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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 24 JULIE 1985

No. 9857

STATE PRESIDENT'S OFFICE

No. 1625.

24 July 1985

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

No. 96 of 1985: Income Tax Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1625.

24 Julie 1985

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

No. 96 van 1985: Inkomstebelastingwet, 1985.

Act No. 96, 1985

INCOME TAX ACT, 1985

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To fix the rates of normal tax payable by persons other than companies in respect of taxable incomes for the years of assessment ending on 28 February 1986 and 30 June 1986, and by companies in respect of taxable incomes for years of assessment ending during the period of 12 months ending on 31 March 1986; to amend the Income Tax Act, 1962; to amend the Income Tax Act, 1983; to provide that the Commissioner for Inland Revenue shall not be required to assess to tax the value of certain benefits or advantages granted during certain years of assessment; to provide that the said Commissioner shall refrain from taking steps for the assessment or recovery of certain penalties or for the institution of certain legal proceedings; and to provide for incidental matters.

(*English text signed by the State President.*)
(Assented to 12 July 1985.)

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

Rates of
normal tax.

1. The rates of normal tax to be levied in terms of section 5 (2) of the Income Tax Act, 1962 (Act No. 58 of 1962), hereinafter referred to as the principal Act, in respect of—
 (a) the taxable income of any person other than a company for the year of assessment ending 28 February 1986 or 30 June 1986; and
 (b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 1986,
 shall be as set forth in the Schedule to this Act.

Amendment of
section 1 of
Act 58 of 1962,
as amended by
section 3 of
Act 90 of 1962,
section 1 of
Act 6 of 1963,
section 4 of
Act 72 of 1963,
section 4 of
Act 90 of 1964,
section 5 of
Act 88 of 1965,
section 5 of
Act 55 of 1966,
section 5 of
Act 95 of 1967,
section 5 of
Act 76 of 1968,
section 6 of
Act 89 of 1969,
section 6 of

2. (1) Section 1 of the principal Act is hereby amended—
 (a) by the insertion after the definition of “dependant” of the following definition:
“director”, in relation to a close corporation, means any person who in respect of such close corporation holds any office or performs any functions similar to the office or functions of a director of a company other than a close corporation;”;
 (b) by the substitution for paragraph (i) of the proviso to paragraph (c) of the definition of “gross income” of the following paragraph:
“(i) the provisions of this paragraph shall not apply in respect of any benefit or advantage in respect of which the provisions of paragraph [i] (i) apply;”;
 (c) by the substitution for paragraph (b) of the definition of “pension fund” of the following paragraph:

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ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot vasstelling van die skale van normale belasting betaalbaar deur ander persone as maatskappy ten opsigte van belasbare inkomstes vir die jare van aanslag eindigende op 28 Februarie 1986 en 30 Junie 1986, en deur maatskappy ten opsigte van belasbare inkomstes vir jare van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1986; tot wysiging van die Inkombelastingwet, 1962; tot wysiging van die Inkombelastingwet, 1983; om te bepaal dat die Kommissaris van Binnelandse Inkome nie verplig is om die waarde van sekere voordele of bates gedurende sekere jare van aanslag toegestaan, vir belasting aan te slaan nie; om te bepaal dat genoemde Kommissaris hom daarvan moet weerhou om stappe te doen vir die aanslaan of invordering van sekere boetes of vir die instelling van sekere geregtelike prosesse; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1985.)

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

1. Die skale van normale belasting wat ooreenkomsig artikel 5 (2) van die Inkombelastingwet, 1962 (Wet No. 58 van 1962), hieronder die Hoofwet genoem, gehef moet word ten opsigte van—
- (a) die belasbare inkomste van 'n ander persoon as 'n maatskappy vir die jaar van aanslag eindigende op 28 Februarie 1986 of 30 Junie 1986; en
 - 10 (b) die belasbare inkomste van 'n maatskappy vir 'n jaar van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 1986,
is soos uiteengesit in die Bylae by hierdie Wet.
2. (1) Artikel 1 van die Hoofwet word hereby gewysig—
- 15 (a) deur in die Engelse teks paragraaf (i) van die voorbehoedsbepaling by paragraaf (c) van die omskrywing van "gross income" deur die volgende paragraaf te vervang:
"the provisions of this paragraph shall not apply in respect of any benefit or advantage in respect of which the provisions of paragraph **(i)** apply;"
 - 20 (b) deur na die omskrywing van "datum van diepmynproduksie" die volgende omskrywing in te voeg:
"direkteur", met betrekking tot 'n beslote korporasie,
- 25 iemand wat ten opsigte van so 'n beslote korporasie 'n amp beklee of werksaamhede verrig soortge- lyk aan die amp of werksaamhede van 'n direkteur van 'n ander maatskappy as 'n beslote korpora- sie;"
- 30 (c) deur paragraaf (b) van die omskrywing van "pensioen- fonds" deur die volgende paragraaf te vervang:

Skale van normale belasting.

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

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Act 52 of 1970,
section 4 of
Act 88 of 1971,
section 4 of
Act 90 of 1972,
section 4 of
Act 65 of 1973,
section 4 of
Act 85 of 1974,
section 4 of
Act 69 of 1975,
section 4 of
Act 103 of 1976,
section 4 of
Act 113 of 1977,
section 3 of
Act 101 of 1978,
section 3 of
Act 104 of 1979,
section 2 of
Act 104 of 1980,
section 2 of
Act 96 of 1981,
section 3 of
Act 91 of 1982,
section 2 of
Act 94 of 1983,
section 1 of
Act 30 of 1984
and section 2 of
Act 121 of 1984.

“(b) with effect from a date determined by the Commissioner in relation to any fund hereinafter referred to (not being a date earlier than 4 December 1981), any pension fund established for the benefit of employees of a control board as defined in section 1 of the Marketing Act, 1968 (Act No. 59 of 1968), or for the benefit of employees of the Development Bank of Southern Africa, if the Commissioner is satisfied that the rules of such fund are in all material respects identical to those of the Government Service Pension Fund; or”; and

(d) by the substitution for the definition of “South African company” of the following definition:

“‘South African company’ means any association, corporation, company or body corporate referred to in paragraph (a) or (f) of the definition of ‘company’ in this section or any association referred to in paragraph (d) of that definition or any unit portfolio referred to in paragraph (e) of that definition, but does not include any company whose registered office is in a country which formerly formed part of the Republic nor any company formed, established or incorporated under the law of such country after it obtained its independence from the Republic;.”

(2) The amendments effected by subsection (1) (a) and (d) 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 1985.

Amendment of
section 6 of
Act 58 of 1962,
as inserted by
section 5 of
Act 104 of 1980
and amended by
section 5 of
Act 96 of 1981,
section 5 of
Act 91 of 1982,
section 4 of
Act 94 of 1983
and section 4 of
Act 121 of 1984.

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

(a) by the substitution in paragraph (a) of subsection (2) for the expression “R460” of the expression “R880”;

(b) by the substitution in paragraph (b) of subsection (2) for the expression “R380” of the expression “R620”; and

(c) by the substitution for paragraph (f) of subsection (3) of the following paragraph:

“(f) if the taxpayer was or, had he lived, would have been over the age of [seventy] 65 years on the last day of the year of assessment, an amount of 40 [R180] R380, if the period assessed is 12 months, or, where the period assessed is less than 12 months, an amount which bears to [R180] R380 the same ratio as the period assessed bears to 12 months.”.

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Amendment of
section 8 of
Act 58 of 1962,
as amended by
section 6 of
Act 90 of 1962,
section 6 of
Act 90 of 1964,
section 9 of
Act 88 of 1965,
section 10 of
Act 55 of 1966,
section 10 of
Act 89 of 1969,
section 6 of
Act 90 of 1972,
section 8 of

4. Section 8 of the principal Act is hereby amended—

(a) by the substitution for paragraph (aa) of the proviso to subparagraph (i) of paragraph (b) of subsection (1) of the following paragraph:

“(aa) the portion of such allowance or advance (other than an allowance or advance referred to in section 10 (1) (nD) or (nF)) which is [in respect of the year of assessment ending on 28 February 1986] to be accounted for under paragraph (a) shall be—

(i) in respect of the year of assessment ending on 28 February 1986, 25 per cent;

(ii) in respect of the year of assessment ending on 28 February 1987, 40 per cent;

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- 5 “(b) met ingang van ’n datum deur die Kommissaris bepaal met betrekking tot ’n hieronder bedoelde fonds (wat nie ’n datum vroeër as 4 Desember 1981 mag wees nie), ’n pensioenfonds ingestel ten voordele van werknemers van ’n beheerraad soos omskryf in artikel 1 van die Bemarkingswet, 1968 (Wet No. 59 van 1968), of ten voordele van werknemers van die Ontwikkelingsbank van Suider-Afrika, indien die Kommissaris oortuig is dat die reëls van bedoelde fonds in alle wesenlike opsigte dieselfde is as dié van die Regeringsdienspensioenfonds; of’; en
- 10 “(d) deur die omskrywing van “Suid-Afrikaanse maatskappy” deur die volgende omskrywing te vervang:
- 15 “Suid-Afrikaanse maatskappy” ’n vereniging, korporasie, maatskappy of regspersoon bedoel in paragraaf (a) of (f) van die omskrywing van ‘maatskappy’ in hierdie artikel of ’n vereniging bedoel in paragraaf (d) van daardie omskrywing of ’n effektegroep bedoel in paragraaf (e) van daardie omskrywing, maar nie ook ’n maatskappy nie wie se geregistreerde kantoor in ’n land is wat voorheen deel van die Republiek uitgemaak het of ’n maatskappy wat ingevolge die reg van daardie land opgerig, ingestel of ingelyf is nadat hy sy onafhanklikheid van die Republiek verkry het.”.
- 20 (2) Die wysiging deur subartikel (1) (b) en (d) aangebring, word, vir die doeleinnes van aanslae ingevolge die Hoofwet, geag in werkung te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1985 geëindig het of eindig.
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3. Artikel 6 van die Hoofwet word hierby gewysig—
- 35 (a) deur in paragraaf (a) van subartikel (2) die uitdrukking “R460” deur die uitdrukking “R880” te vervang;
- (b) deur in paragraaf (b) van subartikel (2) die uitdrukking “R380” deur die uitdrukking “R620” te vervang; en
- (c) deur paragraaf (f) van subartikel (3) deur die volgende paragraaf te vervang:
- 40 “(f) indien die belastingpligtige op die laaste dag van die jaar van aanslag bo die ouderdom van **[se-wentig]** 65 jaar was of sou gewees het indien hy die lewe behou het, ’n bedrag van **[R180]** R380, indien die aanslagtydperk 12 maande is, of, waar die aanslagtydperk minder as 12 maande is, ’n bedrag wat in dieselfde verhouding tot **[R180]** R380 staan as die verhouding waarin die aanslagtydperk tot 12 maande staan.”.
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4. Artikel 8 van die Hoofwet word hierby gewysig—
- 50 (a) deur paragraaf (aa) van die voorbehoudsbepaling by subparagraaf (i) van paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- “(aa) die gedeelte van bedoelde toelae of voorskot (behalwe ’n toelae of voorskot in artikel 10 (1) (nD) of (nF) bedoel) wat **[ten opsigte van die jaar van aanslag eindigende op 28 Februarie 1986]** ingevolge paragraaf (a) verreken staan te word,
- 55 (i) **ten opsigte van die jaar van aanslag eindigende op 28 Februarie 1986**, 25 persent;
- (ii) **ten opsigte van die jaar van aanslag eindigende op 28 Februarie 1987**, 40 persent;

Wysiging van artikel 6 van Wet 58 van 1962, soos ingevoeg deur artikel 5 van Wet 104 van 1980 en gewysig deur artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983 en artikel 2 van Wet 30 van 1984 en artikel 2 van Wet 121 van 1984.

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van 1972, artikel 8 van

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Act 85 of 1974,
section 7 of
Act 69 of 1975,
section 7 of
Act 113 of 1977,
section 8 of
Act 94 of 1983
and section 5 of
Act 121 of 1984.

- (iii) in respect of the year of assessment ending on 29 February 1988, 60 per cent; or
- (iv) in respect of the year of assessment ending on 28 February 1989, 80 per cent,
- [50 per cent]** of the full amount as determined under that paragraph, before the application of this proviso;";
- (b) by the substitution, in the Afrikaans text, in subparagraph (ii) of paragraph (b) of subsection (1) for the words preceding the proviso of the following words: "behoudens die bepalings van subparagraaf (iii), waar bedoelde toelae of voorskot aan die ontvanger betaal is sodat dit gebruik kan word ter bestyding van uitgawes ten opsigte van 'n motorvoertuig deur die ontvanger gebruik, word die gedeelte van die toelae deur die ontvanger gedurende die jaar van aanslag vir besigheidsdoeleindes bestee, tensy 'n aanvaarbare berekening gebaseer op akkurate gegewens deur die ontvanger verstrek word, geag 'n bedrag te wees wat vasgestel word deur die **[tarief]** **skaal** per kilometer deur die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal vir die kategorie voertuig wat gebruik is, toe te pas op 'n afstand gedurende genoemde jaar vir besigheidsdoeleindes (behalwe private reise soos in subparagraaf (i) bedoel) afgelê.";
- (c) by the substitution in paragraph (c) of subsection (1) for the words preceding the proviso of the following words: "Where any allowance is given to the holder of any office or to any employee for expenses incurred or to be incurred in respect of personal subsistence and incidental costs while such office holder or employee is by reason of the duties of his office or employment obliged to spend at least one night away from his usual place of residence in the Republic, so much of such allowance as, together with any amounts expended by the employer in respect of any of the said costs **[other than the cost of accommodation]**, does not exceed an amount calculated at the rate of—
 - (i) R100 per day for each day or part of a day in the period during which he is so absent if the allowance is given to him to defray the cost of accommodation (other than accommodation supplied by the employer) as well as meals and other incidental costs; or
 - (ii) **[in any other case]** R50 per day for each day or part of a day in the said period in any other case,
- (d) by the substitution for subparagraph (i) of paragraph (e) of subsection (1) of the following subparagraph: "(i) **[the State President]** a Minister or Deputy Minister of the Republic, a member of Parliament, a member of the President's Council, the administrator of a province or any member of **[the executive committee of a province]** a provincial council";
- (e) and by the addition to paragraph (a) of subsection (5) of the following proviso: "Provided that the provisions of this subsection shall not apply in any case where, in consequence of the acquisition of such property, the person who has acquired the property or any other person has derived a taxable benefit the cash equivalent of which has been included

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- (iii) ten opsigte van die jaar van aanslag eindigende op 29 Februarie 1988, 60 persent; of
 (iv) ten opsigte van die jaar van aanslag eindigende op 28 Februarie 1989, 80 persent,
- 5 [50 persent] is van die volle bedrag ingevolge daar die paragraaf vasgestel, voor die toepassing van hierdie voorbehoudsbepaling;";
- (b) deur in subparagraaf (ii) van paragraaf (b) van subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- 10 "behoudens die bepalings van subparagraaf (iii), waar bedoelde toelae of voorskot aan die ontvanger betaal is sodat dit gebruik kan word ter bestrying van uitgawes ten opsigte van 'n motorvoertuig deur die ontvanger gebruik, word die gedeelte van die toelae deur die ontvanger gedurende die jaar van aanslag vir besigheidsdoeleindes bestee, tensy 'n aanvaarbare berekening gebaseer op akkurate gegewens deur die ontvanger verstrek word, geag 'n bedrag te wees wat vasgestel word deur die **[taarief]** **skaal** per kilometer deur die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal vir die kategorie voertuig wat gebruik is, toe te pas op 'n afstand gedurende genoemde jaar vir besigheidsdoeleindes (behalwe private reise soos in subparagraaf (i) bedoel) afgelê:";
- 15 (c) deur in paragraaf (c) van subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- 20 "Waar 'n toelae aan die bekleer van 'n amp of aan 'n werknemer gegee word vir onkoste aangegaan of wat aangegaan staan te word ten opsigte van persoonlike verblyf en toevallige uitgawes terwyl bedoelde ampsbekleer of werknemer vanweë die pligte van sy amp of diens verplig is om ten minste een nag weg van sy gewone woonplek **binne die Republiek** deur te bring, word soveel van bedoelde toelae as wat, tesame met enige bedrae wat deur die werkewer ten opsigte van enige van genoemde onkoste **[(behalwe die koste van huisvesting)]** uitgegee is, nie 'n bedrag bereken teen—
- 25 (i) R100 per dag vir elke dag of gedeelte van 'n dag in die tydperk waartydens hy aldus afwesig is indien die toelae aan hom gegee is om die onkoste van huisvesting (behalwe huisvesting deur die werkewer verskaf) sowel as etes en ander toevallige uitgawes te bestry, of;
- 30 (ii) [in enige ander geval] R50 per dag vir elke dag of gedeelte van 'n dag in genoemde tydperk in enige ander geval,
- 35 (d) te boeke gaan nie, geag vir die doeleindes van paragraaf (a) werklik deur hom bestee te gewees het ten opsigte van genoemde onkoste:";
- 40 (e) deur subparagraaf (i) van paragraaf (e) van subartikel (1) deur die volgende subparagraaf te vervang:
- 45 "(i) **[die Staatspresident]** 'n Minister of Adjunk-minister van die Republiek, 'n lid van die Parlement, 'n lid van die Presidentsraad, die administrateur van 'n provinsie of 'n lid van **[die uitvoerende komitee van 'n provinsie]** 'n provinsiale raad;" en
- 50 (e) deur die volgende voorbehoudsbepaling by paragraaf (a) van subartikel (5) te voeg:
- 55 "Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie in enige geval waar, as gevvolg van die verkryging van bedoelde eiendom, die persoon wat die eiendom verkry het of 'n ander persoon 'n belasbare voordeel verkry het waarvan die
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Act No. 96, 1985**INCOME TAX ACT, 1985**

Amendment of section 9 of Act 58 of 1962, as amended by section 7 of Act 90 of 1962, section 6 of Act 72 of 1963, section 7 of Act 90 of 1964, section 9 of Act 95 of 1967, section 12 of Act 89 of 1969, section 6 of Act 65 of 1973, section 9 of Act 85 of 1974, section 8 of Act 103 of 1976 and section 9 of Act 121 of 1984.

in his gross income in terms of the provisions of paragraph (i) of the definition of 'gross income' in section 1.”

5. Section 9 of the principal Act is hereby amended—

- (a) by the substitution, in the Afrikaans text, in subsection (1) for the words preceding paragraph (a) of the following words:
“n Bedrag word geag uit 'n bron in die Republiek aan iemand toe te geval het indien dit deur so iemand ontvang is of aan of ten gunste van hom toegeval het [inge-volge] uit hoofde van —”; and
- (b) by the insertion after paragraph (cA) of subsection (1) of the following paragraph:
“(cB) any business carried on by any such person who is ordinarily resident in the Republic or in the case of 15 a company is a domestic company, as lessor of any container contemplated in section 1 (2) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), wheresoever the agreement for the lease of the 20 said container was concluded or the said container was used by the lessee thereof;”.

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, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983 and section 10 of Act 121 of 1984.

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

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
“(c) (i) the salary and emoluments payable to the State President [and the Vice State President in respect of the holding of their offices under the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)];
(ii) any pension [which is] payable [or continues to be payable in terms of section 15 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or that section as applied by section 15A of that Act, or section 13 of the Pension Laws Amendment Act, 1971 (Act No. 93 of 1971), or section 8 of the Pension Laws Amendment Act, 1975] to any person or his surviving spouse [who has] by reason of such person having occupied the office of State President or Vice State President [or to the widow of any such person];”;
- (b) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
“(f) the receipts and accruals of all ecclesiastical, charitable and educational institutions of a public character, whether or not supported wholly or partly by grants from the public revenue, and the receipts and accruals of any fund which has a written constitution or has been established by or under the will of a deceased person or by any other written instrument, which has been approved by the Commissioner for the purposes of this paragraph and which is obliged in terms of the provisions of the said constitution, will or other written instrument to distribute so much of its net revenue (being the gross income of the fund less the costs of its administration) as the Commissioner directs to any such institution: Provided that—
(i) the Commissioner may approve such fund subject to such conditions as he may deem necessary to ensure that no benefits are allocated by the fund for other than ecclesiastical, charitable or educational purposes for the benefit of the general public;

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kontantekwivalent ingevolge die bepalings van paraaf (i) van die omskrywing van 'bruto inkomste' in artikel 1 in sy bruto inkomste ingesluit is.”.

5. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
“n Bedrag word geag uit 'n bron in die Republiek aan iemand toe te geval het indien dit deur so iemand ontvang is of aan of ten gunste van hom toegeval het [inge-

10 volge] uit hoofde van —”; en

(b) deur na paragraaf (cA) van subartikel (1) die volgende paragraaf in te voeg:

“(cB) 'n besigheid deur so iemand wat gewoonlik in die

15 Republiek woonagtig is of, in die geval van 'n maatskappy, 'n binnelandse maatskappy is, gedryf as verhuurder van 'n houer beoog in artikel 1 (2) van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), ongeag waar die ooreenkoms vir die huur van bedoelde houer gesluit is of waar bedoelde houer deur die huurder daarvan gebruik is.”.

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

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

25 “(c) (i) die salaris en besoldiging betaalbaar aan die Staatspresident [en die Vise-staatspresident ten opsigte van die bekleding van hul ampte ingevolge die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)];

30 (ii) 'n pensioen [wat ingevolge artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), of daardie artikel soos deur artikel 15A van daardie Wet toegepas, of artikel 13 van die Wysigingswet op die Pensioenwette, 1971 (Wet No. 93 van 1971), of artikel 8 van die Wysigingswet op die Pensioenwette, 1975] betaalbaar [is of nog betaalbaar is] aan iemand [wat] of sy agterblywende gade omrede so iemand die amp van Staatspresident of Vise-staatspresident beklee het [of aan die weduwee van so iemand];”;

40 (b) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

45 “(f) die ontvangste en toevallings van alle godsdienstige, liefdadigheids- en opvoedkundige inrigtings van 'n openbare aard, hetsy hulle geheel en al of ten dele deur toekenning uit staatsinkomste ondersteun word al dan nie, en die ontvangste en toevallings van 'n fonds wat 'n geskrewe grondwet het of wat deur of ingevolge die testament van 'n oorlede persoon of deur 'n ander geskrewe stuk ingestel is, wat deur die Kommissaris vir die doeleindes van hierdie paragraaf goedgekeur is en wat ingevolge die bepalings van bedoelde grondwet, testament of ander geskrewe stuk, verplig is om soveel van sy netto inkomte (synde die bruto inkomste van die fonds min die koste van sy administrasie) as wat die Kommissaris gelas aan so 'n inrigting uit te keer: Met dien verstande dat—

50 (i) die Kommissaris so 'n fonds kan goedkeur onderworpe aan die voorwaardes wat hy nodig ag om te verseker dat geen voordele deur die fonds toegeken word nie anders as vir godsdienstige, liefdadigheids- of opvoedkundige doeleindes tot voordeel van die algemene publiek;

Wysiging van artikel 9 van Wet 58 van 1962, soos gewysig deur artikel 7 van Wet 90 van 1962, artikel 6 van Wet 72 van 1963, artikel 7 van Wet 90 van 1964, artikel 9 van Wet 95 van 1967, artikel 12 van Wet 89 van 1969, artikel 6 van Wet 65 van 1973, artikel 9 van Wet 85 van 1974, artikel 8 van Wet 103 van 1976, en artikel 9 van Wet 121 van 1984.

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, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 van Wet 94 van 1983 en artikel 10 van Wet 121 van 1984.

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- (ii) the net revenue of such fund shall, unless the Minister of Finance in any case otherwise directs, be applied for the furtherance of its objects in the Republic or in any country the territory of which formerly formed part of the Republic; 5
- (iii) no such fund shall, unless the Commissioner in any case otherwise directs, carry on any business;
- (iv) if the Commissioner is satisfied that the administrator of any such fund has during any year of assessment failed to comply with any condition imposed by him under paragraph (i) of this proviso, or with the provisions of paragraph (ii) or (iii) of this proviso, he may withdraw his approval of the fund with effect from the commencement of that year of assessment; and 10
- (v) any decision of the Commissioner in the exercise of his discretion under this paragraph 15
shall be subject to objection and appeal;
- (c) by the substitution for subparagraph (ii) of paragraph (i) of subsection (1) of the following subparagraph:
- “(ii) so much of the interest on Post Office Savings Bank Certificates as in the case of any taxpayer is derived on so much of the total amount invested in such certificates as does not exceed the sum of [R40 000] R70 000 [: Provided that where interest has become or becomes payable during the year of assessment ended or ending on 28 February 1983 or 29 February 1984 in respect of investments made in Post Office Savings Bank Certificates before 1 April 1982, the amount exempt from tax under this subparagraph in respect of such year shall be the greater of the amount which is exempt under the preceding provisions of this subparagraph or the amount which would have been exempt under the provisions of this subparagraph as in force immediately before the amendment thereof by section 6 of the Income Tax Act, 1982 (Act No. 91 of 1982), in respect of so much of such investments as in the aggregate does not exceed the sum of R60 000];”; 30
- (d) by the substitution in subparagraph (xv) of paragraph (i) of subsection (1) for the expression “R100” of the expression “R250”; 45
- (e) by the substitution in subparagraph (xvi) of paragraph (i) of subsection (1) for the expression “R100” of the expression “R250”;
- (f) by the substitution in paragraph (nD) of subsection (1) for the words preceding subparagraph (i) of the following words: 50
- “50 per cent of the taxable portion of any allowance or advance (other than any allowance or advance to which the provisions of paragraph (iii) of the proviso to paragraph (c) of the definition of ‘gross income’ in section 1 or the provisions of paragraph (nF) of this subsection apply) which—”; 55
- (g) by the insertion after paragraph (nE) of subsection (1) of the following paragraph:
- “(nF) in respect of the year of assessment ending on— 60
- (i) 28 February 1986, 75 per cent;
- (ii) 28 February 1987, 60 per cent;

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- (ii) die netto inkome van so 'n fonds, tensy die Minister van Finansies in enige geval anders gelas, aangewend word vir die bevordering van sy oogmerke in die Republiek of in 'n land waarvan die gebied voorheen deel van die Republiek uitgemaak het;
- (iii) geen sodanige fonds besigheid mag dryf nie, tensy die Kommissaris in enige geval anders gelas;
- (iv) indien die Kommissaris daarvan oortuig is dat die administrateur van so 'n fonds gedurende 'n jaar van aanslag versuim het om 'n voorwaarde wat ingevolge paragraaf (i) van hierdie voorbehoudsbepaling deur hom opgelê is, of die bepalings van paragraaf (ii) of (iii) van hierdie voorbehoudsbepaling, na te kom, hy sy goedkeuring van die fonds met ingang van die begin van daardie jaar van aanslag kan intrek; en
- (v) 'n beslissing van die Kommissaris by die uitvoering van sy diskresie ingevolge hierdie paragraaf aan beswaar en appêl onderworpe is;";
- (c) deur subparagraph (ii) van paragraaf (i) van subartikel (1) deur die volgende subparagraph te vervang:
- "(ii) soveel van die rente op Posspaarbanksertifikate as wat in die geval van 'n belastingpligtige verkry is op soveel van die totale bedrag in bedoelde sertifikate belê as wat die som van **[R40 000]** R70 000 nie te bove gaan nie [**: Met dien verstande dat waar rente gedurende die jaar van aanslag geëindig of eindigende op 28 Februarie 1983 of 29 Februarie 1984 betaalbaar geword het of betaalbaar word ten opsigte van beleggings in Posspaarbanksertifikate wat voor 1 April 1982 gemaak is, die bedrag wat ingevolge hierdie subparagraph ten opsigte van bedoelde jaar van aanslag van belasting vrygestel word die grootste is van die bedrag wat ingevolge die voorafgaande bepalings van hierdie subparagraph van belasting vrygestel word of die bedrag wat ingevolge die bepalings van hierdie subparagraph, soos dit van krag was onmiddellik voor die wysiging daarvan deur artikel 6 van die Inkomstebelastingwet, 1982 (Wet No. 91 van 1982), van belasting vrygestel sou gewees het ten opsigte van soveel van bedoelde beleggings as wat in totaal nie meer as R60 000 was nie];";**
- (d) deur in subparagraph (xv) van paragraaf (i) van subartikel (1) die uitdrukking "R100" deur die uitdrukking "R250" te vervang;
- (e) deur in subparagraph (xvi) van paragraaf (i) van subartikel (1) die uitdrukking "R100" deur die uitdrukking "R250" te vervang;
- (f) deur in paragraaf (nD) van subartikel (1) die woorde wat subparagraph (i) voorafgaan deur die volgende woorde te vervang:
- "50 persent van die belasbare gedeelte van 'n toelae of voorskot (behalwe 'n toelae of voorskot waarop die bepalings van paragraaf (iii) van die voorbehoudsbepaling by paragraaf (c) van die omstrywing van 'bruto inkomste' in artikel 1 of die bepalings van paragraaf (nF) van hierdie subartikel van toepassing is) wat—";
- (g) deur na paragraaf (nE) van subartikel (1) die volgende paragraaf in te voeg:
- "(nF) ten opsigte van die jaar van aanslag eindigende op—
- (i) 28 Februarie 1986, 75 persent;
- (ii) 28 Februarie 1987, 60 persent;

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(iii) 29 February 1988, 40 per cent; or
 (iv) 28 February 1989, 20 per cent,
 of an amount received by or accrued to an employee or the holder of an office, being the taxable portion of an allowance or advance paid for the purpose of defraying expenditure incurred in respect of any motor vehicle used by him, which, if it had been received by or had accrued to him during the year of assessment ended on 28 February 1985 would, by virtue of the provisions of this Act or any other law, not have been subject to tax and which, but for the provisions of this paragraph, would have been includable in his taxable income in terms of the provisions of section 8 (1) (a);";
 and

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

"(zF) any amount (other than interest) received by or accrued to any person from the State in terms of any export incentive scheme, being a payment in lieu of any allowance or credit to which such person was or could have become entitled in terms of the provisions of section 11bis (6).".

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(2) The amendment effected by subsection (1) (a) 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 28 February 1985.

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7. Section 11bis of the principal Act is hereby amended by the substitution for the proviso to paragraph (b) of subsection (7) of the following proviso:

"Provided that the Director-General may—

(i) if he is satisfied that such decision was based on false or incorrect information or an arithmetical error; or
 (ii) if he has by way of a promissory note or otherwise made a payment to the said person in lieu of an amount previously notified by him as contemplated in subsection (6),

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withdraw such decision and substitute a fresh decision therefor.".

Amendment of section 11bis 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, section 10 of Act 76 of 1968, section 15 of Act 89 of 1969, 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, section 10 of Act 103 of 1976, section 10 of Act 113 of 1977, section 10 of Act 96 of 1981, section 8 of Act 91 of 1982, section 11 of Act 94 of 1983 and section 12 of Act 121 of 1984.

Amendment of section 11sept of Act 58 of 1962, as substituted by section 9 of Act 104 of 1979, and amended by section 11 of Act 96 of 1981,

8. (1) Section 11sept of the principal Act is hereby amended by the substitution in subsection (5) for the words following upon paragraph (h) of the following words:

"but excluding any such expenditure incurred on or after 1 September 1984 which in the opinion of the Commissioner relates to the training of any such employee (other than an instructor referred to in paragraph (g)) whose remuneration

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7. Artikel 11bis van die Hoofwet word hierby gewysig deur die voorbehoudbepaling by paragraaf (b) van subartikel (7) 30 deur die volgende voorbehoudbepaling te vervang:

“Met dien verstande dat die Direkteur-generaal—

(i) indien hy oortuig is dat bedoelde beslissing

- 35 (i) indien hy borsing is dat bedoelde beslissing op vase of onjuiste inligting of 'n rekenkundige fout gegrond is; of
(ii) indien hy by wyse van 'n promesse of andersins 'n betaling aan bedoelde persoon gemaak het in die plek van 'n bedrag voorheen deur hom meegedeel soos in subartikel (6) beoog,
bedoelde beslissing kan intrek en dit deur 'n nuwe beslissing kan vervang.”.

bedoelde beslissing kan intrek en dit deur 'n nuwe beslissing kan vervang.”.

Wysiging van artikel 11bis 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, artikel 10 van Wet 76 van 1968, artikel 15 van Wet 89 van 1969, 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, artikel 10 van Wet 103 van 1976, artikel 10 van Wet 113 van 1977, artikel 10 van Wet 96 van 1981, artikel 8 van Wet 91 van 1982, artikel 11 van Wet 94 van 1983 en artikel 12 van Wet 121 van 1984

40 8. (1) Artikel 11~~sept~~ van die Hoofwet word hierby gewysig deur in subartikel (5) die woorde wat op paragraaf (h) volg deur die volgende woorde te vervang:

"maar uitgesonderd enige bedoelde onkoste wat op of na 1 September 1984 aangegaan word en, volgens die oordeel van die Kommissaris, betrekking het op die opleiding van 'n bedoelde werknemer (behalwe 'n onderrigter bedoel in

Wysiging van artikel 11sept van Wet 58 van 1962, soos vervang deur artikel 9 van Wet 104 van 1979 en gewysig deur artikel 11 van Wet 96 van 1981

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section 9 of
Act 91 of 1982
and section 13 of
Act 121 of 1984.

(as determined in accordance with the definition of 'remuneration' in paragraph 1 of the Fourth Schedule but including any amounts referred to in paragraphs (iv) and (vii) of that definition) exceeded R15 000 during the relevant year of assessment of the taxpayer.".

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(2) The amendment 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 September 1984.

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,
section 11 of
Act 69 of 1975,
section 13 of
Act 113 of 1977,
section 6 of
Act 101 of 1978,
section 10 of
Act 104 of 1979,
section 9 of
Act 104 of 1980,
section 12 of
Act 96 of 1981,
section 11 of
Act 91 of 1982
and section 14 of
Act 121 of 1984.

9. (1) Section 12 of the principal Act is hereby amended—
(a) by the substitution in subsection (1) for the words following upon paragraph (d) and preceding the first proviso of the following words:

"there shall subject to the provisions of subsection (7) 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', provided such machinery or plant is so brought into use on or before 31 December 1986;"

(b) by the substitution in paragraph (ii) of subsection (1A) for the words preceding the proviso of the following words:

"in respect of new or unused machinery or plant brought into use on or after 15 August 1974 but before or on 30 June 1985, 25 per cent of such cost;"

(c) by the insertion after paragraph (iii) of subsection (1A) of the word "or";

(d) by the addition to subsection (1A) of the following paragraph:

"(iv) in respect of new or unused machinery or plant brought into use on or after 1 July 1985, 50 per cent of such cost."

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(e) by the substitution in paragraph (ii) of subsection (2) for the words preceding subparagraph (aa) of the following words:

"such machinery or plant is brought into use after the end of the year of assessment ended 28 February 1966 but before or on 30 June 1985, and—"; and

(f) by the deletion of subparagraph (iii) of paragraph (c) of subsection (2A).

(2) The amendment 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 July 1985.

Amendment of
section 13 of
Act 58 of 1962,
as amended by
section 12 of
Act 90 of 1962,
section 5 of
Act 6 of 1963,
section 11 of
Act 72 of 1963,
section 12 of
Act 90 of 1964,
section 14 of
Act 88 of 1965,
section 17 of
Act 55 of 1966,
section 13 of
Act 52 of 1970,
section 13 of
Act 88 of 1971,
section 12 of

10. (1) Section 13 of the principal Act is hereby amended—
(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"Notwithstanding anything to the contrary contained in paragraph (ii) of the proviso to section 11 (e), there shall be allowed to be deducted from the income of the taxpayer an allowance equal to two per cent of the cost (after the deduction of any amount referred to in subsection (3) or (7) or the corresponding provisions of any previous Income Tax Act) to the taxpayer of—";

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

"(2) The aggregate of the allowances under subsection (1) or the corresponding provisions of any previous Income Tax Act in respect of any building or improvements shall not exceed the cost (after the deduction of

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- paragraaf (g)) wie se besoldiging (soos volgens die om-
skrywing van 'besoldiging' in paragraaf 1 van die Vierde By-
lae vasgestel, maar met inbegrip van bedrae bedoel in para-
grawe (iv) en (vii) van daardie omskrywing). R15 000
5 gedurende die betrokke jaar van aanslag van die belasting-
pligtige te bowe gegaan het.”.
- (2) Die wysiging deur subartikel (1) aangebring, word, vir die
doeleindes van aanslae ingevolge die Hoofwet, geag in werking
te getree het vanaf die begin van jare van aanslag wat op of na 1
10 September 1984 geëindig het of eindig.
- 9. (1)** Artikel 12 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) die woorde wat op paragraaf (d)
volg en die eerste voorbehoudsbepaling voorafgaan
deur die volgende woorde te vervang:
15 “word, behoudens die bepalings van subartikel
(7), daar vir die jaar van aanslag waarin dié masji-
nerie of installasie aldus in gebruik geneem word,
aan die belastingpligtige 'n vermindering op sy in-
komste, genoem die 'masjinerie-aanvangsvermin-
dering', toegelaat mits bedoelde masjinerie of
20 installasie op of voor 31 Desember 1986 aldus in
gebruik geneem word:”;
- (b) deur in paragraaf (ii) van subartikel (1A) die woorde
wat die voorbehoudsbepaling voorafgaan deur die vol-
gende woorde te vervang:
25 “ten opsigte van nuwe of ongebruikte masjinerie
of installasie wat op of na 15 Augustus 1974 maar
voor of op 30 Junie 1985 in gebruik geneem is of
word, 25 persent van bedoelde koste:”;
- (c) deur na paragraaf (iii) van subartikel (1A) die woorde
“of” in te voeg;
30 (d) deur die volgende paragraaf by subartikel (1A) te voeg:
“(iv) ten opsigte van nuwe of ongebruikte masjinerie of
installasie wat op of na 1 Julie 1985 in gebruik ge-
neem word, 50 persent van bedoelde koste.”;
- (e) deur in paragraaf (ii) van subartikel (2) die woorde wat
subparagraaf (aa) voorafgaan deur die volgende woor-
de te vervang:
35 “dié masjinerie of installasie ná die end van die
jaar van aanslag geëindig op 28 Februarie 1966
maar voor of op 30 Junie 1985 in gebruik geneem
word en—”; en
- (f) deur subparagraaf (iii) van paragraaf (c) van subartikel
(2A) te skrap.
40 (2) Die wysiging deur subartikel (1) aangebring, word, vir die
doeleindes van aanslae ingevolge die Hoofwet, geag in werking
te getree het vanaf die begin van jare van aanslag wat op of na 1
Julie 1985 geëindig het of eindig.
- 10. (1)** Artikel 13 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) die woorde wat paragraaf (a)
voorafgaan deur die volgende woorde te vervang:
45 “Ondanks andersluidende bepalings in paragraaf
(ii) van die voorbehoudsbepaling by artikel 11 (e)
vervat, word 'n vermindering op die inkomste van
die belastingpligtige afgetrek gelyk aan twee per-
sent van die koste (na aftrekking van 'n bedrag in
50 subartikel (3) of (7) of die ooreenstemmende be-
paling van 'n vorige Inkomstebelastingwet be-
doel) vir die belastingpligtige van—”;
- (b) deur subartikel (2) deur die volgende subartikel te ver-
vang:
55 “(2) Die totaal van die verminderings ingevolge sub-
artikel (1) of die ooreenstemmende bepalings van 'n
vorige Inkomstebelastingwet ten opsigte van 'n gebou of
verbeterings gaan nie die koste (na aftrekking van
60 artikel 9 van
Wet 91 van 1982
en artikel 13 van
Wet 121 van 1984.
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,
artikel 11 van
Wet 69 van 1975,
artikel 13 van
Wet 113 van 1977,
artikel 6 van
Wet 101 van 1978,
artikel 10 van
Wet 104 van 1979,
artikel 9 van
Wet 104 van 1980,
artikel 12 van
Wet 96 van 1981,
artikel 11 van
Wet 91 van 1982,
en artikel 14 van
Wet 121 van 1984.
Wysiging van
artikel 13 van
Wet 58 van 1962,
soos gewysig deur
artikel 12 van
Wet 90 van 1962,
artikel 5 van
Wet 6 van 1963,
artikel 11 van
Wet 72 van 1963,
artikel 12 van
Wet 90 van 1964,
artikel 14 van
Wet 88 van 1965,
artikel 17 van
Wet 55 van 1966,
artikel 13 van
Wet 52 van 1970,
artikel 13 van
Wet 88 van 1971,
artikel 12 van

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Act 90 of 1972,
section 13 of
Act 65 of 1973,
section 16 of
Act 85 of 1974,
section 13 of
Act 69 of 1975,
section 7 of
Act 101 of 1978,
section 10 of
Act 104 of 1980
and section 14 of
Act 96 of 1981.

any amount referred to in subsection (3) or the corresponding provisions of any previous Income Tax Act) of such building or improvements, as the case may be, less the aggregate of any allowances made to the taxpayer in respect of such building or improvements, as the case may be, under subsection (7) or section 11 (g) or the corresponding provisions of any previous Income Tax Act.”;

- (c) by the substitution for paragraph (ii) of the proviso to subsection (6) of the following paragraph: 10
 “(ii) the allowance under subsection (5) (c), (d) or (e) shall not be made in respect of any building brought into use or in respect of any improvements completed after 30 June 1986.”; and

- (d) by the insertion after subsection (6A) of the following 15 subsections:

“(7) In addition to the deduction provided for in subsection (1), there shall be allowed to be deducted from the income of any taxpayer an allowance, to be known as the building initial allowance, in respect of the cost to the taxpayer of any building (other than a building in respect of which a building investment allowance has been granted) the erection of which was commenced on or before 31 December 1986, and of any improvements to any building (other than repairs and other than improvements in respect of which a building investment allowance has been granted) commenced on or before that date, if the building in question was wholly or mainly used by him for the purpose of carrying on therein in the course of his trade (other than farming or mining) any process of manufacture, or if such building was let by him and was wholly or mainly used by the lessee for the purpose of carrying on therein any such process in the course of the lessee’s trade (other than farming or mining): Provided that the building intitial allowance shall not be granted in respect of—

- (a) any building or improvements on any premises not owned by the taxpayer unless the taxpayer is, at the date on which the erection of such building or the effecting of such improvements is commenced, entitled to the occupation of such premises for a period ending not less than 10 years after such date; or

- (b) any building let by the taxpayer or any improvements thereto unless the receipts and accruals derived by the lessee in carrying on his afore-mentioned trade, constitute income for the purposes of this Act; or

- (c) any building brought into use or improvements completed after 31 December 1987.

