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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN FINANSIES

No. 2695

8 November 1991

WET OP BELASTING OP TOEGEVOEGDE WAARDE, 1991

WYSIGING VAN ARTIKELS 1, 2, 7, 8, 10, 11, 12, 15,
17, 18, 20, 21, 22, 27, 28, 39, 40, 41, 64, 65, 67, 75 EN
78 EN VAN BYLAES 1 EN 2

Kragtens artikel 76 (1) van die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991), wysig ek, Barend Jacobus du Plessis, Minister van Finansies, hierby artikels 1, 2, 7, 8, 10, 11, 12, 15, 17, 18, 20, 21, 22, 27, 28, 39, 40, 41, 64, 65, 67, 75 en 78 van daardie Wet en Bylaes 1 en 2 by daardie Wet soos in die Bylae hiervan uiteengesit.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

Wysiging van artikel 1 van Wet 89 van 1991, soos gewysig deur artikel 21 van Wet 136 van 1991

1. Artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991 (hieronder die Wet genoem), word hierby gewysig—

(a) deur die omskrywing van "belasting" deur die volgende omskrywing te vervang:

"belasting" die belasting wat kragtens [artikel 7] hierdie Wet hefbaar is."

GOVERNMENT NOTICE

DEPARTMENT OF FINANCE

No. 2695

8 November 1991

VALUE-ADDED TAX ACT, 1991

AMENDMENT OF SECTIONS 1, 2, 7, 8, 10, 11, 12, 15, 17, 18, 20, 21, 22, 27, 28, 39, 40, 41, 64, 65, 67, 75 AND 78 AND OF SCHEDULES 1 AND 2

Under section 76 (1) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), I, Barend Jacobus du Plessis, Minister of Finance, hereby amend sections 1, 2, 7, 8, 10, 11, 12, 15, 17, 18, 20, 21, 22, 27, 28, 39, 40, 41, 64, 65, 67, 75 and 78 of that Act and Schedules 1 and 2 to that Act, as set out in the Schedule hereto.

SCHEDULE

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
Words underlined with a solid line indicate insertions in existing enactments.

Amendment of section 1 of Act 89 of 1991, as amended by section 21 of Act 136 of 1991

1. Section 1 of the Value-Added Tax Act, 1991 (hereinafter referred to as the Act), is hereby amended—

(a) by the insertion after the definition of "dwelling" of the following definition:

"employee organization" means an organization in which a number of employees in any particular undertaking, industry, trade, occupation or profession are associated together for the purpose of regulating relations between themselves or some of them and their

- (b) deur die omskrywing van "dienste" deur die volgende omskrywing te vervang:

"dienste' enigets wat gedoen is of gedoen staan te word, met inbegrip van die verlening, assignasie, sessie of afstanddoening van 'n reg of die beskikbaarstelling van 'n faciliteit of voordeel, maar met uitsondering van 'n lewering van goed, [of] geld of 'n seël, vorm of kaart beoog in paragraaf (c) van die omskrywing van 'goed';";

- (c) deur in die omskrywing van "insetbelasting" paragraaf (b) deur die volgende paragraaf te vervang:

"(b) 'n bedrag gelyk aan die belastingbreukdeel (synde die belastingbreukdeel van toepassing op die tydstip van betaling) van enige bedrag betaal ten opsigte van enige vergoeding in geld gegee deur die ondernemer vir die lewering (behalwe 'n belasbare lewering) aan hom by wyse van 'n verkoop op of na die aanvangsdatum deur 'n inwoner van die Republiek of 'n bepaalde land van tweedehandse goed in die Republiek of 'n bepaalde land geleë: Met dien verstande dat waar, met betrekking tot daardie lewering, die partye verbonde persone is, bedoelde vergoeding in geld geag word die bedrag te wees wat vir die goed betaal word vir sover dit nie die ope markwaarde van bedoelde goed te bove gaan nie; en";

- (d) deur in die omskrywing van "onderneming" na paragraaf (v) van die voorbehoudsbepaling die volgende paragraaf by te voeg:

"(vi) die bedrywigheid van versekeringsbesigheid wat deur versekeraars van 'Lloyd's of London' onderskryf word, geag word nie die bedryf van 'n onderneming te wees nie;";

- (e) deur na die omskrywing van "onvoorwaardelike skenking" die volgende omskrywing in te voeg:

"'oordragbetaling' 'n oordragbetaling soos beoog in paragraaf A2.9 van die Handleiding oor die Staat se Finansiële Beplanning- en Begrotingstelsel wat ingevolge artikel 39 van die Skatkiswet, 1975 (Wet No. 66 van 1975), gepubliseer is;";

- (f) deur die omskrywing van "tweedehandse goed" deur die volgende omskrywing te vervang:

"'tweedehandse goed' goed wat voorheen besit en gebruik is, behalwe hawe en goudmuntstukke beoog in artikel 11 (1) (k);";

- (g) deur die omskrywing van "vasgoed" deur die volgende omskrywing te vervang:

"'vasgoed' grond (tesame met verbeterings wat daaraan geheg is), 'n eenheid soos in artikel 1 van die Wet op Deeltitels, 1986 (Wet No. 95

employers or some of their employers or mainly for that purpose, disregarding the provision of sickness, accident or unemployment benefits for the members of the organization or for the widows, children, dependants or nominees of deceased members;";

- (b) by the addition in the definition of "enterprise" after paragraph (v) of the proviso of the following paragraph:

"(vi) the activity of underwriting insurance business by Underwriting Members of Lloyd's of London shall be deemed not to be the carrying on of an enterprise;";

- (c) by the substitution for the definition of "fixed property" of the following definition:

"'fixed property' means land (together with improvements affixed thereto), any unit as defined in section 1 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), any share in a share block company as defined in section 1 of the Share Blocks Control Act, 1980 (Act No. 59 of 1980), which confers a right to or an interest in the use of immovable property, and, in relation to a property time-sharing scheme, any time-sharing interest as defined in section 1 of the Property Time-sharing Control Act, 1983 (Act No. 75 of 1983), and any real right in any such land, unit, share or time-sharing interest;";

- (d) by the substitution in the definition of "input tax" for paragraph (b) of the following paragraph:

"(b) an amount equal to the tax fraction (being the tax fraction applicable at the time of payment) of any amount paid in respect of any consideration in money given by the vendor for the supply (not being a taxable supply) to him by way of a sale on or after the commencement date by a resident of the Republic or a specified country of any second-hand goods situated in the Republic or a specified country: Provided that where, in relation to such supply, the parties are connected persons, such consideration in money shall be deemed to be the amount paid for the goods to the extent that it does not exceed the open market value of such goods; and";

- (e) by the substitution for the definition of "second-hand goods" of the following definition:

"'second-hand goods' means goods which were previously owned and used, excluding livestock and gold coins contemplated in section 11 (1) (k);";

- (f) by the substitution for the definition of "services" of the following definition:

"'services' means anything done or to be done, including the granting, assignment, cession or surrender of any right or the making

van 1986), omskryf, 'n aandeel in 'n aandeleblokmaatskappy soos in artikel 1 van die Wet op die Beheer van Aandeleblokke, 1980 (Wet No. 59 van 1980), omskryf, wat 'n reg op of belang in die gebruik van vaste eiendom verleen, en met betrekking tot 'n eiendomstydskema, enige tydsdelingbelang soos in artikel 1 van die Wet op die Beheer van Eiendomstydskeling, 1983 (Wet No. 75 van 1983), omskryf, en enige saaklike reg in bedoelde grond, eenheid, aandeel of tydsdelingbelang;";

- (h) deur die omskrywing van "welsynsorganisasie" deur die volgende omskrywing te vervang:

"welsynsorganisasie" 'n vereniging sonder winsoogmerk wat **[as 'n welsynsorganisasie]** ingevolge die Wet op Fondsin sameling, 1978 (Wet No. 107 van 1978), geregistreer is, indien hy bedrywighede voortsit of van voorneme is om bedrywighede voort te sit wat bestaan uit die verskaffing van kos, maaltye, losies, inwoning, klerasie of ander noedsaaklikhede, geriewe of genietinge aan bejaarde of behoeftige persone, kinders of liggaamlik of geestelik gestremde persone;" en

- (i) deur na die omskrywing van "welsynsorganisasie" die volgende omskrywing in te voeg:

"werknemersorganisasie" 'n organisasie waarin 'n aantal werknemers in 'n bepaalde onderneming, nywerheid, bedryf, beroep of professie verenig is om verhoudings tussen hulle of party van hulle en hul werkgewers of party van hul werkgewers te reël of hoofsaaklik vir daardie doel, sonder inagneming van die beskikbaar stelling van voordele by siekte, ongeval of werkloosheid vir lede van die organisasie of vir weduwees, kinders, afhanglikes of benoemdes van oorlede lede;".

Wysiging van artikel 2 van Wet 89 van 1991, soos gewysig deur artikel 22 van Wet 136 van 1991

2. Artikel 2 van die Wet word hierby gewysig deur in subartikel (1) paragraaf (k) deur die volgende paragraaf te vervang:

"(k) die koop of verkoop van termynkontrakte of opsiekontrakte soos omskryf in artikel 1 van die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989);".

Wysiging van artikel 7 van Wet 89 van 1991, soos gewysig deur artikel 23 van Wet 136 van 1991

3. Artikel 7 van die Wet word hierby gewysig—

- (a) deur in subartikel (1) die uitdrukking "12" deur die uitdrukking "10" te vervang; en
- (b) deur in subartikel (3) die uitdrukking "12" deur die uitdrukking "10" te vervang.

available of any facility or advantage, but excluding a supply of goods, **[or]** money or any stamp, form or card contemplated in paragraph (c) of the definition of 'goods';";

- (g) by the substitution for the definition of "tax" of the following definition:

"'tax' means the tax **[leviable under section 7]** chargeable in terms of this Act;";

- (h) by the insertion after the definition of "this Act" of the following definition:

"'transfer payment' means a transfer payment as contemplated in paragraph A2.9 of the Manual on the Financial Planning and Budgeting System of the State published in terms of section 39 of the Exchequer Act, 1975 (Act No. 66 of 1975);"; and

- (i) by the substitution for the definition of "welfare organization" of the following definition:

"'welfare organization' means any association not for gain which is registered **[as a welfare organization]** under the Fund-raising Act, 1978 (Act No. 107 of 1978), if it carries on or intends to carry on activities consisting of the provision of food, meals, board, lodging, clothing or other necessities, comforts or amenities to aged or indigent persons, children or physically or mentally handicapped persons.".

