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GOVERNMENT NOTICE

DEPARTMENT OF FINANCE

No. 729

4 April 1991

KWAZULU AND NATAL JOINT SERVICES ACT, 1990
(ACT No. 84 OF 1990)

CALCULATION AND PAYMENT OF REGIONAL SERVICES LEVY AND REGIONAL ESTABLISHMENT LEVY

Under paragraph (d) of subsection (1) of section 16 of the KwaZulu and Natal Joint Services Act, 1990, read with subsection (2) of the said section 16, I, Barend Jacobus du Plessis, Minister of Finance, after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu, hereby determine that the regional services levy and the regional establishment levy shall be calculated and paid in the manner set out in the provisions contained in the Schedule.

B. J. DU PLESSIS,
Minister of Finance.

SCHEDULE

Arrangement of paragraphs

PART I

1. Definitions.

PART II

2. Levy of regional services levy.
3. Exemptions from the regional services levy.
4. Circumstances in which an employee is deemed to be employed within a region.

PART III

5. Levy of regional establishment levy.
6. Leviable amounts.
7. Exemptions from the regional establishment levy.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN FINANSIES

No. 729

4 April 1991

WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL, 1990 (WET NO. 84 VAN 1990)

BEREKENING EN BETALING VAN STREEKS-DIENSTEHEFFING EN STREEKSVESTIGINGSHEFFING

Kragtens paragraaf (d) van subartikel (1) van artikel 16 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990, saam gelees met subartikel (2) van genoemde artikel 16, bepaal ek, Barend Jacobus du Plessis, Minister van Finansies, na oorleg met die Administrateur van die provinsie Natal en die Minister van Finansies van KwaZulu, hierby dat die streeks-diensteheffing en die streeksvestigingsheffing bereken en betaal word op die wyse uiteengesit in die bepalings vervat in die Bylae.

B. J. DU PLESSIS,
Minister van Finansies.

BYLAE

Indeling van paragrawe

DEEL I

1. Woordbepaling.

DEEL II

2. Heffing van streeksdiensteheffing.
3. Vrystellings van die streeksdiensteheffing.
4. Omstandighede waarin 'n werknemer geag word binne 'n streek in diens te wees.

DEEL III

5. Heffing van streeksvestigingsheffing.
6. Hefbare bedrade.
7. Vrystellings van die streeksvestigingsheffing.

8. Circumstances in which a person is deemed to be carrying on an enterprise within a region.
9. Specific provisions in relation to the calculation and payment of the regional establishment levy on the generation and distribution of electricity.

PART IV

10. Payment of regional services levy and regional establishment levy.
11. Registration.
12. Assessments.
13. Refunds.
14. Powers of board and Commissioner.
15. Objections.
16. Appeals.

PART I

Definitions

1. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned thereto, and—

"Act" means the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990), including any regulation made under that Act and any notice published under that Act by the Minister of Finance in the Gazette;

"Commissioner" means the Commissioner for Inland Revenue, or any officer acting under his control, direction or supervision;

"consideration", in relation to any leivable transaction, means the whole or any portion of—

(a) in the case of any sale of goods or fixed property, the selling price payable in respect thereof;

(b) in the case of the letting of goods or fixed property, the rental payable in respect thereof;

(c) in the case of the rendering of any service, the price, fee or other amount payable in respect thereof;

(d) in the case of any leivable transaction concluded in the carrying on of a financial enterprise—

(i) the gross amounts of interest or finance charges receivable in respect of any loan, advance or credit granted: Provided that where any such loan, advance or credit is repayable together with interest or finance charges by way of periodic instalments and a separate determination of such interest or finance charges is not made in respect of each such instalment, each such instalment shall be deemed to include an equal portion of the total interest or finance charges payable;

(ii) the gross amounts of interest or dividends receivable on any funds invested;

(iii) the gross amounts of rental receivable in respect of the letting of goods or fixed property;

(iv) the gross amounts receivable by way of commission, fees, charges and other amounts payable in respect of any banking, investment or other financial service rendered; and

8. Omstandighede waarin iemand geag word binne 'n streek 'n onderneming te bedryf.
9. Spesifieke bepalings met betrekking tot die berekening en betaling van die streeksvestigingsheffing op die ontwikkeling en verspreiding van elektrisiteit.

DEEL IV

10. Betaling van streeksdienstehelling en streeksvestigingsheffing.
11. Registrasie.
12. Aanslae.
13. Terugbetaalings.
14. Magte van raad en Kommissaris.
15. Besware.
16. Appelle.

DEEL I

Woordbepaling

1. In hierdie Bylae, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Wet 'n betekenis toegeskryf word, die betekenis aldus daaraan toegeskryf, en beteken—

"finansiële bate" enige verhandelbare effek, wissel, valuta of ander papier wat normaalweg deur 'n finansiële onderneming gekoop of verkoop of andersins in handel gedryf word;

"finansiële onderneming" 'n bankinstelling, bouvereniging, effektetrust, langtermynversekeraar, korttermynversekeraar, pensioenfonds, voorsorgsfonds, uittredingannuiteitsfonds, bystands fonds, mediese bystands fonds, finansier, koopvereniging of dergelyke instelling, of 'n onderneming in die loop waarvan daar in finansiële bates handel gedryf word of 'n maatskappy wat as belegger van geld besigheid dryf;

"goed" liggaamlike roerende goed, met inbegrip van 'n aandeel in die eiendomsreg op enige sodanige goed, maar uitgesonderd 'n finansiële bate;

"hefbare transaksie"—

(a) in die geval van 'n onderneming binne 'n streek bedryf, of wat geag word binne 'n streek bedryf te word, in die loop waarvan—

(i) goed normaalweg verkoop word, 'n verkoop van goed ingevolge 'n ooreenkoms van verkoop wat in die gewone loop van die onderneming gesluit is;

(ii) vaste eiendom normaalweg verkoop word, 'n verkoop van vaste eiendom binne die streek geleë ingevolge 'n ooreenkoms van verkoop wat in die gewone loop van die onderneming gesluit is;

(iii) goed normaalweg verhuur word, die verhuring van enige goed;

(iv) vaste eiendom normaalweg verhuur word, die verhuring van enige vaste eiendom binne die streek geleë;

(v) enige beroeps-, besigheids-, professionele of ander diens gelewer word, so 'n diens gelewer; en

(b) in die geval van 'n finansiële onderneming binne 'n streek bedryf, of wat geag word binne 'n streek bedryf te word—

(i) die toestaan van 'n lening, voorskot of krediet, met inbegrip van die toestaan van krediet ingevolge 'n kredietooreenkoms soos in artikel 1 van die Wet op Kredietooreenkomste, 1980 (Wet No. 75 van 1980), omskryf;

(v) the gross profit, as determined in accordance with generally accepted accounting practice, derivable from the purchase, sale or discounting of or otherwise dealing in financial assets,

including, in the case of any consideration contemplated in paragraphs (a), (b) or (c), any interest or finance charge payable to the seller or lessor of the relevant goods or fixed property or the person rendering the relevant service, as the case may be, in respect of the relevant consideration, but excluding any amount received by or accrued to an agent on behalf of his principal;

"financial asset" means any marketable security, bill of exchange, currency or other paper ordinarily purchased and sold or otherwise traded in by a financial enterprise;

"financial enterprise" means any banking institution, building society, unit trust, long-term insurer, short-term insurer, pension fund, provident fund, retirement annuity fund, benefit fund, medical benefit fund, financier, buying association or similar institution, or any enterprise in the course of which financial assets are traded in or any company which carries on business as an investor of money;

"fixed property" includes any share in the right of ownership of fixed property;

"goods" means corporeal movable things, including any share in the right of ownership of any such thing, but excluding any financial asset;

"leviable transaction" means—

(a) in the case of an enterprise carried on within a region, or deemed to be carried on within a region, in the course of which—

(i) goods are normally sold, any sale of goods under an agreement of sale concluded in the ordinary course of the enterprise;

(ii) fixed property is normally sold, any sale of fixed property situated within the region under an agreement of sale concluded in the ordinary course of the enterprise;

(iii) goods are normally let, the letting of any goods;

(iv) fixed property is normally let, the letting of any fixed property situated within the region;

(v) any trade, business professional or other service is rendered, any such service rendered; and

(b) in the case of a financial enterprise carried on within a region, or deemed to be carried on within a region—

