



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 469 Cape Town, 27 July 2004 No. 26612
Kaapstad, 27 Julie 2004

THE PRESIDENCY

No. 895 27 July 2004

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

No. 16 of 2004: Taxation Laws Amendment Act, 2004.

DIE PRESIDENSIE

No. 895 27 Julie 2004

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

No. 16 van 2004: Wysigingswet op Belastingwette, 2004.



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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.

(English text signed by the President.)
(Assented to 22 July 2004.)

ACT

To amend the Transfer Duty Act, 1949, so as to adjust the rates of duty; and to further regulate the exemptions from duty; to amend the Income Tax Act, 1962, so as to further regulate the rate of interest; to provide for the delegation of certain functions of the Commissioner to the executive officer of the Financial Services Board; to fix the rates of normal tax payable by persons other than companies in respect of taxable income for the years of assessment ending on 28 February 2005 and by companies in respect of taxable income for the years of assessment ending during the 12 months ending on 31 March 2005; to increase the primary and secondary rebates; to amend the provisions relating to foreign dividends so as to effect certain consequential amendments; to further regulate the exemption in respect of interest and foreign dividends; to further regulate the losses incurred on alienation, loss or destruction of certain depreciable assets; to regulate the depreciation of assets used for production of bio-diesel or bio-ethanol; to further regulate the provisions relating to urban development zones; to further regulate the provisions which prohibit certain deductions; to further regulate the provisions relating to the taxation of toll road operators; to further regulate the provisions relating to the timing of accrual and incurrence of amounts in respect of interest rate agreements; to further regulate the provisions relating to long-term insurers; to further regulate the provisions relating to submission of returns; to delete certain provisions relating to record-keeping which have been duplicated in the Act; to further regulate the provisions relating to the deduction or withholding of employees' tax; to further regulate the provisions relating to employees' tax payable by labour brokers; to further regulate the provisions relating to capital gains tax; to delete certain obsolete provisions; to align the Afrikaans text of the Act to the English text; and to effect certain textual and consequential amendments; to amend the Customs and Excise Act, 1964, so as to effect certain textual amendments; to further regulate the rate of interest on outstanding duties; and to amend Schedule No. 1 to that Act and the effective date thereof; to amend the Stamp Duties Act, 1968, so as to delete a definition; to abolish stamp duty on certain instruments; and to effect certain consequential amendments; to amend the Value-Added Tax Act, 1991, so as to further regulate the rate of interest; to clarify the term 'registration number'; to delete certain obsolete provisions; to reinstate and regulate interest and penalties on late payment of VAT on goods subject to excise duty; to effect certain textual and consequential amendments; and to align the value of goods in the notes to Schedule 1 to the value of goods under the item in Schedule 1; to amend the Tax on Retirement Funds Act, 1996, so as to effect certain consequential amendments; and to provide for interest on delayed refunds; to amend the Revenue Laws Amendment Act, 1999, so as to effect a textual amendment; to amend the Second Revenue Laws Amendment Act, 2001, so as to

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkanthake dui weglatings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 22 Julie 2004.)*

WET

Tot wysiging van die Wet op Hereregte, 1949, ten einde die skale van reg aan te pas; en om die vrystellings van reg verder te reël; tot wysiging van die Inkomste-belastingwet, 1962, ten einde die rentekoers verder te reël; om voorsiening te maak vir die delegering van sekere funksies van die Kommissaris aan die uitvoerende beampte van die Raad op Finansiële Dienste; om die skale van normale belasting betaalbaar deur persone behalwe maatskappye ten opsigte van belasbare inkomste vir die jare van aanslag wat eindig op 28 Februarie 2005 en deur maatskappye ten opsigte van belasbare inkomste vir die jare van aanslag wat eindig gedurende die 12 maande wat op 31 Maart 2005 eindig, te bepaal; om die primêre en sekondêre kortings te verhoog; om die bepalings met betrekking tot buitelandse dividende te wysig ten einde sekere gevolglike wysigings aan te bring; om die vrystelling ten opsigte van rente en buitelandse dividende verder te reël; om die verliese gelyk by vervreemding, verlies of totnietgaan van sekere slytasiebates verder te reël; om die vermindering van bates gebruik vir die vervaardiging van bio-diesel en bio-etanol te reël; om die bepalings met betrekking tot stedelike ontwikkelingsones verder te reël; om die bepalings wat sekere aftrekkings verbied, verder te reël; om die bepalings wat met die belasting van tolpadoperateurs verband hou, verder te reël; om die bepalings met betrekking tot die tydstop van toevalling en aangaan van bedrae ten opsigte van rentekoersoreenkomste verder te reël; om die bepalings met betrekking tot langtermynversekeraars verder te reël; om die bepalings met betrekking tot indiening van opgawes verder te reël; om sekere bepalings met betrekking tot rekordhouding wat in die Wet gedupliseer is, te skrap; om die bepalings met betrekking tot die aftrekking of terughouding van werknemers-belasting verder te reël; om die bepalings met betrekking tot werknemersbelasting deur arbeidsmakelaars betaalbaar, verder te reël; om die bepalings met betrekking tot kapitaalwinstbelasting verder te reël; om sekere bepalings wat in onbruik verval het, te skrap; om die Afrikaanse teks van die Wet in ooreenstemming met die Engelse teks te bring; en om sekere tekstuele en gevolglike wysigings aan te bring; tot wysiging van die Doeane- en Aksynswet, 1964, ten einde sekere tekstuele wysigings aan te bring; om die rentekoers op uitstaande reg verder te reël; en om Bylae No. 1 by daardie Wet te wysig en die inwerkingtredingsdatum daarvan te bepaal; tot wysiging van die Wet op Seëlregte, 1968, ten einde 'n woordomskriving te skrap; om seëlregte op sekere instrumente te skrap; en om sekere gevolglike wysigings aan te bring; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde die rentekoers verder te reël; om die uitdrukking "registrasienuommer" duidelik te stel; om sekere bepalings wat in onbruik verval het, te skrap; om rente en boetebepalings op die laatbetaling van BTW op goed onderhewig aan doeanereg herin te stel en te reël; om sekere tekstuele en gevolglike wysigings aan te bring; en om die waarde van goed in die notas by Bylae 1 in ooreenstemming te bring met die waarde van goed kragtens die item in Bylae 1; tot wysiging van die Wet op Belasting op Uittreefondse, 1996, ten einde sekere gevolglike wysigings aan te bring; en om voorsiening te maak vir rente op laat