Amendment of section 2 of Act 89 of 1991, as amended by section 22 of Act 136 of 1991

2. Section 2 of the Act is hereby amended by the substitution in subsection (1) for paragraph (k) of the following paragraph:

"(k) the buying or selling of futures contracts or option contracts as defined in section 1 of the Financial Markets Control Act, 1989 (Act No. 55 of 1989);".

Amendment of section 7 of Act 89 of 1991, as amended by section 23 of Act 136 of 1991

3. Section 7 of the Act is hereby amended—

- (a) by the substitution in subsection (1) for the expression "12" of the expression "10"; and
- (b) by the substitution in subsection (3) for the expression "12" of the expression "10".

Amendment of section 8 of Act 89 of 1991, as amended by section 24 of Act 136 of 1991

4. Section 8 of the Act is hereby amended—

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

"For the purposes of this Act, where a person ceases to be a vendor, any goods (other than any goods in respect of the acquisition of which by the vendor a deduction of input tax under

Wysiging van artikel 8 van Wet 89 van 1991, soos gewysig deur artikel 24 van Wet 136 van 1991

4. Artikel 8 van die Wet word hierby gewysig—

- (a) deur in subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"By die toepassing van hierdie Wet, waar 'n persoon ophou om 'n ondernemer te wees, word enige goed (behalwe enige goed ten opsigte van die verkryging waarvan deur die ondernemer 'n af trekking van insetbelasting ingevolge artikel 16 (3) ontsê is ingevolge artikel 17 (2) of ontsê sou gewees het indien daardie artikels voor die aanvangsdatum van toepassing was) of reg wat oorgedra of gesedeer kan word of waarvan afstand gedaan kan word wat in die een of die ander geval dan deel uitmaak van die bates van sy onderneming, geag deur hom in die loop van daardie onderneming gelewer te word onmiddellik voordat hy opgehou het om 'n ondernemer te wees, tensy die onderneming voortgesit word deur 'n ander persoon wat ingevolge artikel 53 geag word 'n ondernemer te wees:";

- (b) deur in subartikel (2) die volgende voorbehoudsbepaling aan die einde by te voeg:

"Met dien verstande voorts dat hierdie subartikel nie van toepassing is nie op enige bedoelde goed of reg ten opsigte van die verkryging waarvan deur daardie ondernemer 'n af trekking ingevolge artikel 16 (3) ontsê is of nie toegelaat sal word nie, waar daardie ondernemer—

- (i) weens 'n bona fide-fout aan enige persoon se kant na aanleiding van 'n aansoek om registrasie ingevolge artikel 23 geregtig gestreer is; en
- (ii) voor of op 31 Desember 1991 die Kommissaris skriftelik versoek het om sy registrasie te kanselleer en daardie versoek deur die Kommissaris toegestaan word.;"
- (c) deur in subartikel (4) in paragraaf (a) die woorde "bêrekoop" deur die woorde "bêrekoopooreenkoms" te vervang;
- (d) deur in subartikel (4) in paragraaf (b) die woorde "bêrekoop" op al drie plekke waar dit voorkom, deur die woorde "ooreenkoms" te vervang; en
- (e) deur subartikel (12) te skrap.

Wysiging van artikel 10 van Wet 89 van 1991, soos gewysig deur artikel 26 van Wet 136 van 1991

5. Artikel 10 van die Wet word hierby gewysig—

- (a) deur in subartikel (13) die voorbehoudsbepaling te deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat waar [—

- (i) bedoelde voordeel of bate uit die reg van gebruik van 'n [motor] motorvoertuig

section 16 (3) was denied in terms of section 17 (2) or would have been denied if these sections had been applicable prior to the commencement date) or right capable of assignment, cession or surrender which in either case then forms part of the assets of his enterprise, shall be deemed to be supplied by him in the course of his enterprise immediately before he ceased to be a vendor, unless the enterprise is carried on by another person who in terms of section 53 is deemed to be a vendor;"

- (b) by the addition at the end of subsection (2) of the following proviso:

"Provided further that this subsection shall not apply to any such goods or right in respect of the acquisition of which by such vendor a deduction in terms of section 16 (3) has not been allowed or will not be allowed, where such vendor—

- (i) was registered pursuant to an application for registration under section 23 due to a *bona fide* error on the part of any person; and

- (ii) has on or before 31 December 1991 requested the Commissioner in writing to cancel his registration and such request is granted by the Commissioner.";

- (c) by the substitution in subsection (4) in paragraph (a) for the words "lay-by sale" of the words "lay-by agreement";

- (d) by the substitution in the Afrikaans text of subsection (4) in paragraph (b) for the word "bêrekoop", in all three places where it occurs, of the word "ooreenkoms"; and

- (e) by the deletion of subsection (12).

Amendment of section 10 of Act 89 of 1991, as amended by section 26 of Act 136 of 1991

5. Section 10 of the Act is hereby amended—

- (a) by the substitution in subsection (13) for the proviso of the following proviso:

"Provided that where [—

- (i) such benefit or advantage consists of the right to use a motor [car] vehicle as contemplated in paragraph 2 (b) of the Seventh Schedule to the Income Tax Act [and

- (ii) the vendor was in terms of section 17 (2) not entitled to deduct the full amount of input tax in terms of section 16 (3) in respect of the acquisition of such motor car],

the consideration in money for the supply shall be deemed to be the amount determined in the manner prescribed by the Minister in the Gazette for the category of motor [car] vehicle used [in respect of repairs, maintenance and insurance]."; and

soos beoog in paragraaf 2 (b) van die Sewende Bylae by die Inkomstebelasting-wet, bestaan [en]

- (ii) die ondernemer ingevolge artikel 17 (2) nie geregtig was om die volle bedrag van insetbelasting ingevolge artikel 16 (3) ten opsigte van die verkryging van bedoelde motor af te trek nie,

die vergoeding in geld vir die levering geag word die bedrag te wees wat vasgestel is op die wyse deur die Minister in die *Staatskoerant* voorgeskryf vir die kategorie [motor] motorvoertuig wat gebruik is [ten opsigte van herstelwerk, instandhouding en versering]; en

- (b) deur na subartikel (21) die volgende subartikel in te voeg:

"(21A) Waar enige levering van mediese of tandheelkundige dienste of ander goed of dienste gedoen word soos beoog in artikel 17 (2) (d) deur 'n fonds waarna in daardie artikel verwys word, word die waarde van daardie levering geag nul te wees."

Wysiging van artikel 11 van Wet 89 van 1991, soos gewysig deur artikel 27 van Wet 136 van 1991

6. Artikel 11 van die Wet word hierby gewysig—

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

"(f) die levering is aan die Suid-Afrikaanse Reserwebank, die Suid-Afrikaanse Muntnaatskappy (Eiendoms) Beperk of 'n depositonemende instelling ingevolge die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), geregistreer, van goud in die vorm van stawe, blanko munte, gietblokke, knope, draad, plaat of korreltjies of in oplossing, wat nie 'n vervaardigingsproses ondergaan het nie behalwe die raffinering daarvan of die vervaardiging of produksie van bedoelde stawe, blanko munte, gietblokke, knope, draad, plaat, korreltjies of oplossing; of";

- (b) deur in subartikel (1) paragraaf (g) deur die volgende paragraaf te vervang:

"(g) die levering is van daardie goed wat vir landbou, veeboerdery- of ander boerdery-doeleindes gebruik word soos uiteengesit in Deel A van Bylae 2, mits bedoelde levering gedoen word ooreenkomsdig daardie voorwaardes wat in [daardie Bylae] genoemde Deel voorgeskryf word; of";

- (b) by the insertion after subsection (21) of the following subsection:

"(21A) Where any supply of medical or dental services or other goods or services is made as contemplated in section 17 (2) (d) by a fund referred to in that section, the value of such supply shall be deemed to be nil."

Amendment of section 11 of Act 89 of 1991, as amended by section 27 of Act 136 of 1991

6. Section 11 of the Act is hereby amended—

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

"(f) the supply is to the South African Reserve Bank, the South African Mint Company (Proprietary) Limited or any deposit-taking institution registered under the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), of gold in the form of bars, blank coins, ingots, buttons, wire, plate or granules or in solution, which has not undergone any manufacturing process other than the refining thereof or the manufacture or production of such bars, blank coins, ingots, buttons, wire, plate, granules or solution; or";

- (b) by the substitution in subsection (1) for paragraph (g) of the following paragraph:

"(g) the supply is of such goods used or consumed for agricultural, pastoral or other farming purposes as are set forth in Part A of Schedule 2, provided such supply is made in compliance with such conditions as may be prescribed in [that Schedule] the said Part; or";

- (c) by the substitution in subsection (1) for paragraph (j) of the following paragraph:

"(j) [the goods consist of—

(i) brown bread as defined in Regulation 1 of the Regulations in terms of Government Notice No. R. 577 published in Government Gazette No. 13074 of 15 March 1991; or

(ii) maize meal graded as super maize meal, special maize meal, sifted maize meal or unsifted maize meal] the goods consist of such foodstuffs as are set forth in Part B of Schedule 2, but subject to such conditions as may be prescribed in the said Part; or";

(c) deur in subartikel (1) paragraaf (j) deur die volgende paragraaf te vervang:

"(j) **[die goed bestaan uit—**

(i) bruinbrood soos omskryf in Regulasie 1 van die Regulasies ingevolge Goewermentskennisgewing No. R. 577 gepubliseer in Staatskoerant No. 13074 van 15 Maart 1991; of

(ii) mieliemeel gegradeer as super-mieliemeel, spesiale mieliemeel, gesifte mieliemeel of ongesifte mieliemeel] die goed bestaan uit daardie voedingsmiddele soos uit-eengesit in Deel B van Bylae 2, maar behoudens daardie voorwaardes wat in genoemde Deel voorgeskryf word; of";

(d) deur in subartikel (1) die volgende paragraaf na paragraaf (j) in te voeg:

"(k) die goed goudmuntstukke is wat as soda-nig gelewer word en wat die Reserva-bank ooreenkomsdig die bepalings van artikel 14 van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989), in die Republiek uitgereik het of wat in sirkulasie bly soos in die voorbehoudsbepaling by subartikel (1) van bedoelde artikel beoog;";

(e) deur in subartikel (2) aan die einde van subparagraaf (ii) van paragraaf (h) die woord "of" by te voeg;

(f) deur in subartikel (2) die volgende subparagraaf na subparagraaf (ii) van paragraaf (h) in te voeg:

"(iii) die berging, herstel, onderhoud, skoonmaak, bestuur of reëling van die voor-siening van 'n houer waarna in paragraaf 2 (i) van Deel A van Bylae 1 verwys word of die reëling van bedoelde dienste;";

(g) deur in subartikel (2) aan die einde van paragraaf (o) die woord "of" by te voeg; en

(h) deur in subartikel (2) die volgende paragraaf na paragraaf (o) by te voeg:

"(p) die dienste ingevolge artikel 8 (5) geag word aan 'n openbare bestuur gelewer te word vir sover die betaling beoog in daardie artikel uit 'n oordragbetaling bestaan.".