(i) the granting of any loan, advance or credit, including the granting of credit under a credit agreement as defined in section 1 of the Credit Agreements Act, 1980 (Act No. 75 of 1980);

(ii) the investment of funds by such enterprise;

(iii) the letting of goods or fixed property but excluding the letting of any goods under a leasing transaction as defined in section 1 of the Credit Agreements Act, 1980 (Act No. 75 of 1980);

(iv) the rendering of any banking, investment or other financial service; and

(ii) die belegging van fondse deur so 'n onderneming;

(iii) die verhuring van goed of vaste eiendom maar uitgesonderd die verhuring van goed ingevolge 'n huurtransaksie soos in artikel 1 van die Wet op Kredietooreenkomste, 1980 (Wet No. 75 van 1980), omskryf;

(iv) die lewering van 'n bank-, beleggings- of ander finansiële diens; en

(v) die koop, verkoop of verdiskontering van of andersins handel dryf in finansiële bates, wanneer die betrokke transaksie ook al gesluit is;

"heffingpligtige" iemand wat aanspreeklik is vir die betaling van die streeksdiensteheffing of die streeksvestigingsheffing;

"Kommissaris" die Kommissaris van Binnelandse Inkomste, of 'n beampete wat onder sy beheer, leiding of toesig optree;

"maand" enigeen van die 12 dele waarin 'n kalenderjaar ingedeel is;

"Staat", ook 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinciale Bestuur, 1961 (Wet No. 32 van 1961), en enige liggaam by of kragtens 'n wet ingestel wat geheel of hoofsaaklik deur toekennings uit die Staatsinkomstefonds gefinansier word;

"Staatsafdeling" 'n departement, administrasie, owerheid, tak, raad, liggaam of ander afdeling van die Staat;

"vaste eiendom" ook 'n aandeel in die eiendomsreg op vaste eiendom;

"vergoeding", met betrekking tot 'n hefbare transaksie, die geheel of 'n gedeelte van—

(a) in die geval van 'n verkoop van goed of vaste eiendom, die verkoopprys ten opsigte daarvan betaalbaar;

(b) in die geval van die verhuring van goed of vaste eiendom, die huurgeld ten opsigte daarvan betaalbaar;

(c) in die geval van die lewering van 'n diens, die prys, fooi of ander bedrag ten opsigte daarvan betaalbaar;

(d) in die geval van 'n hefbare transaksie gesluit in die bedryf van 'n finansiële onderneming—

(i) die bruto bedrae aan rente of finansieringskoste ontvangbaar ten opsigte van 'n lening, voorskot of krediet toegestaan: Met dien verstande dat waar so 'n lening, voorskot of krediet tesame met rente of finansieringskoste by wyse van periodieke afbetalings terugbetaalbaar is en 'n afsonderlike bepaling van rente of finansieringskoste nie ten opsigte van elke sodanige afbetaling gemaak word nie, elke sodanige afbetaling geag word 'n gelyke deel van die totale rente of finansieringskoste betaalbaar in te sluit;

(ii) die bruto bedrae aan rente of dividende ontvangbaar op enige fondse belé;

(iii) die bruto bedrae aan huurgeld ontvangbaar ten opsigte van die verhuring van goed of vaste eiendom;

(iv) die bruto bedrae ontvangbaar by wyse van kommissie, fooie, vorderings en ander bedrae betaalbaar ten opsigte van 'n bank-, beleggings- of ander finansiële diens gelewer; en

(v) the purchase, sale or discounting of or otherwise dealing in financial assets, whensover the relevant transaction was or is concluded;

"levypayer" means any person who is liable for the payment of the regional services levy or the regional establishment levy;

"month" means any one of the 12 portions into which the calendar year is divided;

"sale" means any agreement in terms of which ownership of goods or fixed property passes from one person to another, including any agreement whereunder possession of goods or fixed property passes from one State division to another, but excluding, in the case of any levypayer carrying on a financial enterprise, the passing from him of ownership of any goods acquired by him for the purpose of entering, in respect of such goods, into any credit agreement as defined in section 1 of the Credit Agreements Act, 1980 (Act No. 75 of 1980);

"State" includes any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and any body established by or under any law which is financed wholly or mainly by way of grants from the State Revenue Fund;

"State division" means any department, administration, authority, branch, board, body or other division of the State.

PART II

Levy of regional services levy

2. Subject to the provisions of paragraph 3, the regional services levy shall be calculated on the amount of—

(a) any remuneration which is paid or becomes payable by an employer to the employees employed or deemed to be employed by him within a region; and

(b) any drawings which take place in the case of a person carrying on or deemed to be carrying on an enterprise within a region as contemplated in section 16 (1) (b) (ii) of the Act,

during any month commencing on or after the date of commencement of a notice contemplated in section 16 (1) (b), whereby the rate at which the regional services levy is to be calculated is first published in the *Gazette* in respect of the relevant region.

Exemptions from the regional services levy

3. There shall be exempt from the regional services levy—

(a) any employer in respect of remuneration paid or payable by him to any domestic or private servant;

(b) any employer being a religious or charitable institution of a public character, or a non-profitmaking organisation referred to in paragraph 7 (b), in respect of remuneration paid or payable by him;

(c) a person carrying on or deemed to be carrying on an enterprise as contemplated in section 16 (1) (b) (ii) of the Act, in respect of so much of the drawings determined in relation to such person in respect of any financial year of the person (as determined within six

(v) die bruto wins, soos ooreenkomsdig algemeen aanvaarde rekeningkundige praktyk vasgestel, verkrybaar uit die koop, verkoop of verdiskontering van of andersins handel dryf in finansiële bates,

met inbegrip van, in die geval van enige vergoeding in paragrawe (a), (b) of (c) bedoel, enige rente of financieringskoste betaalbaar aan die verkoper of huurder van die betrokke goed of vaste eiendom of die persoon wat die betrokke diens lewer, na gelang van die geval, ten opsigte van die betrokke vergoeding, maar nie ook 'n bedrag ontvang deur of toegeval aan 'n agent ten behoeve van sy prinsipaal nie;

"verkoop" 'n ooreenkoms waarvolgens eiendomsreg van goed of vaste eiendom vanaf een persoon na 'n ander oorgaan, en ook 'n ooreenkoms waarvolgens besit van goed of vaste eiendom vanaf een Staatsafdeling op 'n ander oorgaan, maar nie ook in die geval van 'n heffingpligtige wat 'n finansiële onderneming bedryf, die oorgaan vanaf hom van eiendomsreg van enige goed wat deur hom verkry is met die doel om, ten opsigte van sodanige goed, 'n kredietooreenkoms aan te gaan soos in artikel 1 van die Wet op Kredietooreenkoms, 1980 (Wet No. 75 van 1980), omskryf nie;

"Wet" die Wet op Gesamentlike Dienste vir Kwa-Zulu en Natal, 1990 (Wet No. 84 van 1990), en ook enige regulasie kragtens daardie Wet uitgevaardig en enige kennisgewing kragtens daardie Wet deur die Minister van Finansies in die *Staatskoerant* gepubliseer.

DEEL II

Heffing van streeksdienstehelling

2. Behoudens die bepalings van paragraaf 3 word die streeksdienstehelling bereken op die bedrag van—

(a) enige besoldiging wat deur 'n werkewer betaal of betaalbaar word aan die werknemers wat binne 'n streek in sy diens is of geag word in sy diens te wees; en

(b) enige trekkings wat geskied in die geval van iemand wat binne 'n streek 'n onderneming bedryf of geag word te bedryf soos in artikel 16 (1) (b) (ii) van die Wet beoog,

gedurende 'n maand wat begin op of na die datum van inwerkingtreding van 'n kennisgewing in artikel 16 (1) (b) bedoel, waarby die tarief waarteen die streeksdienstehelling bereken moet word vir die eerste maal ten opsigte van die betrokke streek in die *Staatskoerant* bekendgemaak word.

Vrystellings van die streeksdienstehelling

3. Van die streeksdienstehelling word vrygestel—

(a) enige werkewer ten opsigte van besoldiging deur hom betaal of betaalbaar aan 'n huis- of 'n private bediende;

(b) enige werkewer synde 'n godsdienstige of liefdadigheidsinrigting van 'n openbare aard, of 'n organisasie sonder winsoogmerk in paragraaf 7 (b) bedoel, ten opsigte van besoldiging deur hom betaal of betaalbaar;

(c) 'n persoon wat 'n onderneming bedryf of geag word te bedryf soos in artikel 16 (1) (b) (ii) van die Wet beoog, ten opsigte van soveel van die trekkings wat met betrekking tot so 'n persoon ten opsigte van 'n boekjaar van die persoon vasgestel is (soos binne ses

months after the end of such financial year), as exceeds the accumulated profits of the enterprise or, where the person carries on the enterprise in partnership, his share of such profits, whether the profits were earned in the current or any previous financial year; and

(d) any person referred to in paragraph 7 (j).

