



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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## REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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[No. 8251

KANTOOR VAN DIE EERSTE MINISTER

No. 1155. - 16 Junie 1982.

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

No. 87 van 1982: Wysigingswet op Inkomstewette, 1982.

OFFICE OF THE PRIME MINISTER

No. 1155. 16 June 1982.

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

No. 87 of 1982: Revenue Laws Amendment Act, 1982.

Wet No. 87, 1982

WYSIGINGSWET OP INKOMSTEWETTE, 1982

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

**WET**

Tot wysiging van die Handelseffektebelastingwet, 1948, ten einde voorsiening te maak vir verdere vrystellings van handelseffektebelasting, en om die koers te verminder van boete betaalbaar op handelseffektebelasting wat nie binne die voorgeskrewe tydperk betaal is nie; om die Wet op Hereregte, 1949, te wysig ten einde die koers te vermeerder van boete betaalbaar op bedrae hereregte wat nie binne die voorgeskrewe tydperk betaal is nie; om die Wet op Seëlregte, 1968, te wysig ten einde voorsiening te maak vir verdere vrystellings van die betaling van seëlreg, en om voorsiening te maak vir die betaling van seëlreg ten opsigte van sekere aflossings van aandele; om die Maatskappywysigingswet, 1982, te wysig ten einde voorsiening te maak dat die bepalinge van artikels 174 en 175 van die Maatskappywet, 1973, ondanks die wysiging of herroeping daarvan deur die Maatskappywysigingswet, 1982, van toepassing bly op die jaargeld betaalbaar ten opsigte van sekere boekjare; om voorsiening te maak vir 'n vrystelling van hereregte en seëlreg ten opsigte van die oorgang van sekere bates, regte, laste en verpligtinge op die Kleinsake-ontwikkelingskorporasie, Beperk; om die Wet op Belasting van Kinematograaffilms, 1960, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 4 Junie 1982.)

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

Wysiging van artikel 3 van Wet 32 van 1948, soos gewysig deur artikel 12 van Wet 64 van 1960, artikel 36 van Wet 77 van 1968, artikel 2 van Wet 88 van 1974, artikel 2 van Wet 114 van 1977, artikel 1 van Wet 95 van 1978 en artikel 2 van Wet 106 van 1980.

1. (1) Artikel 3 van die Handelseffektebelastingwet, 1948, word hierby gewysig deur aan die end van subparagraaf (xi) van paragraaf (c) die woord „of” te skrap, en deur die volgende subparagraawe by genoemde paragraaf te voeg: 5

- „(xiii) die Nasionale Behuisingskommissie in artikel 5 van die Behuisingswet, 1966 (Wet No. 4 van 1966), bedoel; of  
(xiv) 'n universiteit by 'n Wet van die Parlement ingestel of 'n teknikon by of kragtens 'n Wet van die Parlement ingestel of geag aldus ingestel te wees of as sodanig verklaar.” 10

(2) Subartikel (1) word geag op 1 April 1982 in werking te getree het.

Wysiging van artikel 5 van Wet 32 van 1948, soos vervang deur artikel 3 van Wet 103 van 1969.

2. (1) Artikel 5 van die Handelseffektebelastingwet, 1948, word hierby gewysig— 15

- (a) deur die woord „twaalf” deur die uitdrukking „10” te vervang; en  
(b) deur die volgende voorbehoudsbepaling by te voeg: 20  
„Met dien verstande dat waar die laaste dag van genoemde tydperk of verdere tydperk, na gelang van die geval, 'n datum voor 1 Julie 1982 is, sodanige boete tot 30 Junie 1982 teen die koers van 12 persent per jaar bereken word.”.