Wysiging van artikel 12 van Wet 89 van 1991, soos gewysig deur artikel 28 van Wet 136 van 1991

7. Artikel 12 van die Wet word hierby gewysig—

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

"(a) Die lewering van enige finansiële dienste, met inbegrip van die lewering van enige ander goed of dienste gelewer

(d) by the insertion in subsection (1) after para-graph (j) of the following paragraph:

"(k) the goods are gold coins supplied as such and which the Reserve Bank has issued in the Republic in accordance with the provisions of section 14 of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), or which remain in circula-tion as contemplated in the proviso to subsection (1) of that section:";

(e) by the addition in subsection (2) at the end of subparagraph (ii) of paragraph (h) of the word "or";

(f) by the insertion in subsection (2) after subpara-graph (ii) of paragraph (h) of the following sub-paragraph:

"(iii) the storage, repair, maintenance, clea-ning, management or arranging the pro-vision of a container referred to in para-graph 2 (i) of Part A of Schedule 1 or the arranging of such services,";

(g) by the addition in subsection (2) at the end of paragraph (o) of the word "or"; and

(h) by the addition in subsection (2) after paragraph (o) of the following paragraph:

"(p) the services are in terms of section 8 (5) deemed to be supplied to a public au-thority to the extent that the payment contemplated in that section consists of a transfer payment.".

Amendment of section 12 of Act 89 of 1991, as amended by section 28 of Act 136 of 1991

7. Section 12 of the Act is hereby amended—

(a) by the substitution for paragraph (a) of the fol-lowing paragraph:

"(a) The supply of any financial services in-cluding the supply of any other goods or services supplied by the supplier of those financial services where the supply of such other goods or services is necessary for the supply of those financial services but **[not being]** excluding a supply of financial services which, but for this paragraph, would be charged with tax at the rate of zero per cent under sec-tion 11 (2);";

(b) by the substitution in paragraph (f) for subpara-graph (iii) of the following subparagraph:

"(iii) any housing development scheme as defined in the Housing Development Schemes for **[Aged]** Retired persons Act, 1988 (Act No. 65 of 1988);";

- deur die leweraar van daardie finansiële dienste waar die lewering van bedoelde ander goed of dienste noodsaaklik is vir die lewering van daardie finansiële dienste, maar **[behalwe]** uitgesonderd die lewering van finansiële dienste wat, by ontstentenis van hierdie paragraaf, aan belasting teen die koers van nul persent kragtens artikel 11 (2) onderworpe sou wees;”;
- (b) deur in die Engelse teks van paragraaf (f) subparagraaf (iii) deur die volgende subparagraaf te vervang:
- “(iii) any housing development scheme as defined in the Housing Development Schemes for **[Aged]** Retired Persons Act, 1988 (Act No. 65 of 1988);”;
- (c) deur in paragraaf (h) paragraaf (dd) van subparagraaf (i) deur die volgende paragraaf te vervang:
- “(dd) in ‘n universiteit ingestel by ‘n Wet van die Parlement of in ‘n universiteitskollege kragtens die **[Wet op Uitbreiding van Universiteitsopleiding, 1959 (Wet No. 45 van 1959)]** Wet op Tertiäre Onderwys, 1988 (Wet No. 66 van 1988), ingestel; of”; en
- (d) deur die volgende paragraaf by te voeg:

“(i) die lewering van enige goed of dienste deur ‘n werknemersorganisasie aan enige van sy lede vir sover die vergoeding vir bedoelde lewering uit ledebydrae bestaan.”.

Wysiging van artikel 15 van Wet 89 van 1991

8. Artikel 15 van die Wet word hierby gewysig deur in subartikel (2) subparagraaf (i) van paragraaf (b) deur die volgende subparagraaf te vervang:

“(i) die totale waarde van die ondernemer se belasbare lewerings in die tydperk van 12 maande wat eindig aan die einde van ‘n belastingtydperk nie **[R1]** R2,5 miljoen oorskry het nie; of”.

Wysiging van artikel 17 van Wet 89 van 1991, soos gewysig deur artikel 31 van Wet 136 van 1991

9. Artikel 17 van die Wet word hierby gewysig—

(a) deur in subartikel (2) paragraaf (ii) van die voorbehoudsbepaling by paragraaf (a) deur die volgende paragraaf te vervang:

“(ii) genoemde goed of dienste deur die ondernemer verkry word vir die verbruik of genot deur daardie ondernemer (met inbegrip, waar die ondernemer ‘n vennootskap is, van ‘n lid van daardie

- (c) by the substitution in paragraph (h) for paragraph (dd) of subparagraph (i) of the following paragraph:
- “(dd) in any university established by an Act of Parliament or in any university college established under the **[Extension of University Education Act, 1959 (Act No. 45 of 1959)]** Tertiary Education Act, 1988 (Act No. 66 of 1988); or”; and
- (d) by the addition of the following paragraph:
- “(i) the supply of any goods or services by an employee organization to any of its members to the extent that the consideration for such supply consists of membership contributions.”.

Amendment of section 15 of Act 89 of 1991

8. Section 15 of the Act is hereby amended by the substitution in subsection (2) for subparagraph (i) of paragraph (b) of the following subparagraph:

“(i) the total value of the vendor’s taxable supplies in the period of 12 months ending at the end of any tax period has not exceed **[R1]** R2,5 million; or”.

Amendment of section 17 of Act 89 of 1991, as amended by section 31 of Act 136 of 1991

9. Section 17 of the Act is hereby amended—

(a) by the substitution in subsection (2) for paragraph (ii) of the proviso to paragraph (a) of the following paragraph:

“(ii) such goods or services are acquired by the vendor for the consumption or enjoyment by that vendor (including, where the vendor is a partnership, a member of such partnership) or an employee or office holder of such vendor in respect of personal subsistence in respect of any night that such **[employee or office holder]** vendor or member is by reason of the vendor’s enterprise or, in the case of such employee or office holder, he is by reason of the duties of his employment or office, obliged to spend away from his usual place of residence in the Republic.”;

(b) by the substitution in subsection (2) for paragraph (iv) of the proviso to paragraph (a) of the following paragraph:

“(iv) such goods or services consist of a meal or refreshment supplied by the vendor as organizer of a **[meeting]** seminar or similar event to a participant in such **[meeting]** seminar or similar event, the supply of such meal or refreshment is made during the course of or immediately before or after such **[meeting]**”.

vennootskap) of 'n werknemer of ampsbekleer van daardie ondernemer met betrekking tot persoonlike verblyf ten opsigte van enige nag wat bedoelde [werknemer of ampsbekleer] ondernemer of lid vanweé sy onderneming of, in die geval van bedoelde werknemer of ampsbekleer, hy vanweé die pligte van sy diens of amp verplig is om weg van sy gewone verblyfplek in die Republiek deur te bring;";

(b) deur in subartikel (2) paragraaf (iv) van die voorbehoudsbepaling by paragraaf (a) deur die volgende paragraaf te vervang:

"(iv) genoemde goed of dienste bestaan uit 'n maaltyd of versering gelewer deur die ondernemer as organiserer van 'n [vergadering] seminaar of soortgelyke gebeurtenis aan 'n deelnemer in daardie [vergadering] seminaar of gebeurtenis, die lewering van daardie maaltyd of versering plaasvind gedurende die loop van of onmiddellik voor of na daardie [vergadering] seminaar of soortgelyke gebeurtenis en 'n bedrag deur die ondernemer van die ontvanger gevorder word wat die koste van daardie maaltyd of versering dek;";

(c) deur in subartikel (2) aan die einde van paragraaf (c) die woord "of" by te voeg; en

(d) deur in subartikel (2) die volgende paragraaf na paragraaf (c) by te voeg:

"(d) ten opsigte van enige goed of dienste verkry deur 'n fonds waarna in paragraaf (c) van die omskrywing van 'bystandsfonds' in artikel 1 van die Inkomstebelastingwet verwys word, vir die doeleindes van die lewering deur bedoelde fonds van enige mediese of tandheelkundige dienste of dienste regstreeks gekoppel aan daardie mediese of tandheelkundige dienste of van enige goed wat nodig is vir, of ondergeskik is aan of samehangend is met die lewering van enige bedoelde dienste.".

Wysiging van artikel 18 van Wet 89 van 1991, soos gewysig deur artikel 32 van Wet 136 van 1991

10. Artikel 18 van die Wet word hierby gewysig—

(a) deur in subartikel (4) die woorde wat die formule voorafgaan deur die volgende woorde te vervang:

"Waar—

(a) (i) goed of dienste gelewer is aan of ingevoer is deur 'n persoon voor die aanvangsdatum; of

seminar or similar event and a charge which covers the cost of such meal or refreshment is made by the vendor to the recipient;";

- (c) by the addition in subsection (2) at the end of paragraph (c) of the word "or"; and
- (d) by the addition in subsection (2) after paragraph (c) of the following paragraph:

"(d) in respect of any goods or services acquired by a fund referred to in paragraph (c) of the definition of 'benefit fund' in section 1 of the Income Tax Act, for the purposes of the supply by such fund of any medical or dental services or services directly connected with such medical or dental services or of any goods necessary for or subordinate or incidental to the supply of any such services."