(7A) The building initial allowance shall be calculated at the rate of 17,5 per cent of the cost to the taxpayer of the relevant building or improvements and shall be granted for the year of assessment in which—

- (a) in the case of the cost of erection of a building used by the taxpayer or the lessee, the building was first so used; or

- (b) in the case of the cost of any improvements to a building, the improvements were completed.”.

- (2) The amendment effected by subsection (1) shall, for the 60 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 July 1985.

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- enige bedrag in subartikel (3) of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet bedoel) van daardie gebou of verbeterings, na gelang van die geval, min die som van enige verminderings aan die belastingpligtige ten opsigte van bedoelde gebou of verbeterings, na gelang van die geval, toegestaan ingevolge subartikel (7) of artikel 11 (g) of die ooreenstemmende bepalings van 'n vorige Inkomstebelastingwet te bowe nie.";
- 10 (c) deur paragraaf (ii) van die voorbehoudsbepaling by subartikel (6) deur die volgende paragraaf te vervang: "(ii) die vermindering ingevolge subartikel (5) (c), (d) of (e) nie ten opsigte van 'n gebou in gebruik geneem of nie ten opsigte van verbeterings voltooi na 30 Junie 1986 toegestaan word nie.;" en
- 15 (d) deur na subartikel (6A) die volgende subartikels in te voeg:
- "(7) Benewens die vermindering waarvoor in subartikel (1) voorsiening gemaak word, word 'n aftrekking van die inkomste van 'n belastingpligtige toegelaat wat as die geboue-aanvangsvermindering bekend staan, ten opsigte van die koste vir die belastingpligtige van enige gebou (behalwe 'n gebou ten opsigte waarvan 'n geboubeleggingsvermindering toegestaan is) waarvan die oprigting op of voor 31 Desember 1986 'n aanvang geneem het, en van enige verbeterings (behalwe herstelwerk en behalwe verbeterings ten opsigte waarvan 'n geboubeleggingsvermindering toegestaan is) aan 'n gebou wat op of voor daardie datum 'n aanvang geneem het, indien die betrokke gebou geheel en al of hoofsaaklik in die loop van sy bedryf (behalwe boerdery of mynbou) deur hom gebruik is ten einde daarin 'n vervaardigingsproses uit te voer, of indien bedoelde gebou deur hom verhuur is en geheel en al of hoofsaaklik in die loop van die huurder se bedryf (behalwe boerdery of mynbou) deur die huurder gebruik is ten einde so 'n proses daarin uit te voer: Met dien verstande dat die geboue-aanvangsvermindering nie toegestaan word nie ten opsigte van—
- 20 (a) 'n gebou of verbeterings op 'n perseel wat nie aan die belastingpligtige behoort nie, tensy die belastingpligtige op die datum waarop die oprigting van bedoelde gebou of die aanbring van bedoelde verbeterings 'n aanvang neem, op die okkupasie van bedoelde perseel vir 'n tydperk eindigende nie minder nie as 10 jaar na bedoelde datum geregtig is; of
- 25 (b) 'n gebou deur die belastingpligtige verhuur of ten opsigte van verbeterings daaraan tensy die ontvangste en toevallings wat die huurder by die beoefening van sy voormalde bedryf verkry, inkomste vir die doeleindest van hierdie Wet uitmaak; of
- 30 (c) 'n gebou in gebruik geneem of verbeterings voltooi na 31 Desember 1987.
- 35 (7A) Die geboue-aanvangsvermindering word bereken teen die skaal van 17,5 persent van die koste vir die belastingpligtige van die betrokke gebou of verbeterings en word toegestaan vir die jaar van aanslag waarin—
- 40 (a) in die geval van die koste van oprigting van 'n gebou deur die belastingpligtige of die huurder gebruik, die gebou vir die eerste maal aldus gebruik is; of
- 45 (b) in die geval van die koste van enige verbeterings aan 'n gebou, die verbeterings voltooi is.."
- 50 (2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindest van aanslae ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Julie 1985 geëindig het of eindig.

Wet 90 van 1972,
artikel 13 van
Wet 65 van 1973,
artikel 16 van
Wet 85 van 1974,
artikel 13 van
Wet 69 van 1975,
artikel 7 van
Wet 101 van 1978,
artikel 10 van
Wet 104 van 1980
en artikel 14 van
Wet 96 van 1981.

Act No. 96, 1985**INCOME TAX ACT, 1985**

Amendment of section 18 of Act 58 of 1962, as inserted by section 12 of Act 104 of 1980 and amended by section 15 of Act 96 of 1981 and section 15 of Act 121 of 1984.

Amendment of section 19 of Act 58 of 1962, as amended by section 15 of Act 90 of 1962, section 6 of Act 6 of 1963, section 17 of Act 88 of 1965, section 17 of Act 88 of 1971, section 14 of Act 90 of 1972, section 18 of Act 85 of 1974, section 14 of Act 104 of 1980, section 17 of Act 96 of 1981, section 15 of Act 91 of 1982, section 17 of Act 94 of 1983 and section 17 of Act 121 of 1984.

Amendment of section 23A of Act 58 of 1962, as inserted by section 21 of Act 121 of 1984.

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

- (a) by the substitution in paragraph (b) of subsection (2) for the expressions "R3 000" and "R2 250" of the expressions "R4 000" and "R3 000", respectively; and
- (b) by the substitution in paragraph (c) of subsection (2) for the expressions "R1 000" and "R750" of the expressions "R1 500" and "R1 000", respectively.

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

- (a) by the substitution for subsection (1A) of the following subsection:
“(1A) There shall for the purposes of determining the taxable income of any taxpayer who is a natural person be allowed as a deduction from his income in the form of dividends referred to in subsection (5A) an amount of [R100] R250 less the sum of the amounts which are in terms of section 10 (1) (i) (xv) and (xvi) exempt from tax in his hands in respect of the year of assessment under charge: Provided that the amount so allowed as a deduction shall not exceed the amount by which the income in the form of the said dividends derived by such person during the year of assessment under charge and in respect of which a deduction is allowable under subsection (3) of this section, exceeds the amount allowed as a deduction from such income under section 11 (a), (b), (i) and (j) as applied by subsection (1) of this section.”; and
- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
“(b) any company which during any portion of the year of assessment was a close corporation, an amount equal to one-third of such dividends.”.

(2) The amendment effected by subsection (1) (b) 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 1985.

13. (1) Section 23A of the principal Act is hereby amended by the substitution in subsection (1) for the definition of “machinery, plant or aircraft rental” of the following definition:

- “(i) ‘machinery, plant or aircraft rental’ means a rental—
 - (a) which is derived by a lessor from the letting of machinery or plant in respect of which the lessor has in the current or any previous year of assessment qualified for an allowance under section 12, or of any aircraft in respect of which the lessor has in the current or any previous year of assessment qualified for an allowance under section 14bis; and
 - (b) which has become payable under an agreement of lease other than an agreement of lease formally and finally signed by every party to the agreement before 15 March 1984 [; (iii)], but excluding any such rental which is derived by the lessor from the letting of any such machinery, plant or aircraft which was during the year of assessment mainly used by him in the course of any trade carried on by him, other than the letting of the said machinery, plant or aircraft; (iii)].

(2) The amendment 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 15 March 1984.

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11. Artikel 18 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van subartikel (2) die uitdrukings "R3 000" en "R2 250" deur onderskeidelik die uitdrukings "R4 000" en "R3 000" te vervang; en
 5 (b) deur in paragraaf (c) van subartikel (2) die uitdrukings "R1 000" en "R750" deur onderskeidelik die uitdrukings "R1 500" en "R1 000" te vervang.

Wysiging van artikel 18 van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 104 van 1980 en gewysig deur artikel 15 van Wet 96 van 1981 en artikel 15 van Wet 121 van 1984.

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

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

"(1A) Vir die doeleindes van die vasstelling van die belasbare inkomste van 'n belastingpligtige wat 'n natuurlike persoon is, word as 'n aftrekking van sy inkomste in die vorm van dividende bedoel in subartikel (5A) 'n bedrag van **[R100]** R250 toegelaat min die som van die bedrae wat ingevolge artikel 10 (1) (i) (xv) en (xvi) van belasting in sy hande ten opsigte van die onderhavige jaar van aanslag vrygestel is: Met dien verstande dat die bedrag aldus as 'n aftrekking toegelaat nie die bedrag te bove gaan nie waarmee die inkomste in die vorm van bedoelde dividende deur bedoelde persoon gedurende die onderhavige jaar van aanslag verkry en ten opsigte waarvan 'n aftrekking ingevolge subartikel (3) van hierdie artikel toelaatbaar is, die bedrag oorskry wat as 'n aftrekking van bedoelde inkomste toegelaat is ingevolge artikel 11 (a), (b), (i) en (j), soos deur subartikel (1) van hierdie artikel toegepas."; en
 15 (b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
 20 "(b) 'n maatskappy wat gedurende enige gedeelte van die jaar van aanslag 'n beslote korporasie was, 'n bedrag gelyk aan een-derde van bedoelde dividende toegelaat."

Wysiging van artikel 19 van Wet 58 van 1962, soos gewysig deur artikel 15 van Wet 90 van 1962, artikel 6 van Wet 6 van 1963, artikel 17 van Wet 88 van 1965, artikel 17 van Wet 88 van 1971, artikel 14 van Wet 90 van 1972, artikel 18 van Wet 85 van 1974, artikel 14 van Wet 104 van 1980, artikel 17 van Wet 96 van 1981, artikel 15 van Wet 91 van 1982, artikel 17 van Wet 94 van 1983 en artikel 17 van Wet 121 van 1984.

30 (2) Die wysiging deur subartikel (1) (b) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op na 1 Januarie 1985 geëindig het of eindig.

35 13. (1) Artikel 23A van die Hoofwet word hierby gewysig deur in subartikel (1) die omskrywing van "masjinerie-, installasie- of vliegtuiehuurgeld" deur die volgende omskrywing te vervang:

40 "(iii) 'masjinerie-, installasie- of vliegtuiehuurgeld' 'n huurgeld—

Wysiging van artikel 23A van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 121 van 1984.

45 (a) wat deur 'n verhuurder verkry is uit die verhuring van masjinerie of installasie ten opsigte waarvan die verhuurder in die lopende of 'n vorige jaar van aanslag vir 'n vermindering ingevolge artikel 12 in aanmerking gekom het, of van 'n vliegtuig ten opsigte waarvan die verhuurder in die lopende of 'n vorige jaar van aanslag vir 'n vermindering ingevolge artikel 14bis in aanmerking gekom het; en

50 (b) wat betaalbaar geword het ingevolge 'n huurooreenkoms behalwe 'n huurooreenkoms wat voor 15 Maart 1984 formeel en final deur elke party tot die ooreenkoms onderteken is **[; (i)]**,

55 maar uitgesonderd so 'n huurgeld deur die verhuurder verkry uit die verhuring van enige sodanige masjinerie, installasie of vliegtuig wat gedurende die jaar van aanslag hoofsaaklik deur hom gebruik is in die loop van enige bedryf deur hom beoefen, behalwe die verhuring van bedoelde masjinerie, installasie of vliegtuig; (i)".

60 65 (2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op na 15 Maart 1984 geëindig het of eindig.

Act No. 96, 1985**INCOME TAX ACT, 1985**

Amendment of section 24 of Act 58 of 1962, as amended by section 22 of Act 89 of 1969 and section 21 of Act 94 of 1983.

14. Section 24 of the principal Act is hereby amended by the substitution for the first proviso of the following proviso:

“Provided that in the case of such an agreement in terms of which such ownership or transfer shall not so pass or be passed before the receipt by the taxpayer of a portion of the said amount payable, which portion only becomes due and payable on or after the expiry of a period of not less than 12 months after the date of the said agreement, the Commissioner, taking into consideration any allowance he has made under section 11 (j), may make such further allowance as 10 under the special circumstances of the trade of the taxpayer seems to him reasonable, in respect of all amounts which are deemed to have accrued under such agreements but which have not been received at the close of the taxpayer's accounting period.”

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Amendment of section 27 of Act 58 of 1962, as amended by section 17 of Act 113 of 1977, section 11 of Act 101 of 1978, section 19 of Act 104 of 1980 and section 21 of Act 96 of 1981.

15. (1) Section 27 of the principal Act is hereby amended—
 (a) by the substitution for the second proviso to paragraph (b) of subsection (2) of the following proviso:

“Provided further that no allowance shall be made under this paragraph in respect of such portion of 20 the cost of any building or of any improvements as has been taken into account in the calculation of any storage building initial allowance or any allowance to such co-operative under section 11 (g), whether in the current or any previous year of assessment;”;

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

“(d) (i) an allowance, to be known as the special machinery initial allowance, [equal to twenty-five 30 per cent] in respect of the cost [as established to the satisfaction of the Commissioner or, in the case of machinery or plant referred to in subsection (2A), as determined under that subsection] to such agricultural co-operative of 35 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] on or before 31 December 1986 and is used by it directly for storing or 40 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 sub- 45 jecting 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 para- 50 graph 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);

(ii) the special machinery initial allowance shall 55 be calculated on the cost (as established to the satisfaction of the Commissioner or, in the case of machinery or plant referred to in sub- 60 section (2A), as determined under that subsection) to such co-operative of the machinery or plant which qualifies for the allowance, and the rate of the allowance shall be —

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14. Artikel 24 van die Hoofwet word hierby gewysig deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat in die geval van so ’n ooreenkoms ingevolge waarvan sodanige eiendomsbesit nie aldus oorgaan of getransporteer word nie voor ontvangs deur die belastingpligtige van ’n gedeelte van bedoelde bedrag betaalbaar, welke gedeelte eers by of na verstryking van ’n tydperk van minstens 12 maande na die datum van genoemde ooreenkoms verskuldig en betaalbaar word, die Kommissaris, met inagneming van enige vermindering ingevolge artikel 11 (j) deur hom toegestaan, so ’n verdere vermindering kan toestaan as wat hy in die besondere omstandighede van die bedryf van die belastingpligtige billik ag, ten opsigte van alle bedrae wat geag word uit hoofde van sodanige ooreenkoms toe te geval het, maar ten tyde van sluiting van die belastingpligtige se rekenings nog nie ontvang is nie.”.

Wysiging van artikel 24 van Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 89 van 1969 en artikel 21 van Wet 94 van 1983.

15. (1) Artikel 27 van die Hoofwet word hierby gewysig—
(a) deur die tweede voorbehoudsbepaling by paragraaf (b) van subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

“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 opslagpleakaanvangsvermindering of ’n vermindering aan bedoelde koöperasie ingevolge artikel 11 (g) in aanmerking geneem is, hetsy in die loopende of ’n vorige jaar van aanslag;”;

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

“(d) (i) ’n vermindering, wat as die spesiale masjinerie-aanvangsvermindering bekend staan, **[geelyk aan vyf-en-twintig persent]** ten opsigte van die koste **[soos tot bevrediging van die Kommissaris vasgestel of, in die geval van masjinerie of installasie in subartikel (2A) bedoel, soos ingevolge daardie subartikel 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]** op of voor 31 Desember 1986 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 bepalings van artikel 12 (1) toegestaan is;

(ii) die spesiale masjinerie-aanvangsvermindering word op die koste (soos tot bevrediging van die Kommissaris vasgestel of, in die geval van masjinerie of installasie in subartikel (2A) bedoel, soos ingevolge daardie subartikel vasgestel) vir bedoelde koöperasie van die masjinerie of installasie wat vir die vermindering in aanmerking kom, bereken, en die skaal van die vermindering is—

Wysiging van artikel 27 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 113 van 1977, artikel 11 van Wet 101 van 1978, artikel 19 van Wet 104 van 1980 en artikel 21 van Wet 96 van 1981.

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- (aa) in respect of machinery or plant which has been or is brought into use on or before 30 June 1985, 25 per cent of such cost; or
- (bb) in respect of machinery or plant which has been or is brought into use on or after 1 July 1985, 50 per cent of such cost;";
- (c) by the addition to subsection (2) of the following paragraph:
- "(i) an allowance, to be known as the storage building initial allowance, equal to 17,5 per cent 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, provided the erection of such building was commenced on or before 31 December 1986; or
- (ii) of any improvements (other than repairs) to any building used by such co-operative as a storage building, provided such improvements were commenced on or before 31 December 1986,
- such allowance to be granted in respect of the year of assessment during which such storage building is brought into use or such improvements are completed, as the case may be: Provided that the storage building initial allowance shall not be granted in respect of—
- (a) any building or improvements on any premises not owned by the agricultural co-operative, unless such co-operative is, at the date on which the erection of such building or the effecting of such improvements is commenced, entitled to the occupation of such premises for a period ending not less than 10 years after such date;
- (b) the cost of any building or improvements in respect of which a storage building investment allowance has been granted or an allowance has been granted under the provisions of section 13 (5); or
- (c) the cost of any building brought into use after 31 December 1987 or of any improvements completed after that date."; and
- (d) by the substitution for subsection (3) of the following subsection:
- "(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 storage building initial allowance and 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).".
- (2) The amendment 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 July 1985.