## REVENUE LAWS AMENDMENT ACT, 1982

Act No. 87, 1982

## GENERAL EXPLANATORY NOTE:

**I** Words in bold type in square brackets indicate omissions from existing enactments.

                     Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Marketable Securities Tax Act, 1948, so as to provide for further exemptions from marketable securities tax, and to reduce the rate of penalty payable on marketable securities tax not paid within the prescribed period; to amend the Transfer Duty Act, 1949, so as to increase the rate of penalty payable on amounts of transfer duty not paid within the prescribed period; to amend the Stamp Duties Act, 1968, so as to provide for further exemptions from the payment of stamp duty, and to provide for the payment of stamp duty in respect of certain redemptions of shares; to amend the Companies Amendment Act, 1982, so as to provide that the provisions of sections 174 and 175 of the Companies Act, 1973, shall, notwithstanding their amendment or repeal by the Companies Amendment Act, 1982, continue to apply to the annual duty payable in respect of certain financial years; to provide for an exemption from transfer duty and stamp duty in respect of the passing of certain assets, rights, liabilities and obligations to the Small Business Development Corporation, Limited; to repeal the Cinematograph Films Tax Act, 1960; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 4 June 1982.)*

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

1. (1) Section 3 of the Marketable Securities Tax Act, 1948, is hereby amended by the deletion at the end of subparagraph (xi) of paragraph (c) of the word “or”, and by the addition to the said paragraph of the following subparagraphs:
    - “(xiii) the National Housing Commission referred to in section 5 of the Housing Act, 1966 (Act No. 4 of 1966); or
    - (xiv) any university established by an Act of Parliament or any technikon established or deemed to have been established by, or declared to be such under, an Act of Parliament.”
  - (2) Subsection (1) shall be deemed to have come into operation on 1 April 1982.
- Amendment of section 3 of Act 32 of 1948, as amended by section 12 of Act 64 of 1960, section 36 of Act 77 of 1968, section 2 of Act 88 of 1974, section 2 of Act 114 of 1977, section 1 of Act 95 of 1978 and section 2 of Act 106 of 1980.
- 
2. (1) Section 5 of the Marketable Securities Tax Act, 1948, is hereby amended—
    - (a) by the substitution for the word “twelve” of the expression “10”; and
    - (b) by the addition of the following proviso:
 

“Provided that where the last day of the said period or further period, as the case may be, is a date before 1 July 1982, such penalty shall be calculated up to 30 June 1982 at the rate of 12 per cent per annum.”
- Amendment of section 5 of Act 32 of 1948, as substituted by section 3 of Act 103 of 1969.

## Wet No. 87, 1982

## WYSIGINGSWET OP INKOMSTEWETTE, 1982

(2) Subartikel (1) tree op 1 Julie 1982 in werking.

Wysiging van  
artikel 4 van  
Wet 40 van 1949,  
soos gewysig deur  
artikel 2 van  
Wet 70 van 1963  
en artikel 1 van  
Wet 72 van 1970.

3. (1) Artikel 4 van die Wet op Hereregte, 1949, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien hereregte onbetaal bly na die datum van verstryking van die in artikel 3 bedoelde tydperk, is daar, behoudens die bepalings van subartikel (3), benewens die onbetaalde hereregte, 'n boete betaalbaar teen die skaal van **[sewe-en-'n-half per centum]** 10 persent per jaar op die bedrag van die onbetaalde hereregte, bereken ten opsigte van elke volle maand in die tydperk vanaf daardie datum tot die datum van betaling: Met dien verstande dat indien in die een of ander geval die in artikel 3 bedoelde tydperk vóór **[die negentiende dag van Maart 1963]** 1 Julie 1982 geëindig het en die **[hereregte nie vóór die twintigste dag van Maart 1963 betaal is nie, die boete bereken word—**

- (i) ten opsigte van elke dag in die tydperk vanaf die datum van verstryking van die in artikel 3 bedoelde tydperk tot en met die negentiende dag van Maart 1963, teen die skaal van twaalf per centum per jaar op die bedrag van die onbetaalde hereregte; en
- (ii) ten opsigte van elke volle maand in die tydperk vanaf die twintigste dag van Maart 1963 tot die datum van betaling van die hereregte, teen die skaal van sewe-en-'n-half per centum per jaar op die bedrag van die onbetaalde hereregte]

genoemde boete betaalbaar is of gedeeltelik betaalbaar is ten opsigte van 'n volle maand wat voor 1 Julie 1982 begin, die boete betaalbaar ten opsigte van bedoelde volle maand en enige vroeër volle maand of maande, die bedrag aan boete is wat ingevolge hierdie subartikel voor die wysiging daarvan deur die Wysigingswet op Inkomstewette, 1982, betaalbaar sou gewees het indien die onbetaalde bedrag van bedoelde hereregte op die dag na die einde van die enigste of laaste bedoelde volle maande betaal was.”.