Amendment of section 18 of Act 89 of 1991, as amended by section 32 of Act 136 of 1991

10. Section 18 of the Act is hereby amended—

(a) by the substitution in subsection (4) for the words preceding the formula of the following words:

"Where—

- (a) (i) goods or services have been supplied to or imported by a person prior to the commencement date; or
- (ii) goods have been manufactured, assembled, constructed or produced by him prior to the commencement date,

(not being goods or services in respect of the acquisition of which by a person a deduction of input tax would have been denied by section 17 (2) if that section had been applicable prior to the commencement date) and such goods or services were acquired, manufactured, assembled, constructed or produced or applied by such person wholly for purposes other than that of consumption, use or supply in the course of making supplies in the course of an activity which was an enterprise or would have been an enterprise if section 1 had been applicable prior to the date of promulgation of this Act; or

- (b) (i) goods or services have been supplied to or imported by a person after the commencement date; or
- (ii) goods have been manufactured, assembled, constructed or produced by him after the commencement date; or
- (iii) goods or services are deemed by subsection (1) or section 8 (2) to have been supplied to him,

(ii) goed deur hom vervaardig, gemonteer, opgerig of geproduceer is voor die aanvangsdatum;

(behalwe goed of dienste ten opsigte van die verkryging waarvan deur 'n persoon 'n aftrekking van insetbelasting deur artikel 17 (2) ontsê sou gewees het indien daardie artikel voor die aanvangsdatum van toepassing was) en daardie goed of dienste deur genoemde persoon verkry, vervaardig, gemonteer, opgerig of geproduceer of aangewend is geheel en al vir 'n ander doel as verbruik, gebruik of lewering in die loop van die doen van lewerings in die loop van 'n bedrywigheid wat 'n onderneming was of 'n onderneming sou gewees het indien artikel 1 voor die datum van afkondiging van hierdie Wet van toepassing was; of

(b) (i) goed of dienste gelewer is aan of ingevoer is deur 'n persoon na die aanvangsdatum; of

(ii) goed deur hom vervaardig, gemonteer, opgerig of geproduceer is na die aanvangsdatum; of

(iii) goed of dienste ingevolge subartikel (1) of artikel 8 (2) geag word aan hom gelewer te gewees het.

(behalwe goed of dienste ten opsigte van die verkryging waarvan deur 'n persoon 'n aftrekking van insetbelasting deur artikel 17 (2) ontsê is of deur daardie artikel ontsê sou gewees het indien daardie persoon 'n ondernemer was) en geen aftrekking ingevolge artikel 16 (3) gedoen is nie ten opsigte van of in verband met daardie goed of dienste; en

genoemde goed of dienste na die aanvangsdatum in enige belastingtydperk deur daardie persoon of, waar hy 'n lid van 'n vennootskap is, deur die vennootskap aangewend word geheel en al of gedeeltelik vir verbruik, gebruik of lewering in die loop van die doen van belasbare lewerings, word daardie goed of dienste geag in genoemde belastingtydperk aan daardie persoon of die vennootskap, na gelang van die geval, gelewer te wees, en word daardie persoon of die vennootskap, na gelang van die geval, deur die Kommisaris toegelaat om 'n aftrekking ingevolge artikel 16 (3) te doen van 'n bedrag vasgestel ooreenkomsdig die formule"; en

(b) deur in subartikel (5) die woorde wat volg op paragraaf (c) en wat die formule voorafgaan deur die volgende woorde te vervang:

"(behalwe goed of dienste ten opsigte van die verkryging waarvan deur die ondernemer 'n aftrekking van insetbelasting deur artikel 17 (2)

(not being goods or services in respect of the acquisition of which by a person a deduction of input tax was denied by section 17 (2) or would have been denied by that section if that person had been a vendor) and no deduction has been made in terms of section 16 (3) in respect of or in relation to such goods or services; and

such goods or services are subsequent to the commencement date applied in any tax period by that person or, where he is a member of a partnership, by the partnership, wholly or partly for consumption, use or supply in the course of making taxable supplies, those goods or services shall be deemed to be supplied in that tax period to that person or the partnership, as the case may be, and the Commissioner shall allow that person or the partnership, as the case may be, to make a deduction in terms of section 16 (3) of an amount determined in accordance with the formula"; and

(b) by the substitution in subsection (5) for the words following upon paragraph (c) and preceding the formula of the following words:

"(not being goods or services in respect of the acquisition of which by the vendor a deduction of input tax was denied by section 17 (2) or would have been denied if that section had been applicable prior to the commencement date) and such goods or services were acquired, manufactured, assembled, constructed or produced or applied by such vendor partly for the purpose of consumption, use or supply in the course of making taxable supplies or of making supplies in the course of an activity which was an enterprise or would have been an enterprise if section 1 had been applicable prior to the date of promulgation of this Act, such goods or services shall, if the extent of the application or use of such goods or services in the course of making taxable supplies is subsequent to the commencement date increased in relation to their total application or use, be deemed to be supplied to him, and the Commissioner shall allow the vendor to make a deduction in terms of section 16 (3), in the tax period during which such increase is deemed by subsection (6) to take place, of an amount determined in accordance with the formula".

Amendment of section 20 of Act 89 of 1991

11. (1) Section 20 of the Act is hereby amended—

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

"(g) the value of the supply, the amount of tax charged and the consideration for the supply.>"; and

ontsê is of ontsê sou gewees het indien daardie artikel voor die aanvangsdatum van toepassing was) en daardie goed of dienste deur genoemde ondernemer verkry, vervaardig, gemonteer, opgerig of geproduseer of aangewend is gedeeltelik vir doeleindes van verbruik, gebruik of levering in die loop van die doen van belasbare leverings of die doen van leverings in die loop van 'n bedrywigheid wat 'n onderneming was of 'n onderneming sou gewees het indien artikel 1 voor die datum van afkondiging van hierdie Wet van toepassing was, word genoemde goed of dienste, indien die mate van die aanwending of gebruik van bedoelde goed of dienste in die loop van die doen van belasbare leverings na die aanvangsdatum vermeerder word in verhouding tot hulle totale aanwending of gebruik, geag aan hom gelewer te wees en word die ondernemer deur die Kommissaris toegelaat om 'n aftrekking ingevolge artikel 16 (3) te maak, in die belastingtydperk waarin bedoelde vermeerdering ingevolge subartikel (6) geag word plaas te vind, van 'n bedrag vasgestel ooreenkomsdig die formule".

Wysiging van artikel 20 van Wet 89 van 1991

11. (1) Artikel 20 van die Wet word hierby gewysig—

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

"(g) die waarde van die levering, die bedrag van die belasting gehef en die vergoeding vir die levering.;" en

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

"(e) öf—

(i) die waarde van die levering, die bedrag van die belasting gehef en die vergoeding vir die levering; öf

(ii) waar die bedrag belasting wat gehef word, bereken word deur die belastingbreukdeel op die vergoeding toe te pas, die vergoeding vir die levering en öf die bedrag belasting gevorder, öf 'n verklaring dat dit 'n vordering ten opsigte van die belasting insluit en die koerswaarteen die belasting gehef is.;"

(2) Subparagraaf (1) (a) tree in werking op 1 April 1992.

Wysiging van artikel 21 van Wet 89 van 1991

12. (1) Artikel 21 van die Wet word hierby gewysig—

(a) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang:

"(d) die goed of dienste of 'n gedeelte van die goed of dienste wat gelewer is [(behalwe 'n terugsendbare houer)] aan die lewe-

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

"(e) either—

(i) the value of the supply, the amount of tax charged and the consideration for the supply; or

(ii) where the amount of tax charged is calculated by applying the tax fraction to the consideration, the consideration for the supply and either the amount of the tax charged, or a statement that it includes a charge in respect of the tax and the rate at which the tax was charged.;"

(2) Subparagraph (1) (a) shall come into operation on 1 April 1992.

Amendment of section 21 of Act 89 of 1991

12. (1) Section 21 of the Act is hereby amended—

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

"(d) the goods or services or part of the goods or services supplied [(excluding a returnable container)] have been returned to the supplier: Provided that where the deposit in respect of the supply of a returnable container is refunded by any vendor, such vendor shall be deemed to have made the supply in respect of which the deposit was charged.;"

(b) by the addition in subsection (3) to subparagraph (iii) of paragraph (a) of the following proviso:

"Provided that this subparagraph shall not apply where the credit note relates to a supply in respect of which a tax invoice contemplated in section 20 (5) was issued.;"

(c) by the substitution in subsection (3) for subparagraph (v) of paragraph (a) of the following subparagraph:

"(v) the amount by which the value of the said supply shown on the tax invoice has been reduced and the amount of the excess tax: Provided that where the credit note relates to a supply in respect of which a tax invoice contemplated in section 20 (5) was issued, the credit note shall contain either the said particulars or the amount by which the consideration has been reduced and either the amount of the excess tax, or a statement that it includes an amount of tax and the rate of the tax included.;"

- raar teruggegee is: Met dien verstande dat waar die deposito ten opsigte van die lewering van 'n terugsendbare houer deur enige ondernemer terugbetaal word, bedoelde ondernemer geag word die lewering ten opsigte waarvan die deposito gevorder is, te gedoen het;";
- (b) deur in subartikel (3) by subparagraaf (iii) van paragraaf (a) die volgende voorbehoudsbepaling te voeg:
- "Met dien verstande dat hierdie subparagraaf nie van toepassing is nie waar die kreditnota betrekking het op 'n lewering ten opsigte waarvan 'n belastingfaktuur beoog in artikel 20 (5) uitgereik is;"
- (c) deur in subartikel (3) subparagraaf (v) van paragraaf (a) deur die volgende subparagraaf te vervang:
- "(v) die bedrag waarmee die waarde van genoemde lewering wat op die belastingfaktuur aangetoon word, verminder is en die bedrag van die oorskotbelasting: Met dien verstande dat waar die kreditnota betrekking het op 'n lewering ten opsigte waarvan 'n belastingfaktuur beoog in artikel 20 (5) uitgereik is, die kreditnota of die bogenoemde besonderhede of die bedrag waarmee die vergoeding verminder is en of die bedrag van die oorskotbelasting, of 'n verklaring dat dit 'n bedrag belasting insluit en die koers van die belasting wat ingesluit is, vervat;"
- (d) deur in subartikel (3) by subparagraaf (iii) van paragraaf (b) die volgende voorbehoudsbepaling te voeg:
- "Met dien verstande dat hierdie subparagraaf nie van toepassing is nie waar die debetnota betrekking het op 'n lewering ten opsigte waarvan 'n belastingfaktuur beoog in artikel 20 (5) uitgereik is;" en
- (e) deur in subartikel (3) subparagraaf (v) van paragraaf (b) deur die volgende subparagraaf te vervang:
- "(v) die bedrag waarmee die waarde van genoemde lewering wat op die belastingfaktuur aangetoon word, vermeerder is en die bedrag van die addisionele belasting: Met dien verstande dat waar die debetnota betrekking het op 'n lewering ten opsigte waarvan 'n belastingfaktuur beoog in artikel 20 (5) uitgereik is, die debetnota of genoemde besonderhede of die bedrag waarmee die vergoeding vermeerder is en of die bedrag van die addisionele belasting, of 'n verklaring dat dit 'n bedrag belasting insluit en die koers van die belasting wat ingesluit is, vervat;"

(d) by the addition in subsection (3) to subparagraph (iii) of paragraph (b) of the following proviso:

"Provided that this subparagraph shall not apply where the debit note relates to a supply in respect of which a tax invoice contemplated in section 20 (5) was issued;" and

(e) by the substitution in subsection (3) for subparagraph (v) of paragraph (b) of the following subparagraph:

"(v) the amount by which the value of the said supply shown on the tax invoice has been increased and the amount of the additional tax: Provided that where the debit note relates to a supply in respect of which a tax invoice contemplated in section 20 (5) was issued, the debit note shall contain either the said particulars or the amount by which the consideration has been increased and either the amount of the additional tax, or a statement that it includes an amount of tax and the rate of the tax included;"

(2) Subparagraph (1) (c) and (e) shall come into operation on 1 April 1992.