Amendment of
section 36 of
Act 58 of 1962,
as amended by
section 12 of
Act 72 of 1963,

16. (1) Section 36 of the principal Act is hereby amended by the insertion after subsection (7E) of the following subsection:

"(7F) The aggregate of the amounts of capital expenditure determined under subsection (7C) in respect of any year of assessment in relation to any one mine shall, unless

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- (aa) ten opsigte van masjinerie of installasie wat op of voor 30 Junie 1985 in gebruik geneem is of word, 25 persent van bedoelde koste; of
- 5 (bb) ten opsigte van masjinerie of installasie wat op of na 1 Julie 1985 in gebruik geneem is of word, 50 persent van bedoelde koste;”;
- (c) deur die volgende paragraaf by subartikel (2) te voeg:
- 10 “(i) ‘n vermindering, wat as die opslagplekaanvangsvermindering bekend staan, gelyk aan 17,5 persent van die koste vir bedoelde landboukoöperasie—
- 15 (i) van ’n gebou wat as ’n opslagplek deur bedoelde koöperasie opgerig en in gebruik geneem is, mits die oprigting van bedoelde gebou op of voor 31 Desember 1986 ’n aanvang geneem het; of
- (ii) van verbeterings (behalwe herstelwerk) aan ’n gebou wat as ’n opslagplek deur bedoelde koöperasie gebruik word, mits bedoelde verbeterings op of voor 31 Desember 1986 ’n aanvang geneem het,
- 20 bedoelde vermindering toegestaan te word ten opsigte van die jaar van aanslag waarin bedoelde opslagplek in gebruik geneem word of bedoelde verbeterings voltooi word, na gelang van die geval: Met dien verstande dat die opslagplekaanvangsvermindering nie toegestaan word nie ten opsigte van—
- 25 (a) ’n gebou of verbeterings op ’n perseel wat nie aan die landboukoöperasie behoort nie, tensy bedoelde koöperasie op die datum waarop die oprigting van bedoelde gebou of die aanbring van bedoelde verbeterings ’n aanvang neem, op die okkupasie van bedoelde perseel vir ’n tydperk eindigende nie minder nie as 10 jaar na bedoelde datum, geregtig is;
- 30 (b) die koste van ’n gebou of verbeterings ten opsigte waarvan ’n opslagplek-beleggingsvermindering toegestaan is of ’n vermindering ingevolge die bepalings van artikel 13 (5) toegestaan is; of
- 35 (c) die koste van ’n gebou wat na 31 Desember 1987 in gebruik geneem word of van verbeterings wat na daardie datum voltooi word.”; en
- 40 (d) deur subartikel (3) deur die volgende subartikel te vervang:
- 45 “(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 opslagplekaanvangsvermindering en 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.”.
- 50 (2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Julie 1985 geëindig het of eindig.

16. (1) Artikel 36 van die Hoofwet word hierby gewysig deur na subartikel (7E) die volgende subartikel in te voeg:

65 “(7F) Die totaal van die bedrae van kapitaaluitgawe ingevolge subartikel (7C) ten opsigte van ’n jaar van aanslag vasgestel met betrekking tot ’n enkele myn, gaan nie, tensy

Wysiging van artikel 36 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 72 van 1963,

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section 15 of
Act 90 of 1964,
section 20 of
Act 88 of 1965,
section 23 of
Act 55 of 1966,
section 16 of
Act 95 of 1967,
section 14 of
Act 76 of 1968,
section 26 of
Act 89 of 1969,
section 21 of
Act 65 of 1973,
section 28 of
Act 85 of 1974,
section 20 of
Act 104 of 1980
and section 25 of
Act 94 of 1983.

the Minister of Finance, after consultation with the Minister of Mineral and Energy Affairs and having regard to any relevant fiscal, financial or technical implications, otherwise directs, not exceed the taxable income (as determined before the deduction of any amount allowable under section 15 (a)) derived by the taxpayer from mining on that mine, and any amount by which the said aggregate would, but for the provisions of this subsection, have exceeded such taxable income as so determined; shall be carried forward and be deemed to be an amount of capital expenditure incurred during the next succeeding year of assessment in respect of that mine: Provided that where the taxpayer was on 5 December 1984 carrying on mining operations on two or more mines, the said mines shall for the purposes of this subsection be deemed to be one mine.”.

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(2) The amendment 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 5 December 1984.

Insertion of
section 40B in
Act 58 of 1962.

17. The following section is hereby inserted in Part II of Chapter II of the principal Act after section 40A:

40B. (1) (a) If any private company which has declared a dividend to its shareholders not earlier than three months prior to or in the course of the winding-up or deregistration of the company, could on the date on which such dividend was declared have been converted into a close corporation in terms of the provisions of section 27 of the Close Corporations Act, 1984 (Act No. 69 of 1984), the company may elect that such dividend shall be dealt with in terms of the provisions of this section.

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(b) Any election made by a company under the provisions of paragraph (a), shall be notified to the Commissioner on the declaration referred to in subsection (3) (c).

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(2) Where the provisions of this section are applicable to any dividend declared by a private company, so much of such dividend as has been distributed out of profits of the company, other than profits of a capital nature and other than any profits taken into account in the determination of any amount included in the income of any shareholder of the said company in terms of the provisions of section 8B, shall be deemed to be taxable income which accrued to the company on the date on which the said dividend was declared.

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(3) Notwithstanding anything to the contrary in this Act contained—

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(a) the amount of taxable income which is in terms of subsection (2) deemed to have accrued to the company, shall be determined separately from any other taxable income derived by the company, and any assessed loss incurred by the company shall not be available for set-off against the said amount;

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(b) normal tax shall be paid by the company in respect of the said amount of taxable income at the rate of 10 per cent of that amount;

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(c) the said normal tax shall be paid within 30 days after the date of declaration of the dividend, or within such further period as the Commissioner may allow, and at the time of payment of the tax the company shall submit to the Commissioner a

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die Minister van Finansies, na oorleg met die Minister van Mineraal- en Energiesake en met inagneming van enige ter-saaklike fiskale, finansiële en tegniese implikasies, anders gelas, die belasbare inkomste (soos vasgestel voor die af-trekking van 'n bedrag ingevolge artikel 15 (a) toelaatbaar) deur die belastingpligtige uit mynbou op daardie myn ver-kry, te bowe nie, en enige bedrag waarmee genoemde totaal by ontstentenis van die bepalings van hierdie subartikel bedoelde belasbare inkomste soos aldus vasgestel, te bowe sou gegaan het, word oorgedra en geag 'n bedrag van kapi-taaluitgawe aangegaan te wees gedurende die volgende daaropvolgende jaar van aanslag ten opsigte van daardie myn: Met dien verstande dat waar die belastingpligtige op 5 Desember 1984 mynbou op twee of meer myne beoefen het, bedoelde myne by die toepassing van hierdie subartikel geag word een myn te wees."

(2) Die wysiging deur subartikel (1) aangebring, word, vir die doeleindes van aanslae ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 5 Desember 1984 geëindig het of eindig.

17. Die volgende artikel word hierby in Deel II van Hoofstuk II van die Hoofwet na artikel 40A ingevoeg:

"Vasstelling
van belas-
bare inkom-
ste en nor-
male belas-
ting betaal-
baar ten op-
sigte van
sekere divi-
dende.

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40B. (1) (a) Indien 'n private maatskappy wat 'n dividend aan sy aandeelhouers verklaar het nie vroeër nie as drie maande voor of in die loop van die likwidasie of deregistrasie van die maatskappy, op die datum waarop bedoelde dividend verklaar is in 'n beslote korporasie omskep kon gewees het ingevolge die bepalings van artikel 27 van die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984), kan die maatskappy kies dat bedoelde dividend ingvolge die bepalings van hierdie artikel behandel word.

(b) 'n Keuse deur 'n maatskappy ingevolge die be-palings van paragraaf (a) uitgeoefen, word aan die Kommissaris meegedeel op die verklaring in subartikel (3) (c) bedoel.

(2) Waar die bepalings van hierdie artikel van toe-passing is op 'n dividend deur 'n private maatskappy verklaar, word soveel van bedoelde dividend as wat verklaar is uit winste van die maatskappy, behalwe winste van 'n kapitale aard en behalwe enige winste wat in aanmerking geneem is by die vasstelling van 'n bedrag wat ingevolge die bepalings van artikel 8B in die inkomste van 'n aandeelhouer van bedoelde maatskappy ingesluit is, geag belasbare inkomste te wees wat aan die maatskappy toegeval het op die da-tum waarop bedoelde dividend verklaar is.

(3) Ondanks andersluidende bepalings van hierdie Wet—

(a) word die bedrag aan belasbare inkomste wat ingevolge subartikel (2) geag word aan die maatskappy toe te geval het, afsonderlik vasgestel van enige ander belasbare inkomste deur die maatskappy verkry, en enige aangeslane verlies wat deur die maatskappy gely is, is nie beskikbaar om teen genoemde bedrag verreken te word nie;

(b) word normale belasting ten opsigte van genoemde bedrag aan belasbare inkomste deur die maatskappy betaal teen die koers van 10 persent van daardie bedrag;

(c) word genoemde normale belasting binne 30 dae na die datum van verklaring van die dividend betaal; of binne die verdere tydperk wat die Kommissaris toelaat, en ten tye van die betaling van die belasting lê die maatskappy aan die

artikel 15 van
Wet 90 van 1964,
artikel 20 van
Wet 88 van 1965,
artikel 23 van
Wet 55 van 1966,
artikel 16 van
Wet 95 van 1967,
artikel 14 van
Wet 76 van 1968,
artikel 26 van
Wet 89 van 1969,
artikel 21 van
Wet 65 van 1973,
artikel 28 van
Wet 85 van 1974,
artikel 20 van
Wet 104 van 1980
en artikel 25 van
Wet 94 van 1983.

Invoeging van
artikel 40B in
Wet 58 van 1962.

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declaration in such form as the Commissioner may prescribe, together with such accounts as may be required for the purpose of determining the amount of taxable income in respect of which the tax is payable; and

(d) the dividend in question shall in the hands of the shareholders of the company be exempt from normal tax and non-resident shareholders' tax.

(4) If any company which has declared a dividend which has been dealt with in terms of the provisions of this section is not wound up or deregistered within 12 months after the date of commencement of the winding-up or deregistration or during such further period as the Commissioner may allow, the provisions of this section shall be deemed not to be applicable to the said dividend, and in such case any amount paid by the company in terms of the provisions of subsection (3) shall be refunded.”.

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, section 38 of Act 85 of 1974, section 21 of Act 113 of 1977, section 13 of Act 101 of 1978, section 23 of Act 96 of 1981, section 31 of Act 94 of 1983, section 4 of Act 30 of 1984 and section 28 of Act 121 of 1984.

18. (1) Section 56 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) to or for the benefit of the spouse of the donor under a duly registered antenuptial [contract] or post-nuptial contract or under a notarial contract entered into as contemplated in section 21 of the Matrimonial Property Act, 1984 (Act No. 88 of 1984);”.

(2) Subsection (1) shall be deemed to have taken effect on 1 November 1984.

Amendment of section 83 of Act 58 of 1962, as amended by section 21 of Act 90 of 1964, section 22 of Act 103 of 1976 and section 15 of Act 104 of 1979.

19. Section 83 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (7) of the following paragraph:

“(a) Every notice of appeal shall be in writing and shall be lodged with the Commissioner within a period of 30 days after the date of the notice mentioned in section 81 (4) or, if the Commissioner has in terms of the provisions of section 106 (4) withdrawn the last-mentioned notice and sent it anew, the date of the notice so sent anew, and no such notice of appeal shall be of any force or effect whatsoever unless it is lodged within the said period.”.

Amendment of section 90 of Act 58 of 1962, as amended by section 15 of Act 6 of 1963, section 23 of Act 95 of 1967 and section 35 of Act 121 of 1984.

20. Section 90 of the principal Act is hereby amended by the substitution for the first proviso of the following proviso:

“Provided that any person may recover so much of the taxation paid by him under this Act as is due to the inclusion in his income of any income deemed to have been received by him or to be his income, as the case may be, in terms of section 7 (3), (4), (5), [or] (6) or (7), from the person entitled, whether on his own behalf or in a representative capacity, to the receipt of the income so included:”.

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Kommissaris 'n verklaring voor in die vorm wat die Kommissaris voorskryf, tesame met die rekeninge wat vir die doeleindes van die vasstelling van die bedrag aan belasbare inkomste ten opsigte waarvan die belasting betaalbaar is, nodig is; en

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(d) is die betrokke dividend in die hande van die aandeelhouers van die maatskappy van normale belasting en belasting op buitelandse aandeelhouers vrygestel.

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(4) Indien 'n maatskappy wat 'n dividend verklaar het wat ingevolge die bepalings van hierdie artikel behandel is, nie binne 12 maande na die aanvangsdatum van die likwidasie of deregistrasie of gedurende die verdere tydperk wat die Kommissaris toelaat, gelikwiede of gederegistreer word nie, word die bepalings van hierdie artikel geag nie op bedoelde dividend van toepassing te wees nie, en in dié geval word enige bedrag deur die maatskappy ingevolge die bepalings van subartikel (3) betaal, terugbetaal.”.

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18. (1) Artikel 56 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

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“(a) aan of ten voordele van die eggenoot van die skenker ingevolge 'n behoorlik geregistreerde voor- of nahuwelikse kontrak of ingevolge 'n notariële kontrak gesluit soos beoog in artikel 21 van die Wet op Huweliksgedere, 1984 (Wet No. 88 van 1984);”.

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(2) Subartikel (1) word geag op 1 November 1984 in werking te getree het.

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, artikel 38 van Wet 85 van 1974, artikel 21 van Wet 113 van 1977, artikel 13 van Wet 101 van 1978, artikel 23 van Wet 96 van 1981, artikel 31 van Wet 94 van 1983, artikel 4 van Wet 30 van 1984 en artikel 28 van Wet 121 van 1984.

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19. Artikel 83 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang:

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“(a) Elke kennisgewing van appèl geskied skriftelik en word by die Kommissaris ingedien binne 'n tydperk van 30 dae na die datum van die kennisgewing in artikel 81 (4) vermeld of, indien die Kommissaris ingevolge die bepalings van artikel 106 (4) laasgenoemde kennisgewing intrek en opnuut gestuur het, die datum van die aldus opnuut gestuurde kennisgewing, en so 'n kennisgewing van appèl het geen uitwerking of krag hoegenaamd nie, tensy dit binne die bedoelde tydperk ingedien word.”.

Wysiging van artikel 83 van Wet 58 van 1962, soos gewysig deur artikel 21 van Wet 90 van 1964, artikel 22 van Wet 103 van 1976 en artikel 15 van Wet 104 van 1979.

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20. Artikel 90 van die Hoofwet word hierby gewysig deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

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“Met dien verstande dat enige persoon soveel van die belasting ingevolge hierdie Wet deur hom betaal as wat toe te skryf is aan die insluiting by sy inkomste van enige inkomste wat ooreenkomsdig artikel 7 (3), (4), (5), **[of]** (6) of (7) geag word deur hom ontvang of sy inkomste te wees, na gelang van die geval, kan verhaal op die persoon wat, hetsy uit eie reg of in verteenwoordigende hoedanigheid, geregtig is om die inkomste wat aldus ingesluit is te ontvang:”.

Wysiging van artikel 90 van Wet 58 van 1962, soos gewysig deur artikel 15 van Wet 6 van 1963, artikel 23 van Wet 95 van 1967 en artikel 35 van Wet 121 van 1984.

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Amendment of paragraph 10 of 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972.

21. Paragraph 10 of the Sixth Schedule to the principal Act is hereby amended—

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

“(1) For the purposes of this Schedule, but subject to 5 the provisions of this Part, an insurance policy is a standard policy if it is a life policy as defined in section 1 of the Insurance Act, 1943 (Act No. 27 of 1943), and if—

- (a) in the case of a policy the proposal for which was made to the insurer in writing on or before 24 May 10 1985 and accepted by him not later than 14 June 1985, it secures the payment of an insurance benefit which is payable—

(i) upon or by reason of the death or the death or earlier disablement (occurring after the commencement date of the policy) of a person whose life is insured under the policy; or

- [(b)]** (ii) [it secures the payment of an insurance benefit which is payable] either upon or by reason of the survival for a specified term of not less than 20 than 10 years, commencing not earlier than three months before the commencement date of the policy, of a person whose life is insured under the policy, or upon or by reason of the earlier death or disablement (occurring after 25 the commencement date of the policy) of that person; or

- (b) in the case of any other policy—

(i) it is and has at all times been owned by a natural person; and

(ii) it secures the payment of an insurance benefit which is payable at any time while the policy is in force upon or by reason of the death or earlier disablement (occurring after the commencement date of the policy) of the person whose life is insured under the policy, or, where the lives of more than one person are insured under the policy, of the first of such persons who so dies or becomes disabled, and which benefit is not less than an amount equal to eight times the total net premiums payable in respect of the first full year reckoned from the commencement date of the policy, or if the premiums payable during any period of 12 months ending within a period of 10 years reckoned from the said commencement date may under the conditions of the policy be increased to an amount exceeding 115 per cent of the premiums payable during the period of 12 months immediately preceding such first-mentioned period of 12 months, eight times the highest total net premiums which will be or may become payable during any period of 12 months ending within the said period of 10 years: Provided that a policy which does not comply with the preceding provisions of this subitem shall be deemed to so comply if—

- (a) it provides for the payment of an insurance benefit as contemplated therein, but the payment of such insurance benefit is excluded for a period of not more than three years from the commencement date

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- 21.** Paragraaf 10 van die Sesde Bylae by die Hoofwet word hierby gewysig—
 (a) deur subparagraph (1) deur die volgende subparagraph te vervang:
 5 “(1) By die toepassing van hierdie Bylae maar behoudens die bepalings van hierdie Deel, is 'n versekeringspolis 'n standaardpolis indien dit 'n lewenspolis is soos in artikel 1 van die Versekeringswet, 1943 (Wet No. 27 van 1943), omskryf, en indien—
 10 (a) in die geval van 'n polis waarom aansoek skriftelik op of voor 24 Mei 1985 by die versekeraar gedoen is en nie later nie as 14 Junie 1985 deur hom aanvaar is, dit die betaling van 'n versekeringsvoordeel verseker wat betaalbaar is—
 15 (i) by of uit hoofde van die dood of die dood of vroeër ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van 'n persoon wie se lewe ingevolge die polis verassureer word; of
 20 [(b)] (ii) dit die betaling van 'n versekeringsvoordeel verseker wat betaalbaar is] of by of uit hoofde van die oorlewing vir 'n bepaalde termyn van minstens 10 jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) van 'n persoon wie se lewe ingevolge die polis verassureer word of by of uit hoofde van die vroeër dood of ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van daardie persoon; of
 25 (b) in die geval van enige ander polis—
 30 (i) dit deur 'n natuurlike persoon besit word en te alle tye besit was; en
 35 (ii) dit die betaling van 'n versekeringsvoordeel verseker wat betaalbaar is te eniger tyd terwyl die polis van krag is by of uit hoofde van die dood of vroeër ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van 'n persoon wie se lewe ingevolge die polis verassureer word, of, waar die lewens van meer as een persoon ingevolge die polis verassureer word, van die eerste sodanige persoon wat aldus te sterwe kom of ongeskik raak, en welke voordeel nie minder is nie as 'n bedrag gelyk aan agt maal die totale netto premies betaal ten opsigte van die eerste volle jaar gereken vanaf die aanvangsdatum van die polis, of, indien die premies betaalbaar gedurende enige tydperk van 12 maande eindigende binne 'n tydperk van 10 jaar gereken vanaf die aanvangsdatum van die polis ingevolge die voorwaardes van die polis verhoog mag word tot 'n bedrag wat meer is as 115 persent van die premies betaalbaar gedurende die tydperk van 12 maande wat bedoelde eersgenoemde tydperk van 12 maande onmiddellik voorafgaan, agt maal die hoogste totale netto premies wat gedurende enige tydperk van 12 maande eindigende binne genoemde tydperk van 10 jaar betaalbaar sal wees of betaalbaar mag word: Met dien verstande dat 'n polis wat nie aan die voorgaande bepalings van hierdie subitem voldoen nie, geag word aldus te voldoen indien—
 40 (a) dit die betaling van 'n daarin bedoelde versekeringsvoordeel verseker, maar die betaling van bedoelde versekeringsvoordeel vir 'n tydperk van hoogstens drie jaar vanaf die aanvangsdatum uitgesluit
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Wysiging van
paragraaf 10 van
6de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 28 van
Wet 90 van 1972.

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of the policy in the event of death by suicide, or as a result of the state of health of the person whose life is insured under the policy being such that he could not be granted life assurance in accordance with the normal practice of the insurer concerned; or

- (b) it secures the payment of an insurance benefit which is payable either upon or by reason of the survival for a specified term of not less than 10 years, commencing not earlier than three months before the commencement date of the policy, of a person whose life is insured under the policy, or upon or by reason of the earlier death or disablement (occurring after the commencement date of the policy) of that person and the total premiums payable under the policy during any year of assessment of the owner will not exceed an amount equal to R1 500 less the sum of the premiums payable during that year of assessment under all other policies contemplated in this paragraph which are owned by such owner, his spouse or minor child, or, if the owner is a minor child, by such minor child, his parents and any other minor child of his parents,

and in either case if it satisfies the conditions appropriate to it under paragraphs 11 and 12.”; and

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

“(1A) For the purposes of subparagraph (1), “net premium” means so much of any premium payable under an insurance policy as remains after deducting therefrom such portion thereof as was paid in respect of benefits on disablement or in respect of additional benefits on accidental death, or which was so paid as an additional premium the payment of which was, in conformity with standards applied to all life insurance business of the insurer in question, considered warranted by the insurer’s valuator as a result of the state of health or the nature of the occupation of the person whose life is insured under the policy or as a result of his participation in particular activities or as a result of any other circumstances affecting his insurability.”.

