewerkstellig word, bedoelde belasting betaal word op die wyse in artikel 17 (3) bepaal en aanspreeklikheid vir bedoelde belasting nie ingevolge hierdie artikel vasgestel word nie.”;

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## SALES TAX AMENDMENT ACT, 1982

Act No. 40, 1982

**GENERAL EXPLANATORY NOTE:**

Words underlined with solid line indicate insertions in existing enactments.

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**ACT**

**To amend the Sales Tax Act, 1978, so as to increase the rate of sales tax; and to provide for incidental matters.**

*(Afrikaans text signed by the State President.)  
(Assented to 26 February 1982.)*

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

1. (1) Section 5 of the Sales Tax Act, 1978 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the word "four" of the word "five".
- (2) Subject to the provisions of section 11 of the principal Act, the amendment effected by subsection (1) shall apply for the purpose of determining amounts of sales tax which in terms of section 8 of the principal Act are deemed to have become payable on any date falling on or after the date of commencement of this Act.
- 15 2. Section 11 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following subsection:  
“(1) Where tax (other than tax in respect of the taxable value of goods imported into the Republic or tax which he is liable to pay under the provisions of section 9 (c)) has become payable by any vendor during any tax period of that vendor in respect of any enterprise carried on by him, his liability for such tax shall be calculated for such period and in relation to such enterprise in accordance with the formula
- $$\frac{r}{100 + r} \times t,$$
- 25 in which formula 'r' is the rate of sales tax, expressed as a percentage, which in terms of section 5 was in force on the last day of the said period and 't' is the amount determined under subsection (2) or, in the circumstances contemplated in subsection (2A), the said amount as adjusted in accordance with subsection (2A). Provided that where tax has become payable in respect of the sale of registrable goods contemplated in section 35 and is required to be paid before registration of such goods is effected by a registering authority referred to in the said section, such tax shall be paid in the manner provided in section 17 (3) and liability for such tax shall not be determined under this section.”;
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- Amendment of section 5 of Act 103 of 1978, as amended by section 3 of Act 111 of 1979 and section 2 of Act 97 of 1981.
- Amendment of section 11 of Act 103 of 1978, as amended by section 7 of Act 111 of 1979.

## Wet No. 40, 1982

## WYSIGINGSWET OP VERKOOPBELASTING, 1982

- (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:  
 „Behoudens die bepalings van subartikel (2A) is die bedrag wat voorgestel word deur ‚t’ in die formule bedoel in subartikel (1) [is] die totaal van—”; 5  
 en

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

,,(2A) Indien die belastingskaal verander is deur 'n wysiging van artikel 5 wat gedurende 'n belastingtydperk van 'n ondernemer in werking getree het en 'n bedrag deur die ondernemer ingevolge subartikel (2) (a) of (b) ten opsigte van daardie tydperk in berekening gebring 'n belasbare waarde insluit ten opsigte waarvan belasting betaalbaar geword het teen 'n skaal (hieronder die vorige skaal genoem) wat laer of hoër is as die skaal (hieronder die nuwe skaal genoem) voorgestel deur ‚r’ in die formule in subartikel (1) uiteengesit (soos van toepassing ten opsigte van genoemde tydperk), word die bedrag voorgestel deur ‚t’ in daardie formule, soos vir daardie tydperk ingevolge die bepalings van subartikel (2) vasgestel, ten opsigte van daardie tydperk reggestel—

- (a) indien die vorige skaal laer as die nuwe skaal is, deur van die bedrag deur ‚t’ voorgestel, soos aldus vasgestel, 'n bedrag af te trek wat bereken is ooreenkomsdig die formule

$$\frac{n - p}{n} \times \left( \frac{100 \times y}{100 + p} \right),$$

in welke formule (asook in die formule in paragraaf (b) uiteengesit), 'n' die nuwe skaal voorstel, uitgedruk as 'n persentasie, 'p' die vorige skaal voorstel, uitgedruk as 'n persentasie, en 'y' genoemde waarde voorstel; of

- (b) indien die vorige skaal hoër as die nuwe skaal is, deur by die bedrag deur ‚t’ voorgestel, soos aldus vasgestel, 'n bedrag te voeg wat bereken is ooreenkomsdig die formule

$$\frac{p - n}{n} \times \left( \frac{100 \times y}{100 + p} \right);$$

Met dien verstande dat, indien die Kommissaris, met inagneming van die omstandighede van die geval, oortuig is dat regstellings oor meer as een belastingtydperk van die ondernemer gemaak moet word, hy die ondernemer kan magtig om, in plaas van die regstelling voorsien in hierdie paragraaf, sodanige regstellings te maak as wat die Kommissaris mag aanwys ten opsigte van eersgenoemde belastingtydperk en daaropvolgende belastingtydperke van die ondernemer, op so 'n wyse dat verseker word dat dieselfde bedrag belasting uiteindelik deur die ondernemer betaal word as wat deur hom betaalbaar sou gewees het indien hierdie voorbehoudbepaling nie van toepassing was nie.”.

Kort titel en inwerkingtreding.

3. Hierdie Wet heet die Wysigingswet op Verkoopbelasting, 55 1982, en tree op 1 Maart 1982 in werking.

## SALES TAX AMENDMENT ACT, 1982

Act No. 40, 1982

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

"Subject to the provisions of subsection (2A), the amount represented by 't' in the formula referred to in subsection (1) shall be the aggregate of—"; and

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

"(2A) If the rate of tax has been varied by an amendment of section 5 which has come into operation during any tax period of any vendor and any amount accounted for by the vendor in terms of subsection (2) (a) or (b) in respect of that period includes any taxable value in respect of which tax has become payable at a rate (hereinafter referred to as the previous rate) which is lower or higher than the rate (hereinafter referred to as the new rate) represented by 't' in the formula set forth in subsection (1) (as applicable in respect of the said period), the amount represented by 't' in that formula, as determined for that period in terms of the provisions of subsection (2), shall in respect of that period be adjusted—

- (a) if the previous rate is lower than the new rate, by deducting from the amount represented by 't', as so determined, an amount calculated in accordance with the formula

$$\frac{n - p}{n} \times \left( \frac{100 \times y}{100 + p} \right),$$

in which formula (and in the formula set forth in paragraph (b)) 'n' represents the new rate, expressed as a percentage, 'p' represents the previous rate, expressed as a percentage, and 'y' represents the said value; or

- (b) if the previous rate is higher than the new rate, by adding to the amount represented by 't', as so determined, an amount calculated in accordance with the formula

$$\frac{p - n}{n} \times \left( \frac{100 \times y}{100 + p} \right);$$

Provided that, if the Commissioner, having regard to the circumstances of the case, is satisfied that adjustments should be made over more than one tax period of the vendor, he may authorize the vendor to make, in lieu of the adjustment provided for in this paragraph, such adjustments as the Commissioner may specify in respect of the first-mentioned tax period and succeeding tax periods of the vendor, in such manner as to ensure that the same amount of tax is ultimately paid by the vendor as would have been payable by him if this proviso had not been applicable."

3. This Act shall be called the Sales Tax Amendment Act, Short title and 1982, and shall come into operation on 1 March 1982. commencement.