Amendment of section 22 of Act 89 of 1991, as amended by section 33 of Act 136 of 1991

13. Section 22 of the Act is hereby amended by the substitution in subsection (1) for paragraph (iii) of the first proviso of the following paragraph:

"(iii) the said tax content shall be an amount calculated by applying the tax fraction, as applicable at the time the supply under the said instalment credit agreement was [entered into] in terms of section 9 (3) (c) deemed to have taken place, to the amount deemed as aforesaid to be irrecoverable in respect of such cash value;"

Amendment of section 27 of Act 89 of 1991, as amended by section 34 of Act 136 of 1991

14. Section 27 of the Act is hereby amended by the substitution in subsection (6) for paragraph (ii) of the proviso of the following paragraph:

"(ii) any tax period ending on the last day of a month, as applicable in respect of the relevant Category, may, instead of ending on such last day, end within [seven] 10 days before or after such last day;"

Amendment of section 28 of Act 89 of 1991

15. Section 28 of the Act is hereby amended by the substitution in subsection (1) for the proviso of the following proviso:

"Provided that where payment of the full amount of the tax is effected by the Commissioner by means of an electronic transfer and the require-

(2) Subparagraaf (1) (c) en (e) tree in werking op 1 April 1992.

Wysiging van artikel 22 van Wet 89 van 1991, soos gewysig deur artikel 33 van Wet 136 van 1991

13. Artikel 22 van die Wet word hierby gewysig deur in subartikel (1) paragraaf (iii) van die eerste voorbehoudsbepaling deur die volgende paragraaf te vervang:

"(iii) genoemde belastinginhoud 'n bedrag is wat bereken word deur toepassing van die belastingbreukdeel, soos van toepassing op die tydstip waarop die levering ingevolge genoemde paaiementkrediettooreenkomss aangegaan is ingevolge artikel 9 (3) (c) geag is plaas te gevind het, op die bedrag wat soos hierbo vermeld geag word ten opsigte van bedoelde kontantwaarde onverhaalbaar te wees."

Wysiging van artikel 27 van Wet 89 van 1991, soos gewysig deur artikel 34 van Wet 136 van 1991

14. Artikel 27 van die Wet word hierby gewysig deur in subartikel (6) paragraaf (ii) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:

"(ii) 'n belastingtydperk wat op die laaste dag van 'n maand eindig, soos van toepassing ten opsigte van die betrokke Kategorie, in stede dat dit op daardie laaste dag eindig, binne sewe 10 dae voor of na daardie laaste dag kan eindig."

Wysiging van artikel 28 van Wet 89 van 1991

15. Artikel 28 van die Wet word hierby gewysig deur in subartikel (1) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat waar betaling van die volle bedrag van die belasting deur die Kommisaris deur middel van 'n elektroniese oordrag bewerkstellig word en die vereistes vir die oordrag van die belasting deur die ondernemer nagekom is, bedoelde elektroniese oordrag nie voor die laaste besigheidsdag van die maand waarin die genoemde vyf-en-twintigste dag val bewerkstellig word nie en die tydperk waarin die belasting betaal moet word, geag word op die laaste besigheidsdag van bedoelde maand te eindig."

Wysiging van artikel 39 van Wet 89 van 1991, soos gewysig deur artikel 37 van Wet 136 van 1991

16. Artikel 39 van die Wet word hierby gewysig deur in subartikel (1) in paragraaf (b) die uitdrukking "44 (4)" deur die uitdrukking "44 (6)" te vervang.

ments for the transfer of the tax have been met by the vendor, such electronic transfer shall not be effected prior to the last business day of the month during which the said twenty-fifth day falls and the period within which the tax is required to be paid shall be deemed to end on the last business day of such month."

Amendment of section 39 of Act 89 of 1991, as amended by section 37 of Act 136 of 1991

16. Section 39 of the Act is hereby amended by the substitution in subsection (1) in paragraph (b) for the expression "44 (4)" of the expression "44 (6)".

Amendment of section 40 of Act 89 of 1991

17. Section 40 of the Act is hereby amended by the substitution in subsection (4) for paragraphs (a), (b) and (c) of the following paragraphs respectively:

- (a) in respect of such interest penalty; and
- (b) to the extent that such payment exceeds the amount of such interest penalty, in respect of such penalty interest; and
- (c) to the extent that such payment exceeds the sum of the amounts of such interest and penalty penalty and interest, in respect of such tax or additional tax."

Amendment of section 41 of Act 89 of 1991

18. Section 41 of the Act is hereby amended—

(a) by the substitution in paragraph (d) for subparagraph (ii) of the following subparagraph:

"(ii) any amount of tax chargeable under this Act in respect of the importation of goods was not paid—

(A) [when such goods were entered for home consumption] if such goods were required to be entered in terms of the Customs and Excise Act, on the relevant date for payment contemplated in section 39 (4); or

(B) [as required under] if payment of such amount was required to be made within the period allowed in terms of section 13 (4), within that period; or";

(b) by the insertion in paragraph (d) after subparagraph (ii) of the following subparagraph:

"(iiA) any amount of tax chargeable under section 7 (3) (a) was not paid on the date on which liability arose for the payment of the excise duty referred to in that section; or";

Wysiging van artikel 40 van Wet 89 van 1991

17. Artikel 40 van die Wet word hierby gewysig deur in subartikel (4) paragrawe (a), (b) en (c) deur onderskeidelik die volgende paragrawe te vervang:

- "(a) ten opsigte van daardie **[rente]** boete; en
- (b) vir sover daardie betaling die bedrag van die **[rente]** boete oorskry, ten opsigte van bedoelde **[boete]** rente; en
- (c) vir sover genoemde betaling die totaal van die bedrae van genoemde **[rente en boete]** boete en rente oorskry, ten opsigte van genoemde belasting of addisionele belasting."

Wysiging van artikel 41 van Wet 89 van 1991

18. Artikel 41 van die Wet word hierby gewysig—

- (a) deur in paragraaf (d) subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) 'n bedrag belasting wat ingevolge hierdie Wet ten opsigte van die invoer van goed hefbaar is, nie betaal is nie—

(A) **[toe]** indien die goed ingevolge die Doeane- en Aksynswet **[vir binnelandse gebruik]** geklaar **[is]** moes geword het op die betrokke datum vir betaling beoog in artikel 39 (4); of

(B) **[soos]** indien betaling van bedoelde bedrag gedoen moes word binne die tydperk toegelaat ingevolge artikel 13 (4) **[vereis]**, binne daardie tydperk; of";

- (b) deur in paragraaf (d) na subparagraaf (ii) die volgende subparagraaf in te voeg:

"(iIA) 'n bedrag belasting wat ingevolge artikel 7 (3) (a) hefbaar is nie betaal is nie op die datum waarop die aanspreeklikheid vir die betaling van die aksynsreg in daardie artikel bedoel, ontstaan het; of";

- (c) deur die woorde wat volg op paragraaf (d) en paragraaf (aa) voorafgaan deur die volgende woorde te vervang:

"en as gevolg daarvan 'n bedrag belasting wat na behore ingevolge hierdie Wet aan die Kommissaris, die Kommissaris van Doeane en Aksyns of die Posmeester-generaal betaal moes gewees het, nie betaal is nie, is daardie bedrag nie deur die Kommissaris verhaalbaar nie na verstryking van 'n tydperk van vyf jaar **[na die datum van die lewering bedoel in subparagraaf (i) of die invoer bedoel in subparagraaf (ii) of die lewering bedoel in subparagraaf (iii) of die lewering of invoer bedoel in subparagraaf (iv), na gelang van**

- (c) by the substitution for the words following upon paragraph (d) and preceding paragraph (aa) of the following words:

"and in consequence thereof an amount of tax which should have been paid to the Commissioner, the Commissioner for Customs and Excise or the Postmaster-General in terms of this Act has not been paid, that amount shall not be recoverable by the Commissioner after the expiration of a period of five years **[after the date of the supply referred to in subparagraph (i) or the importation referred to in subparagraph (ii) or the supply referred to in subparagraph (iii) or the supply or importation referred to in subparagraph (iv), as the case may be]** reckoned from the date on which that amount became payable in terms of this Act, if it is shown—"; and

- (d) by the substitution for paragraph (bb) of the following paragraph:

"(bb) that the person responsible for the payment of the amount which should have been paid acted in good faith and on an assumption that an exemption or a rate of zero per cent was in fact applicable in respect of the supply referred to in subparagraph (i) or the importation referred to in subparagraph (ii) or the supply referred to in subparagraph (iii) or that any such supply was not subject to tax under this Act, or that the amount of tax referred to in paragraph (d) (iIA) was not payable, or that a deduction in respect of the amount referred to in subparagraph (iv) was in fact applicable, as the case may be; and".

Amendment of section 64 of Act 89 of 1991

19. The following section is hereby substituted for section 64 of the Act:

"64. (1) Any price charged by any vendor in respect of any taxable supply of goods or services shall for the purposes of this Act be deemed to include any tax payable in terms of section 7 (1) (a) in respect of such supply, whether or not the vendor has included tax in such price.

(2) The amount of any deposit payable to or refundable by a vendor in respect of a returnable container shall be deemed to include tax.".

Amendment of section 65 of Act 89 of 1991

20. Section 65 of the Act is hereby amended by the substitution for the provisos of the following proviso:

"Provided that—

(i) where the price inclusive of tax and the price excluding tax for a supply are adver-

die geval] gereken vanaf die datum waarop daardie bedrag ingevolge hierdie Wet betaalbaar geword het, indien daar bewys word—”, en

(d) deur paragraaf (bb) deur die volgende paragraaf te vervang:

“(bb) dat die persoon aanspreeklik vir betaling van die bedrag wat betaal moes gewees het te goeder trou opgetree het en in die veronderstelling dat ’n vrystelling of ’n koers van nul persent ten opsigte van die lewering bedoel in subparagraph (i) of die invoer bedoel in subparagraph (ii) of die lewering bedoel in subparagraph (iii) inderdaad van toepassing was, of dat bedoelde lewering nie ingevolge hierdie Wet aan belasting onderworpe was nie, of dat die bedrag belasting bedoel in paragraaf (d) (iIA) nie betaalbaar was nie, of dat ’n aftrekking ten opsigte van die bedrag bedoel in subparagraph (iv) inderdaad van toepassing was, na gelang van die geval; en”.