Circumstances in which an employee is deemed to be employed within a region

4. An employee shall be deemed to be employed within a region if—

- (a) his services are rendered wholly or mainly at a fixed locality situated within the region; or
- (b) where his services are wholly or mainly rendered while travelling or at several localities between which he travels, he operates from a base situated within the region.

PART III

Levy of regional establishment levy

5. Subject to the provisions of paragraph 7, the regional establishment levy shall be calculated and paid on the amount (in this Schedule referred to as the leviable amount) determined under paragraph 6 in relation to leviable transactions in respect of any month commencing on or after the date of commencement of a notice contemplated in section 16 (1) (c) of the Act, whereby the rate at which the regional establishment levy is to be calculated is first published in the Gazette in respect of the relevant region.

Leviable amounts

6. (1) For the purposes of this Schedule, the leviable amount in relation to leviable transactions in respect of any month shall be the sum of—

(a) all amounts of consideration in respect of leviable transactions received by or accrued to the levypayer during the month or, at the option of the levypayer which shall be notified to the board concerned in writing, all such amounts actually received by him during the month; and

(b) any amount allowed to be deducted during the current or any previous month under item (i) or (ii), which has during the current month been recovered or recouped by the levypayer,

less the sum of—

(i) any amount which is or was during the current or any previous month included in the leviable amount determined in relation to the levypayer's enterprise and which has during the current month become repayable by, or no longer payable to, the levypayer in consequence of—

(aa) the cancellation or termination of the leviable transaction in respect of which such leviable amount was determined; or

(bb) a reduction of the consideration payable in respect of goods or fixed property sold or let or any service rendered;

maande na die einde van die boekjaar vasgestel), as wat meer is as die opgehoopte winste van die onderneming of, waar die persoon die onderneming in vennootskap bedryf, as sy deel van bedoelde winste, hetsoy die winste in die lopende of 'n vorige boekjaar verdien is; en

(d) 'n persoon soos in paragraaf 7 (j) bedoel.

Omstandighede waarin 'n werknemer geag word binne 'n streek in diens te wees

4. 'n Werknemer word geag binne 'n streek in diens te wees, indien—

- (a) sy dienste geheel of hoofsaaklik by 'n vaste standplaas binne die streek gelewer word; of
- (b) waar sy dienste geheel of hoofsaaklik gelewer word terwyl hy reis of by verskeie standplase waartussen hy reis, hy vanuit 'n basis werk wat binne die streek geleë is.

DEEL III

Heffing van streeksvestigingsheffing

5. Behoudens die bepalings van paragraaf 7 word die streeksvestigingsheffing bereken en betaal op die bedrag (in hierdie Bylae die hefbare bedrag genoem) ingevolge paragraaf 6 met betrekking tot hefbare transaksies vasgestel ten opsigte van 'n maand wat begin op of na die datum van inwerkingtreding van 'n kennisgewing in artikel 16 (1) (c) van die Wet bedoel, waarby die tarief waarteen die streeksvestigingsheffing bereken moet word vir die eerste maal ten opsigte van die betrokke streek in die Staatskoerant bekendgemaak word.

Hefbare bedrae

6. (1) By die toepassing van hierdie Bylae is die hefbare bedrag met betrekking tot hefbare transaksies ten opsigte van 'n maand die som van—

(a) alle bedrae aan vergoeding ten opsigte van hefbare transaksies wat gedurende die maand deur die heffingpligtige ontvang is of aan hom toegeval het of, volgens die keuse van die heffingpligtige wat skriftelik aan die betrokke raad meegegee word, alle sodanige bedrae wat gedurende die maand werklik deur hom ontvang is; en

(b) enige bedrag wat gedurende die lopende of 'n vorige maand toegelaat is om ingevolge item (i) of (ii) afgetrek te word, wat gedurende die lopende maand deur die heffingpligtige verhaal of terugontvang is, min die som van—

(i) enige bedrag wat gedurende die lopende of 'n vorige maand ingesluit is of was in die hefbare bedrag wat met betrekking tot die heffingpligtige se onderneming vasgestel is en wat gedurende die lopende maand terugbetaalbaar geword het deur, of nie meer betaalbaar is nie aan, die heffingpligtige as gevolg van—

(aa) die opseggung of beëindiging van die hefbare transaksie ten opsigte waarvan bedoelde hefbare bedrag vasgestel is; of

(bb) 'n vermindering van die vergoeding betaalbaar ten opsigte van goed of vaste eiendom wat verkoop of verhuur is of 'n diens wat gelewer is;

(ii) any debt due to the levypayer which is or was during the current or any previous month included in the leivable amount determined in relation to his enterprise and which has during the current month become irrecoverable and has been written off; and

(iii) in the case of any levypayer carrying on a financial enterprise, any gross loss (as determined in accordance with generally accepted accounting practice) suffered by him during the month in trading in financial assets.

(2) Where, in respect of any month, the sum of the amounts which may be deducted in terms of subparagraph (1) (i), (ii) and (iii) exceeds the sum of the amounts referred to in subparagraph (1) (a) and (b), the excess shall be carried forward and be deemed to be an amount which may be deducted in terms of the said subparagraph (1) (i), (ii) or (iii) in the succeeding month.

(3) Where the consideration payable in respect of any leivable transaction includes any sales tax chargeable under the Sales Tax Act, 1978 (Act No. 103 of 1978), the leivable amount in respect of such leivable transaction shall be determined in accordance with the formula—

$$L = C - \left(\frac{r}{100 + r} \times C \right)$$

in which formula "L" represents the leivable amount to be determined, "C" the said consideration, and "r" the rate, expressed as a percentage, at which such sales tax was calculated.

(4) Where any levypayer satisfies the board concerned that, by reason of the nature of the enterprise carried on by him, the determination of the leivable amount in relation to such enterprise in respect of any month cannot conveniently be completed within the period for payment of the regional establishment levy prescribed under paragraph 10, the board may on application, subject to such conditions as it may impose, agree to accept the determination of such leivable amount in respect of any preceding month in lieu of such firstmentioned determination.

(5) Where any levypayer has exercised an option contemplated in subparagraph (1) (a), such option shall, unless the board otherwise directs, be binding upon the levypayer in the month in respect of which it is exercised and all succeeding months.

Exemptions from the regional establishment levy

7. There shall, to the extent indicated, be exempt from the regional establishment levy—

(a) any amateur sporting club or any non-profit-making organisation established to represent persons with common interests, in respect of subscriptions, donations or contributions received or accrued;

(b) any non-profitmaking organisation the sole or principal object of which is to engage in or promote nature conservation or animal protection activities and in respect of which an authority has been granted in terms of section 4 of the Fund-raising Act, 1978 (Act No. 107 of 1978);

(ii) enige skuld aan die heffingpligtige verskuldig wat in die lopende of 'n vorige maand ingesluit is of was by die hefbare bedrag vasgestel met betrekking tot sy onderneming en wat gedurende die lopende maand oninbaar geword het en afgeskryf is; en

(iii) in die geval van 'n heffingpligtige wat 'n finansiële onderneming bedryf, enige bruto verlies (soos ooreenkomsdig algemeen aanvaarde rekeningkundige praktyk vasgestel) gedurende die maand deur hom gely uit die dryf van handel in finansiële bates.

(2) Waar, ten opsigte van 'n maand, die som van die bedrae wat ingevolge subparagraph (1) (i), (ii) en (iii) afgetrek mag word meer is as die som van die bedrae in subparagraph (1) (a) en (b) bedoel, word die oorskot vorentoe gedra en geag 'n bedrag te wees wat ingevolge genoemde subparagraph (1) (i), (ii) of (iii) in die daaropvolgende maand afgetrek mag word.

(3) Waar die vergoeding betaalbaar ten opsigte van 'n hefbare transaksie enige verkoopbelasting insluit wat ingevolge die Verkoopbelastingwet, 1978 (Wet No. 103 van 1978), betaalbaar is, word die hefbare bedrag ten opsigte van sodanige hefbare transaksie vasgestel ooreenkomsdig die formule—

$$L = C - \left(\frac{r}{100 + r} \times C \right)$$

in welke formule "L" die hefbare bedrag wat vasgestel staan te word, "C" bedoelde vergoeding, en "r" die skaal, uitgedruk as 'n persentasie, waarteen bedoelde verkoopbelasting bereken is, verteenwoordig.