Amendment of paragraph 11 of 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972 and amended by section 34 of Act 65 of 1973, section 65 of Act 85 of 1974 and section 37 of Act 69 of 1975.

22. Paragraph 11 of the Sixth Schedule to the principal Act is hereby amended by the substitution for items (a) and (b) of subparagraph (1) of the following items, respectively:

- (a) the premiums payable under a policy to which the provisions of paragraph 10 (1) (a) apply, shall be payable at regular yearly or shorter intervals until the [death of the person whose life is insured under the policy, or until the death or earlier disablement of that person, or until the] expiry of a period of not less than five years (commencing not earlier than three months before the commencement date of the policy) or the earlier death or disablement of that person;

- (b) the premiums payable under a policy to which the provisions of paragraph 10 (1) (b) apply shall be payable at regular yearly or shorter intervals until the expiry of a

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- word in die geval van dood deur selfmoord of omrede die gesondheidstoestand van die persoon wie se lewe ingevolge die polis verassureer word, sodanig is dat lewensversekering ooreenkomsdig die normale praktyk van die betrokke versekeraar nie aan hom toegestaan kon word nie; of
- (b) dit die betaling van 'n versekeringsvoordeel verseker wat betaalbaar is of by of uit hoofde van die oorlewing vir 'n bepaalde termyn van minstens 10 jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) van 'n persoon wie se lewe ingevolge die polis verassureer word, of by of uit hoofde van die vroeër dood of ongeskiktheid (wat na die aanvangsdatum van die polis ontstaan) van daardie persoon en die totale premies ingevolge die polis gedurende enige jaar van aanslag van die eienaar betaalbaar, nie meer sal wees nie as 'n bedrag gelyk aan R1 500 min die som van die premies gedurende daardie jaar van aanslag betaalbaar ingevolge alle ander polisse in hierdie paragraaf bedoel wat besit word deur bedoelde eienaar, sy gade of minderjarige kind, of, waar bedoelde eienaar 'n minderjarige kind is, bedoelde minderjarige kind, sy ouers en 'n ander minderjarige kind van sy ouers,
- en in iedere geval indien dit voldoen aan die vereistes wat ingevolge paragrawe 11 en 12 daarop van toepassing is.;" en
- 35 (b) deur na subparagraaf (1) die volgende subparagraaf in te voeg:
- "(1A) By die toepassing van subparagraaf (1), beteken "netto premie" soveel van 'n premie ingevolge 'n versekeringspolis betaalbaar as wat oorbly nadat daarvan afgetrek word sodanige gedeelte van bedoelde premie as wat betaal is ten opsigte van voordele by dood deur 'n ongeluk, of wat aldus betaal is as 'n addisionele premie waarvan die betaling ooreenkomsdig standaarde wat op alle lewensversekeringsbesigheid van die betrokke versekeraar toegepas word, deur die versekeraar se waardeerder geoorloof geag is as gevolg van die gesondheidstoestand of die aard van die beroep van die persoon wie se lewe ingevolge die polis verassureer word of as gevolg van sy deelname aan bepaalde aktiwiteite of as gevolg van enige ander omstandighede wat sy versekerbaarheid raak."
22. Paragraaf 11 van die Sesde Bylae by die Hoofwet word hierby gewysig deur items (a) en (b) van subparagraaf (1) deur 55 onderskeidelik die volgende items te vervang:
- "(a) moet die premies wat betaalbaar is ingevolge 'n polis waarop die bepalings van paragraaf 10 (1) (a) betrekking het, by gereelde jaarlikse of korter tussenpose betaalbaar wees tot die [dood van die persoon wie se lewe ingevolge die polis verseker word, of tot die dood of vroeër ongeskiktheid van daardie persoon, of tot die] verstryking van 'n tydperk van minstens vyf jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) of die vroeër dood of ongeskiktheid van daardie persoon;
- 60 (b) moet die premies wat betaalbaar is ingevolge 'n polis waarop die bepalings van paragraaf 10 (1) (b) betrekking het, by gereelde jaarlikse of korter tussenpose be-

Wysiging van
paragraaf 11 van
6de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 28 van
Wet 90 van 1972
en gewysig deur
artikel 34 van
Wet 65 van 1973,
artikel 65 van
Wet 85 van 1974
en artikel 37 van
Wet 69 van 1975.

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Amendment of paragraph 12 of 6th Schedule to Act 58 of 1962, as substituted by section 35 of Act 65 of 1973.

Amendment of paragraph 14 of 6th Schedule to Act 58 of 1962, as added by section 28 of Act 90 of 1972 and amended by section 37 of Act 65 of 1973, section 67 of Act 85 of 1974 and section 29 of Act 96 of 1981.

period of not less than [five] 10 years (commencing not earlier than three months before the commencement date of the policy) or until the earlier death or disablement of the person whose life is insured under the policy;".

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23. Paragraph 12 of the Sixth Schedule to the principal Act is hereby amended by the substitution for subparagraph (b) of the following subparagraph:

"(b) in the case of a policy referred to in paragraph 10 (1) (a), a benefit consisting of a bonus or share of profits 10 payable out of the insurer's profits under a distribution to all policy holders who are entitled to participate in the insurer's profits, or payable under an apportionment of the insurer's profits or of a specified or defined portion thereof in terms of the policy conditions, if the 15 amount to be paid by way of such bonus or share of profits remains uncertain until it is determined or is apportioned in terms of the policy conditions by the insurer and the right to the payment of such bonus or share of profits is entirely conditional upon the avail- 20 ability of such profits at the time of such distribution or apportionment; or".

24. Paragraph 14 of the Sixth Schedule to the principal Act is hereby amended—

(a) by the substitution for item (b) of subparagraph (1) of 25 the following item:

"(b) in the case of a policy which qualified as a standard policy under the provisions of paragraphs 10, 11 and 12 and does not qualify as a standard policy under any provision of this Part other than the said paragraphs, the conditions of the policy are varied so that any premium or other consideration payable to the insurer during the period of five years (or, in the case of a policy referred to in paragraph

10 (1) (b), 10 years), reckoned from the com- 35 mencement date of the policy, is reduced or ceases to be payable, and the policy as so varied no longer satisfies the conditions as to premiums pre-
scribed in paragraph 11; or";

(b) by the substitution in item (c) of subparagraph (1) for 40 the words preceding the proviso of the following words:

"during a period of five years (or, in the case of a policy referred to in paragraph 10 (1) (b), 10 years), and one month, reckoned from the com- 45 mencement date of the policy, a period of thirteen months elapses during which premiums become payable under the policy but are not paid.:";

(c) by the substitution for paragraph (iii) of the proviso to item (e) of subparagraph (1) of the following para-

graph:
"iii) the policy (other than a policy referred to in para-
graph 10 (1) (b)) qualifies as a standard policy 55
under the provisions of paragraphs 10, 11 and 12
and the only right surrendered is a right to the pay-
ment of a bonus or share of profits of the same
nature as a bonus or share of profits referred to in
paragraph 12 (b); or";

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(d) by the substitution for item (f) of subparagraph (1) of the following item:

"(f) in the case of a policy which qualified as a standard policy under the provisions of paragraphs 10, 11 and 12, and does not qualify as a standard policy

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taal word tot die verstryking van 'n tydperk van minstens **[vyf]** 10 jaar (wat nie vroeër nie as drie maande voor die aanvangsdatum van die polis begin) of tot die vroeër dood of ongeskiktheid van die persoon wie se lewe ingevolge die polis verseker word;".

23. Paragraaf 12 van die Sesde Bylae by die Hoofwet word hierby gewysig deur subparagraaf (b) deur die volgende subparagraaf te vervang;

(b) in die geval van 'n polis in paragraaf 10 (1) (a) bedoel, 'n voordeel wat uit 'n bonus of deel van winste bestaan wat betaalbaar is uit die versekeraar se winste ingevolge 'n uitkering aan alle polishouers wat geregtig is om in die versekeraar se winste te deel, of wat betaalbaar is ingevolge 'n toedeling van die versekeraar se winste of 'n aangeduide of bepaalde deel daarvan kragtens die polisvoorwaardes, indien die bedrag wat by wyse van bedoelde bonus of deel van winste betaal moet word, onseker bly totdat dit deur die versekeraar bepaal word of toegedeel word kragtens die polisvoorwaardes en die reg op die betaling van daardie bonus of deel van winste geheel en al afhang van die beskikbaarheid van bedoelde winste ten tyde van bedoelde uitkering of toedeling; of".

24. Paragraaf 14 van die Sesde Bylae by die Hoofwet word hierby gewysig –

- (a) deur item (b) van subparagraaf (1) deur die volgende item te vervang:
- (b) in die geval van 'n polis wat ingevolge die bepallisings van paragrawe 10, 11 en 12 as 'n standaardpolis in aanmerking gekom het en nie ingevolge 'n bepaling van hierdie Deel, behalwe genoemde paragrawe, as 'n standaardpolis in aanmerking kom nie, die voorwaardes van die polis verander word sodat 'n premie of ander vergoeding wat aan die versekeraar betaalbaar is gedurende die tydperk van vyf jaar (of, in die geval van 'n polis in paragraaf 10 (1) (b) bedoel, 10 jaar), gereken van die aanvangsdatum van die polis, verminder word of ophou om betaalbaar te wees, en die polis, soos aldus verander, nie meer voldoen nie aan die vereistes met betrekking tot premies wat in paragraaf 11 voorgeskryf word; of";
- (b) deur in item (c) van subparagraaf (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- "gedurende 'n tydperk van vyf jaar (of, in die geval van 'n polis in paragraaf 10 (1) (b) bedoel, 10 jaar) en een maand, gereken van die aanvangsdatum van die polis, 'n tydperk van dertien maande verloop waarin premies ingevolge die polis betaalbaar word maar nie betaal word nie;"
- (c) deur paragraaf (iii) van die voorbehoudsbepaling by item (e) van subparagraaf (1) deur die volgende paragraaf te vervang:
- "(iii) die polis (behalwe 'n polis in paragraaf 10 (1) (b) bedoel) ingevolge die bepallisings van paragrawe 10, 11 en 12 as 'n standaardpolis in aanmerking kom en die enigste reg wat afgekoop word, 'n reg op die betaling van 'n bonus of deel van winste van dieselfde aard as 'n bonus of deel van winste bedoel in paragraaf 12 (b) is; of";
- (d) deur item (f) van subparagraaf (1) deur die volgende item te vervang:
- "(f) in die geval van 'n polis wat ingevolge die bepallisings van paragrawe 10, 11 en 12 as 'n standaardpolis in aanmerking gekom het en nie ingevolge 'n

Wysiging van paragraaf 12 van 6de Bylae by Wet 58 van 1962, soos vervang deur artikel 35 van Wet 65 van 1973.

Wysiging van paragraaf 14 van 6de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 28 van Wet 90 van 1972 en gewysig deur artikel 37 van Wet 65 van 1973, artikel 67 van Wet 85 van 1974 en artikel 29 van Wet 96 van 1981.

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- under any provision of this Part other than the said paragraphs, it is converted into a paid-up policy within a period of five years (or, in the case of a policy referred to in paragraph 10 (1) (b), 10 years) reckoned from the commencement date of 5 the policy and has not been re-instated as contemplated in paragraph 11 (2A) (iii), unless the sum of all the premiums and other considerations payable by the owner of the policy to the insurer in respect of such policy and any other insurance policies 10 during the year of assessment of the insurer during which the policy is so converted into a paid-up policy, and during each of the four preceding years of assessment of the insurer, did not exceed R4 000; or"; 15
- (e) by the addition to item (g) of subparagraph (1) of the following further proviso:
"Provided further that the provisions of this item shall not apply in any case where item (h) applies;" 20
- (f) by the addition to subparagraph (1) of the following items:
"(h) in the case of a policy owned by a person other than a natural person, any loan or advance (other than an advance contemplated in paragraph 11 (2A) (ii)) is on or after 25 May 1985 and within a period of 10 years reckoned from the commencement date of the policy, made by the insurer or any other person under or on the security or strength of the policy, regardless of whether interest on such loan or advance is payable or not; or 25
- (i) in the case of a policy referred to in paragraph (b) of the proviso to paragraph 10 (1) (b), the policy is varied so as to provide for an increase in the premiums payable, and in consequence of such increase the total premiums payable under the policy during any year of assessment of the owner exceed or will exceed an amount equal to R1 500 less the sum of the premiums payable during that year of assessment under all other such policies which are standard policies under the provisions of paragraphs 10, 11 and 12 and which are owned by such owner, his spouse or minor child, or, where such owner is a minor child, by such minor child, his parents and any other minor child of his 30 parents; or 35
- (j) during the period of 10 years reckoned from the commencement date of the policy, a policy referred to in paragraph 10 (1) (b) is varied so as to provide for the payment of increased premiums, in such manner that the premiums payable during any period of 12 months exceed an amount equal to 115 per cent of the premiums payable during the period of 12 months immediately preceding such first-mentioned period of 12 months, and the policy would not have qualified as a standard policy had such increased premiums been payable in 40 terms of the policy as originally in force."; and 50
- (g) by the substitution for item (d) of subparagraph (2) of the following item:
"(d) as from the date on which a loan or advance is made under or on the security or strength of the policy as contemplated in item (g) or (h) of the said subparagraph." 55
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- ander bepaling van hierdie Deel behalwe genoemde paragrawe as 'n standaardpolis in aanmerking kom nie, dit binne 'n tydperk van vyf jaar (of, in die geval van 'n polis in paragraaf 10 (1) (b) bedoel, 10 jaar), gereken vanaf die aanvangsdatum van die polis, in 'n opbetaalde polis omgeskep word en nie herstel is nie soos in paragraaf 11 (2A) (iii) beoog, tensy die som van al die premies en ander vergoedings wat betaalbaar is deur die eienaar van die polis aan die versekeraar ten opsigte van bedoelde polis en ander versekeringspolisse gedurende die jaar van aanslag van die versekeraar waarin die polis aldus in 'n opbetaalde polis omgeskep word, en gedurende elk van die vier voorafgaande jare van aanslag van die versekeraar, nie R4 000 te bove gegaan het nie; of;
- (e) deur die volgende verdere voorbehoudsbepaling by item (g) van subparagraaf (1) te voeg:
"Met dien verstande voorts dat die bepaling van hierdie item nie van toepassing is nie in enige geval waar item (h) van toepassing is;"
- (f) deur die volgende items by subparagraaf (1) te voeg:
"(h) in die geval van 'n polis wat deur iemand behalwe 'n natuurlike persoon besit word, 'n lening of voorskot (behalwe 'n voorskot in paragraaf 11 (2A) (ii) bedoel) op of na 25 Mei 1985 en binne 'n tydperk van 10 jaar gereken vanaf die aanvangsdatum van die polis, deur die versekeraar of iemand anders ingevolge of op sekuriteit of grond van die polis gemaak word, ongeag of rente op bedoelde lening of voorskot betaalbaar is al dan nie; of
- (i) in die geval van 'n polis in paragraaf (b) van die voorbehoudsbepaling by paragraaf 10 (1) (b) bedoel, die polis verander word om voorsiening te maak vir 'n verhoging van die premies betaalbaar, en as gevolg van bedoelde verhoging die totale premies ingevolge die polis gedurende enige jaar van aanslag van die eienaar betaalbaar, meer is of meer sal wees as 'n bedrag gelyk aan R1 500 min die som van die premies gedurende daardie jaar van aanslag betaalbaar ingevolge alle ander sodanige polisse wat ingevolge die bepaling van paragrawe 10, 11 en 12 standaardpolisse is en wat besit word deur bedoelde eienaar, sy gade of minderjarige kind, of, waar bedoelde eienaar 'n minderjarige kind is, deur bedoelde minderjarige kind, sy ouers en 'n ander minderjarige kind van sy ouers; of
- (j) gedurende die tydperk van 10 jaar gereken vanaf die aanvangsdatum van die polis, 'n polis in paragraaf 10 (1) (b) bedoel, verander word om voorsiening te maak vir die betaling van verhoogde premies, op so 'n wyse dat die premies betaalbaar gedurende enige tydperk van 12 maande meer is as 'n bedrag gelyk aan 115 persent van die premies betaalbaar gedurende die tydperk van 12 maande wat bedoelde eersgenoemde tydperk van 12 maande onmiddellik voorafgaan, en die polis nie as 'n standaardpolis in aanmerking sou gekom het nie indien bedoelde verhoogde premies betaalbaar sou gewees het ingevolge die polis soos oorspronklik van krag."; en
- (g) deur item (d) van subparagraaf (2) deur die volgende item te vervang:
"(d) van die datum waarop 'n lening of voorskot ingevolge of op sekuriteit of grond van die polis gemaak word soos in item (g) of (h) van bedoelde subparagraaf beoog."

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Amendment of paragraph 16 of 6th Schedule to Act 58 of 1962, as substituted by section 39 of Act 65 of 1973.

25. Paragraph 16 of the Sixth Schedule to the principal Act is hereby amended by the addition of the following subparagraph:

“(5) Any insurer who receives notification that an insurance policy issued by him has on or after 25 May 1985 been ceded, pledged or assigned by the owner thereof to any other person, shall within three months after the date upon which he receives such notification, furnish the Commissioner with the name and address of the owner of the policy and of the person to whom the policy has been ceded, pledged or assigned, unless—

(i) the insurer is satisfied that the policy was not so ceded, pledged or assigned in consequence of any loan or advance made on or after the said date on the security or strength of the policy; or

(ii) the policy is owned by a natural person.”.