(2) Subartikel (1) tree op 1 Julie 1982 in werking.

Wysiging van  
artikel 4 van  
Wet 77 van 1968,  
soos gewysig deur  
artikel 17 van  
Wet 103 van 1969,  
artikel 5 van  
Wet 72 van 1970,  
artikel 6 van  
Wet 66 van 1973,  
artikel 8 van  
Wet 88 van 1974,  
artikel 4 van  
Wet 95 van 1978  
en artikel 7 van  
Wet 99 van 1981.

4. Artikel 4 van die Wet op Seëlregte, 1968, word hierby gewysig deur subparagraaf (vi) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:

„(vi) die Raad vir die Bewaring van Natalse Parke, Wild en Vis ingestel ingevolge die Ordonnansie op Natuurbe-  
waring, 1974 (Ordonnansie No. 15 van 1974), van Nat-  
tal, of die Raad van Kuratore vir Nasionale Parke inge-  
stel ingevolge die Wet op Nasionale Parke, 1976 (Wet  
No. 57 van 1976);”.

5. (1) Artikel 7 van die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (hA) deur die volgende paragraaf te vervang:

„(hA) in die geval van die intrekking of aflossing van maatskappy-aandele, soos in Item 15 (4) van Bylae 1 beoog, die maatskappy waarvan die aandele ingetrek of afge-  
los word;”.

(2) Subartikel (1) tree op 1 Julie 1982 in werking.

6. (1) Artikel 23 van die Wet op Seëlregte, 1968, word hierby gewysig—

(a) deur subartikel (10) deur die volgende subartikel te vervang:

„(10) Indien 'n skikking, **[plan vir die]** reëling of rekonstruksie van 'n maatskappy of sy sake (met inbegrip van **[’n plan vir]** die amalgamasie van twee of meer

Wysiging van  
artikel 7 van  
Wet 77 van 1968,  
soos gewysig deur  
artikel 18 van  
Wet 103 van 1969,  
artikel 10 van  
Wet 89 van 1972,  
artikel 8 van  
Wet 66 van 1973  
en artikel 3 van  
Wet 70 van 1975.

Wysiging van  
artikel 23 van  
Wet 77 van 1968,  
soos gewysig deur  
artikel 20 van  
Wet 103 van 1969,  
artikel 13 van  
Wet 92 van 1971,  
artikel 11 van

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(2) Subsection (1) shall come into operation on 1 July 1982.

3. (1) Section 4 of the Transfer Duty Act, 1949, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 4 of Act 40 of 1949, as amended by section 2 of Act 70 of 1963 and section 1 of Act 72 of 1970.

5 “(1) If any duty remains unpaid after the date of the expiration of the period referred to in section 3, there shall, subject to the provisions of subsection (3), in addition to the unpaid duty, be payable a penalty, at the rate of **[seven and a half per centum]** 10 per cent per annum on the amount of  
10 the unpaid duty, calculated in respect of each completed month in the period from that date to the date of payment: Provided that if in any case the period referred to in section 3 ended before **[the nineteenth day of March, 1963, and the duty was not paid before the twentieth day of March, 1963,**  
15 **the penalty shall be calculated—**

(i) in respect of each day in the period from the date of expiration of the period referred to in section 3 up to and including the nineteenth day of March, 1963, at the rate of twelve per centum per annum on the amount of the unpaid duty; and  
20

(ii) in respect of each completed month in the period from the twentieth day of March, 1963, to the date of payment of the duty, at the rate of seven and a half per centum per annum on the amount of the unpaid duty]  
25

1 July 1982 and the said penalty is chargeable or is in part chargeable in respect of any completed month commencing before 1 July 1982 the penalty payable in respect of such completed month and any earlier completed month or months shall be the amount of penalty which would have been payable in terms of this subsection before its amendment by the Revenue Laws Amendment Act, 1982, if the unpaid amount of such duty had been paid on the day after the end of the only or latest of such completed months.”  
30

(2) Subsection (1) shall come into operation on 1 July 1982.