(4) Waar 'n heffingpligtige die betrokke raad oortuig dat, vanweë die aard van die onderneming wat deur hom gedryf word, die vasstelling van die hefbare bedrag met betrekking tot sy onderneming ten opsigte van 'n maand nie geriefliek binne die ingevolge paragraaf 10 voorgeskrewe tydperk vir betaling van die streeksvestigingsheffing gedoen kan word nie, kan die raad op aansoek, onderworpe aan die voorwaardes wat hy mag ople, instem om die vasstelling van bedoelde hefbare bedrag ten opsigte van 'n vroeër maand in die plek van eersgenoemde vasstelling te aanvaar.

(5) Waar 'n heffingpligtige 'n keuse uitgeoefen het soos in subparagraph (1) (a) beoog, is bedoelde keuse, tensy die raad anders gelas, op die heffingpligtige bindend in die maand ten opsigte waarvan dit uitgeoefen is en in alle daaropvolgende maande.

Vrystellings van die streeksvestigingsheffing

7. Van die streeksvestigingsheffing word, in die aangeduide mate, vrygestel—

(a) 'n amateursportklub of 'n organisasie sonder winsoogmerk wat ingestel is om persone met gemeenskaplike belang te verteenwoordig, ten opsigte van intekengelde, skenkings of bydraes ontvang of toegeval;

(b) 'n organisasie sonder winsoogmerk waarvan die enigste of vernaamste oogmerk is om aan natuurbewarings- of dierebeskermingsbedrywighede deel te neem of dit te bevorder en ten opsigte waarvan 'n magtiging ingevolge artikel 4 van die Wet op Fondsameling, 1978 (Wet No. 107 van 1978), verleen is;

(c) any control board as defined in section 1 of the Marketing Act, 1968 (Act No. 59 of 1968), in respect of so much of any amount received by or accrued to the control board from the sale of any product in respect of which such control board has under the provisions of that Act been established or is deemed to be established, as does not exceed the cost to such control board of such product;

(d) any co-operative incorporated or deemed to be incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981), in respect of so much of any amount received by or accrued to the co-operative from the sale or other disposal of any agricultural produce which may in terms of a notice or proclamation contemplated in section 241 (3) (a) of that Act not be sold or otherwise disposed of other than through such co-operative, as does not exceed the cost to such co-operative of such agricultural produce;

(e) the Association as defined in section 1 of the Sugar Act, 1978 (Act No. 9 of 1978), and its subsidiary company, The South African Sugar Export Corporation (Proprietary) Limited (hereinafter referred to as SASEXCOR), in respect of so much of any amount received by or accrued to the Association or SASEXCOR from the sale of any product in respect of which the Association or SASEXCOR has under the provisions of that Act been established, as does not exceed the cost to the Association or SASEXCOR of such product;

(f) any State division, if the State division was established wholly or mainly for the purpose of supplying goods or rendering services to any other State division, in respect of consideration received by or accrued to the first-mentioned State division from such other State division;

(g) any State division or utility housing company, in respect of consideration received by or accrued to the State division or company from the letting or sale of any residential stand or housing let or sold by it on a non-profitmaking basis;

(h) a person carrying on any enterprise, in respect of rental derived by the enterprise from the letting of accommodation to an employee thereof, if such accommodation is let to the employee on a non-profit-making basis;

(i) a person carrying on any enterprise, in respect of consideration received by or accrued to him or, where an option contemplated in paragraph 6 (1) (a) has been exercised, which has been actually received by him, not later than six months after the date of commencement of the notice contemplated in paragraph 5, in terms of an agreement which was formally and finally concluded by him before that date; and

(j) any person, if the sum of the regional services levy and the regional establishment levy for which that person will be liable in terms of this Schedule during his financial year, does not exceed the amount of R50.

(c) 'n beheerraad soos omskryf in artikel 1 van die Bemarkingswet, 1968 (Wet No. 59 van 1968), ten opsigte soveel van 'n bedrag ontvang deur of toegeval aan die beheerraad uit die verkoop van 'n produk ten opsigte waarvan bedoelde beheerraad kragtens die bepalings van daardie Wet ingestel is of geag word ingestel te wees, as wat die koste vir bedoelde beheerraad van bedoelde produk nie te bowe gaan nie;

(d) 'n koöperasie wat ingevolge die Koöperasiewet, 1981 (Wet No. 91 van 1981), ingelyf is of geag word ingelyf te wees, ten opsigte van soveel van 'n bedrag ontvang deur of toegeval aan die koöperasie uit die verkoop of andersins van die hand sit van 'n landbouproduk wat ingevolge 'n in artikel 241 (3) (a) van daardie Wet bedoelde kennisgewing of proklamasie nie anders as deur tussenkoms van bedoelde koöperasie verkoop of andersins van die hand gesit mag word nie, as wat die koste vir bedoelde koöperasie van bedoelde produk nie te bowe gaan nie;

(e) die Vereniging soos omskryf in artikel 1 van die Suikerwet, 1978 (Wet No. 9 van 1978), en sy filiaalmaatskappy, The South African Sugar Export Corporation (Proprietary) Limited (hieronder SASEXCOR genoem), ten opsigte van soveel van 'n bedrag ontvang deur of toegeval aan die Vereniging of SASEXCOR uit die verkoop van 'n produk ten opsigte waarvan bedoelde Vereniging of SASEXCOR kragtens die bepalings van daardie Wet ingestel is, as wat die koste vir bedoelde Vereniging of SASEXCOR van bedoelde produk nie te bowe gaan nie;

(f) 'n Staatsafdeling, indien die Staatsafdeling in die geheel of gedeeltelik ingestel is met die doel om aan 'n ander Staatsafdeling goed te verskaf of dienste te lewer, ten opsigte van vergoeding deur eersbedoelde Staatsafdeling ontvang of aan hom toegeval vanaf so 'n ander Staatsafdeling;

(g) 'n Staatsafdeling of 'n behuisingsnutsmaatskappy, ten opsigte van vergoeding ontvang deur of toegeval aan die Staatsafdeling of maatskappy uit die verhuring of verkoop van 'n woonerf of behuisung wat sonder winsoogmerk deur hom verhuur of verkoop is;

(h) 'n persoon wat enige onderneming bedryf, ten opsigte van huurgeld deur die onderneming verkry uit die verhuring van huisvesting aan 'n werknemer daarvan, indien bedoelde huisvesting sonder winsoogmerk aan die werknemer verhuur is;

(i) 'n persoon wat enige onderneming bedryf, ten opsigte van vergoeding deur hom ontvang of aan hom toegeval of, waar 'n keuse uitgeoefen is soos in paragraaf 6 (1) (a) bedoel, wat werklik deur hom ontvang is, nie later nie as ses maande na die datum van inwerkingtreding van die kennisgewing in paragraaf 5 bedoel, ingevolge 'n ooreenkoms wat voor daardie datum formeel en finaal deur hom aangegaan is; en

(j) 'n persoon, indien die som van die streekdienstehelling en die streekvestigingsheffing waarvoor daardie persoon kragtens hierdie Bylae gedurende sy boekjaar aanspreeklik is, nie die bedrag van R50 oorskry nie.

Circumstances in which a person is deemed to be carrying on an enterprise within a region

8. (1) An enterprise in the course of which construction activities are carried on, shall be deemed to be carried on by the person concerned within a region, if—

(a) the construction, erection, installation, alteration or repair of any road, railway, pipeline or transmission line takes place within the region; or

(b) any other construction activity, including the installation, erection, alteration or repair of any building or plant or of any machinery, plant, equipment or article forming an integral part of any building or plant, is conducted from a base situated within the region: Provided that any such activity shall be deemed to be conducted from a base situated within the region if a site office or similar place has been established within the region for the purpose of wholly or partly supervising the carrying on of such activity or managing or controlling it.

(2) An enterprise in the course of which goods are sold, shall be deemed to be carried on by the person concerned within a region, if goods—

(a) are manufactured or produced within the region by the seller thereof and are sold by him otherwise than in a shop, store, warehouse or similar place situated outside the region in or on which sales staff and stocks of goods are permanently employed or maintained;

(b) are sold in a shop, store, warehouse or other place situated within the region and where the goods may be viewed by a purchaser or delivery thereof may be taken by him; or

(c) are sold by mail-order, door-to-door or similar selling operation conducted from a base situated within the region.