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Amendment of paragraph 1 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

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

- (a) by the substitution in the definition of “official rate of interest” for the expression “12 per cent” of the expression “18 per cent”; 20
- (b) by the substitution for paragraph (c) of the definition of “taxable benefit” of the following paragraph:

 - “(c) any lump sum benefit payable by a benefit fund, pension fund or provident fund, being a benefit referred to in the definition of ‘benefit fund’ in section 1 of this Act or in paragraph [(a)] (i) of the proviso to paragraph (c) of the definition of ‘pension fund’ in that section or in paragraph (a) of the definition of ‘provident fund’ in that section.”; and 25

- (c) by the substitution in the Afrikaans text for paragraph 30 (b) of the definition of “verwante inrigting” of the following paragraph:

 - “(b) waar die werkgewer nie ’n maatskappy is nie, ’n maatskappy wat regstreeks of onregstreeks deur die werkgewer, of deur ’n vennootskap waarvan die werkgewer ’n lid is, bestuur of beheer word; of”. 35

Amendment of paragraph 2 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

27. Paragraph 2 of the Seventh Schedule to the principal Act is hereby amended—

- (a) by the substitution for subparagraph (f) of the following subparagraph:

 - “(f) a loan (other than a loan treated as a dividend under the provisions of section 8B of this Act or a loan in respect of which a subsidy is payable as contemplated in subparagraph (gA)) has been 45 granted to the employee, whether by the employer or by any other person by arrangement with the employer or any associated institution in relation to the employer, and either no interest is payable by the employee on such loan or interest is payable by him thereon at a rate lower than the official rate of interest; or”;

- (b) by the substitution for subparagraph (g) of the following subparagraph:

 - “(g) the employer has [under any home ownership or housing scheme in which the employee is a participant] paid any subsidy in respect of the amount of interest or capital repayments payable by [such] the employee in terms of any loan; or”; 55

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- 25.** Paragraaf 16 van die Sesde Bylae by die Hoofwet word hierby gewysig deur die volgende subparagraaf by te voeg:
- “(5) 'n Versekeraar wat kennis ontvang dat 'n versekeringspolis wat hy uitgereik het, op of na 25 Mei 1985 deur die eienaar daarvan aan iemand anders gesedeer, verpand of oorgemaak is, moet binne drie maande na die datum waarop hy bedoelde kennis ontvang die Kommissaris voorsien van die naam en adres van die eienaar van die polis en van die persoon aan wie die polis gesedeer, verpand of oorgemaak is, tensy—
- (i) die versekeraar oortuig is dat die polis nie aldus gesedeer, verpand of oorgemaak is as gevolg van 'n lening of voorskot wat op of na genoemde datum op sekuriteit of grond van die polis gemaak is nie; of
- (ii) die polis deur 'n natuurlike persoon besit word.”.
- 26.** Paragraaf 1 van die Sewende Bylae by die Hoofwet word hierby gewysig—
- (a) deur in die omskrywing van “amptelike rentekoers” die uitdrukking “12 persent” deur die uitdrukking “18 persent” te vervang;
- (b) deur paragraaf (c) van die omskrywing van “belasbare voordeel” deur die volgende paragraaf te vervang:
- “(c) 'n enkelbedragvoordeel betaalbaar deur 'n bystandsfonds, pensioenfonds of voorsorgsfonds, synde 'n voordeel bedoel in die omskrywing van 'bystandsfonds' in artikel 1 van hierdie Wet of in paragraaf (a) (i) van die voorbehoudsbepaling by paragraaf (c) van die omskrywing van 'pensioenfonds' in daardie artikel of in paragraaf (a) van die omskrywing van 'voorsorgsfonds' in daardie artikel;”;
- (c) deur paragraaf (b) van die omskrywing van “verwante inrigting” deur die volgende paragraaf te vervang:
- “(b) waar die werkewer nie 'n maatskappy is nie, 'n maatskappy wat regstreeks of onregstreeks deur die werkewer, of deur 'n vennootskap waarvan die werkewer 'n lid is, bestuur of beheer word; of”.
- 27.** Paragraaf 2 van die Sewende Bylae by die Hoofwet word hierby gewysig—
- (a) deur subparagraaf (f) deur die volgende subparagraaf te vervang:
- “(f) 'n lening (behalwe 'n lening wat ingevolge die bepalings van artikel 8B van hierdie Wet as 'n dividend behandel is of 'n lening ten opsigte waarvan 'n subsidie betaalbaar is soos in subparagraaf (gA) beoog) aan die werknemer verleen is, hetsy deur die werkewer of deur 'n ander persoon volgens 'n ooreenkoms met die werkewer of 'n verwante inrigting met betrekking tot die werkewer, en of geen rente deur die werknemer op daardie lening betaalbaar is nie of rente daarop teen 'n koers laer as die amptelike rentekoers deur hom betaalbaar is; of”;
- (b) deur subparagraaf (g) deur die volgende subparagraaf te vervang:
- “(g) die werkewer [ingevolge 'n huiseienaarskap- of behuisingskema waarin die werknemer 'n deelhebber is] 'n subsidie betaal het ten opsigte van die rentebedrae of kapitaalterugbetalings wat ingevolge 'n lening deur die werknemer betaalbaar is; of”;

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(c) by the insertion after subparagraph (g) of the following subparagraph:

"(gA) the employer has in respect of any loan granted to the employee by any lender, paid to such lender any subsidy, being an amount which, together with any interest payable by the employee on such loan, exceeds the amount of the interest which, if calculated at the official rate of interest, would have been payable on such loan; or"; and

(d) by the substitution in paragraph (h) for the words preceding the proviso of the following words:

"the employer has, whether directly or indirectly, paid any amount owing by the employee to any third person, [whether directly or indirectly] without requiring the employee to reimburse the employer for the amount paid or the employer has released the employee from an obligation to pay any amount owing by the employee to the employer:."

Amendment of paragraph 5 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

28. Paragraph 5 of the Seventh Schedule to the principal Act is hereby amended by the addition of the following subparagraph:

"(4) For the purposes of subparagraph (3) (b), 'long service' means an initial unbroken period of service of not less than 15 years or any subsequent unbroken period of service of not less than 10 years."

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Amendment of paragraph 6 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

29. Paragraph 6 of the Seventh Schedule to the principal Act is hereby amended by the addition to item (b) of subparagraph (2) of the following proviso:

"Provided that where an employee is granted the sole right of use of the asset for a period extending over the useful life of the asset or over a major portion thereof, the value to be placed on the private or domestic use of the asset shall be the cost thereof to the employer, and in such case the taxable benefit in respect of such use shall be deemed to have accrued to the employee on the date on which he was first granted the right of use of such asset."

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Amendment of paragraph 7 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

30. Paragraph 7 of the Seventh Schedule to the principal Act is hereby amended—

(a) by the substitution in item (a) of subparagraph (4) for the scale of values of the following scale:

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| Where the determined value of such vehicle— | "Value of private use for each month or part of a month | |
|---------------------------------------------------|---------------------------------------------------------------|---------------|
| | Column A R | Column B R |
| does not exceed R 7 000..... | 230 | 190 |
| exceeds R 7 000 but does not exceed R 8 000 | 262 | 221 |
| " R 8 000 , " R 9 000 | 280 | 239 |
| " R 9 000 , " R10 000 | 302 | 259 |
| " R10 000 , " R11 000 | 322 | 279 |
| " R11 000 , " R12 000 | 341 | 297 |
| " R12 000 , " R13 000 | 362 | 317 |

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- (c) deur na subparagraaf (g) die volgende subparagraaf in te voeg:
- “(gA) die werkgewer ten opsigte van ‘n lening wat deur ’n uitlener aan die werknemer toegestaan is, ’n subsidie aan bedoelde uitlener betaal het, synde ’n bedrag wat tesame met enige rente wat deur die werknemer op bedoelde lening betaalbaar is, meer is as die bedrag aan rente wat, indien dit teen die amptelike rentekoers bereken was, op bedoelde lening betaalbaar sou gewees het; of”; en
- (d) deur in paragraaf (h) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- “die werkgewer ’n bedrag betaal het, hetsy regstreeks of onregstreeks, wat deur die werknemer aan ’n derde party verskuldig is, sonder om te vereis dat die werknemer die werkgewer vir die betaalde bedrag moet vergoed, of die werkgewer die werknemer van ’n verpligting om ’n bedrag verskuldig deur die werknemer aan die werkgewer te betaal, onthef het.”

28. Paragraaf 5 van die Sewende Bylae by die Hoofwet word hierby gewysig deur die volgende subparagraaf by te voeg:

“(4) By die toepassing van subparagraaf (3) (b) beteken ‘langdurige diens’ ’n eerste ononderbroke dienstydperk van minstens 15 jaar of ’n daaropvolgende ononderbroke dienstydperk van minstens 10 jaar.”

Wysiging van paragraaf 5 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

29. Paragraaf 6 van die Sewende Bylae by die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by item 30 (b) van subparagraaf (2) te voeg:

“Met dien verstande dat waar daar aan ’n werknemer die alleenreg van gebruik van die bate verleen word vir ’n tydperk wat strek oor die bruikbare leeftyd van die bate of oor ’n hoofdeel daarvan, die waarde wat op die private of huishoudelike gebruik van die bate geplaas moet word die koste daarvan vir die werkgewer is, en in so ’n geval word die belasbare voordeel ten opsigte van bedoelde gebruik geag die werknemer toe te geval het op die datum waarop daar vir die eerste maal die reg van gebruik van bedoelde bate aan hom verleent is.”

Wysiging van paragraaf 6 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

30. Paragraaf 7 van die Sewende Bylae by die Hoofwet word hierby gewysig:

(a) deur in item (a) van subparagraaf (4) die skaal van waardes deur die volgende skaal te vervang:

Wysiging van paragraaf 7 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

| Waar die vasgestelde waarde van bedoelde voertuig— | “Waarde van private gebruik vir elke maand of gedeelte van ’n maand | |
|----------------------------------------------------|---------------------------------------------------------------------|--------------|
| | Kolom A R | Kolom B R |
| R 7 000 nie te bowe gaan nie | 230 | 190 |
| R 7 000 te bowe gaan, maar nie R 8 000 nie | 262 | 221 |
| R 8 000 | 280 | 239 |
| R 9 000 | 302 | 259 |
| R10 000 | 322 | 279 |
| R11 000 | 341 | 297 |
| R12 000 | 362 | 317 |

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| Where the determined value of such vehicle— | “Value of private use for each month or part of a month | |
|---------------------------------------------------|---------------------------------------------------------------|---------------|
| | Column A R | Column B R |
| exceeds R13 000 but does not exceed R14 000 | 385 | 340 |
| ” R14 000 ” ” R15 000 | 410 | 365 |
| ” R15 000 ” ” R16 000 | 427 | 381 |
| ” R16 000 ” ” R17 000 | 448 | 401 |
| ” R17 000 ” ” R18 000 | 471 | 422 |
| ” R18 000 ” ” R19 000 | 492 | 444 |
| ” R19 000 ” ” R20 000 | 513 | 464 |
| ” R20 000 ” ” R21 000 | 535 | 485 |
| ” R21 000 ” ” R22 000 | 553 | 502 |
| ” R22 000 ” ” R23 000 | 581 | 529 |
| ” R23 000 ” ” R24 000 | 594 | 542 |
| ” R24 000 ” ” R25 000 | 613 | 560 |
| ” R25 000 ” ” R26 000 | 637 | 584 |
| ” R26 000 ” ” R27 000 | 668 | 614 |
| ” R27 000 ” ” R28 000 | 683 | 629 |
| ” R28 000 ” ” R29 000 | 694 | 638 |
| ” R29 000 ” ” R30 000 | 727 | 671 |
| ” R30 000 ” ” R35 000 | 773 | 716 |
| ” R35 000 ” ” R40 000 | 866 | 809”; |

and

(b) by the substitution for the proviso to item (a) of subparagraph (4) of the following proviso:

“Provided that—

- (i) where the determined value of such vehicle exceeds the sum of R40 000, the value of private use for each such month shall be the sum of [R389] R866 where column A is applicable, or [R345] R809 where column B is applicable, plus in either case an amount of [R8] R21 for each completed 10 amount of R1 000 by which such determined value exceeds R40 000;
- (ii) if the employee bears the full cost of maintaining the vehicle (including the cost of repairs, servicing, lubrication and tyres), the value of private use for 15 each such month as determined in accordance with the foregoing provisions of this subparagraph shall be reduced by an amount of [R28] R30; and”.

Amendment of
paragraph 9 of
7th Schedule to
Act 58 of 1962,
as added by
section 46 of
Act 121 of 1984.

31. Paragraph 9 of the Seventh Schedule to the principal Act 20
is hereby amended—

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

“(2) The cash equivalent of the value of the taxable benefit derived from the occupation of residential accommodation as contemplated in paragraph 2 (d) shall 25 be the rental value of such accommodation (as determined under subparagraph (3), (4), [or] (5) or (9) of this paragraph in respect of the year of assessment) less any rental consideration given by the employee for such accommodation in respect of such year, any rental 30 consideration given by him in respect of household goods supplied with such accommodation and any charge made to the employee by the employer in respect of power or fuel provided with the accommodation.”; and 35

(b) by the addition of the following subparagraph:

“(9) Where the accommodation in question is owned by the employee or his spouse and has been let by him to the employer, the rental value of the accommodation shall be deemed to be the rental payable therefor by the employer, and in such case the said rental shall for the purposes of this Act (excluding this subparagraph) be deemed not to have been received by or not to have accrued to the employee.”.

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| Waar die vasgestelde waarde van bedoelde voertuig— | “Waarde van private gebruik vir elke maand of gedeelte van 'n maand | |
|----------------------------------------------------|---------------------------------------------------------------------|--------------|
| | Kolom A R | Kolom B R |
| R13 000 te bowe gaan, maar nie R14 000 nie | 385 | 340 |
| R14 000 " " R15 000 | 410 | 365 |
| R15 000 " " R16 000 | 427 | 381 |
| R16 000 " " R17 000 | 448 | 401 |
| R17 000 " " R18 000 | 471 | 422 |
| R18 000 " " R19 000 | 492 | 444 |
| R19 000 " " R20 000 | 513 | 464 |
| R20 000 " " R21 000 | 535 | 485 |
| R21 000 " " R22 000 | 553 | 502 |
| R22 000 " " R23 000 | 581 | 529 |
| R23 000 " " R24 000 | 594 | 542 |
| R24 000 " " R25 000 | 613 | 560 |
| R25 000 " " R26 000 | 637 | 584 |
| R26 000 " " R27 000 | 668 | 614 |
| R27 000 " " R28 000 | 683 | 629 |
| R28 000 " " R29 000 | 694 | 638 |
| R29 000 " " R30 000 | 727 | 671 |
| R30 000 " " R35 000 | 773 | 716 |
| R35 000 " " R40 000 | 866 | 809"; |

en

- (b) deur die voorbehoudsbepaling by item (a) van subparaagraaf (4) deur die volgende voorbehoudsbepaling te vervang:
- 5 "Met dien verstande dat—
- (i) waar die vasgestelde waarde van bedoelde voertuig die som van R40 000 te bowe gaan, die waarde van private gebruik vir elke bedoelde maand die som van [R389] R866 is waar kolom A van toepassing is, of [R345] R809 waar kolom B van toepassing is, plus in albei gevalle 'n bedrag van [R8] R21 vir elke volle bedrag van R1 000 waarby bedoelde vasgestelde waarde R40 000 te bowe gaan;
- 10 (ii) indien die werknemer die volle koste van die instandhouding van die voertuig dra (met inbegrip van die koste van herstelwerk, diens, smering en bande), die waarde van private gebruik vir elke bedoelde maand, soos ingevolge die voorafgaande bepalings van hierdie subparagraaf vasgestel, verminder word met 'n bedrag van [R28] R30; en".
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- 20

31. Paragraaf 9 van die Sewende Bylae by die Hoofwet word hierby gewysig—

- 25 (a) deur subparagraaf (2) deur die volgende subparagraaf te vervang:
- "(2) Die kontantekwivalent van die waarde van die belasbare voordeel verkry uit die bewoning van huisvesting soos in paragraaf 2 (d) beoog, is die huurwaarde van bedoelde huisvesting (soos ingevolge subparagraaf (3), (4), [of] (5) of (9) van hierdie paragraaf vasgestel ten opsigte van die jaar van aanslag) min enige huurvergoeding deur die werknemer vir bedoelde huisvesting ten opsigte van bedoelde jaar gegee, enige huurvergoeding deur hom gegee ten opsigte van huishoudelike goed wat saam met bedoelde huisvesting verskaf word en enige vordering teen die werknemer deur die werkewer gemaak ten opsigte van krag of brandstof wat saam met die huisvesting verskaf word.";
- 30 en
- 35 (b) deur die volgende subparagraaf by te voeg:
- "(9) Waar die betrokke huisvesting deur die werknemer of sy gade besit word en deur hom aan die werkewer verhuur is, word die huurwaarde van die huisvesting geag die huurgeld te wees wat die werkewer daarvoor betaal, en in so 'n geval word genoemde huurgeld by die toepassing van hierdie Wet (behalwe hierdie subparagraaf) geag nie deur die werknemer ontvang tel gewees het of hom toe te geval het nie.".
- 40
- 45

Wysiging van
paragraaf 9 van
7de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 46 van
Wet 121 van 1984.

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Insertion of paragraph 10A in 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

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32. The following paragraph is hereby inserted in the Seventh Schedule to the principal Act after paragraph 10:

"10A. (1) Where—

- (a) any employee has been granted the right to occupy residential accommodation owned by his employer or by any associated institution in relation to his employer;
- (b) the employee, his spouse or minor child is in terms of an agreement entered into with such employer or associated institution, entitled or obliged to acquire such residential accommodation at a future date at a price stated in such agreement; and
- (c) the employee is required to pay in respect of his occupation of such residential accommodation a rental which is calculated wholly or partly as a percentage of the price referred to in item (b),

it shall be deemed for the purposes of this Schedule that the employer or, where the residential accommodation is owned by such associated institution, the associated institution, has granted to the employee a loan equal to the price referred to in item (b) and that interest is payable on such loan at a rate equal to the percentage referred to in item (c).

(2) The provisions of paragraph 2 (d) shall not apply to any residential accommodation with which an employee has been provided in the circumstances contemplated in subparagraph (1), and the provisions of paragraph 2 (a) shall not apply where any such residential accommodation is acquired by the employee in terms of an agreement referred to in item (b) of that subparagraph at a price which is not lower than the cost of such residential accommodation to the employer.”.

Amendment of paragraph 11 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

33. Paragraph 11 of the Seventh Schedule to the principal Act is hereby amended by the substitution in subparagraph (1) for the expression “paragraph 14” of the expression “paragraphs 35 13A and 14”.

Substitution of paragraph 12 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

34. The following heading and paragraph are hereby substituted for the heading immediately preceding paragraph 12 of the Seventh Schedule to the principal Act and that paragraph, respectively:

“Subsidies in respect of loans [loan interest under home ownership or housing schemes]”

12. Subject to the provisions of [paragraph] paragraphs 13A and 14 the cash equivalent of the value of the taxable benefit consisting of any subsidy in respect of the amounts 45 of interest or capital repayments referred to in paragraph 2 (g) or any subsidy contemplated in paragraph 2 (gA) shall be the amount of such subsidy [**: Provided that where the rate of interest payable on the loan exceeds the official rate of interest and the subsidy is payable under a home ownership or housing scheme approved by the Commissioner, there shall for the purposes of this paragraph be deducted from the subsidy so much thereof as the Commissioner is satisfied would not have been payable under such scheme had the rate of interest payable on the loan been equal to the official rate of interest.]”.**

Amendment of paragraph 13 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

35. Paragraph 13 of the Seventh Schedule to the principal Act is hereby amended by the substitution in the Afrikaans text for item (c) of subparagraph (2) of the following item:

“(c) vanweë die ontheffing deur 'n werkgever van 'n ver- 60 pligting om 'n bedrag deur die werknemer aan die werkgever verskuldig, te betaal, indien bedoelde ontheffing na die afsterwe van die [werkgever] werknemer geskied, tensy die werkgever 'n private maatskappy is

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32. Die volgende paragraaf word hierby in die Sewende Bylae by die Hoofwet na paragraaf 10 ingevoeg:

"10A. (1) Waar—

- (a) daar aan 'n werknemer die reg verleen is om huisvesting te bewoon wat deur sy werkgever of 'n verwante inrigting met betrekking tot sy werkgever besit word;
 - (b) die werknemer, sy gade of minderjarige kind ingevolge 'n ooreenkoms wat met bedoelde werkgever of verwante inrigting gesluit is, geregtig of verplig is om bedoelde huisvesting op 'n toekomstige datum te verkry teen 'n prys wat in bedoelde ooreenkoms vermeld word; en
 - (c) die werknemer verplig is om ten opsigte van sy bewoning van bedoelde huisvesting 'n huurgeld te betaal wat geheel en al of gedeeltelik bereken word as 'n persentasie van die prys in item (b) bedoel, word daar by die toepassing van hierdie Bylae geag dat die werkgever of, waar die huisvesting deur bedoelde verwante inrigting besit word, die verwante inrigting, 'n lening aan die werknemer toegestaan het gelyk aan die prys in item (b) bedoel en dat rente op bedoelde lening betaalbaar is teen 'n skaal gelyk aan die persentasie in item (c) bedoel.
- (2) Die bepalings van paragraaf 2 (d) is nie van toepassing nie op enige huisvesting waarvan 'n werknemer voor-sien is in die omstandighede in subparagraph (1) beoog, en die bepalings van paragraaf 2 (a) is nie van toepassing nie waar enige sodanige huisvesting ingevolge 'n ooreenkoms in item (b) van daardie subparagraph bedoel, deur die werknemer verkry word teen 'n prys wat nie minder is nie as die koste vir die werkgever van bedoelde huisvesting.”.

Invoeging van paragraaf 10A in 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

33. Paragraaf 11 van die Sewende Bylae by die Hoofwet word hierby gewysig deur in subparagraph (1) die uitdrukking “paragraaf 14” deur die uitdrukking “paragrawe 13A en 14” te vervang.