35 4. Section 4 of the Stamp Duties Act, 1968, is hereby amended by the substitution for subparagraph (vi) of paragraph (b) of subsection (1) of the following subparagraph:

Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 1969, section 5 of Act 72 of 1970, section 6 of Act 66 of 1973, section 8 of Act 88 of 1974, section 4 of Act 95 of 1978 and section 7 of Act 99 of 1981.

40 “(vi) the Natal Parks, Game and Fish Preservation Board constituted under the Nature Conservation Ordinance, 1974 (Ordinance No. 15 of 1974), of Natal, or the National Parks Board of Trustees established in terms of the National Parks Act, 1976 (Act No. 57 of 1976);”

5. (1) Section 7 of the Stamp Duties Act, 1968, is hereby amended by the substitution for paragraph (hA) of the following paragraph:  
45

Amendment of section 7 of Act 77 of 1968, as amended by section 18 of Act 103 of 1969, section 10 of Act 89 of 1972, section 8 of Act 66 of 1973 and section 3 of Act 70 of 1975.

“(hA) in the case of the cancellation or redemption of company shares, as contemplated in Item 15 (4) of Schedule 1, the company of which the shares are cancelled or redeemed;”  
50

(2) Subsection (1) shall come into operation on 1 July 1982.

6. (1) Section 23 of the Stamp Duties Act, 1968, is hereby amended—

Amendment of section 23 of Act 77 of 1968, as amended by section 20 of Act 103 of 1969, section 13 of Act 92 of 1971, section 11 of

(a) by the substitution for subsection (10) of the following subsection:

55 “(10) If any compromise, [scheme of] arrangement or reconstruction of any company or its affairs (including [a scheme for] the amalgamation of two or more

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## WYSIGINGSWET OP INKOMSTEWETTE, 1982

Wet 89 van 1972,  
artikel 10 van  
Wet 66 van 1973,  
artikel 10 van  
Wet 88 van 1974  
en artikel 20 van  
Wet 106 van 1980.

- maatskappy) **[deur 'n hofbevel goedgekeur is]** aange-  
gaan of uitgevoer is ingevolge 'n plan wat behels—  
(a) 'n vermindering van kapitaal ingevolge artikel 83  
of 84 van die Maatskappywet, 1973 (Wet No. 61  
van 1973); 5  
(b) die omskepping van enige aandele in aflosbare  
voorkeuraandele en die aflossing van bedoelde  
aandele kragtens artikel 98 of 99 van genoemde  
Wet;  
(c) 'n skikking of reëling ingevolge die bepalinge van 10  
artikels 311 tot 313 van genoemde Wet;  
(d) 'n oorname-aanbod ingevolge die bepalinge van ar-  
tikels 314 tot 321 van genoemde Wet; of  
(e) 'n prosedure ingevolge 'n kombinasie van genoem-  
de bepalinge, 15

en ingevolge daardie **[skema]** plan, uitgereikte aandele  
van 'n maatskappy ingetrek of afgelos word met of son-  
der terugbetaling van kapitaal en—

**[(a)]** (i) aandele in 'n ander maatskappy met of sonder  
inskrywing uitgereik word of uitgereik moet 20  
word aan die persoon wat eersbedoelde aan-  
dele besit ten tyde van die intrekking of aflos-  
sing daarvan; of