(3) An enterprise [other than an enterprise contemplated in subparagraphs (1) and (2)] shall be deemed to be carried on by the person concerned within a region, if, in the case of—

(a) an enterprise in the course of which fixed property is sold or let, any such fixed property is situated within the region;

(b) an enterprise in the course of which goods are let, the enterprise is managed or controlled within the region;

(c) an enterprise in the course of which services are rendered, the enterprise is managed or controlled within the region;

(d) an enterprise in the course of which accommodation or lodging, whether with or without meals, is supplied, accommodation or meals are supplied within the region; or

(e) a financial enterprise, the business operations of the enterprise are managed or controlled within the region.

(4) Where an enterprise is carried on both within and outside a region—

(a) the person concerned shall be deemed to carry on the enterprise, to the extent that it is carried on within the region, as a separate enterprise within that region; and

Omstandighede waarin iemand geag word binne 'n streek 'n onderneming te bedryf

8. (1) 'n Onderneming in die loop waarvan konstruksiebedrywighede uitgevoer word, word geag deur die betrokke persoon binne 'n streek bedryf te word, indien—

(a) die konstruksie, oprigting, installasie, verandering of herstel van 'n pad, spoornet, pyplyn of spanningsleiding binne die streek plaasvind; of

(b) 'n ander konstruksiebedrywigheid, met inbegrip van die installasie, oprigting, verandering of herstel van 'n gebou of installasie, of van enige masjinerie, installasie, toerusting of artikel wat 'n integrerende deel van 'n gebou of installasie uitmaak, vanuit 'n basis binne die streek uitgevoer word: Met dien verstande dat so 'n bedrywigheid geag word vanuit 'n basis binne die streek uitgevoer te word indien 'n terreinkantoor of dergelyke plek binne die streek ingestel is met die doel om geheel of gedeeltelik oor die bedryf van bedoelde bedrywigheid toesig te hou of dit te bestuur of te beheer.

(2) 'n Onderneming in die loop waarvan goed verkoop word, word geag deur die betrokke persoon binne 'n streek bedryf te word, indien goed—

(a) binne die streek deur die verkoper daarvan vervaardig of geproduseer is en deur hom verkoop word anders as in 'n winkel, stoer, pakhuis of dergelyke plek wat buite die streek geleë is en waarin of waarop verkooppersoneel en voorrade goed permanent in diens is gehou word;

(b) verkoop word in 'n winkel, stoer, pakhuis of ander plek wat binne die streek geleë is en waar die goed deur 'n koper besigtig mag word of aflewing daarvan deur hom geneem mag word; of

(c) verkoop word deur middel van posbestelling, deur-tot-deur of soortgelyke verkoopswyse wat bedryf word uit 'n basis wat binne die streek geleë is.

(3) 'n Onderneming [behalwe 'n onderneming in subparagraphs (1) en (2) bedoel] word geag deur die betrokke persoon binne 'n streek bedryf te word, indien, in die geval van—

(a) 'n onderneming in die loop waarvan vaste eiendom verkoop of verhuur word, enige sodanige vaste eiendom binne die streek geleë is;

(b) 'n onderneming in die loop waarvan goed verhuur word, die onderneming binne die streek bestuur of beheer word;

(c) 'n onderneming in die loop waarvan dienste gelewer word, die onderneming binne die streek bestuur of beheer word;

(d) 'n onderneming in die loop waarvan huisvesting of verblyf, hetsy met of sonder etes, voorsien word, huisvesting of etes binne die streek voorsien word; of

(e) 'n finansiële onderneming, die besigheidsbedrywighede van die onderneming binne die streek bestuur of beheer word.

(4) Waar 'n onderneming binne sowel as buite 'n streek bedryf word—

(a) word die betrokke persoon geag die onderneming, tot die mate waarin dit binne die streek bedryf word, as 'n afsonderlike onderneming binne daardie streek te bedryf; en

(b) an appropriate portion of any consideration received by the enterprise or accrued to it from the carrying on of the enterprise both within and outside the region shall be deemed to have been received by or to have accrued to the enterprise as such a separate enterprise within the region.

Specific provisions in relation to the calculation and payment of the regional establishment levy on the generation and distribution of electricity

9. (1) Notwithstanding anything to the contrary in this Schedule contained, the regional establishment levy payable by ESKOM (in this paragraph referred to as the levypayer) in relation to the enterprise carried on by it in the course of which electricity is supplied shall be determined in accordance with the provisions of this paragraph.

(2) The said enterprise shall be deemed to be carried on by the levypayer in every region in which he operates a power station in which electricity is generated and in every region in which he has a district office in which the distribution of electricity is managed or controlled.

(3) There shall be deemed to have accrued to the levypayer during any month by way of consideration from carrying on the said enterprise in any region—

(a) in the case of a region in which any such power station is situated, an amount equal to the generating cost per unit of electricity multiplied by the estimated number of units of electricity generated in such power station during such month; and

(b) in the case of a region in which any such district office is situated, an amount equal to the selling price per unit of electricity less the generating cost thereof multiplied by the number of units of electricity distributed under the management or control of such district office during such month.

(4) The Commissioner shall from time to time, in consultation with the levypayer, determine—

(a) the generating cost per unit of electricity incurred by the levypayer in generating electricity; and

(b) the manner in which the number of units of electricity generated by the levypayer in any power station is to be estimated, and any such determination shall be applied for the purposes of subparagraph (3) until such time as a new determination is made by the Commissioner.

PART IV

Payment of regional services levy and regional establishment levy

10. (1) The regional services levy and the regional establishment levy shall, subject to the provisions of subparagraph (2), be paid within a period of 20 days, or such further period as the board concerned may allow, after the end of every month during which—

(a) in the case of the regional services levy—

(i) any remuneration is paid or becomes payable by any employer to any employee;

(b) word 'n paslike deel van enige vergoeding wat deur die onderneming ontvang is of aan hom toegeval het uit die bedryf van die onderneming binne sowel as buite die streek, geag ontvang te gewees het deur of toe te geval het aan die onderneming as 'n sodanige afsonderlike onderneming binne die streek.

Spesifieke bepalings met betrekking tot die berekening en betaling van die streeksvestigingsheffing op die ontwikkeling en verspreiding van elektrisiteit

9. (1) Ondanks enigets tot die teendeel in hierdie Bylae vervat, word die streeksvestigingsheffing deur ESKOM (in hierdie paragraaf die heffingpligtige genoem) betaalbaar met betrekking tot 'n onderneming deur hom bedryf in die loop waarvan elektrisiteit voorsien word, bereken ingevolge die bepalings van hierdie paragraaf.

(2) Die bedoelde onderneming word geag bedryf te gewees het deur die heffingpligtige binne elke streek waarin hy 'n kragstasie, waar elektrisiteit ontwikkel word, bedryf en binne elke streek waarin hy 'n distrikskantoor het vanwaar die verspreiding van elektrisiteit bestuur en beheer word.

(3) Daar word geag aan 'n heffingpligtige toe te geval het gedurende 'n maand by wyse van vergoeding vanuit die bedryf van die bedoelde onderneming in 'n streek—

(a) in die geval van 'n streek waarbinne 'n kragstasie geleë is, 'n bedrag gelyk aan die ontwikkelingskoste per elektrisiteitseenheid vermenigvuldig met die geraamde aantal elektrisiteitseenhede wat deur bedoelde kragstasie gedurende bedoelde maand ontwikkel is; en

(b) in die geval van 'n streek waarbinne 'n bedoelde distrikskantoor geleë is, 'n bedrag gelyk aan die verkooprys per elektrisiteitseenheid min die ontwikkelingskoste daarvan vermenigvuldig met die aantal elektrisiteitseenhede wat onder die bestuur of beheer van bedoelde distrikskantoor gedurende bedoelde maand versprei word.

(4) Die Kommissaris stel van tyd tot tyd in oorleg met die heffingpligtige—

(a) die ontwikkelingskoste per elektrisiteitseenheid aangegaan deur die heffingpligtige in die ontwikkeling van elektrisiteit; en

(b) die wyse waarop die aantal elektrisiteitseenhede deur die heffingpligtige in die kragstasie ontwikkel, geraam word, vas en 'n bedoelde vasstelling word vir doeleindes van subparagraph (3) toegepas tot tyd en wyl 'n nuwe vasstelling deur die Kommissaris gemaak is.