Wysiging van paragraaf 11 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

35 34. Die opskrif wat paragraaf 12 van die Sewende Bylae by die Hoofwet onmiddellik voorafgaan en daardie paragraaf word hierby deur onderskeidelik die volgende opskrif en paragraaf vervang:

“Subsidies ten opsigte van lenings [leningsrente ingevolge huiseienaarskap- of behuisingskemas]

12. Behoudens die bepalings van **[paragraaf] paragrawe 13A en 14**, is die kontantekwivalent van die waarde van die belasbare voordeel bestaande uit 'n subsidie ten opsigte van die bedrag aan rente of kapitaalterugbetalings in paragraaf 2 (g) bedoel of 'n subsidie in paragraaf 2 (gA) beoog, die bedrag van bedoelde subsidie **I: Met dien verstande dat waar die rentekoers op die lening betaalbaar die amptelike rentekoers te bowe gaan en die subsidie ingevolge 'n deur die Kommissaris goedgekeurde huiseienaarskap- of behuisingskema betaalbaar is, daar by die toepassing van hierdie paragraaf van die subsidie afgetrek word soveel daarvan as wat die Kommissaris oortuig is nie ingevolge bedoelde skeema betaalbaar sou gewees het nie indien die rentekoers betaalbaar op die lening gelyk aan die amptelike rentekoers was.”.**

Vervanging van paragraaf 12 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

35. Paragraaf 13 van die Sewende Bylae by die Hoofwet word hierby gewysig deur item (c) van subparagraph (2) deur die volgende item te vervang:

“(c) vanweë die ontheffing deur 'n werkgever van 'n verpligting om 'n bedrag deur die werknemer aan die werkgever verskuldig, te betaal, indien bedoelde ontheffing na die afsterwe van die **[werkgever] werknemer** geskied, tensy die werkgever 'n private maatskappy is

Wysiging van paragraaf 13 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

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Insertion of
paragraph 13A in
7th Schedule to
Act 58 of 1962,
as added by
section 46 of
Act 121 of 1984.

en die werknemer toe die bedrag verskuldig geword het
of te eniger tyd daarna 'n aandeelhouer in daardie
maatskappy was.”.

36. The following heading and paragraph are hereby inserted
in the Seventh Schedule to the principal Act after paragraph 13:
“Deduction in respect of the cash equivalent of certain hous-
ing benefits”

- 13A.** (1) For the purposes of this paragraph—
 ‘remuneration’, in relation to any employee, means the aggregate of the amounts of remuneration (as determined in accordance with the definition of ‘remuneration’ in paragraph 1 of the Fourth Schedule but including any amounts referred to in paragraphs (iv) and (vii) of that definition) which have been derived by him from his employer and any companies and funds which are associated institutions in relation to the employer but excluding the value of any taxable benefit contemplated in subparagraph (2) and the amount of any remuneration derived by any employee who is not the controlling shareholder or one of the controlling shareholders of the employer company, from an associated institution in relation to the employer if it is shown to the satisfaction of the Commissioner that the employee’s employment with the employer is not and was not in any way connected with the employee’s employment with such associated institution (any decision of the Commissioner under this paragraph being subject to objection and appeal);
- ‘remuneration factor’, in relation to a year of assessment during which an employee has derived a taxable benefit contemplated in subparagraph (2), means the remuneration derived by him during the year of assessment immediately preceding the first-mentioned year of assessment: Provided that—
- (i) where during a portion of such preceding year the employee was not in the employment of the employer or any associated institution in relation to the employer, the remuneration factor shall as respects that employee be deemed to be an amount which bears to the amount of his remuneration for the portion of such preceding year during which he was in such employment the same ratio as the period of 365 days bears to the number of days in such last-mentioned portion;
 - (ii) where during the whole of such preceding year, the employee was not in the employment of the employer or of any associated institution in relation to the employer, the remuneration factor shall as respects that employee be deemed to be an amount which bears to the employee’s remuneration during the first month during which he was in the employment of the employer the same ratio as 365 days bears to the number of days during which he was in such employment.
- (2) Where any full-time employee has under a home ownership or housing scheme approved by the Commissioner for the purposes of this paragraph, derived a taxable benefit in consequence of the granting of a loan or the payment of a subsidy in respect of a loan, and in either case the loan was utilized wholly for the purpose of acquiring, erecting, extending or improving his private residence, or was utilized wholly for the purpose of replacing a loan utilized for such a purpose, there shall be allowed to be deducted from the cash equivalent of the value of such benefit, as determined under paragraph 11 or 12, whichever is applicable, an

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en die werknemer toe die bedrag verskuldig geword het of te eniger tyd daarna 'n aandeelhouer in daardie maatskappy was.”.

36. Die volgende opskrif en paragraaf word hierby in die Se-
5 wende Bylae by die Hoofwet na paragraaf 13 ingevoeg:

“Af trekking ten opsigte van die kontantekwivalent van sekere behuisingsvoordele”

13A. (1) By die toepassing van hierdie paragraaf bete-
ken—

10 ‘besoldiging’, met betrekking tot 'n werknemer, die totaal van die bedrae van besoldiging (soos vasgestel oor- eenkomstig die omskrywing van ‘besoldiging’ in para- graaf 1 van die Vierde Bylae, maar met inbegrip van bedrae in paragrawe (iv) en (vii) van daardie omskrywing bedoel) wat deur hom van sy werkgewer en enige maatkappye en fondse wat verwante inrigtings met be- trekking tot die werkgewer is, verkry is, maar uitgeson- derd die waarde van 'n belasbare voordeel in subpara- graaf (2) beoog en die bedrag van enige besoldiging wat deur 'n werknemer wat nie 'n beherende aandeel- houer of een van die beherende aandeelhouers van die werkgewermaatskappy is nie, vanaf 'n verwante inrigting met betrekking tot die werkgewer verkry is, indien daar tot oortuiging van die Kommissaris bewys word dat die werknemer se diens by daardie werkgewer geensins met die werknemer se diens by bedoelde ver- wante inrigting verbind is of was nie ('n beslissing van die Kommissaris ingevolge hierdie paragraaf synde aan beswaar en appell onderhewig te wees);

15 30 ‘besoldigingsfaktor’, met betrekking tot 'n jaar van aanslag waartydens 'n werknemer 'n belasbare voordeel verkry het soos in subparagraaf (2) beoog, die besoldiging deur hom gedurende die jaar van aanslag wat eersge- noemde jaar van aanslag voorafgaan, verkry: Met dien verstande dat—

20 35 (i) waar gedurende 'n gedeelte van bedoelde vooraf- gaande jaar die werknemer nie in die diens van die werkgewer of 'n verwante inrigting met betrekking tot die werkgewer was nie, die besoldigingsfaktor met betrekking tot daardie werknemer geag word 'n bedrag te wees wat in dieselfde verhouding tot die bedrag van sy besoldiging vir die gedeelte van bedoelde voorafgaande jaar waartydens hy in be- doelde diens was, staan as die verhouding waarin 365 dae tot die aantal dae in bedoelde laasge- noemde gedeelte staan;

40 45 (ii) waar gedurende die geheel van bedoelde vooraf- gaande jaar, die werknemer nie in die diens van die werkgewer of 'n verwante inrigting met betrekking tot die werkgewer was nie, die besoldigings- faktor met betrekking tot daardie werknemer geag word 'n bedrag te wees wat in dieselfde verhou- ding tot die werknemer se besoldiging gedurende die eerste maand waartydens hy in die diens van die werkgewer was, staan as die verhouding waarin 365 dae tot die aantal dae waartydens hy in be- doelde diens was, staan.

50 55 60 65 (2) Waar 'n voltydse werknemer ingevolge 'n huis- eiendaarskap- of behuisingskema wat die Kommissaris goed- gekeur het vir die doeleinnes van hierdie paragraaf, 'n belasbare voordeel verkry het as gevolg van die toekenning van 'n lening of die betaling van 'n subsidie ten opsigte van 'n lening, en in die een of die ander geval die lening geheel aangewend is vir die doeleinnes van die verkryging, oprig- ting, uitbreiding of verbetering van sy private woning, of ge- heel aangewend is vir die doel om 'n lening te vervang wat vir so 'n doel aangewend is, word daar 'n aftrekking van die kontantekwivalent van die waarde van bedoelde voordeel,

Invoeging van
paragraaf 13A in
7de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 46 van
Wet 121 van 1984.

amount equal to such cash equivalent less so much of the employee's remuneration factor in relation to the year of assessment as exceeds R8 000.

(3) The Commissioner shall not in terms of subparagraph (2) approve any home ownership or housing scheme unless he is satisfied that such scheme is operated solely for the purpose of providing *bona fide* assistance to employees in the provision of their private residences and that no benefit under the scheme will be granted in substitution for any reward for services rendered which would otherwise have been granted to such employees.".

Amendment of paragraph 14 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

37. Paragraph 14 of the Seventh Schedule to the principal Act is hereby amended—

(a) by the substitution in subparagraph (1) for the words preceding item (a) of the following words:

"Subject to the provisions of [subparagraph] subparagraphs (2) and (3), where an employee has under a home ownership or housing scheme approved by the Commissioner for the purposes of this paragraph, derived a taxable benefit in consequence of the granting of a loan or in respect of a subsidy on interest or capital repayments in respect of a loan, and in either case the loan was utilized wholly for the purposes of acquiring, erecting, extending or improving his private residence, or was utilized wholly to replace a loan utilized for such a purpose, the cash equivalent of such benefit, as determined under paragraph 11 or 12, whichever is applicable, and paragraph 13A, shall be reduced—"; and

(b) by the addition of the following subparagraph:

"(3) The provisions of subparagraph (1) shall, in relation to a loan contracted on or after 1 March 1985 and utilized as contemplated in that subparagraph, not apply to so much of the cash equivalent of the value of a taxable benefit derived by the employee concerned in consequence of the granting or subsidizing of such loan as contemplated in that subparagraph, as relates to any portion of such loan which, together with any loan previously so granted or subsidized for the benefit of the said employee under the scheme in question, exceeds the amount of R50 000, unless the agreement for the acquisition, erection, extension or improvement of the employee's residence in respect of which such first-mentioned loan was utilized, was concluded by the employee before the said date: Provided that where the cash equivalent of the value of any taxable benefit derived by the employee falls to be dealt with under the said provisions and—

(a) in consequence of his transfer from one centre to another, the employee has disposed of the residence to which such taxable benefit relates and has acquired or erected a new residence; or

(b) in consequence of the termination of service with one employer and the commencement of service with another employer, the employee has obtained a new loan to replace the loan in respect of which such taxable benefit was derived, the reference in this subparagraph to the amount of R50 000 shall, in respect of any taxable benefit relating

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soos vasgestel ingevolge paragraaf 11 of 12, watter ook al van toepassing is, toegelaat van 'n bedrag gelyk aan bedoelde kontantekwivalent min soveel van die werkemmer se besoldigingsfaktor met betrekking tot die jaar van aanslag as wat R8 000 te bowe gaan.

(3) Die Kommissaris keur nie ingevolge subparagraph (2) 'n huiseienaarskap- of behuisingskema goed nie tensy hy oortuig is dat bedoelde skema uitsluitlik bedryf word met die doel om *bona fide* bystand aan werkemmers te verleen by die voorsiening van hul private wonings en dat geen voordeel ingevolge die skema toegestaan sal word in die plek van 'n beloning vir dienste gelewer wat andersins aan bedoelde werkemmers toegestaan sou gewees het nie."

37. Paragraaf 14 van die Sewende Bylae by die Hoofwet word 15 hierby gewysig—

(a) deur in subparagraph (1) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang:

"Behoudens die bepalings van [subparagraaf] subparagraphe (2) en (3), waar 'n werkemmer ingevolge 'n huiseienaarskap- of behuisingskema wat die Kommissaris goedgekeur het vir die doeleindes van hierdie paragraaf, 'n belasbare voordeel verkry het as gevolg van die toekenning van 'n lening of ten opsigte van 'n subsidie op rentebedrae of kapitaalterugbetalings ten opsigte van 'n lening, en in die een of die ander geval die lening geheel aangewend is vir die doeleindes van die verkryging, oprigting, uitbreiding of verbetering van sy private woning, of geheel aangewend is ter vervanging van 'n lening wat vir so 'n doel aangewend is, word die kontantekwivalent van daardie voordeel, soos volgens voorskrif van paragraaf 11 of 12 [vasgestel], watter ook al van toepassing is, en paragraaf 13A vasgestel, verminder—"; en

(b) deur die volgende subparagraph by te voeg:

"(3) Die bepalings van subparagraph (1) is, met betrekking tot 'n lening wat op of na 1 Maart 1985 aangegaan is en aangewend is soos in daardie subparagraph beoog, nie van toepassing nie op soveel van die kontantekwivalent van die waarde van 'n belasbare voordeel deur die betrokke werkemmer verkry as gevolg van die toekenning of subsidiëring van bedoelde lening soos in daardie subparagraph beoog, as wat betrekking het op enige gedeelte van bedoelde lening wat, tesame met enige lening wat voorheen ten bate van genoemde werkemmer ingevolge die betrokke skema aldus toegestaan of gesubsidieer is, die bedrag van R50 000 te bowe gaan, tensy die ooreenkoms vir die verkryging, oprigting, uitbreiding of verbetering van die werkemmer se woning ten opsigte waarvan bedoelde eersgenoemde lening aangewend is, voor genoemde datum deur die werkemmer aangegaan is: Met dien verstande dat waar die kontantekwivalent van die waarde van 'n belasbare voordeel deur 'n werkemmer verkry ingevolge genoemde bepalings behandel staan te word en—

(a) as gevolg van sy oorplasing vanaf een sentrum na 'n ander, die werkemmer die woning waarop bedoelde belasbare voordeel betrekking het, van die hand gesit het en 'n nuwe woning verkry of opgerig het; of

(b) as gevolg van die beëindiging van diens by een werkewer en die aanvang van diens by 'n ander werkewer, die werkemmer 'n nuwe lening verkry het om die lening ten opsigte waarvan bedoelde belasbare voordeel verkry is, te vervang,

word die verwysing in hierdie subparagraph na die bedrag van R50 000, ten opsigte van 'n belasbare voor-

Wysiging van
paragraaf 14 van
7de Bylae by
Wet 58 van 1962,
soos bygevoeg deur
artikel 46 van
Wet 121 van 1984.

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Amendment of paragraph 15 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

to such new residence or such new loan which falls to be dealt with under the said provisions, be construed as a reference to the greater of R50 000 or the amount of so much of the loan relating to the residence in respect of which the first-mentioned taxable benefit was derived as was owing when such loan was repaid.”.

38. Paragraph 15 of the Seventh Schedule to the principal Act is hereby amended—

(a) by the substitution for the heading thereto and for subparagraph (1) of the following heading and subparagraph, respectively:

“Deduction in respect of the cash equivalent of certain taxable benefits [derived during the year of assessment ending on 28 February 1986]”

(1) Subject to the provisions of subparagraph 15

(2), the cash equivalent—

(a) determined under paragraph 6 [7, 9 or 11] in respect of any taxable benefit derived by an employee during the year of assessment ending on 28 February 1986, shall be reduced by 20 50 per cent of such cash equivalent; and

(b) determined under paragraph 7, 9 or 11 in respect of any taxable benefit derived by an employee during the year of assessment ending on—

(i) 28 February 1986 shall be reduced by 75 per cent of such taxable benefit;

(ii) 28 February 1987 shall be reduced by 60 per cent of such taxable benefit;

(iii) 29 February 1988 shall be reduced by 40 30 per cent of such taxable benefit; or

(iv) 28 February 1989 shall be reduced by 20 25 per cent of such taxable benefit,

and in such case the amount to be included in the employee’s gross income under paragraph (i) of the definition of ‘gross income’ in section 1 of this Act shall be the said cash equivalent as reduced under this paragraph.”;

(b) by the addition at the end of item (b) of subparagraph (2) of the word “or”; and

(c) by the addition to subparagraph (2) of the following item:

“(c) the cash equivalent of any taxable benefit derived in consequence of the granting of a loan, unless the lender and borrower under such loan had on or before 13 February 1985 bound themselves to grant and receive the loan.”

Amendment of paragraph 20 of 7th Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984.

39. Paragraph 20 of the Seventh Schedule to the principal Act is hereby amended by the deletion in subparagraph (1) of the words following item (j).

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Amendment of section 7 of Act 94 of 1983.

40. Section 7 of the Income Tax Act, 1983, is hereby amended by the deletion of subsection (2).

Commissioner for Inland Revenue not required to assess to tax the value of certain benefits or advantages.

41. The Commissioner for Inland Revenue shall not be required to assess to tax the value of any benefit or advantage granted in respect of employment or to the holder of any office if such benefit was derived by the taxpayer during the year of assessment ended on 28 February 1985 or during any preceding year of assessment and such benefit or advantage would, if it had

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5 deel wat betrekking het op bedoelde nuwe woning of bedoelde nuwe lening wat ingevolge genoemde bepaling behandel staan te word, uitgelê as 'n verwysing na die grootste van R50 000 of die bedrag van soveel van die lening wat betrekking het op die woning ten opsigte waarvan eersgenoemde belasbare voordeel verkry is as wat verskuldig was toe bedoelde lening terugbetaal is.'.

38. Paragraaf 15 van die Sewende Bylae by die Hoofwet word 10 hierby gewysig—

(a) deur die oopskrif daarby en subparagraph (1) deur onderskeidelik die volgende oopskrif en subparagraph te vervang:

"Af trekking ten opsigte van die kontantekwivalent van sekere belasbare voordele [gedurende die jaar van aanslag eindigende op 28 Februarie 1986 verkry]

(1) Behoudens die bepaling van subparagraph (2), word die kontantekwivalent—

(a) ingevolge paragraaf 6 [7, 9 of 11] vasgestel ten opsigte van 'n belasbare voordeel deur 'n werknemer gedurende die jaar van aanslag eindigende op 28 Februarie 1986 verkry, verminder met 50 persent van bedoelde kontantekwivalent; en

(b) ingevolge paragraaf 7, 9 of 11 vasgestel ten opsigte van 'n belasbare voordeel deur 'n werknemer gedurende die jaar van aanslag eindigende op—

(i) 28 Februarie 1986 verkry, verminder met 75 persent van bedoelde belasbare voordeel;

(ii) 28 Februarie 1987 verkry, verminder met 60 persent van bedoelde belasbare voordeel;

(iii) 29 Februarie 1988 verkry, verminder met 40 persent van bedoelde belasbare voordeel; of

(iv) 28 Februarie 1989 verkry, verminder met 20 persent van bedoelde belasbare voordeel,

en in so 'n geval is die bedrag wat ingevolge paragraaf (i) van die omskrywing van 'bruto inkomste' in artikel 1 van hierdie Wet in die werknemer se inkomste ingesluit staan te word, genoemde kontantekwivalent soos verminder ingevolge hierdie paragraaf.";

(b) deur aan die end van item (b) van subparagraph (2) die woord "of" by te voeg; en

(c) deur die volgende item by subparagraph (2) te voeg:

"(c) die kontantekwivalent van 'n belasbare voordeel verkry as gevolg van die toestaan van 'n lening, tensy die uitlener en lener ingevolge bedoelde lening op of voor 13 Februarie 1985 hulself verbind het om die lening toe te staan en te ontvang."

55 39. Paragraaf 20 van die Sewende Bylae by die Hoofwet word hierby gewysig deur in subparagraph (1) die woorde wat volg op item (j) te skrap.

Wysiging van paragraaf 15 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

40. Artikel 7 van die Inkomstebelastingwet, 1983, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van paragraaf 20 van 7de Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984.

60 41. Die Kommissaris van Binnelandse Inkomste is nie verplig om die waarde van 'n voordeel of bate toegestaan ten opsigte van dienste gelewer of aan die bekleer van 'n amp vir belasting aan te slaan nie indien bedoelde voordeel deur die belastingpligtige verkry is gedurende die jaar van aanslag geëindig op 28 Februarie 1985 of gedurende 'n vorige jaar van aanslag en be-

Wysiging van artikel 7 van Wet 94 van 1983.

Kommissaris van Binnelandse Inkomste nie verplig om die waarde van sekere voordele of bates vir belasting aan te slaan nie.

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been derived by the taxpayer during a year of assessment ending on or after 1 March 1985, have constituted a taxable benefit as defined in paragraph 1 of the Seventh Schedule to the principal Act, if the Commissioner is satisfied that in accordance with the practice generally prevailing in respect of assessments for the year of assessment during which such benefit or advantage was derived, the value of such benefit or advantage would not have been assessable to tax, or, where such benefit or advantage was derived during the year of assessment ended on 29 February 1984 or any preceding year of assessment, the value of the benefit or advantage was not returned by the taxpayer in his return of income for the relevant year of assessment by reason of a *bona fide* and reasonable belief of the taxpayer that the value of such benefit or advantage was not assessable to tax.