Wysiging van artikel 64 van Wet 89 van 1991

19. Artikel 64 van die Wet word hierby deur die volgende artikel vervang:

“64. (1) ’n Prys gevra deur ’n ondernemer ten opsigte van ’n belasbare lewering van goed of dienste word by die toepassing van hierdie Wet geag belasting in te sluit wat ingevolge artikel 7 (1) (a) ten opsigte van daardie lewering betaalbaar is, hetsy die ondernemer belasting in bedoelde prys ingesluit het of nie.

(2) Die bedrag van enige deposito betaalbaar aan of terugbetaalbaar deur ’n ondernemer ten opsigte van ’n terugsendbarehouer word geag belasting in te sluit.”.

Wysiging van artikel 65 van Wet 89 van 1991

20. Artikel 65 van die Wet word hierby gewysig deur die voorbehoudsbepalings deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat—

(i) waar die prys met belasting ingesluit en die prys sonder belasting vir ’n lewering geadverteer of gekwoteer word, beide prys met gelyke prominensie en trefkrag geadverteer of gekwoteer word;

(ii) prysetikette op goed nie hoeft te meld dat prysbelasting insluit nie indien dit gemeld word by wyse van ’n kennisgewing wat opvallend vertoon word by alle toegange tot die perseel waarin die onderneming bedryf word en by alle punte in bedoelde perseel waar betalings gedoen word;

advertised or quoted, both prices shall be advertised or quoted with equal prominence and impact;

(ii) price tickets on goods need not state that the prices include tax if this is stated by way of a notice prominently displayed at all entrances to the premises in which the enterprise is carried on and at all points in such premises where payments are effected;

(iii) **[Provided further that]** the Commissioner may in the case of any vendor or class of vendors approve any other method of displaying prices of goods or services by such vendor or class of vendors during a period approved by the Commissioner which commences before and ends after the commencement date or, where the rate of tax is increased or reduced, the date on which the increased or reduced rate of tax takes effect.”.

Amendment of section 67 of Act 89 of 1991, as amended by section 43 of Act 136 of 1991

21. Section 67 of the Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Whenever the value-added tax is imposed or increased in respect of the supply of goods or services in relation to which any agreement was entered into by the acceptance of an offer made before the tax was imposed or increased, as the case may be, the vendor may, notwithstanding anything to the contrary in any agreement or law recover from the recipient, as an addition to the amounts payable by the recipient to the vendor, a sum equal to any amount payable by the vendor by way of the said tax or increase, as the case may be, and any amount so recoverable by the vendor shall, whether or not it is recovered, be accounted for by the vendor under the provisions of this Act as part of the consideration in respect of the said supply.”.

Amendment of section 75 of Act 89 of 1991, as amended by section 45 of Act 136 of 1991

22. Section 75 of the Act is hereby amended by the addition at the end of paragraph (a) of subsection (2) preceding the word “and”, of the following proviso:

“Provided that payments made by the government of a specified country to the Government of the Republic in terms of any such agreement, shall accrue to the State Revenue Fund and payments by the Government of the Republic to the government of a specified country in terms of any such agreement shall be made as a drawback of revenue charged to the State Revenue Fund;”.

(iii) **[Met dien verstande voorts dat]** die Kommissaris in die geval van 'n ondernemer of klas ondernemers 'n ander metode kan goedkeur vir die vertoon van die prysen van goed en dienste deur daardie ondernemer of klas ondernemers gedurende 'n deur die Kommissaris goedgekeurde tydperk wat begin voor en eindig na die aanvangsdatum of, waar die belastingkoers verhoog of verminder word, die datum waarop die verhoogde of verminderde belastingkoers in werking tree.”.

Wysiging van artikel 67 van Wet 89 van 1991, soos gewysig deur artikel 43 van Wet 136 van 1991

21. Artikel 67 van die Wet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Wanneer die belasting op toegevoegde waarde gehef of vermeerder word ten opsigte van die levering van goed of dienste met betrekking waartoe 'n ooreenkoms aangegaan is deur die aanname van 'n aanbod gemaak voordat die belasting gehef of vermeerder was, na gelang van die geval, kan die ondernemer, ondanks andersluidende bepalings van 'n ooreenkoms of wet, op die ontvanger, as 'n byvoeging by die bedrae betaalbaar deur die ontvanger aan die ondernemer, 'n som verhaal gelyk aan 'n bedrag deur die ondernemer betaalbaar by wyse van genoemde belasting of vermeerdering, na gelang van die geval, en enige bedrag aldus verhaalbaar deur die ondernemer moet, hetsy dit verhaal is al dan nie, deur die ondernemer in berekening gebring word ingevolge die bepalings van hierdie Wet as deel van die vergoeding ten opsigte van genoemde levering.”.

Wysiging van artikel 75 van Wet 89 van 1991, soos gewysig deur artikel 45 van Wet 136 van 1991

22. Artikel 75 van die Wet word hierby gewysig deur aan die einde van paragraaf (a) van subartikel (2) voor die woord “en”, die volgende voorbehoudsbepaling by te voeg:

“Met dien verstande dat betalings wat deur die regering van 'n bepaalde land aan die Regering van die Republiek gedoen word ingevolge bedoelde ooreenkoms, die Staatsinkomstefonds toeval en betalings wat deur die Regering van die Republiek aan die regering van 'n bepaalde land gedoen word ingevolge so 'n ooreenkoms as 'n terugtrekking van inkomste ten laste van die Staatsinkomstefonds gedoen word;”.

Amendment of section 78 of Act 89 of 1991, as amended by section 47 of Act 136 of 1991

23. Section 78 of the Act is hereby amended—

(a) by the addition in subsection (9) to paragraph (a) of the following proviso:

“Provided that where an agreement for the construction of improvements on such property has been concluded before the said date and the consideration payable under such agreement is in terms of section 6 (1) (c) of the Transfer Duty Act, 1949 (Act No. 40 of 1949), required for the purpose of the payment of transfer duty to be added to the consideration payable in respect of the acquisition of such property, such agreement and the agreement for the sale of the property shall for the purposes of this paragraph be deemed to be one agreement for the sale of the property.”;

(b) by the insertion in subsection (9) after paragraph (a) of the following paragraphs:

“(aA) Where an agreement for the sale of fixed property consisting of any dwelling together with land on which it is erected, or of any real right conferring a right of occupation of a dwelling or of any unit as defined in section 1 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), such unit being a dwelling, or of any share in a share block company as defined in section 1 of the Share Blocks Control Act, 1980 (Act No. 59 of 1980), which confers a right to or an interest in the use of a dwelling, is concluded on or before 31 March 1992 by a vendor who at the time of such sale holds such fixed property as trading stock, such sale shall, if the dwelling concerned was completed within 12 months before the commencement date, be deemed not to be a supply of goods for the purposes of this Act.

(aB) Where an agreement [other than an agreement referred to in paragraph (aC)] for the sale of fixed property consisting of land, or of any real right conferring a right of occupation of land, is concluded on or after the commencement date and on or before 31 March 1992 for the sole or principal purpose of the erection by or for the purchaser of a dwelling or dwellings on the land, as confirmed by the purchaser in writing, the tax chargeable under section 7 (1) (a) in respect of the supply of the land or real right under such sale shall be reduced to an amount equal to 6 per cent of the value of the supply.

(aC) Where fixed property includes a dwelling, and—

Wysiging van artikel 78 van Wet 89 van 1991, soos gewysig deur artikel 47 van Wet 136 van 1991

23. Artikel 78 van die Wet word hierby gewysig—

(a) deur in subartikel (9) by paragraaf (a) die volgende voorbehoudbepaling te voeg:

"Met dien verstande dat waar 'n ooreenkoms vir die oprigting van verbeterings op bedoelde vasgoed voor genoemde datum gesluit is en die vergoeding betaalbaar ingevolge bedoelde ooreenkoms ingevolge artikel 6 (1) (c) van die Wet op Hereregt, 1949 (Wet No. 40 van 1949), vir die doel van die betaling van hereregt bygevoeg moet word by die vergoeding betaalbaar ten opsigte van die verkryging van bedoelde vasgoed, bedoelde ooreenkoms en die ooreenkoms vir die verkoop van die vasgoed vir die doeleindes van hierdie paragraaf geag word een ooreenkoms vir die verkoop van die vasgoed te wees.;"

(b) deur in subartikel (9) die volgende paragrawe na paragraaf (a) in te voeg:

"(aA) Waar 'n ooreenkoms vir die verkoop van vasgoed bestaande uit 'n woning tesame met die grond waarop dit opgerig is, of uit 'n saaklike reg wat 'n reg van okkupasie van 'n woning verleen of uit 'n eenheid soos in artikel 1 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), omskryf, wat 'n woning is, of uit 'n aandeel in 'n aandeleblokmaatskappy soos in artikel 1 van die Wet op die Beheer van Aandeleblokke, 1980 (Wet No. 59 van 1980), omskryf, wat 'n reg op of belang in die gebruik van 'n woning verleen, voor of op 31 Maart 1992 gesluit word deur 'n ondernemer wat ten tyde van daardie verkoop bedoelde vasgoed as handelsvoorraad besit, word daardie verkoop, indien die betrokke woning voltooi is binne 12 maande voor die aanvangsdatum, geag nie by die toepassing van hierdie Wet 'n lewering van goed te wees nie.

(aB) Waar 'n ooreenkoms [behalwe 'n ooreenkoms waarna in paragraaf (aC) verwys word] vir die verkoop van vasgoed bestaande uit grond, of uit enige saaklike reg wat 'n reg van okkupasie van grond verleen, op of na die aanvangsdatum en voor of op 31 Maart 1992 gesluit word met die enigste doel of hoofdoel dat 'n woning of wonings op die grond deur of vir die koper opgerig word, soos deur die koper skriflik bevestig, word die belasting wat ingevolge artikel 7 (1) (a) hefbaar is ten opsigte van die lewering van die grond of saaklike reg ingevolge bedoelde verkoop, verminder na 'n bedrag gelijk aan 6 persent van die waarde van die lewering.