DEEL IV

Betaling van streeksdiensteheffing en streeksvestigingsheffing

10. (1) Die streeksdiensteheffing en die streeksvestigingsheffing word, behoudens die bepalings van subparagraph (2), betaal binne 'n typerk van 20 dae, of die verdere typerk wat die betrokke raad toelaat, na die einde van elke maand waarin—

(a) in die geval van die streeksdiensteheffing—

(i) enige besoldiging deur 'n werkewer aan 'n werknemer betaal of verskuldig word;

(ii) any drawings take place in relation to any person carrying on an enterprise as contemplated in section 16 (1) (b) (ii) of the Act; or

(b) in the case of the regional establishment levy, any leviable amount is determined in terms of paragraph 5 in relation to any enterprise.

(2) Where it appears to any board that the monthly amount of regional services levy and regional establishment levy for which any levypayer will be liable, is less than R50 in total, the board may permit the levypayer to pay such levies within a period of 20 days after the end of every period of a year or such shorter period as the board may determine.

(3) Every payment of regional services levy or regional establishment levy shall be accompanied by a return in such form as the board may determine.

(4) Every person who is registered as a levypayer under the provisions of paragraph 11, shall within the period allowed by subparagraph (1) or (2) furnish the board with the return referred to in subparagraph (3) in respect of every month or other period, as the case may be, whether or not any relevant levy is payable in respect of such month or period.

Registration

11. (1) A board shall with the concurrence of the Minister of Finance determine a registration date in relation to the region for which the board is established, and such registration date shall be published by the board by notice in the *Gazette*.

(2) Every person who on the registration date determined in relation to a region, or on any date at any time after the registration date—

(a) being an employer, employs or commences to employ, or is deemed so to employ, within the region any employee other than a domestic or private servant; or

(b) carries on or commences to carry on, or is deemed so to carry on, within the region any enterprise in the course of which any leviable transaction is concluded,

and who becomes liable for the payment of any regional services levy or regional establishment levy, shall within one month reckoned from the registration date, or such later date, as the case may be, furnish the board concerned with a declaration in such form as the board may determine, which shall contain such information as the board may require for the purposes of the provisions of the Act.

(3) Where a board is satisfied that any person is or will become liable for the payment of the regional services levy or the regional establishment levy, it shall register such person as a levypayer and, where it is satisfied that any person who is registered as a levypayer has ceased to be liable for the payment of any such levy, it may cancel such person's registration as a levypayer.

(4) A board may, for the purpose of determining whether any person has become liable for the payment of any such levy, require such person to furnish it with the declaration contemplated in subparagraph (2).

(ii) enige trekkings geskied met betrekking tot iemand wat 'n onderneming bedryf soos in artikel 16 (1) (b) (ii) van die Wet beoog; of

(b) in die geval van die streeksvestigingsheffing, 'n hefbare bedrag ingevolge paragraaf 5 vasgestel word met betrekking tot 'n onderneming.

(2) Waar dit vir 'n raad blyk dat die maandelikse bedrag aan streeksdienstehelling en streeksvestigingsheffing waarvoor 'n heffingpligtige aanspreeklik sal wees, minder as R50 in totaal is, kan die raad die heffingpligtige toelaat om bedoelde heffings te betaal binne 'n tydperk van 20 dae na die einde van elke tydperk van 'n jaar of die korter tydperk wat die raad bepaal.

(3) Elke betaling van streeksdienstehelling of streeksvestigingsheffing word vergesel van 'n opgaaf in die vorm wat die raad bepaal.

(4) Elke persoon wat ingevolge die bepalings van paragraaf 11 as 'n heffingpligtige geregistreer is, moet binne die tydperk deur subparagraph (1) of (2) toegeelaat, die raad van die in subparagraph (3) bedoelde opgaaf voorsien ten opsigte van elke maand of ander tydperk, na gelang van die geval, hetsy enige betrokke heffing ten opsigte van bedoelde maand of tydperk betaalbaar is al dan nie.

Registrasie

11. (1) 'n Raad bepaal met die instemming van die Minister van Finansies 'n registrasiedatum met betrekking tot die streek waarvoor die raad ingestel is, en bedoelde registrasiedatum word deur die raad by kennisgiving in die *Staatskoerant* bekendgemaak.

(2) Elke persoon wat op die registrasiedatum met betrekking tot 'n streek, of op 'n datum te eniger tyd nadie registrasiedatum—

(a) synde 'n werkewer, 'n werknemer behalwe 'n huis- of private bediende binne die streek in diens het of neem, of geag word aldus in diens te hê; of

(b) 'n onderneming binne die streek bedryf of begin bedryf of geag word aldus te bedryf, in die loop waarvan 'n hefbare transaksie gesluit word,

en wat aanspreeklik word vir die betaling van enige streeksdienstehelling of streeksvestigingsheffing, moet binne een maand gereken vanaf die registrasiedatum, of so 'n latere datum, na gelang van die geval, aan die betrokke raad 'n verklaring verstrek in die vorm wat die raad bepaal, wat die inligting bevat wat deur die raad vir die doeleindes van die bepalings van die Wet vereis word.

(3) Waar 'n raad oortuig is dat iemand vir die betaling van die streeksdienstehelling of die streeksvestigingsheffing aanspreeklik is of sal word, registreer hy so iemand as 'n heffingpligtige en, waar hy oortuig is dat iemand wat as 'n heffingpligtige geregistreer is, opgehou het om vir die betaling van so 'n heffing aanspreeklik te wees, kan hy so iemand se registrasie as heffingpligtige kanselleer.

(4) 'n Raad kan, met die doel om te bepaal of iemand aanspreeklik geword het vir die betaling van so 'n heffing, van so iemand vereis dat hy die in subparagraph (2) bedoelde verklaring aan hom verstrek.

Assessments

12. (1) Where any registered levypayer has failed to furnish any return referred to in paragraph 10 (4) within the relevant period allowed, the board concerned may estimate the amount of any levy which, in its opinion, is probably payable in respect of the relevant month or period, and may make an assessment of the amount of the unpaid levy.

(2) Where the Commissioner has under the provisions of paragraph 14 (4) directed a board to make an assessment of any unpaid levy, the board shall make such assessment.

(3) A board shall give the levypayer concerned written notice of any assessment made under subparagraph (1) or (2).

(4) The amount of any unpaid levy shown in any such assessment shall, subject to the levypayer's right of objection and appeal in accordance with the applicable provisions of this Schedule, be deemed to be an amount of levy which is properly payable under the Act, and may be recovered by the board by way of judicial process in a competent court, and it shall not be competent for any levypayer in any such process to question the correctness of any such assessment, notwithstanding that objection and appeal may have been lodged thereto.

Refunds

13. (1) Where a board is satisfied that any amount of regional services levy or regional establishment levy paid by any levypayer, or any interest paid by him in respect of any such levy, is in excess of the amount of such levy or interest legally payable, the board shall make a refund to the levypayer of the amount paid in excess.

(2) No refund shall be made under the provisions of subparagraph (1) unless the levypayer makes written application therefor within a period of two years after the date of payment of the relevant amount.

(3) Where any levypayer has made an application for a refund and the board concerned is of the opinion that such refund cannot legally be made, the board shall give the levypayer written notification of its refusal to make such refund.

(4) A board may, in lieu of making a refund under this paragraph, permit the levypayer to set off the amount refundable against any such levy due by him.

Powers of board and Commissioner

14. (1) A board shall be responsible for the administration of the provisions of this Schedule, but shall not be empowered to require any person to produce any books, records, accounts or other documents in relation to any regional services levy and regional establishment levy or to require any levypayer to substantiate any return submitted by him in connection with any such levy.

(2) Where a board has reason to believe that any levypayer has not paid in full any levy for which he is liable in terms of the Act, the board may submit the matter to the Commissioner for such action as he deems fit.

Aanslae

12. (1) Waar 'n geregistreerde heffingpligtige versuim het om 'n in paragraaf 10 (4) bedoelde opgaaf binne die betrokke toegelate tydperk te verstrek, kan die betrokke raad die bedrag aan enige heffing beraam wat, na sy oordeel, waarskynlik ten opsigte van die betrokke maand of tydperk betaalbaar is, en kan hy 'n aanslag maak van die bedrag aan onbetaalde heffing.