No steps by Commissioner for Inland Revenue in certain circumstances.

42. Notwithstanding anything to the contrary contained in the principal Act, where during the period with effect from 18 March 1985 up to and including 30 August 1985, any person—

- (a) who was not registered as a taxpayer with the Commissioner for Inland Revenue, or who was so registered but whose whereabouts were unknown to the Commissioner, renders a full and true return of his income which he was required to render under that Act but which he had failed so to render; or
 - (b) who had previously rendered a return of income to the Commissioner, reveals to the Commissioner full and true details of his income which were required to be included in such return but which he had failed so to include and which were unknown to the Commissioner,
- the Commissioner shall, if such first-mentioned return of income was rendered or such details of income were revealed otherwise than in response to a request or demand addressed by the Commissioner to that person or his representative and otherwise than in consequence of an investigation into that person's affairs instituted by the Commissioner, refrain from taking steps for the assessment or recovery of any penalty or for the institution of any legal proceedings to which such person has exposed himself by reason of such failure.

Commencement of certain amendments.

43. 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 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 1986.

Short title.

44. This Act shall be called the Income Tax Act, 1985.

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doelde voordeel of bate, indien dit gedurende 'n jaar van aanslag eindigende op of na 1 Maart 1985 deur die belastingpligtige verkry was, 'n belasbare voordeel sou uitgemaak het soos omskryf in paragraaf 1 van die Sewende Bylae by die Hoofwet,
 5 indien die Kommissaris oortuig is dat die waarde van bedoelde voordeel of bate ooreenkomsdig die praktyk wat algemeen geheers het ten opsigte van aanslae vir die jaar van aanslag waarin bedoelde voordeel of bate ontvang is, nie belasbaar sou gewees het nie, of, waar bedoelde voordeel of bate gedurende die jaar
 10 van aanslag geëindig op 29 Februarie 1984 of 'n vorige jaar van aanslag verkry is, die waarde van die voordeel of bate nie deur die belastingpligtige in sy opgawe van inkomste opgegee is nie vanweë 'n *bona fide*- en redelike mening van die belastingpligtige dat die waarde van bedoelde voordeel of bate nie belasbaar was
 15 nie.

42. Ondanks andersluidende bepalings van die Hoofwet, waar gedurende die tydperk met ingang van 18 Maart 1985 tot en met 30 Augustus 1985 enige persoon—

- (a) wat nie by die Kommissaris van Binnelandse Inkomste as 'n belastingpligtige geregistreer was nie, of wat aldus geregistreer was maar wie se verblyfplek aan die Kommissaris onbekend was, 'n volledige en juiste opgawe van sy inkomste verstrek wat hy kragtens daardie Wet moes verstrek het maar wat hy versuim het om aldus te verstrek; of
 20
- (b) wat voorheen 'n opgawe van inkomste aan die Kommissaris verstrek het, volledige en juiste besonderhede van sy inkomste aan die Kommissaris blootlê wat in bedoelde opgawe ingesluit moes gewees het maar wat hy versuim het om aldus in te sluit en wat aan die Kommissaris onbekend was,
 25 weerhou die Kommissaris hom, indien eersgenoemde opgawe van inkomste ingedien is of bedoelde besonderhede van inkomste blootgelê is anders as na aanleiding van 'n versoek of aan-
- 30 maning deur die Kommissaris aan daardie persoon of sy verteenwoordiger gerig en anders as as gevolg van 'n ondersoek van daardie persoon se sake wat die Kommissaris ingestel het, daarvan om stappe te doen vir die aanslaan of verhaling van enige boete of vir die instel van enige geregtelike prosesse waaraan be-
 35 doelde persoon hom as gevolg van bedoelde versuim blootgestel het.
 40

43. Behalwe vir sover daarin anders bepaal word of uit die samhang anders blyk, word die wysigings deur hierdie Wet aan die Hoofwet aangebring, vir die doeleindes van aanslae ten opsigte van normale belasting en belasting op onuitgekeerde winste ingevolge die Hoofwet, geag in werking te getree het vanaf die begin van jare van aanslag wat op of na 1 Januarie 1986 eindig.

44. Hierdie Wet heet die Inkomstebelastingwet, 1985.

Geen stappe deur Kommissaris van Binnelandse Inkomste in sekere omstandighede.

Inwerkingtreding van sekere wysigings.

Kort titel.

Schedule

RATES OF NORMAL TAX PAYABLE BY PERSONS OTHER THAN COMPANIES IN RESPECT OF THE YEARS OF ASSESSMENT
ENDING 28 FEBRUARY 1986 AND 30 JUNE 1986, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT
ENDING DURING THE PERIOD OF TWELVE MONTHS ENDING 31 MARCH 1986.

(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: Provided that there shall be added to the amount of tax calculated in accordance with the said tables a surcharge equal to 7 per cent of so much of the net amount (being an amount arrived at by deducting the rebates provided for in section 6 of the principal Act from the tax so calculated) as exceeds R750;

Table in Respect of Married Persons

| Taxable Income | Rates of Tax in respect of Married Persons |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Where the taxable income — does not exceed R12 000 | 16 per cent of each R1 of the taxable income; |
| exceeds R12 000 but does not exceed R13 000 | R1 920 plus 18 per cent of the amount by which the taxable income exceeds R12 000; |
| „ R13 000 „ „ „ R14 000 | R2 100 plus 20 per cent of the amount by which the taxable income exceeds R13 000; |
| „ R14 000 „ „ „ R15 000 | R2 300 plus 22 per cent of the amount by which the taxable income exceeds R14 000; |
| „ R15 000 „ „ „ R16 000 | R2 520 plus 24 per cent of the amount by which the taxable income exceeds R15 000; |
| „ R16 000 „ „ „ R18 000 | R2 760 plus 26 per cent of the amount by which the taxable income exceeds R16 000; |
| „ R18 000 „ „ „ R20 000 | R3 280 plus 28 per cent of the amount by which the taxable income exceeds R18 000; |
| „ R20 000 „ „ „ R22 000 | R3 840 plus 30 per cent of the amount by which the taxable income exceeds R20 000; |
| „ R22 000 „ „ „ R24 000 | R4 440 plus 32 per cent of the amount by which the taxable income exceeds R22 000; |
| „ R24 000 „ „ „ R26 000 | R5 080 plus 34 per cent of the amount by which the taxable income exceeds R24 000; |
| „ R26 000 „ „ „ R28 000 | R5 760 plus 36 per cent of the amount by which the taxable income exceeds R26 000; |
| „ R28 000 „ „ „ R30 000 | R6 480 plus 38 per cent of the amount by which the taxable income exceeds R28 000; |
| „ R30 000 „ „ „ R32 000 | R7 240 plus 40 per cent of the amount by which the taxable income exceeds R30 000; |
| „ R32 000 „ „ „ R34 000 | R8 040 plus 42 per cent of the amount by which the taxable income exceeds R32 000; |
| „ R34 000 „ „ „ R36 000 | R8 880 plus 43 per cent of the amount by which the taxable income exceeds R34 000; |
| „ R36 000 „ „ „ R38 000 | R9 740 plus 44 per cent of the amount by which the taxable income exceeds R36 000; |
| „ R38 000 „ „ „ R40 000 | R10 620 plus 45 per cent of the amount by which the taxable income exceeds R38 000; |
| „ R40 000 „ „ „ R50 000 | R11 520 plus 46 per cent of the amount by which the taxable income exceeds R40 000; |
| „ R50 000 „ „ „ R60 000 | R16 120 plus 48 per cent of the amount by which the taxable income exceeds R50 000; |
| „ R60 000 | R20 920 plus 50 per cent of the amount by which the taxable income exceeds R60 000; |

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Bylae

SKALE VAN NORMALE BELASTING BETAALBAAR DEUR ANDER PERSONE AS MAATSKAPPYE TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 28 FEBRUARI 1986 EN 30 JUNIE 1986, EN DEUR MAATSKAPPYE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN TWAAFL MAANDE EINDIGENDE OP 31 MAART 1986.

(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 ooreenkomsdig die tabelle hieronder bereken word; Met dien verstande dat daar by die bedrag van belasting volgens bedoelde tabelle bereken, 'n toeslag gevoeg word gelyk aan 7 persent van soveel van die netto bedrag (synde 'n bedrag wat verkyk word deur die kortings waaroor in artikel 6 van die Hoofwet voorsiening gemaak word, af te trek van die belasting aldus bereken) as wat R750 te bove gaan;

Tabel Ten Opsigte van Getroude Persone

| Belasbare Inkomste | Skale van Belasting ten opsigte van Getroude Persone |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Waar die belasbare inkomste— R12 000 nie te bove gaan nie | 16 persent van elke R1 van die belasbare inkomste; |
| R12 000 te bove gaan, maar nie R13 000 nie | R1 920 plus 18 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry; |
| R13 000 „ „ R14 000 „ | R2 100 plus 20 persent van die bedrag waarmee die belasbare inkomste R13 000 oorskry; |
| R14 000 „ „ R15 000 „ | R2 300 plus 22 persent van die bedrag waarmee die belasbare inkomste R14 000 oorskry; |
| R15 000 „ „ R16 000 „ | R2 520 plus 24 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry; |
| R16 000 „ „ R18 000 „ | R2 760 plus 26 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry; |
| R18 000 „ „ R20 000 „ | R3 280 plus 28 persent van die bedrag waarmee die belasbare inkomste R18 000 oorskry; |
| R20 000 „ „ R22 000 „ | R3 840 plus 30 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry; |
| R22 000 „ „ R24 000 „ | R4 440 plus 32 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry; |
| R24 000 „ „ R26 000 „ | R5 080 plus 34 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry; |
| R26 000 „ „ R28 000 „ | R5 760 plus 36 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry; |
| R28 000 „ „ R30 000 „ | R6 480 plus 38 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry; |
| R30 000 „ „ R32 000 „ | R7 240 plus 40 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry; |
| R32 000 „ „ R34 000 „ | R8 040 plus 42 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry; |
| R34 000 „ „ R36 000 „ | R8 880 plus 43 persent van die bedrag waarmee die belasbare inkomste R34 000 oorskry; |
| R36 000 „ „ R38 000 „ | R9 740 plus 44 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry; |
| R38 000 „ „ R40 000 „ | R10 620 plus 45 persent van die bedrag waarmee die belasbare inkomste R38 000 oorskry; |
| R40 000 „ „ R50 000 „ | R11 520 plus 46 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry; |
| R50 000 „ „ R60 000 „ | R16 120 plus 48 persent van die bedrag waarmee die belasbare inkomste R50 000 oorskry; |
| R60 000 te bove gaan | R20 920 plus 50 persent van die bedrag waarmee die belasbare inkomste R60 000 oorskry; |

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Table in Respect of Persons Who are Not Married Persons

| Taxable Income | | Rates of Tax in respect of Persons who are not Married Persons |
|-------------------------------------------------------------|---------|-------------------------------------------------------------------------------------|
| Where the taxable income — does not exceed R10 000 | | 16 per cent of each R1 of the taxable income; |
| exceeds R10 000 but does not exceed | R11 000 | R1 600 plus 18 per cent of the amount by which the taxable income exceeds R10 000; |
| „ R11 000 „ „ „ | R12 000 | R1 780 plus 20 per cent of the amount by which the taxable income exceeds R11 000; |
| „ R12 000 „ „ „ | R13 000 | R1 980 plus 22 per cent of the amount by which the taxable income exceeds R12 000; |
| „ R13 000 „ „ „ | R14 000 | R2 200 plus 24 per cent of the amount by which the taxable income exceeds R13 000; |
| „ R14 000 „ „ „ | R15 000 | R2 440 plus 26 per cent of the amount by which the taxable income exceeds R14 000; |
| „ R15 000 „ „ „ | R16 000 | R2 700 plus 28 per cent of the amount by which the taxable income exceeds R15 000; |
| „ R16 000 „ „ „ | R18 000 | R2 980 plus 30 per cent of the amount by which the taxable income exceeds R16 000; |
| „ R18 000 „ „ „ | R20 000 | R3 580 plus 32 per cent of the amount by which the taxable income exceeds R18 000; |
| „ R20 000 „ „ „ | R22 000 | R4 220 plus 34 per cent of the amount by which the taxable income exceeds R20 000; |
| „ R22 000 „ „ „ | R24 000 | R4 900 plus 36 per cent of the amount by which the taxable income exceeds R22 000; |
| „ R24 000 „ „ „ | R26 000 | R5 620 plus 38 per cent of the amount by which the taxable income exceeds R24 000; |
| „ R26 000 „ „ „ | R28 000 | R6 380 plus 40 per cent of the amount by which the taxable income exceeds R26 000; |
| „ R28 000 „ „ „ | R30 000 | R7 180 plus 42 per cent of the amount by which the taxable income exceeds R28 000; |
| „ R30 000 „ „ „ | R32 000 | R8 020 plus 44 per cent of the amount by which the taxable income exceeds R30 000; |
| „ R32 000 „ „ „ | R34 000 | R8 900 plus 45 per cent of the amount by which the taxable income exceeds R32 000; |
| „ R34 000 „ „ „ | R36 000 | R9 800 plus 46 per cent of the amount by which the taxable income exceeds R34 000; |
| „ R36 000 „ „ „ | R38 000 | R10 720 plus 47 per cent of the amount by which the taxable income exceeds R36 000; |
| „ R38 000 „ „ „ | R40 000 | R11 660 plus 48 per cent of the amount by which the taxable income exceeds R38 000; |
| „ R40 000 „ „ „ | R42 000 | R12 620 plus 49 per cent of the amount by which the taxable income exceeds R40 000; |
| „ R42 000 | | R13 600 plus 50 per cent of the amount by which the taxable income exceeds R42 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)), 50 cents;
- (c) on each rand of the taxable income derived by any company from mining for gold otherwise than on any post-1966 gold mine (but with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), 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 proviso hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said ex-

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Tabel Ten Opsigte van Persone wat nie Getroude Persone is nie

| Belasbare Inkomste | Skale van Belasting ten opsigte van Persone wat nie Getroude Persone is nie |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Waar die belasbare inkomste— R10 000 nie te bowe gaan nie | 16 persent van elke R1 van die belasbare inkomste; |
| R10 000 te bowe gaan, maar nie R11 000 nie R11 000 „ „ R12 000 „ R12 000 „ „ R13 000 „ R13 000 „ „ R14 000 „ R14 000 „ „ R15 000 „ R15 000 „ „ R16 000 „ R16 000 „ „ R18 000 „ R18 000 „ „ R20 000 „ R20 000 „ „ R22 000 „ R22 000 „ „ R24 000 „ R24 000 „ „ R26 000 „ R26 000 „ „ R28 000 „ R28 000 „ „ R30 000 „ R30 000 „ „ R32 000 „ R32 000 „ „ R34 000 „ R34 000 „ „ R36 000 „ R36 000 „ „ R38 000 „ R38 000 „ „ R40 000 „ R40 000 „ „ R42 000 „ R42 000 te bowe gaan | R1 600 plus 18 persent van die bedrag waarmee die belasbare inkomste R10 000 oorskry; R1 780 plus 20 persent van die bedrag waarmee die belasbare inkomste R11 000 oorskry; R1 980 plus 22 persent van die bedrag waarmee die belasbare inkomste R12 000 oorskry; R2 200 plus 24 persent van die bedrag waarmee die belasbare inkomste R13 000 oorskry; R2 440 plus 26 persent van die bedrag waarmee die belasbare inkomste R14 000 oorskry; R2 700 plus 28 persent van die bedrag waarmee die belasbare inkomste R15 000 oorskry; R2 980 plus 30 persent van die bedrag waarmee die belasbare inkomste R16 000 oorskry; R3 580 plus 32 persent van die bedrag waarmee die belasbare inkomste R18 000 oorskry; R4 220 plus 34 persent van die bedrag waarmee die belasbare inkomste R20 000 oorskry; R4 900 plus 36 persent van die bedrag waarmee die belasbare inkomste R22 000 oorskry; R5 620 plus 38 persent van die bedrag waarmee die belasbare inkomste R24 000 oorskry; R6 380 plus 40 persent van die bedrag waarmee die belasbare inkomste R26 000 oorskry; R7 180 plus 42 persent van die bedrag waarmee die belasbare inkomste R28 000 oorskry; R8 020 plus 44 persent van die bedrag waarmee die belasbare inkomste R30 000 oorskry; R8 900 plus 45 persent van die bedrag waarmee die belasbare inkomste R32 000 oorskry; R9 800 plus 46 persent van die bedrag waarmee die belasbare inkomste R34 000 oorskry; R10 720 plus 47 persent van die bedrag waarmee die belasbare inkomste R36 000 oorskry; R11 660 plus 48 persent van die bedrag waarmee die belasbare inkomste R38 000 oorskry; R12 620 plus 49 persent van die bedrag waarmee die belasbare inkomste R40 000 oorskry; R13 600 plus 50 persent van die bedrag waarmee die belasbare inkomste R42 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), 50 sent;

(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 vaststelling van die Kommissaris toe te skryf is aan die inrekening by die bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkomsdig die formule:

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

in welke formule (asook die formules in die eerste voorbehoudsbepaling 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 ge-

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clusion) 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 R40 000, 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 R40 000, 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 R2 500 by which the said taxable income exceeds R40 000: 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 25 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 Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act), 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 R40 000, 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 R40 000, 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 R2 500 by which the said taxable income exceeds R40 000: 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 25 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 Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the principal Act, a rate equal to the average rate of normal tax or 35 cents, whichever is higher: Provided that for the purposes of this subparagraph, the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with this subparagraph for the period assessed) paid by the company in respect of its aggregate taxable income from gold mining for the period from 1 July 1916 to the end of the period assessed, by the number of rands contained in the said aggregate taxable income;
- (f) on each rand of the taxable income derived by any company from mining for diamonds, 45 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 25 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), 50 cents: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this subparagraph a surcharge equal to 15 per cent of such amount.

2. (1) For the purposes of paragraph 1 income derived from mining for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.

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

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

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noemde uitsluiting): Met dien verstande dat indien die aldus verkreë belasbare inkomste (met genoemde uitsluiting) nie meer as R40 000 bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkombig die formule:

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

en indien bedoelde belasbare inkomste meer as R40 000 bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkombig 'n formule wat verkry word deur die getal 20 in die formule

$$y = 20 \left(1 - \frac{6}{x}\right) te verhoog met een vir elke volle bedrag van R2 500 wat genoemde belasbare in-$$

komste meer as R40 000 bedra: Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 25 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 Kommissaris toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet), 'n persentasie vasgestel ooreenkombig 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 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 R40 000 bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkombig die formule:

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

en indien bedoelde belasbare inkomste meer as R40 000 bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkombig 'n formule wat verkry word deur die getal 20 in die formule

$$y = 20 \left(1 - \frac{8}{x}\right) te verhoog met een vir elke volle bedrag van R2 500 wat genoemde belasbare in-$$

komste meer as R40 000 bedra: Met dien verstande voorts dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 25 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 waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Hoofwet, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of 35 sent, watter ook al die hoogste is: Met dien verstande dat vir die doeleindes van hierdie subparagraaf die gemiddelde skaal van normale belasting vasgestel word deur die totale normale belasting (met uitsondering van die belasting wat vir die tydperk van aanslag ooreenkombig hierdie subparagraaf vasgestel is) wat deur die maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk vanaf 1 Julie 1916 tot die end van die tydperk waarvoor aangesaan word, te deel met die getal rande wat genoemde totale belasbare inkomste bevat;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van diamante verkry word, 45 sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 25 persent van bedoelde bedrag;
- (g) op elke rand van die belasbare inkomste wat deur 'n maatskappy verkry word uit mynwerksamehede (behalwe die myn van goud of diamante), 50 sent: Met dien verstande dat daar by die bedrag van belasting bereken volgens die voorgaande bepalings van hierdie subparagraaf 'n toeslag gevoeg word gelyk aan 15 persent van bedoelde bedrag.

2. (1) By die toepassing van paragraaf 1 sluit inkomste uit die myn van goud verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin word, en enige ander inkomste wat volgens die oordeel van die Kommissaris regstreeks uit die myn van goud voortvloei.

(2) Die belasting ooreenkombig enige van die subparagrawe van paragraaf 1 vasgestel, is betaalbaar be-newens die belasting ooreenkombig enige ander van genoemde subparagrawe vasgestel.

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