delete an amendment to the Customs and Excise Act, 1964, which has not come into operation and which has become obsolete; to amend the Exchange Control Amnesty and Amendment of Taxation Laws Act, 2003, so as to further regulate the last date for submission of tax returns for purposes of the amnesty; to amend the Revenue Laws Amendment Act, 2003, so as to clarify certain commencement dates; and to delete a provision in the Afrikaans text which does not appear in the English text; to provide for the continuation of amendments to the Schedules to the Customs and Excise Act, 1964; to provide for transitional mineral and petroleum provisions relating to the continuation of payments to the State for removal and disposal of minerals or petroleum; to provide for a short title and commencement date of this Act; and to provide for matters connected therewith.

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

Amendment of section 2 of Act 40 of 1949, as substituted by section 2 of Act 77 of 1964 and amended by section 1 of Act 56 of 1966, section 2 of Act 66 of 1973, section 3 of Act 88 of 1974, section 5 of Act 106 of 1980, section 3 of Act 87 of 1988, section 2 of Act 136 of 1992, section 3 of Act 97 of 1993, section 1 of Act 37 of 1995, section 9 of Act 37 of 1996, section 2 of Act 32 of 1999, section 2 of Act 30 of 2002 and section 31 of Act 12 of 2003 5

1. (1) Section 2 of the Transfer Duty Act, 1949, is hereby amended by the substitution in subsection (1) for subparagraphs (i) and (ii) of paragraph (b) of the following subparagraphs: 10

- “(i) 0 per cent of so much of the said value or the said amount, as the case may be, as does not exceed [R140 000] R150 000;
- (ii) 5 per cent of so much of the said value or the said amount, as the case may be, as exceeds [R140 000] R150 000 but does not exceed R320 000; and” 15

(2) Subsection (1) shall be deemed to have come into operation on 1 March 2004 and shall apply in respect of any property acquired or interest or restriction in any property renounced, on or after that date.

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, section 12 of Act 80 of 1959, section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972, section 3 of Act 66 of 1973, section 5 of Act 88 of 1974, section 77 of Act 54 of 1976, section 2 of Act 95 of 1978, section 6 of Act 106 of 1980, section 2 of Act 99 of 1981, section 2 of Act 118 of 1984, section 3 of Act 81 of 1985, section 3 of Act 86 of 1987, section 4 of Act 87 of 1988, section 36 of Act 9 of 1989, section 1 of Act 69 of 1989, section 79 of Act 89 of 1991, section 6 of Act 120 of 1992, section 4 of Act 136 of 1992, section 5 of Act 97 of 1993, section 2 of Act 37 of 1995, section 3 of Act 32 of 1999, section 3 of Act 30 of 2000, section 2 of Act 5 of 2001, section 8 of Act 60 of 2001, section 3 of Act 30 of 2002, section 4 of Act 74 of 2002 and section 3 of Act 45 of 2003 20 25 30

2. (1) Section 9 of the Transfer Duty Act, 1949, is hereby amended by the substitution in subsection (18) for paragraph (b) of the following paragraph:

- “(b) any prospecting right, mining right, exploration right, production right, mining permit [or], retention permit or reconnaissance permit as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002, or any reconnaissance permission contemplated in section 14 of that Act, is granted or is wholly or partially renewed in terms of that Act.” 35

(2) Subsection (1) shall be deemed to have come into operation on 1 May 2004.