(2) Waar die Kommissaris ingevolge die bepalings van paragraaf 14 (4) 'n raad gelas het om 'n aanslag van enige onbetaalde heffing te maak, maak die raad bedoelde aanslag.

(3) 'n Raad gee aan die betrokke heffingpligtige skriftelike kennis van 'n aanslag wat ingevolge subparagraaf (1) of (2) gemaak is.

(4) Die bedrag aan onbetaalde heffing wat in so 'n aanslag getoon word, moet, behoudens die heffingpligtige se reg van beswaar en appèl ooreenkomsdig die toepaslike bepalings van hierdie Bylae, geag 'n bedrag aan heffing te wees wat regtens ingevolge die Wet betaalbaar is, en kan deur die raad by wyse van geregteleke proses in 'n bevoegde hof verhaal word, en geen heffingpligtige is bevoeg om in so 'n proses die juistheid van so 'n aanslag in twyfel te trek nie, al is 'n beswaar en appèl daarteen ingedien.

Terugbetalings

13. (1) Waar 'n raad oortuig is dat 'n bedrag aan streeksdienstheffing of streeksvestigingsheffing wat 'n heffingpligtige betaal het, of enige rente wat ten opsigte van so 'n heffing deur hom betaal is, meer is as die bedrag aan bedoelde heffing of rente wat regtens betaalbaar is, maak die raad aan die heffingpligtige 'n terugbetaling van die bedrag wat te veel betaal is.

(2) Geen terugbetaling word ingevolge die bepalings van subparagraaf (1) gemaak nie tensy die heffingpligtige binne twee jaar na die datum van betaling van die betrokke bedrag skriftelik daarvoor aansoek doen.

(3) Waar 'n heffingpligtige om 'n terugbetaling aansoek gedoen het en die betrokke raad van oordeel is dat bedoelde terugbetaling nie regtens gemaak kan word nie, gee die raad aan die heffingpligtige skriftelike kennis van sy weiering om die terugbetaling te maak.

(4) 'n Raad kan, in plaas van 'n terugbetaling ingevolge hierdie paragraaf te maak, die heffingpligtige toelaat om die terugbetaalbare bedrag te verreken teen so 'n heffing wat deur hom veskuldig is.

Magte van raad en Kommissaris

14. (1) 'n Raad is verantwoordelik vir die uitvoering van die bepalings van hierdie Bylae, maar is nie bevoeg om enigiemand aan te sê om enige boeke, rekords, rekeninge of ander dokumente met betrekking tot 'n streeksdienstheffing en 'n streeksvestigingsheffing voor te lê of om 'n heffingpligtige aan te sê om 'n opgaaf wat hy in verband met so 'n heffing ingedien het, te staaf nie.

(2) Waar 'n raad rede het om te glo dat 'n heffingpligtige 'n heffing waarvoor hy ingevolge die Wet aanspreeklik is, nie ten volle betaal het nie, kan die raad die aangeleentheid aan die Kommissaris voorlê vir die optrede wat hy goeddink.

(3) The Commissioner shall conduct such audits of the affairs of any levypayer as he considers necessary to ensure that the provisions of the Act are complied with, and may require any person to produce for examination any books, records or accounts or any other documents which in the opinion of the Commissioner are or may be necessary for the purpose of determining the liability of such person or any other person for the payment of any such levy.

(4) (a) Where the Commissioner is of the opinion that any levypayer has not paid in full any such levy for which he is liable, the Commissioner may, whether or not any person has reacted on a requisition referred to in subparagraph (3), direct the board concerned to make an assessment upon the levypayer in terms of the provisions of paragraph 12.

(b) The Commissioner may, for the purposes of any assessment contemplated in item (a), estimate the amount upon which levy is payable.

(5) The Commissioner may as and when he deems it expedient, furnish a board with a ruling or directive on the interpretation of any provision of the Act or this Schedule, and in such case the board shall be obliged to apply such ruling or directive.

Objections

15. (1) Any person who is dissatisfied with any assessment made in respect of him by a board under the provisions of paragraph 12 or with the board's refusal to make a refund under the provisions of paragraph 13, may lodge an objection thereto with the board.

(2) Every objection shall be in writing and shall specify in detail the grounds upon which it is made.

(3) No objection shall be considered by the board which is not delivered at its office or posted to it in sufficient time to reach it within 30 days after the date of the notice of assessment or notice of the board's refusal to make a refund against which the objection is lodged, unless the board is satisfied that reasonable grounds exist for the delay in lodging the objection.

(4) After having considered the objection, the board may—

- (a) alter or reduce the assessment; or
- (b) make a refund of any levy or interest paid; or
- (c) refer the objection to the Commissioner,

and shall in writing notify the person who made the objection of such alteration, reduction or referral, as the case may be: Provided that where the relevant assessment or refusal to make a refund is in accordance with a ruling or directive issued by the Commissioner, the board shall not alter or reduce such assessment or make such refund, but shall refer the objection to the Commissioner.

(5) The Commissioner may, after having considered an objection referred to him by the board under subparagraph (4)—

- (a) direct the board to alter or reduce the assessment; or

(3) Die Kommissaris doen die ouditering van 'n heffingpligtige se sake wat hy nodig ag om te verseker dat die bepalings van die Wet met betrekking tot die betaling van die streeksdienstheffing en die streeksvestigingsheffing nagekom word, en kan enigiemand aansê om enige boeke, rekords of rekeninge of enige ander dokument vir ondersoek voor te lê wat volgens die Kommissaris se oordeel nodig is of mag wees om die aanspreeklikheid van so iemand of enigiemand anders vir die betaling van so 'n heffing vas te stel.

(4) (a) Waar die Kommissaris oortuig is dat 'n heffingpligtige so 'n heffing waarvoor hy aanspreeklik is, nie ten volle betaal het nie, kan die Kommissaris, hetsy iemand op 'n aanseggig bedoel in subparagraph (3) gereageer het al dan nie, die betrokke raad gelas om ingevolge die bepalings van paragraaf 12 'n aanslag op die heffingpligtige te maak.

(b) Die Kommissaris kan vir die doeleindes van 'n aanslag in item (a) beoog, die bedrag beraam waarop heffing betaalbaar is.

(5) Die Kommissaris kan soos en wanneer hy dit nodig ag, 'n raad voorsien van 'n beslissing of aanwysing oor die uitleg van 'n bepaling van die Wet of hierdie Bylae, en in sodanige geval is die raad verplig om bedoelde beslissing van aanwysing toe te pas.

Besware

15. (1) Iemand wat ontevrede is met 'n aanslag wat ingevolge die bepalings van paragraaf 12 deur 'n raad ten opsigte van hom gemaak is of met die raad se weiering om 'n terugbetaling ingevolge die bepalings van paragraaf 13 te maak, kan beswaar daarteen by die raad aanteken.

(2) Elke beswaar geskied skriftelik en moet die gronde waarop dit steun, in besonderhede aandui.

(3) Geen beswaar word deur die raad in oorweging geneem nie wat nie by sy kantoor aangelever is of betyds aan hom gepos is nie om hom te bereik binne 30 dae na die datum van die kennisgewing van die aanslag of kennisgewing van die raad se weiering om 'n terugbetaling te maak waarteen die beswaar gemaak word, tensy die raad oortuig is dat daar rede-like gronde vir die vertraging by die indiening van die beswaar bestaan.

(4) Die raad kan, nadat hy die beswaar oorweeg het—

- (a) die aanslag wysig of verminder;
- (b) 'n terugbetaling maak van enige heffing of rente wat betaal is; of
- (c) die beswaar na die Kommissaris verwys,

en moet skriftelike kennisgewing van so 'n wysiging, vermindering of verwysing, na gelang van die geval, aan die persoon stuur wat die beswaar gemaak het: Met dien verstande dat waar die betrokke aanslag of weiering om 'n terugbetaling te maak in ooreenstemming is met 'n beslissing of aanwysing wat deur die Kommissaris gegee is, die raad bedoelde aanslag nie wysig of verminder nie en bedoelde terugbetaling nie maak nie, maar die beswaar moet verwys na die Kommissaris.

(5) Die Kommissaris kan, nadat hy 'n beswaar oorweeg het wat ingevolge subparagraph (4) deur die raad na hom verwys is—

- (a) die raad gelas om die aanslag te wysig of verminder; of

(b) direct the board to make a refund of any levy or interest paid; or

(c) disallow the objection,

and shall send the person who made the objection written notice of such direction or disallowance, as the case may be.