**[(b)]** (ii) bedoelde persoon kontant of 'n ander bate  
van iemand behalwe die maatskappy ontvang 25  
of moet ontvang,

word, vir die doeleindes van die seëlreg ingevolge Item  
15 (4) van Bylae 1, bedoelde persoon geag die aldus in-  
getrekte of afgeloste aandele te vervreem het en dié  
aandele te vervreem het teen 'n vergoeding waarvan 30  
die waarde gelyk is aan die markwaarde van daardie  
aandele onmiddellik voor die intrekking of aflossing  
daarvan of, waar paragraaf (b) van toepassing is, on-  
middellik voor die in daardie paragraaf bedoelde om-  
skepping, maar daardie waarde word vasgestel asof be- 35  
doelde aandele nie ingetrek of afgelos was nie en asof  
hulle nie op die punt gestaan het om ingetrek of afgelos  
te word nie en asof bedoelde plan nie in werking  
gestel is nie.”;

(b) deur subartikel (11) deur die volgende subartikel te 40  
vervang:

„(11) Die seëlreg wat ingevolge Item 15 (4) van  
Bylae 1 betaalbaar is, word aangedui op 'n afskrif van  
**[die]** 'n aansoek aan die hof, oorname-aanbod of be-  
sluit, na gelang van die geval, wat nodig is ten opsigte 45  
van **[die]** 'n in subartikel (10) bedoelde plan, en die  
maatskappy waarvan die betrokke aandele ingetrek of  
afgelos word, endosseer op bedoelde afskrif die mark-  
waarde van daardie aandele soos volgens voorskrif van  
genoemde subartikel vasgestel en, in die geval van 'n 50  
oorname-aanbod, die datum van die finale aanvaarding  
van bedoelde aanbod en behou daardie afskrif, wat te  
alle redelike tye gedurende 'n tydperk van drie jaar na  
die betrokke datum **[van die in genoemde subartikel be-  
doelde hofbevel]** in subartikel (13) bedoel beskikbaar 55  
moet wees vir insae deur iemand wat op gesag van die  
Kommissaris handel.”;

(c) deur subartikel (12) deur die volgende subartikel te  
vervang:

„(12) Waar, ingevolge **[die]** 'n plan in subartikel (10) 60  
bedoel, 'n kapitaalreserwe in 'n maatskappy geskep  
word omrede van die intrekking of aflossing van aan-  
dele, en ander aandele ingevolge daardie plan deur  
daardie maatskappy uitgereik word en uit daardie re-  
serwe ingeskryf word, word die seëlreg wat ingevolge 65

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companies) has been **[sanctioned by any order of court]** made or effected under any scheme involving—

Act 89 of 1972,  
section 10 of  
Act 66 of 1973,  
section 10 of  
Act 88 of 1974  
and section 20 of  
Act 106 of 1980.

- (a) a reduction of capital in terms of section 83 or 84 of the Companies Act, 1973 (Act No. 61 of 1973);
- (b) the conversion of any shares to redeemable preference shares and the redemption of such shares in terms of section 98 or 99 of the said Act;
- (c) any compromise or arrangement in terms of the provisions of sections 311 to 313 of the said Act;
- (d) any take-over offer in terms of the provisions of sections 314 to 321 of the said Act; or
- (e) any procedure in terms of any combination of the said provisions,

and under that scheme any shares issued by any company are cancelled or redeemed with or without return of capital and—

**[(a)]** (i) any shares in any other company are, with or without subscription, issued or to be issued to the person holding the first-mentioned shares at the time of cancellation or redemption thereof; or

**[(b)]** (ii) such person receives or is to receive any cash or other asset from anybody other the company,

the said person shall, for the purposes of the duty under Item 15 (4) of Schedule 1, be deemed to have disposed of the shares cancelled or redeemed as aforesaid and to have disposed of such shares for a consideration equal in value to the market value of those shares immediately prior to their cancellation or redemption or, where paragraph (b) is applicable, immediately prior to the conversion contemplated in that paragraph, such value being determined as though such shares had not been and were not about to be cancelled or redeemed and as though the said scheme had not been put into operation.”;

- (b) by the substitution for subsection (11) of the following subsection:

“(11) The duty payable under Item 15 (4) of Schedule 1 shall be denoted on a copy of **[the]** any application to court, take-over offer or resolution, as the case may be, required in respect of **[the]** any scheme referred to in subsection (10), and the company of which the shares in question are cancelled or redeemed shall endorse on such copy the market value of such shares as determined in accordance with the said subsection and, in the case of any take-over offer, the date of the final acceptance of such offer and shall retain such copy, which shall at all reasonable times during a period of three years after the relevant date **[of the order of court]** referred to in **[the said subsection]** subsection (13) be open for inspection by any person acting under the authority of the Commissioner.”;

- (c) by the substitution for subsection (12) of the following subsection:

“(12) Where, in terms of **[the]** any scheme referred to in subsection (10), a capital reserve is created in any company by reason of the cancellation or redemption of shares, and other shares are issued by that company under that scheme and are subscribed for out of such

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Item 15 (4) van Bylae 1 ten opsigte van bedoelde intrekking of aflossing betaalbaar is, met die bedrag van die seëlreg wat ingevolge Item 15 (1) of (2) ten opsigte van die uitreiking van bedoelde ander aandele betaal is, verminder.”; en

- (d) deur subartikel (13) deur die volgende subartikel te vervang:

„(13) Die afskrif van **[die aansoek aan die hof]** 'n dokument in subartikel (11) bedoel, word ooreenkomstig die bepalings van hierdie Wet geseël asof dit 'n stuk was wat verly is **[op die datum van die hofbevel in subartikel (10) bedoel]**—

(a) in die geval van 'n hofaansoek, op die datum van die hofbevel ten opsigte van bedoelde aansoek toegestaan; of

(b) in die geval van 'n oorname-aanbod, op die datum van die finale aanvaarding daarvan; of

(c) in die geval van 'n besluit, op die datum van bedoelde besluit,

of op die latere datum wat die Kommissaris, met inagneming van die omstandighede van die geval, goedkeur.”.

- (2) Subartikel (1) tree op 1 Julie 1982 in werking.

Wysiging van Item 15 van Bylae 1 by Wet 77 van 1968, soos vervang deur artikel 13 van Wet 89 van 1972 en gewysig deur artikel 16 van Wet 66 van 1973, artikel 21 van Wet 88 van 1974, artikel 3 van Wet 104 van 1976, artikel 20 van Wet 114 van 1977, artikel 8 van Wet 95 van 1978, artikel 8 van Wet 102 van 1979, artikel 21 van Wet 106 van 1980 en artikel 9 van Wet 99 van 1981.

7. (1) Item 15 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—

- (a) deur aan die end van subparagraaf (x) van die woorde wat paragraaf (1) voorafgaan die woord „of” te skrap, en deur die volgende subparagraawe by genoemde woorde te voeg:

„(xii) die Nasionale Behuisingskommissie in artikel 5 van die Behuisingswet, 1966 (Wet No. 4 van 1966), bedoel; of

(xiii) 'n universiteit by 'n Wet van die Parlement ingestel of 'n technikon by of kragtens 'n Wet van die Parlement ingestel of geag aldus ingestel te wees of as sodanig verklaar.”; en

- (b) deur paragraaf (4) deur die volgende paragraaf te vervang:

„(4) Ten opsigte van die intrekking of aflossing van maatskappy-aandele wat 'n persoon ingevolge artikel 23 (10) van hierdie Wet geag word te vervreem het: vir elke R10 of gedeelte daarvan van die waarde van die vergoeding ingenoemde artikel 23 (10) bedoel . . . . . R c  
0 10”.

- (2) (a) Subartikel (1) (a) word geag op 1 April 1982 in werking te getree het.

- (b) Subartikel (1) (b) tree op 1 Julie 1982 in werking.

Wysiging van artikel 8 van Wet 29 van 1982.

8. (1) Artikel 8 van die Maatskappywysigingswet, 1982, word hierby gewysig deur die volgende paragraaf by subartikel (2) te voeg:

„(d) Ondanks die wysiging deur subartikel (1) van hierdie artikel aangebring, bly die bepalings van artikel 174 van die Hoofwet, soos hulle te eniger tyd voor genoemde wysiging van krag was en van toepassing was ten opsigte van 'n boekjaar van 'n maatskappy wat op of voor 31 Maart 1982 geëindig het ten opsigte van die betrokke boekjaar van toepassing, en moet jaargeld ten opsigte van daardie boekjaar dienooreenkomstig betaal word.”.