terugbetalings; tot wysiging van die Wysigingswet op Inkomstewette, 1999, ten einde 'n tekstuele wysiging aan te bring; tot wysiging van die Tweede Wysigingswet op Inkomstewette, 2001, ten einde 'n wysiging aan die Doeane- en Aksynswet, 1964, wat nie in werking getree het nie en wat in onbruik verval het, te skrap; tot wysiging van die Wet op Deviesebeheeramnestie en Wysiging van Belastingwette, 2003, ten einde die laaste datum vir indiening van belastingopgawes vir doeleindes van die amnestie verder te reël; tot wysiging van die Wysigingswet op Inkomstewette, 2003, ten einde sekere inwerkingtreddingsdatums duideliker te stel; en om 'n bepaling in die Afrikaanse teks wat nie in die Engelse teks verskyn nie, te skrap; om voorsiening te maak vir die voortdurende wysigings aan die Bylaes by die Doeane- en Aksynswet, 1964; om voorsiening te maak vir oorgangsbepalings met betrekking tot minerale en petroleum wat verband hou met die voortdurende betalings aan die Staat vir die verwydering van en beskikking oor minerale of petroleum; om voorsiening te maak vir 'n kort titel en inwerkingtreddingsdatum van hierdie Wet; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 2 van Wet 40 van 1949, soos vervang deur artikel 2 van Wet 77 van 1964 en gewysig deur artikel 1 van Wet 56 van 1966, artikel 2 van Wet 66 van 1973, artikel 3 van Wet 88 van 1974, artikel 5 van Wet 106 van 1980, artikel 3 van Wet 87 van 1988, artikel 2 van Wet 136 van 1992, artikel 3 van Wet 97 van 1993, artikel 1 van Wet 37 van 1995, artikel 9 van Wet 37 van 1996, artikel 2 van Wet 32 van 1999, artikel 2 van Wet 30 van 2002 en artikel 31 van Wet 12 van 2003 5

1. (1) Artikel 2 van die Wet op Hereregte, 1949, word hierby gewysig deur subparagrafe (i) en (ii) van paragraaf (b) van subartikel (1) deur die volgende subparagrafe te vervang: 10

- “(i) 0 persent van soveel van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat [R140 000] R150 000 nie te bowe gaan nie;
- (ii) 5 persent van soveel van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat [R140 000] R150 000 te bowe gaan maar nie R320 000 te bowe gaan nie; en”.

(2) Subartikel (1) word geag op 1 Maart 2004 in werking te getree het en is van toepassing ten opsigte van enige eiendom wat verkry is, of 'n belang in of beperking op enige eiendom waarvan daar afstand gedoen is op of na daardie datum.

Wysiging van artikel 9 van Wet 40 van 1949, soos gewysig deur artikel 3 van Wet 31 van 1953, artikel 12 van Wet 80 van 1959, artikel 3 van Wet 70 van 1963, artikel 3 van Wet 77 van 1964, artikel 1 van Wet 81 van 1965, artikel 7 van Wet 103 van 1969, artikel 2 van Wet 89 van 1972, artikel 3 van Wet 66 van 1973, artikel 5 van Wet 88 van 1974, artikel 77 van Wet 54 van 1976, artikel 2 van Wet 95 van 1978, artikel 6 van Wet 106 van 1980, artikel 2 van Wet 99 van 1981, artikel 2 van Wet 118 van 1984, artikel 3 van Wet 81 van 1985, artikel 3 van Wet 86 van 1987, artikel 4 van Wet 87 van 1988, artikel 36 van Wet 9 van 1989, artikel 1 van Wet 69 van 1989, artikel 79 van Wet 89 van 1991, artikel 6 van Wet 120 van 1992, artikel 4 van Wet 136 van 1992, artikel 5 van Wet 97 van 1993, artikel 2 van Wet 37 van 1995, artikel 3 van Wet 32 van 1999, artikel 3 van Wet 30 van 2000, artikel 2 van Wet 5 van 2001, artikel 8 van Wet 60 van 2001, artikel 3 van Wet 30 van 2002, artikel 4 van Wet 74 van 2002 en artikel 3 van Wet 45 van 2003 20 25 30

2. (1) Artikel 9 van die Wet op Hereregte, 1949, word hierby gewysig deur paragraaf (b) van subartikel (18) deur die volgende paragraaf te vervang:

- “(b) enige ‘prospecting right’, ‘mining right’, ‘exploration right’, ‘production right’, ‘mining permit’, [of] ‘retention permit’ of ‘reconnaissance permit’ soos in artikel 1 van die ‘Mineral and Petroleum Resources Development Act, 2002’, omskryf, of enige ‘reconnaissance permission’ in artikel 14 van daardie Wet beoog, verleen word of in geheel of gedeeltelik hernu word ingevolge daardie Wet.”.

(2) Subartikel (1) word geag op 1 Mei 2004 in werking te getree het. 40

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 95 of 1967, section 5 of Act 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of Act 90 of 1972, section 4 of Act 65 of 1973, section 4 of Act 85 of 1974, section 4 of Act 69 of 1975, section 4 of Act 103 of 1976, section 4 of Act 113 of 1977, section 3 of Act 101 of 1978, section 3 of Act 104 of 1979, section 2 of Act 104 of 1980, section 2 of Act 96 of 1981, section 3 of Act 91 of 1982, section 2 of Act 94 of 1983, section 1 of Act 30 of 1984, section 2 of Act 121 of 1984, section 2 of Act 96 of 1985, section 2 of Act 65 of 1986, section 1 of Act 108 of 1986, section 2 of Act 85 of 1987, section 2 of Act 90 of 1988, section 1 of Act 99 of 1988, Government Notice No. R.780 of 14 April 1989, section 2 of Act 70 of 1989, section 2 of Act 101 of 1990, section 2 of Act 129 of 1991, section 2 of Act 141 of 1992, section 2 of Act 113 of 1993, section 2 of Act 21 of 1994, section 2 of Act 21 of 1995, section 2 of Act 36 of 1996, section 2 of Act 28 of 1997, section 34 of Act 34 of 1997, section 19 of Act 30 of 1998, section 10 of Act 53 of 1999, section 13 of Act 30 of 2000, section 2 of Act 59 of 2000, section 5 of Act 5 of 2001, section 3 of Act 19 of 2001, section 17 of Act 60 of 2001, section 9 of Act 30 of 2002, section 6 of Act 74 of 2002, section 33 of Act 12 of 2003 and section 12 of Act 45 of 2003