Appeals

16. (1) Any person entitled to make an objection who is dissatisfied with any decision of the board or the Commissioner as notified to him in terms of paragraph 15 (4) or (5), may appeal therefrom to the special court referred to in section 83 of the Income Tax Act, 1962 (Act No. 58 of 1962).

(2) (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 paragraph 15 (4) or (5).

(b) A notice of appeal shall not be of any force or effect whatsoever which is not delivered at the Commissioner's office or posted to him in sufficient time to reach him on or before the last day appointed for lodging appeals, unless the Commissioner is satisfied that reasonable grounds exist for delay in lodging the notice of appeal.

(3) At the hearing of any appeal under this paragraph—

(a) the appellant shall be limited to the grounds stated in the notice of objection referred to in paragraph 15; and

(b) the special court shall inquire into and consider the matter and may direct the board to make a refund or order the assessment under appeal to be altered, reduced or confirmed or, if it thinks fit, in the case of an assessment, refer such assessment back to the Commissioner for further investigation.

(4) The provisions of subsections (8) to (12) and (14) to (17) of section 83, and of sections 84, 85, 86A and 88 of the Income Tax Act, 1962, and any regulation made under that Act relating to any appeal to the special court referred to in subparagraph (1) and to any appeal in terms of the said section 86A, shall *mutatis mutandis* apply with reference to any appeal under this paragraph.

(b) die raad gelas om 'n terugbetaling van enige heffing of rente te maak; of

(c) die beswaar van die hand wys,

en moet skriftelike kennisgewing van so 'n lasgewing of afwysing, na gelang van die geval, aan die persoon stuur wat die beswaar gemaak het.

Appelle

16. (1) Iemand wat geregtig is om 'n beswaar te maak en wat ontevrede is met 'n beslissing van die raad of die Kommissaris soos ingevolge paragraaf 15 (4) of (5) aan hom meegedeel, kan daarteen appelleer na die spesiale hof bedoel in artikel 83 van die Inkomstbelastingwet, 1962 (Wet No. 58 van 1962).

(2) (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 paragraaf 15 (4) of (5) vermeld.

(b) 'n Kennisgewing van appèl wat nie betyds by die Kommissaris se kantoor afgelewer is of per pos aan hom gestuur is om hom op of voor die laaste dag bepaal vir indiening van appelle te bereik nie, het geen uitwerking of krag hoegenaamd nie, tensy die Kommissaris oortuig is dat daar redelike gronde vir die vertraging by die indiening van die appèl bestaan.

(3) By die aanhoor van 'n appèl ingevolge hierdie paragraaf—

(a) word die appellant beperk tot die gronde vermeld in die kennisgewing van beswaar bedoel in paragraaf 15; en

(b) word die saak deur die spesiale hof ondersoek enoorweeg en kan hy die raad gelas om 'n terugbetaling te maak of beveel dat die aanslag waarteen appellier word, gewysig, verminder of bekragtig word, of na goedvinde in die geval van 'n aanslag die aanslag na die Kommissaris vir verdere ondersoek terugverwys.

(4) Die bepalings van subartikels (8) tot en met (12) en (14) tot en met (17) van artikel 83, en van artikels 84, 85, 86A en 88 van die Inkomstbelastingwet, 1962, en enige regulasies wat kragtens daardie Wet uitgevaardig is en betrekking het op 'n appèl na die spesiale hof bedoel in subparagraph (1) en op 'n appèl ingevolge bedoelde artikel 86A, is *mutatis mutandis* met betrekking tot 'n appèl ingevolge hierdie paragraaf van toepassing.

Use it.



it.

Don't abuse

water is for everybody

Werk mooi daarmee.



daarvan.

Ons leef

water is kosbaar

IMPORTANT ANNOUNCEMENT

Closing Times

- (1) APPLICATIONS FOR LIQUOR LICENCES
- (2) APPLICATIONS FOR REMOVAL OF LICENCES

Notice is hereby given that notices are to be submitted for acceptance on the Friday, two calendar weeks before date of publication.

The closing time is 15:00 sharp on the following days:

- ▷ **23 November 1990**, for the issue of Friday **7 December 1990**.
- ▷ **18 December 1990**, for the issue of Friday **4 January 1991**.
- ▷ **18 January 1991**, for the issue of Friday **1 February 1991**.
- ▷ **15 February 1991**, for the issue of Friday **1 March 1991**.
- ▷ **20 March 1991**, for the issue of Friday **5 April 1991**.
- ▷ **18 April 1991**, for the issue of Friday **3 May 1991**.

Note: Late notices will be placed in the subsequent issue.

Information will be reflected exactly as furnished on Form 2 and Form 28 of prospective applicant.

BELANGRIKE AANKONDIGING

Sluitingstye

- (1) AANSOEKE OM DRANKLISENSIES
- (2) AANSOEKE OM VERPLASINGS VAN LISENSIES

Hiermee word bekendgemaak dat kennisgewings vir aanname die Vrydag, twee kalenderweke voor datum van publikasie, ingedien moet word.

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▷ **23 November 1990**, vir die uitgawe van Vrydag **7 Desember 1990**.
- ▷ **18 Desember 1990**, vir die uitgawe van Vrydag **4 Januarie 1991**.
- ▷ **18 Januarie 1991**, vir die uitgawe van Vrydag **1 Februarie 1991**.
- ▷ **15 Februarie 1991**, vir die uitgawe van Vrydag **1 Maart 1991**.
- ▷ **20 Maart 1991**, vir die uitgawe van Vrydag **5 April 1991**.
- ▷ **18 April 1991**, vir die uitgawe van Vrydag **3 Mei 1991**.

L.W.: Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word.

Gegewens word presies weergegee soos verstrek op Vorm 2 en Vorm 28 van voornemende aansoeker.

IMPORTANT ANNOUNCEMENT*Closing times PRIOR TO PUBLIC HOLIDAYS for***LEGAL NOTICES
GOVERNMENT NOTICES 1991***The closing time is 15:00 sharp on the following days:*

- **21 March**, Thursday, for the issue of Thursday **28 March**
- **27 March**, Wednesday, for the issue of Friday **5 April**
- **25 April**, Thursday, for the issue of Friday **3 May**
- **2 May**, Thursday, for the issue of Friday **10 May**
- **23 May**, Thursday, for the issue of Thursday **30 May**
- **3 October**, Thursday, for the issue of Friday **11 October**
- **12 December**, Thursday, for the issue of Friday **20 December**
- **17 December**, Tuesday, for the issue of Friday **27 December**
- **19 December**, Thursday, for the issue of Friday **3 January**

Late notices will be published in the subsequent issue. If, under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING*Sluitingstye VOOR VAKANSIEDAE vir***WETLIKE KENNISGEWINGS 1991
GOEWERMENTSKENNISGEWINGS 1991***Die sluitingstyd is stiptelik 15:00 op die volgende dae:*

- **21 Maart**, Donderdag, vir die uitgawe van Donderdag **28 Maart**
- **27 Maart**, Woensdag, vir die uitgawe van Vrydag **5 April**
- **25 April**, Donderdag, vir die uitgawe van Vrydag **3 Mei**
- **2 Mei**, Donderdag, vir die uitgawe van Vrydag **10 Mei**
- **23 Mei**, Donderdag, vir die uitgawe van Donderdag **30 Mei**
- **3 Oktober**, Donderdag, vir die uitgawe van Vrydag **11 Oktober**
- **12 Desember**, Donderdag, vir die uitgawe van Vrydag **20 Desember**
- **17 Desember**, Dinsdag, vir die uitgawe van Vrydag **27 Desember**
- **19 Desember**, Donderdag, vir die uitgawe van Vrydag **3 Januarie**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE Staatskoerant verlang word moet die kopie drie kalenderweke voor publikasie ingediend word

CONTENTS

No.	Page No.	Gazette No.
GOVERNMENT NOTICE		
Finance, Department of Government Notice		
729 KwaZulu and Natal Joint Services Act (84/1990): Calculation and payment of regional services levy and regional estab- lishment levy	1	13143

INHOUD

No.	Bladsy No.	Koerant No.
GOEWERMENTSKENNISGEWING		
Finansies, Departement van Goewermentskennisgewing		
729 Wet op Gesamentlike Dienste vir Kwa- Zulu en Natal (84/1990): Berekening en betaling van streeksdiensteheffing en streeksvestigingsheffing	1	13143