- (2) Subartikel (1) word geag op 1 April 1982 in werking te getree het.

Wysiging van artikel 9 van Wet 29 van 1982.

9. (1) Artikel 9 van die Maatskappywysigingswet, 1982, word hierby gewysig deur die volgende subartikel by te voeg:

„(3) Ondanks die herroeping van artikel 175 van die Hoofwet deur subartikel (1) van hierdie artikel, bly die bepalings van genoemde artikel 175, soos hulle te eniger tyd voor ge-

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reserve, the duty payable under Item 15 (4) of Schedule 1 in respect of the said cancellation or redemption shall be reduced by the amount of duty paid under Item 15 (1) or (2) in respect of the issue of the said other shares.”; and

(d) by the substitution for subsection (13) of the following subsection:

“(13) The copy of **[the application to court]** any document referred to in subsection (11) shall be stamped in accordance with the provisions of this Act as though it were an instrument which had been executed **[on the date of the order of court referred to in subsection (10)]**—

(a) in the case of any application to court, on the date of the order of court granted in respect of such application; or

(b) in the case of any take-over offer, on the date of the final acceptance of such offer; or

(c) in the case of any resolution, on the date of such resolution,

or on such later date as the Commissioner, having regard to the circumstances of the case, may approve.”

(2) Subsection (1) shall come into operation on 1 July 1982.

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

(a) by the deletion at the end of subparagraph (x) of the words preceding paragraph (1) of the word “or”, and by the addition to the said words of the following subparagraphs:

“(xii) the National Housing Commission referred to in section 5 of the Housing Act, 1966 (Act No. 4 of 1966); or

(xiii) any university established by an Act of Parliament or any technikon established or deemed to have been established by or declared to be such under an Act of Parliament.”; and

(b) by the substitution for paragraph (4) of the following paragraph:

“(4) In respect of the cancellation or redemption of any company shares which any person is in terms of section 23 (10) of this Act deemed to have disposed of: for every R10 or part thereof of the value of the consideration referred to in the said section 23 (10) ... R c 0 10”.

(2) (a) Subsection (1) (a) shall be deemed to have come into operation on 1 April 1982.

(b) Subsection (1) (b) shall come into operation on 1 July 1982.

8. (1) Section 8 of the Companies Amendment Act, 1982, is hereby amended by the addition to subsection (2) of the following paragraph:

“(d) Notwithstanding the amendment effected by subsection

(1) of this section, the provisions of section 174 of the principal Act, as in force and applicable at any time prior to the said amendment in respect of a financial year of a company which ended on or before 31 March 1982, shall remain applicable in respect of the financial year concerned and annual duty shall in respect of that financial year be paid accordingly.”

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1982.

9. (1) Section 9 of the Companies Amendment Act, 1982, is hereby amended by the addition of the following subsection:

“(3) Notwithstanding the repeal of section 175 of the principal Act by subsection (1) of this section, the provisions of the said section 175, as in force and applicable at

Amendment of Item 15 of Schedule 1 to Act 77 of 1968, as substituted by section 13 of Act 89 of 1972 and amended by section 16 of Act 66 of 1973, section 21 of Act 88 of 1974, section 3 of Act 104 of 1976, section 20 of Act 114 of 1977, section 8 of Act 95 of 1978, section 8 of Act 102 of 1979, section 21 of Act 106 of 1980 and section 9 of Act 99 of 1981.

Amendment of section 8 of Act 29 of 1982.

Amendment of section 9 of Act 29 of 1982.

## Wet No. 87, 1982

## WYSIGINGSWET OP INKOMSTEWETTE, 1982

noemde herroeping van krag was en van toepassing was ten opsigte van 'n boekjaar van 'n buitelandse maatskappy (soos in artikel 1 van die Hoofwet omskryf) wat op of voor 31 Maart 1982 geëindig het ten opsigte van die betrokke boekjaar van toepassing en moet jaargeld ten opsigte van daardie boekjaar dienooreenkomstig betaal word.”. 5

(2) Subartikel (1) word geag op 1 April 1982 in werking te getree het.