3. Section 1 of the Income Tax Act, 1962, is hereby amended by the substitution in the definition of "prescribed rate" for paragraph (b) of the following paragraph:

"(b) any other provision of this Act, such rate as the Minister may from time to time fix by notice in the *Gazette* in terms of section 80(1)(b) of the Public Finance Management Act, 1999 (Act No. 1 of 1999): Provided that where the Minister fixes a new rate in terms of that Act, that new rate applies for purposes of this Act from the first day of the second month following the date on which that new rate came into operation;"

Amendment of section 3 of Act 58 of 1962, as amended by section 3 of Act 141 of 1992, section 3 of Act 21 of 1994, section 3 of Act 21 of 1995, section 20 of Act 30 of 1998, section 3 of Act 59 of 2000, section 6 of Act 5 of 2001, section 4 of Act 19 of 2001, section 18 of Act 60 of 2001, section 7 of Act 74 of 2002 and section 13 of Act 45 of 2003

4. Section 3 of the Income Tax Act, 1962, is hereby amended—

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

"(4) Any decision of the Commissioner under the definitions of 'benefit fund', 'pension fund', 'provident fund', 'retirement annuity fund' and 'spouse' in section 1, section 6, section 8(4)(b), (c), (d) and (e), section 9D, section 10(1)(cH), (cK), (e), (iA), (j) and (nB), section 11(e), (f), (g), (gA), (j), (l), (t), (u) and (w), section 12C, section 12E, section 12G, section 13, section 14, section 15, section 22(1), (3) and (5), section 24(2), section 24A(6), section 24C, section 24D, section 24I, section 25D, section 27, section 30, section 31, section 35(2), section 38(4), section 41(4), section 57, section 76A, paragraphs 6, 7, 9, 13, 13A, 14, 19 and 20 of the First Schedule, paragraph (b) of the definition of 'formula A' in paragraph 1 and paragraph 4 of the Second Schedule, paragraphs 18, 19(1), 20, 21, 24 and 27 of the Fourth Schedule, paragraphs 2, 3, 6, 9 and 11 of the Seventh Schedule and paragraphs 29(2A), 29(7), 31(2), 65(1)(d) and 66(1) [(c)] (e) of the Eighth Schedule, shall be subject to objection and appeal."; and

(b) by the addition of the following subsections:

"(5) The Commissioner may, in writing, and on such conditions as may be agreed upon between the Commissioner and the executive officer of the Financial Services Board appointed in terms of section 13 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), delegate to that executive officer his or her power—

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van Wet 95 van 1967, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975, artikel 4 van Wet 103 van 1976, artikel 4 van Wet 113 van 1977, artikel 3 van Wet 101 van 1978, artikel 3 van Wet 104 van 1979, artikel 2 van Wet 104 van 1980, artikel 2 van Wet 96 van 1981, artikel 3 van Wet 91 van 1982, artikel 2 van Wet 94 van 1983, artikel 1 van Wet 30 van 1984, artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 van 1988, Goewermentskennisgewing No. R.780 van 14 April 1989, artikel 2 van Wet 70 van 1989, artikel 2 van Wet 101 van 1990, artikel 2 van Wet 129 van 1991, artikel 2 van Wet 141 van 1992, artikel 2 van Wet 113 van 1993, artikel 2 van Wet 21 van 1994, artikel 2 van Wet 21 van 1995, artikel 2 van Wet 36 van 1996, artikel 2 van Wet 28 van 1997, artikel 34 van Wet 34 van 1997, artikel 19 van Wet 30 van 1998, artikel 10 van Wet 53 van 1999, artikel 13 van Wet 30 van 2000, artikel 2 van Wet 59 van 2000, artikel 5 van Wet 5 van 2001, artikel 3 van Wet 19 van 2001, artikel 17 van Wet 60 van 2001, artikel 9 van Wet 30 van 2002, artikel 6 van Wet 74 van 2002, artikel 33 van Wet 12 van 2003 en artikel 12 van Wet 45 van 2003

3. Artikel 1 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (b) van die omskrywing van “voorgeskrewe koers” deur die volgende paragraaf te vervang:

“(b) enige ander bepaling van hierdie Wet, die koers wat die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* vasstel ingevolge artikel 80(1)(b) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999): Met dien verstande dat waar die Minister ’n nuwe koers ingevolge daardie Wet vasstel, daardie nuwe koers by die toepassing van hierdie Wet geld vanaf die eerste dag van die tweede maand wat volg op die datum waarop daardie nuwe koers in werking tree;”.