(aC) Waar vasgoed 'n woning insluit, en—

(i) die oprigting van die woning op of na 30 September 1991 en voor of op 31 Desember 1991 voltooi word en 'n ooreen-

(i) the erection of the dwelling is completed on or after 30 September 1991 and on or before 31 December 1991 and an agreement for the sale of such fixed property is concluded on or after 22 August 1991 and on or before 31 December 1991, the tax chargeable under section 7 (1) (a) in respect of the supply of the fixed property under such sale shall be reduced to an amount equal to 3 per cent of the value of the supply; or

(ii) the erection of the dwelling is completed on or after 30 September 1991 and on or before 31 March 1992 and an agreement for the sale of such fixed property is concluded on or after 22 August 1991 and on or before 31 March 1992, the tax chargeable under section 7 (1) (a) in respect of the supply of the fixed property under such sale shall, subject to the provisions of subparagraph (i), be reduced to an amount equal to 6 per cent of the value of the supply:

Provided that—

(i) where an agreement has been concluded for the erection of a dwelling on land supplied under a sale and the consideration payable under such agreement would in terms of section 6 (1) (c) of the Transfer Duty Act, 1949, if that Act were applicable, be required for the purpose of the payment of transfer duty to be added to the consideration payable in respect of the acquisition of the property, such agreement and the sale shall, subject to the provisions of paragraph (ii) of this proviso, for the purposes of this paragraph be deemed to be one agreement for the sale of the property;

(ii) the tax payable in respect of the supply of the land and the supply of the construction services in respect of the erection of a dwelling as contemplated in paragraph (i), shall be separately payable in respect of each supply in accordance with the provisions of this Act;

(iii) where the agreement for the sale of such fixed property was concluded before the commencement date, the provisions of paragraph (a) of this subsection shall apply unless the seller and the purchaser under the sale agree in writing that that paragraph shall not apply and that this paragraph shall apply.

- koms vir die verkoop van bedoelde vasgoed op of na 22 Augustus 1991 en voor of op 31 Desember 1991 gesluit word, word die belasting wat ingevolge artikel 7 (1) (a) hefbaar is ten opsigte van die lewering van die vasgoed ingevolge daardie verkoop, verminder na 'n bedrag gelyk aan 3 persent van die waarde van die lewering; of
- (ii) die oprigting van die woning op of na 30 September 1991 en voor of op 31 Maart 1992 voltooi word en 'n ooreenkoms vir die verkoop van bedoelde vasgoed op of na 22 Augustus 1991 en voor of op 31 Maart 1992 gesluit word, word die belasting wat ingevolge artikel 7 (1) (a) hefbaar is ten opsigte van die lewering van die vasgoed ingevolge daardie verkoop, onderworpe aan die bepalings van subparagraph (i), verminder na 'n bedrag gelyk aan 6 persent van die waarde van die lewering:

Met dien verstande dat—

- (i) wanneer 'n ooreenkoms gesluit is vir die oprigting van 'n woning op grond wat ingevolge 'n verkoop gelewer is en die vergoeding wat ingevolge bedoelde ooreenkoms betaalbaar is ingevolge artikel 6(1)(c) van die Wet op Hereregte, 1949, indien daardie Wet van toepassing was, vir die doel van die betaling van hereregte by die vergoeding betaalbaar ten opsigte van die verkryging van die vasgoed bygevoeg sou moes word, word bedoelde ooreenkoms en die verkoop, onderworpe aan die bepalings van paragraaf (ii) van hierdie voorbehoudsbepaling, vir die doeleindeste van hierdie paragraaf geag een ooreenkoms vir die verkoop van die vasgoed te wees;
- (ii) die belasting betaalbaar ten opsigte van die lewering van die grond en die lewering van die konstruksiedienste ten opsigte van die oprigting van 'n woning soos beoog in paragraaf (i), ten opsigte van elke lewering afsonderlik betaalbaar is in ooreenstemming met die bepalings van hierdie Wet;
- (iii) waar die ooreenkoms vir die verkoop van bedoelde vasgoed voor die aanvangsdatum gesluit is, die bepalings van paragraaf (a) van hierdie subartikel van toepassing is tensy die verkoper en die koper ingevolge die verkoop skriftelik ooreenkomen dat daardie paragraaf nie van toepassing is nie en hierdie paragraaf van toepassing is.

(aD) Waar 'n ooreenkoms [behalwe 'n ooreenkoms waarna in paragraaf (i) van die voorbehoudsbepaling by paragraaf (aC) verwys word] vir die oprigting deur 'n ondernemer wat 'n

- (aD) Where any agreement [other than an agreement referred to in paragraph (i) of the proviso to paragraph (aC)] for the construction by any vendor carrying on a construction enterprise of any new dwelling is concluded on or before 31 March 1992 and the dwelling is to be erected in the course of such enterprise, the tax chargeable under section 7 (1) (a) in respect of the supply of the construction service, including any construction service supplied to the vendor by a subcontractor, shall to the extent that such services are performed on or before 31 March 1992 be reduced to 6 per cent of the value of the supply.”;
- (c) by the substitution in subsection (10) for paragraph (b) of the following paragraph:
- “(b) has on hand a stock of consumable goods or maintenance spares acquired under sales concluded by him or the importation by him prior to that date for the purpose of consumption or use in the course of his enterprise, and sales tax has been borne by him in respect of such sales or importation.”;
- (d) by the substitution in the Afrikaans text of subsection (10A) for the words preceding the proviso of the following words:
- “Waar verkoopbelasting gedra is deur 'n ondernemer (synde 'n persoon wat op of met ingang van die aanvangsdatum kragtens artikel 23 geregistreer is) ten opsigte van die verkryging van goed (behalwe vasgoed of goed daarby ingelyf) kragtens 'n verkoop of die invoer van goed en bedoelde goed op die aanvangsdatum deur hom gehou word as handelsvoorraad soos omskryf in artikel 1 van die Inkomstebelastingwet, hetsy die ondernemer aanspreeklik is vir normale belasting kragtens daardie Wet of nie, kan die ondernemer, mits hy 'n opname van daardie voorraad gedoen het en voorraadlyste wat behoorlik opgestel is ten opsigte van genoemde voorraadopname behou, die bedrag van daardie belasting by die bedrae aan insetbelasting wat kragtens artikel 16 (3) deur hom afgetrek word, insluit ten opsigte van die belastingtydperk waarin daardie goed in die loop of ter bevordering van sy onderneming deur hom gelewer word.”; and
- (e) by the substitution in subsection (11) in paragraph (b) for the expression “12” of the expression “10”.

konstruksie-onderneming beoefen van 'n nuwe woning voor of op 31 Maart 1992 gesluit word en die woning in die loop van daardie onderneming opgerig staan te word, word die belasting wat ingevolge artikel 7 (1) (a) ten opsigte van die lewering van die konstruksiediens, insluitende enige konstruksiediens wat deur 'n subkontrakteur aan die ondernemer gelewer word, hefbaar is, vir sover bedoelde dienste voor of op 31 Maart 1992 verrig word, na 6 persent van die waarde van die lewering verminder.”;

(c) deur in subartikel (10) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) 'n voorraad verbruiksgoed of instandhoudingsonderdele voorhande het wat hy verkry het kragtens verkope deur hom aangegaan of invoere deur hom [**wat**] voor daardie datum [**aangegaan is**] vir die doeleindes van verbruik of gebruik in die loop van sy onderneming, en hy verkoopbelasting ten opsigte van bedoelde verkope of invoere gedra het.”;

(d) deur in subartikel (10A) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Waar verkoopbelasting gedra is deur 'n ondernemer (synde 'n persoon wat op of met ingang van die aanvangsdatum kragtens artikel 23 geregistreer is) ten opsigte van die verkryging van goed (behalwe vasgoed of goed daarby ingelyf) kragtens 'n verkoop of die invoer van goed en bedoelde goed op die aanvangsdatum deur hom gehou word as handelsvoorraad soos omskryf in artikel 1 van die Inkomstebelastingwet, hetsy die ondernemer aanspreeklik is vir normale belasting kragtens daardie Wet of nie, kan die ondernemer, mits hy 'n opname van daardie voorraad gedoen het en voorraadlyste wat behoorlik opgestel is ten opsigte van genoemde voorraadopname behou, die bedrag van daardie belasting by die bedrae aan insetbelasting wat kragtens artikel 16 (3) deur hom afgetrek word, insluit ten opsigte van die belastingtydperk waarin daardie goed in die loop of ter bevordering van sy onderneming deur hom gelewer word.”; en

(e) deur in subartikel (11) in paragraaf (b) die uitdrukking “12” deur die uitdrukking “10” te vervang.

Wysiging van Bylae 1 by Wet 89 van 1991, soos gewysig deur artikel 48 van Wet 136 van 1991

24. Bylae 1 by die Wet word hierby gewysig—

(a) deur in paragraaf 1 van DEEL A die woorde wat die uitdrukking “Item No.” voorafgaan deur die volgende woorde te vervang:

“Goed ingevoer in die Republiek wat ressorteer onder enige pos en beskrywing hieronder vermeld, in die mate aangedui, [**en ten opsigte waarvan of geen**] ongeag

Amendment of Schedule 1 to Act 89 of 1991, as amended by section 48 of Act 136 of 1991

24. Schedule 1 to the Act is hereby amended—

(a) by the substitution in paragraph 1 of PART A for the words preceding the expression “Item No.” of the following words:

“Goods imported into the Republic which fall under any heading and description mentioned below, to the extent indicated, [**and in respect of which either no**] regardless of whether or not customs duty is payable or a rebate of customs duty is granted in terms of the Customs and Excise Act.”;

(b) by the insertion after Item No. 470.02 of paragraph 1 of PART A of the following Item:

“470.03 Goods cleared in terms of a permit issued by the Director-General: Trade and Industry, on the recommendation of the Board of Trade and Industry, for use in the manufacturing, processing, finishing, equipping or packing of goods exclusively for export.”;

(c) by the insertion in paragraph 1 of PART A before Heading No. 27.09.00 of the following Heading:

“10.06 Rice.”;

(d) by the insertion after the expression “470.02” in paragraph 1 of PART B of the expression “470.03”;

(e) by the insertion after the expression “Headings Nos.” in paragraph 1 of PART B of the expression “10.06”;

(f) by the substitution in the Afrikaans text of paragraph 1 of PART C for the words preceding subparagraph (a) of the following words:

“Goed in die Republiek ingevoer [**van 'n bepaalde land soos in artikel 1 omskryf**], naamlik—”;

(g) by the insertion after the expression “470.02” in paragraph 1 of PART C of the expression “470.03”; and

(h) by the insertion after the expression “Headings Nos.” in paragraph 1 of PART C of the expression “10.06”.