Vrystelling van hereregte en seëlregte ten opsigte van oorgang van sekere bates, regte, laste en verpligtinge op Kleinsake-ontwikkelingskorporasie, Beperk.

10. (1) Geen hereregte of seëlregte is betaalbaar nie ten opsigte van 'n oorgang van bates, regte, laste en verpligtinge op die Kleinsake-ontwikkelingskorporasie, Beperk, as gevolg van 'n oordrag aan daardie Korporasie van—

- (a) die kleinnywerheidsafdeling van die Nywerheid-ontwikkelingskorporasie van Suid-Afrika, Beperk;
- (b) die kleinsake-aktiwiteite van die Ekonomiese Ontwikkelingskorporasie, Beperk. 15

(2) Subartikel (1) word geag op 1 April 1981 in werking te getree het.

Herroeping van wette.

11. Die wette in die Bylae vermeld, word hierby met ingang van 1 April 1982 herroep vir sover in die derde kolom van daardie Bylae uiteengesit. 20

Kort titel.

12. Hierdie Wet heet die Wysigingswet op Inkomstewette, 1982.

## Bylae

## WETTE HERROEP

| Nommer en jaar             | Kort titel                                         | In hoeverre herroep   |
|----------------------------|----------------------------------------------------|-----------------------|
| Wet No. 56 van 1960 .....  | Wet op Belasting van Kinematograaffilms, 1960 .... | Die geheel            |
| Wet No. 71 van 1961 .....  | Wysigingswet op Inkomstewette, 1961 .....          | Artikel 14            |
| Wet No. 103 van 1969 ..... | Wysigingswet op Inkomstewette, 1969 .....          | Artikels 13, 14 en 15 |
| Wet No. 72 van 1970 .....  | Wysigingswet op Inkomstewette, 1970 .....          | Artikel 4             |
| Wet No. 106 van 1980 ..... | Wysigingswet op Inkomstewette, 1980 .....          | Artikels 17 en 18     |

## REVENUE LAWS AMENDMENT ACT, 1982

Act No. 87, 1982

- any time prior to the said repeal in respect of a financial year of any external company (as defined in section 1 of the principal Act) which ended on or before 31 March 1982, shall remain applicable in respect of the financial year concerned and annual duty shall in respect of that financial year be paid accordingly."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1982.

10. (1) No transfer duty or stamp duty shall be payable in respect of any passing of assets, rights, liabilities and obligations to the Small Business Development Corporation, Limited, in consequence of any transfer to that Corporation of—

- (a) the small industries division of the Industrial Development Corporation of South Africa, Limited; or  
 15 (b) the small business activities of the Corporation for Economic Development, Limited.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1981.

Exemption from transfer duty and stamp duty in respect of passing of certain assets, rights, liabilities and obligations to Small Business Development Corporation, Limited.

11. The laws specified in the Schedule are hereby repealed with effect from 1 April 1982, to the extent set out in the third column of that Schedule.

Repeal of laws.

12. This Act shall be called the Revenue Laws Amendment Act, 1982.

Short title.

## Schedule

## LAWS REPEALED

| Number and year           | Short title                             | Extent of repeal       |
|---------------------------|-----------------------------------------|------------------------|
| Act No. 56 of 1960 .....  | Cinematograph Films Tax Act, 1960 ..... | The whole              |
| Act No. 71 of 1961 .....  | Revenue Laws Amendment Act, 1961 .....  | Section 14             |
| Act No. 103 of 1969 ..... | Revenue Laws Amendment Act, 1969 .....  | Sections 13, 14 and 15 |
| Act No. 72 of 1970 .....  | Revenue Laws Amendment Act, 1970 .....  | Section 4              |
| Act No. 106 of 1980 ..... | Revenue Laws Amendment Act, 1980 .....  | Sections 17 and 18     |