Wysiging van artikel 3 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 141 van 1992, artikel 3 van Wet 21 van 1994, artikel 3 van Wet 21 van 1995, artikel 20 van Wet 30 van 1998, artikel 3 van Wet 59 van 2000, artikel 6 van Wet 5 van 2001, artikel 4 van Wet 19 van 2001, artikel 18 van Wet 60 van 2001, artikel 7 van Wet 74 van 2002 en artikel 13 van Wet 45 van 2003

4. Artikel 3 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Enige beslissing van die Kommissaris kragtens die omskrywings van ‘bystandsfonds’, ‘gade’, ‘pensioenfonds’, ‘uittredingannuïteitsfonds’ en ‘voorsorgfonds’ in artikel 1, artikel 6, artikel 8(4)(b), (c), (d) en (e), artikel 9D, artikel 10(1)(cH), (cK), (e), (iA), (j) en (nB), artikel 11(e), (f), (g), (gA), (j), (l), (t), (u) en (w), artikel 12C, artikel 12E, artikel 12G, artikel 13, artikel 14, artikel 15, artikel 22(1), (3) en (5), artikel 24(2), artikel 24A(6), artikel 24C, artikel 24D, artikel 24I, artikel 25D, artikel 27, artikel 30, artikel 31, artikel 35(2), artikel 38(4), artikel 41(4), artikel 57, artikel 76A, paragrafe 6, 7, 9, 13, 13A, 14, 19 en 20 van die Eerste Bylae, paragraaf (b) van die omskrywing van ‘formule A’ in paragraaf 1 en paragraaf 4 van die Tweede Bylae, paragrafe 18, 19(1), 20, 21, 24 en 27 van die Vierde Bylae, paragrafe 2, 3, 6, 9 en 11 van die Sewende Bylae en paragrafe 29(2A), 29(7), 31(2), 65(1)(d) en 66(1)(c)[(e)] van die Agtste Bylae is aan beswaar en appèl onderhewig.”; en

(b) deur die volgende subartikels by te voeg:

“(5) Die Kommissaris kan skriftelik en op die voorwaardes waarop ooreengekom word tussen die Kommissaris en die uitvoerende beampte van die Raad op Finansiële Dienste wat ingevolge artikel 13 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990), aangestel is, aan daardie uitvoerende beampte sy of haar bevoegdheid delegeer—

- (a) to approve a fund contemplated in the definition of a 'pension fund', 'provident fund' or 'retirement fund', subject to—
- (i) any limitation or condition as may be determined by the Commissioner in terms of those definitions; and
 - (ii) the compliance by any such fund with the requirements under those definitions; and
- (b) to withdraw any such approval if any of the limitations, conditions or requirements listed in paragraph (a) are not met.
- (6) Any person aggrieved by a decision of the executive officer to approve or to withdraw an approval of a fund in terms of subsection (5) must, notwithstanding section 26(2) of the Financial Services Board Act, 1990, lodge his or her objection with the Commissioner in the manner contemplated in Part III of Chapter III of this Act.
- (7) A decision by the executive officer against which an objection has been lodged is, for the purpose of subsection (6), deemed to be a decision of the Commissioner.”.

Fixing of rates of normal tax in terms of Act 58 of 1962

5. The rates of normal tax to be levied in terms of section 5(2) of the Income Tax Act, 1962, in respect of—

- (a) the taxable income of any person (other than a company) for the year of assessment ending on 28 February 2005; and
- (b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 2005,

are set out in Schedule 1 to this Act.

Amendment of section 6 of Act 58 of 1962, as inserted by section 5 of Act 104 of 1980 and amended by section 5 of Act 96 of 1981, section 5 of Act 91 of 1982, section 4 of Act 94 of 1983, section 4 of Act 121 of 1984, section 3 of Act 96 of 1985, section 4 of Act 85 of 1987, section 4 of Act 90 of 1988, section 4 of Act 70 of 1989, section 3 of Act 101 of 1990, section 4 of Act 129 of 1991, section 4 of Act 141 of 1992, section 5 of Act 21 of 1995, section 4 of Act 36 of 1996, section 3 of Act 28 of 1997, section 22 of Act 30 of 1998, section 5 of Act 32 of 1999, section 15 of Act 30 of 2000, section 6 of Act 19 of 2001, section 11 of Act 30 of 2002 and section 35 of Act 12 of 2003

6. Section 6 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs:

- “(a) a primary rebate, an amount of [R5 400] R5 800; and
- (b) a secondary rebate, if the taxpayer was or, had the taxpayer lived, would have been [over the age of] at least 65 years of age on the last day of the year of assessment, an amount of [R3 100] R3 200.”.

Amendment of section 9E of Act 58 of 1962, as inserted by section 20 of Act 30 of 2000 and amended by section 11 of Act 59 of 2000, section 10 of Act 5 of 2001, section 8 of Act 19 of 2001 and section 23 of Act 60 of 2001 and substituted by section 15 of Act 74 of 2002

7. (1) Section 9E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph (b) of the definition of “foreign dividend” of the following paragraph:

- “(b) any amount deemed to have been distributed to that person or any resident who is a connected person in relation to that person, by any foreign company which is a controlled foreign company in relation to that person, as contemplated in section 64C[(3)](2)(a), (b), (c), [or] (d) or (g) and where the provisions contained in section 64C(4)(a), (b), (c), (d), (e), (f), (i); [or] (j), (k) or (l) do not apply, to the extent that the foreign company could have distributed a dividend to that person from profits which have not been subject