Amendment of Schedule 2 to Act 89 of 1991, as amended by section 49 of Act 136 of 1991

25. Schedule 2 to the Act is hereby amended—

(a) by the insertion immediately under the heading “Schedule 2” of the expression “PART A”;

- of doeane-reg betaalbaar is [nie of] of 'n korting van doeane-reg ingevolge die Doeane- en Ak-synswet toegestaan is of nie;"
- (b) deur na Item No. 470.02 van paragraaf 1 van DEEL A die volgende Item in te voeg:
- "470.03 Goedere geklaar ingevolge 'n permit uitgereik deur die Direkteur-generaal: Handel en Nywerheid, op aanbeveling van die Raad van Handel en Nywerheid, vir gebruik by die vervaardiging, verwerking, afwerkung, uitrusting of verpakking van goedere uitsluitlik vir uitvoer."**
- (c) deur in paragraaf 1 van DEEL A voor Pos No. 27.09.00 die volgende Pos in te voeg:
"10.06 Rys."
- (d) deur na die uitdrukking "470.02" in paragraaf 1 van DEEL B die uitdrukking "470.03" in te voeg;
- (e) deur na die uitdrukking "Pos Nos." in paragraaf 1 van DEEL B die uitdrukking "10.06" in te voeg;
- (f) deur in paragraaf 1 van DEEL C die woorde wat subparagraaf (a) voorafgaan deur die volgende woorde te vervang:
- "Goed in die Republiek ingevoer [van 'n bepaalde land soos in artikel 1 omskryf], naamlik—";
- (g) deur na die uitdrukking "470.02" in paragraaf 1 van DEEL C die uitdrukking "470.03" in te voeg; en
- (h) deur na die uitdrukking "Pos Nos." in paragraaf 1 van DEEL C die uitdrukking "10.06" in te voeg.

Wysiging van Bylae 2 by Wet 89 van 1991, soos gewysig deur artikel 49 van Wet 136 van 1991

- 25.** Bylae 2 by die Wet word hierby gewysig—
- (a) deur onmiddellik onder die opskrif "Bylae 2" die uitdrukking "DEEL A" in te voeg;
- (b) deur in paragraaf 2 subparagraaf (a) deur die volgende subparagraaf te vervang:
- "(a) die betrokke goed gelewer word aan 'n ondernemer wat ingevolge hierdie Wet of ingevolge 'n wet van 'n bepaalde land wat 'n belasting op toegevoegde waarde of soortgelyke belasting oplê, geregtreer is, in hoeveelhede waarvoor die vergoeding nie minder is nie as R500 per item vir elke lewering; en"; en
- (c) deur die volgende Deel by te voeg:
- "DEEL B"**

[Artikel 11 (1) (j) van hierdie Wet]

NULKOERS: LEWERING VAN GOED BESTAANDE UIT SEKERE VOEDINGS-MIDDELE

- Die goed ten opsigte van die lewering waarvan die nulkoers ingevolge die bepalings van artikel 11 (1) (j) van hierdie Wet

- (b) by the substitution in paragraph 2 for subparagraph (a) of the following subparagraph:
- "(a) the goods concerned are supplied to a vendor who is registered under this Act or under a law of a specified country imposing a value-added tax or similar tax, in quantities the consideration for which is not less than R500 per item for each supply; and"; and
- (c) by the addition of the following Part:

"PART B"

[Section 11 (1) (j) of this Act]

ZERO RATE: SUPPLY OF GOODS CONSISTING OF CERTAIN FOODSTUFFS

- The goods in respect of the supply of which the rate of zero per cent shall apply under the provisions of section 11 (1) (j) of this Act shall, subject to the provisions of paragraph 2, be as hereinafter set forth:

Item 1

Brown bread as defined in Regulation 1 of the Regulations in terms of Government Notice No. R. 577 published in *Government Gazette* No. 13074 of 15 March 1991

Item 2

maize meal graded as super maize meal, special maize meal, sifted maize meal or unsifted maize meal

Item 3

samp, not further prepared or processed

Item 4

mealie rice, not further prepared or processed

Item 5

dried silo screened mealies or dried mealies for human consumption not further prepared or processed or packaged as seed, but excluding pop corn (*zea mays everta*)

Item 6

dried beans, whole, split, crushed or in powder form but not further prepared or processed or where packaged as seed

Item 7

lentils, dried, whole, skinned or split

Item 8

pilchards or sardinella supplied in tins or cans consisting mainly of such products regardless of whether flavoured, seasoned or preserved in oil, but excluding such products as are supplied as pet food or sardines supplied in tins or cans

van toepassing is, is, behoudens die bepalings van paragraaf 2, soos hieronder uiteengesit:

- Item 1 Bruinbrood soos omskryf in Regulasie 1 van die Regulasies ingevolge Goewermentskennisgewing No. R. 577 gepubliseer in *Staatskoerant* No. 13074 van 15 Maart 1991
- Item 2 mieliemeel gegradeer as super-mieliemeel, spesiale mieliemeel, gesifte mieliemeel of ongesifte mieliemeel
- Item 3 stampmielies, nie verder voorberei of verwerk nie
- Item 4 mielerys, nie verder voorberei of verwerk nie
- Item 5 gedroogde silo skoongemaakte mielies of gedroogde mielies vir menslike verbruik wat nie verder voorberei of verwerk of as saad verpak is nie, maar uitgesonderd springmielies (*zea mays everta*)
- Item 6 gedroogde bone, heel, gesplete, gebreek of in poeiervorm maar nie verder voorberei of verwerk of waar as saad verpak nie
- Item 7 lenses, gedroog, heel, afgen erf of gesplete
- Item 8 sardyne of sardinella gelewer in blikke of kanne bestaande hoofsaklik uit bedoelde produkte hetsy gegeur, gekruif in olie bewaar, maar uitgesonderd bedoelde produktes wat as troeteldierkos gelewer word of sardientjies gelewer in blikke of kanne
- Item 9 melk, synde die melk van vee, skape of bokke wat nie gekonsentreer, gekondenseer, ingedamp, versoet, gegeur of aangesuur is of aan enige ander proses behalwe homogenisasie of bewaring deur pasteurisasie, ultra-hoë temperatuurbehandeling, sterilisasie, verkoeling of bevriesing onderwerp is nie
- Item 10 melkpoeier: ongegeurd, synde die poeier verkry deur die ontwatering van melk en wat ressorteer onder die volgende klassifikasies soos bepaal deur die Minister van Landbou kragtens die Bemarkingswet, 1968 (Wet No. 59 van 1968), of enige regulasie kragtens daardie Wet:

Hoëvetmelkpoeier

- Item 9 milk, being the milk of cattle, sheep or goats that has not been concentrated, condensed, evaporated, sweetened, flavoured, cultured or subjected to any other process other than homogenization or preservation by pasteurization, ultra-high temperature treatment, sterilization, chilling or freezing
- Item 10 milk powder: unflavoured, being the powder obtained by the removal of water from milk and which falls under the following classifications determined by the Minister of Agriculture under the Marketing Act, 1968 (Act No. 59 of 1968), or any regulation under that Act:
 - High-fat milk powder
 - Full-fat milk powder
 - Medium-fat milk powder
 - Low-fat milk powder
 - Fat-free milk powder,
 provided that fat or protein content of such milk powder consists solely of milk fat or milk protein
- Item 11 dairy powder blend; being any dairy powder blend which falls under the following classifications determined by the Minister of Agriculture under the Marketing Act, 1968 (Act No. 59 of 1968), or any regulation under that Act:
 - High-fat dairy powder blend
 - Full-fat dairy powder blend
 - Medium-fat dairy powder blend
 - Low-fat dairy powder blend
 - Fat-free dairy powder blend

	Volvetmelkpoelier
	Mediumvetmelkpoelier
	Laevetmelkpoelier
	Vetvryemelkpoelier, mits die vet- of proteïeninhoud van die bedoelde melkpoelier uitsluitlik uit melkvet of melk- proteïen bestaan
Item 11	suiwelpoiermengsel, synde 'n suiwelpoiermengsel wat res- sorteer onder die volgende klassifikasies soos bepaal deur die Minister van Landbou krag- tens die Bemarkingswet, 1968 (Wet No. 59 van 1968), of enige regulasie kragtens daar- die Wet:
	Hoëvet suiwelpoiermengsel
	Volvet suiwelpoiermengsel
	Mediumvet suiwelpoier- mengsel
	Laevet suiwelpoiermengsel
	Vetvrye suiwelpoiermeng- sel
Item 12	rys, hetsy gepel, bewerk, gepo- leer, verglans, halfgaar gekook of gebreek

2. Die bepalings van paragraaf 1 is nie van toepassing nie waar goed genoem in daardie paragraaf gelewer word in die uitvoering van 'n ooreenkoms vir die verskaffing of bediening van 'n maaltyd, verversing, gaar of voorbereide voedsel of 'n drankie, na gelang van die geval, wat gereed is vir onmiddellike verbruik wanneer aldus gelewer.
3. Die bepalings van paragraaf 1 is slegs van toepassing met betrekking tot die goed bedoel onder Items 3 tot 12 van daardie paragraaf vir die tydperk wat op 30 September 1991 'n aanvang neem tot en met 31 Maart 1992."

Aanvangsdatum van sekere paragrawe

26. Die wysigings aangebring deur hierdie Bylae, behalwe paragrawe 11 (1) (a) en 12 (1) (c) en (e), word geag op 30 September 1991 in werking te getree het.

B. J. DU PLESSIS,
Minister van Finansies.

Werk mooi daarmee.

Ons leef daarvan.

water is kosbaar



Item 12 rice, whether husked, milled,
polished, glazed, parboiled or
broken

2. The provisions of paragraph 1 shall not apply where any goods mentioned in that paragraph are supplied in the course of carrying out any agreement for the furnishing or serving of any meal, refreshment, cooked or prepared food or any drink, as the case may be, so as to be ready for immediate consumption when so supplied.
3. The provisions of paragraph 1 shall only apply in relation to the goods referred to under Items 3 to 12 of that paragraph for the period commencing on 30 September 1991 up to and including 31 March 1992."

Commencement date of certain para- graphs

26. The amendments effected by this Schedule, except paragraphs 11 (1) (a) and 12 (1) (c) and (e), shall be deemed to have come into operation on 30 September 1991.

B. J. DU PLESSIS,

Minister of Finance.

Use it.

Don't abuse



it.

water is for everybody

BELANGRIKE AANKONDIGING*Sluitingstye VOOR VAKANSIEDAE vir***WETLIKE KENNISGEWINGS
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

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- **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**

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