- (a) om 'n fonds in die omskrywing van 'pensioenfonds', 'voorsorgsfonds' of 'uittredingannuïteitsfonds' beoog, goed te keur, onderhewig aan—
- (i) enige beperking of voorwaarde wat deur die Kommissaris ingevolge daardie omskrywings bepaal word; en
- (ii) die nakoming deur enige sodanige fonds van die vereistes kragtens daardie omskrywings; en
- (b) om enige sodanige goedkeuring in te trek, indien enige van die beperkings, voorwaardes of vereistes in paragraaf (a) gelys nie nagekom word nie.
- (6) 'n Persoon wat veronreg voel deur 'n beslissing van die uitvoerende beampte om 'n fonds goed te keur of 'n goedkeuring van 'n fonds in te trek ingevolge subartikel (5) moet, ondanks artikel 26(2) van die Wet op die Raad op Finansiële Dienste, 1990, sy of haar beswaar by die Kommissaris indien op die wyse in Deel III van Hoofstuk III van hierdie Wet beoog.
- (7) 'n Beslissing deur die uitvoerende beampte waarteen 'n beswaar ingedien is, word by die toepassing van subartikel (6) geag 'n beslissing van die Kommissaris te wees.”.

Vasstelling van skale van normale belasting ingevolge Wet 58 van 1962

5. Die skale van normale belasting wat ingevolge artikel 5(2) van die Inkomstebelastingwet, 1962, gehef moet word ten opsigte van—

- (a) die belasbare inkomste van 'n persoon (behalwe 'n maatskappy) vir die jaar van aanslag eindigende op 28 Februarie 2005; en
- (b) die belasbare inkomste van 'n maatskappy vir enige jaar van aanslag wat eindig gedurende die tydperk van 12 maande wat eindig op 31 Maart 2005, word in Bylae 1 by hierdie Wet uiteengesit.

Wysiging van artikel 6 van Wet 58 van 1962, soos ingevoeg deur artikel 5 van Wet 104 van 1980 en gewysig deur artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983, artikel 4 van Wet 121 van 1984, artikel 3 van Wet 96 van 1985, artikel 4 van Wet 85 van 1987, artikel 4 van Wet 90 van 1988, artikel 4 van Wet 70 van 1989, artikel 3 van Wet 101 van 1990, artikel 4 van Wet 129 van 1991, artikel 4 van Wet 141 van 1992, artikel 5 van Wet 21 van 1995, artikel 4 van Wet 36 van 1996, artikel 3 van Wet 28 van 1997, artikel 22 van Wet 30 van 1998, artikel 5 van Wet 32 van 1999, artikel 15 van Wet 30 van 2000, artikel 6 van Wet 19 van 2001, artikel 11 van Wet 30 van 2002 en artikel 35 van Wet 12 van 2003

6. Artikel 6 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragrawe (a) en (b) van subartikel (2) deur die volgende paragrawe te vervang:

- “(a) 'n primêre korting toegelaat 'n bedrag van [R5 400] R5 800; en
- (b) 'n sekondêre korting toegelaat, indien die belastingpligtige op die laaste dag van die jaar van aanslag [bo die ouderdom van] minstens 65 jaar oud was of sou gewees het indien die belastingpligtige die lewe behou het, 'n bedrag van [R3 100] R3 200.”.

Wysiging van artikel 9E van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 30 van 2000 en gewysig deur artikel 11 van Wet 59 van 2000, artikel 10 van Wet 5 van 2001, artikel 8 van Wet 19 van 2001 en artikel 23 van Wet 60 van 2001 en vervang deur artikel 15 van Wet 74 van 2002

7. (1) Artikel 9E van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (b) van die omskrywing van “buitelandse dividend” in subartikel (1) deur die volgende paragraaf te vervang:

- “(b) 'n bedrag geag aan daardie persoon of enige inwoner wat 'n verbonde persoon met betrekking tot daardie persoon is, uitgekeer te gewees het deur 'n buitelandse maatskappy wat 'n beheerde buitelandse maatskappy met betrekking tot daardie persoon is, soos in artikel 64C[(3)](2)(a), (b), (c), [of] (d) of (g) beoog en waar die bepalings in artikel 64C(4)(a), (b), (c), (d), (e), (f), (i), [of] (j), (k) of (l) nie van toepassing is nie, in die mate wat daardie buitelandse maatskappy 'n dividend aan daardie persoon kon uitgekeer het uit winste wat nie onderhewig is aan belasting in die Republiek nie, welke bedrag

to tax in the Republic, which amount must be deemed to be a dividend declared by that company to that person;”.

(2) Subsection (1) shall be deemed to have come into operation on 22 December 2003.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 9 of Act 88 of 1971, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, sections 9 and 78 of Act 94 of 1983, section 10 of Act 121 of 1984, section 6 of Act 96 of 1985, section 7 of Act 65 of 1986, section 3 of Act 108 of 1986, section 9 of Act 85 of 1987, section 7 of Act 90 of 1988, section 36 of Act 9 of 1989, section 7 of Act 70 of 1989, section 10 of Act 101 of 1990, section 12 of Act 129 of 1991, section 10 of Act 141 of 1992, section 7 of Act 113 of 1993, section 4 of Act 140 of 1993, section 9 of Act 21 of 1994, section 10 of Act 21 of 1995, section 8 of Act 36 of 1996, section 9 of Act 46 of 1996, section 10 of Act 28 of 1997, section 29 of Act 30 of 1998, section 18 of Act 53 of 1999, section 21 of Act 30 of 2000, section 13 of Act 59 of 2000, sections 9 and 78 of Act 19 of 2001, section 26 of Act 60 of 2001, section 13 of Act 30 of 2002, section 18 of Act 74 of 2002, section 36 of Act 12 of 2003 and section 26 of Act 45 of 2003

8. Section 10 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for subitems (A) and (B) of item (*bb*) of subparagraph (xv) of paragraph (i) of the following subitems:

“(A) in the case of any person who was or, had he or she lived, would have been at least 65 years of age on the last day of the year of assessment, the amount of [R15 000] R16 000; or

(B) in any other case, the amount of [R10 000] R11 000.”.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 9 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1979, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983, section 11 of Act 121 of 1984, section 46 of Act 97 of 1986, section 10 of Act 85 of 1987, section 8 of Act 90 of 1988, section 8 of Act 70 of 1989, section 11 of Act 101 of 1990, section 13 of Act 129 of 1991, section 11 of Act 141 of 1992, section 9 of Act 113 of 1993, section 5 of Act 140 of 1993, section 10 of Act 21 of 1994, section 12 of Act 21 of 1995, section 9 of Act 36 of 1996, section 12 of Act 28 of 1997, section 30 of Act 30 of 1998, section 20 of Act 53 of 1999, section 22 of Act 30 of 2000, section 15 of Act 59 of 2000, section 10 of Act 19 of 2001, section 27 of Act 60 of 2001, section 14 of Act 30 of 2002, section 19 of Act 74 of 2002 and section 27 of Act 45 of 2003

9. (1) Section 11 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in paragraph (o) for paragraphs (*aa*) and (*bb*) of the proviso of the following paragraphs:

“(aa) the cost of any plant, machinery, implements, utensils or articles shall be deemed to be the actual cost plus the amount by which the value of such plant, machinery, implements, utensils or articles has been increased in terms of paragraph (v) of the proviso to paragraph (e) less the amount by which such value has been reduced in terms of paragraph (iv) of that proviso;

geag word 'n dividend deur daardie maatskappy aan daardie persoon verklaar te wees;”.

(2) Subartikel (1) word geag op 22 Desember 2003 in werking te getree het.

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 9 van Wet 88 van 1971, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 en 78 van Wet 94 van 1983, artikel 10 van Wet 121 van 1984, artikel 6 van Wet 96 van 1985, artikel 7 van Wet 65 van 1986, artikel 3 van Wet 108 van 1986, artikel 9 van Wet 85 van 1987, artikel 7 van Wet 90 van 1988, artikel 36 van Wet 9 van 1989, artikel 7 van Wet 70 van 1989, artikel 10 van Wet 101 van 1990, artikel 12 van Wet 129 van 1991, artikel 10 van Wet 141 van 1992, artikel 7 van Wet 113 van 1993, artikel 4 van Wet 140 van 1993, artikel 9 van Wet 21 van 1994, artikel 10 van Wet 21 van 1995, artikel 8 van Wet 36 van 1996, artikel 9 van Wet 46 van 1996, artikel 10 van Wet 28 van 1997, artikel 29 van Wet 30 van 1998, artikel 18 van Wet 53 van 1999, artikel 21 van Wet 30 van 2000, artikel 13 van Wet 59 van 2000, artikels 9 en 78 van Wet 19 van 2001, artikel 26 van Wet 60 van 2001, artikel 13 van Wet 30 van 2002, artikel 18 van Wet 74 van 2002, artikel 36 van Wet 12 van 2003 en artikel 26 van Wet 45 van 2003

8. Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subitems (A) en (B) van item (bb) van subparagraaf (xv) van paragraaf (i) van subartikel (1) deur die volgende subitems te vervang:

- “(A) in die geval van 'n persoon wat op die laaste dag van die jaar van aanslag minstens 65 jaar oud was, of sou wees indien hy of sy gelewe het, die bedrag van [R15 000] R16 000 te bowe gaan; of
- (B) in enige ander geval, die bedrag van [R10 000] R11 000 te bowe gaan.”.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 9 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1979, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 46 van Wet 97 van 1986, artikel 10 van Wet 85 van 1987, artikel 8 van Wet 90 van 1988, artikel 8 van Wet 70 van 1989, artikel 11 van Wet 101 van 1990, artikel 13 van Wet 129 van 1991, artikel 11 van Wet 141 van 1992, artikel 9 van Wet 113 van 1993, artikel 5 van Wet 140 van 1993, artikel 10 van Wet 21 van 1994, artikel 12 van Wet 21 van 1995, artikel 9 van Wet 36 van 1996, artikel 12 van Wet 28 van 1997, artikel 30 van Wet 30 van 1998, artikel 20 van Wet 53 van 1999, artikel 22 van Wet 30 van 2000, artikel 15 van Wet 59 van 2000, artikel 10 van Wet 19 van 2001, artikel 27 van Wet 60 van 2001, artikel 14 van Wet 30 van 2002, artikel 19 van Wet 74 van 2002 en artikel 27 van Wet 45 van 2003

9. (1) Artikel 11 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur paragrawe (aa) en (bb) van die voorbehoudsbepaling by paragraaf (o) deur die volgende paragrawe te vervang: “

“(aa) die koste van enige installasie, masjinerie, gereedskap, werktuie of artikels geag word die werklike koste te wees plus die bedrag waarmee die waarde van daardie installasie, masjinerie, gereedskap, werktuie of artikels ingevolge paragraaf (v) van die voorbehoudsbepaling by paragraaf (e) vermeerder is verminder deur die bedrag waarby daardie waarde ingevolge paragraaf (iv) van daardie voorbehoudsbepaling verminder is;

Act No. 16, 2004

TAXATION LAWS AMENDMENT ACT, 2004

(bb) the actual cost of any plant, machinery, implement, utensil or article acquired by the taxpayer on or after 15 March 1984 shall be deemed to be the cost of that plant, machinery, implement, utensil or article as determined under paragraph (vii) of the proviso to paragraph (e);” and

(b) by the deletion of paragraph (u). 5

(2) (a) Subsection (1)(a) shall be deemed to have come into operation on 22 December 2003 and shall apply in respect of any disposal on or after that date.

(b) Subsection (1)(b) shall come into operation on 1 January 2005 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 11B of Act 58 of 1962, as inserted by section 29 of Act 45 of 2003 10

10. (1) Section 11B of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (2) of the Afrikaans text for subparagraph (ii) of paragraph (a) of the following subparagraph and words:

“(ii) by wyse van betaling aan ’n ander persoon vir navorsing en ontwikkeling 15
 deur daardie ander persoon onderneem namens daardie belastingpligtige,
 vir doeleindes van die uitdink, ontwikkeling of skepping van enige uitvinding,
 patent, model, outeursreg of ander eiendom wat van ’n soortgelyke aard is
 (behalwe ’n handelsmerk);”;

(b) by the substitution in the Afrikaans text for the words in subsection (3) 20
 preceding the proviso of the following words:

“(3) Daar word toegelaat as ’n aftrekking deur ’n belastingpligtige ten
 opsigte van enige gebou, masjinerie, installasie, gereedskap, werktuig of
 artikel van ’n kapitale aard deur daardie belastingpligtige gebruik vir
 [doeleides] doeleindes van navorsing en ontwikkeling, ’n vermindering 25
 gelyk aan 40 persent van die koste van daardie gebou, masjinerie,
 installasie, gereedskap, werktuig of artikel in die jaar van aanslag waarin
 dit vir die eerste maal deur daardie belastingpligtige in gebruik geneem
 is en 20 persent in elk van die drie onmiddellik daaropvolgende jare van
 aanslag.”. 30

(2) Subsection (1) shall be deemed to have come into operation on 22 December 2003.

Amendment of section 12B of Act 58 of 1962, as inserted by section 11 of Act 90 of 1988 and amended by section 13 of Act 101 of 1990, section 10 of Act 113 of 1993, section 6 of Act 140 of 1993, section 13 of Act 28 of 1997 and section 17 of Act 59 of 2000 35

11. (1) Section 12B of the Income Tax Act, 1962, is hereby amended by the addition to subsection (1) of the word “or” at the end of paragraph (f) and by the addition to that subsection of the following paragraph:

“(g) machinery, plant, implement, utensil or article which was or is brought into 40
use for the first time by the taxpayer for the purpose of his or her trade to be
used for the production of bio-diesel or bio-ethanol.”.

(2) Subsection (1) shall be deemed to have come into operation on 18 February 2004 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 13quat of Act 58 of 1962, as inserted by section 33 of Act 45 of 2003 45

12. Section 13quat of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (6) for paragraph (b) of the following paragraph:

“(b) that area is demarcated through formal resolution by the relevant municipal council [no later than 30 June 2004 or such later date as the Minister may 50
 approve on good cause shown];”.

- (bb) die werklike koste van enige installasie, masjinerie, gereedskap, werktuie of artikels deur die belastingpligtige op of na 15 Maart 1984 verkry geag word die koste van daardie installasie, masjinerie, gereedskap, werktuie of artikels te wees soos bepaal kragtens paragraaf (vii) van die voorbehoudsbepaling by paragraaf (e);” en 5
- (b) deur paragraaf (u) te skrap.
- (2)(a) Subartikel (1)(a) word geag op 22 Desember 2003 in werking te getree het en is van toepassing ten opsigte van enige beskikking op of na daardie datum.
- (b) Subartikel (1)(b) tree op 1 Januarie 2005 in werking en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig. 10

Wysiging van artikel 11B van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 45 van 2003

10. (1) Artikel 11B van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur subparagraaf (ii) van paragraaf (a) van subartikel (2) deur die volgende subparagraaf en woorde te vervang: 15
- “(ii) by wyse van betaling aan ’n ander persoon vir navorsing en ontwikkeling deur daardie ander persoon onderneem namens daardie belastingpligtige, vir doeleindes van die uitdink, ontwikkeling of skepping van enige uitvinding, patent, model, outeursreg of ander eiendom wat van ’n soortgelyke aard is (behalwe ’n handelsmerk);” 20
- (b) deur die woorde in subartikel (3) wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- “(3) Daar word toegelaat as ’n aftrekking deur ’n belastingpligtige ten opsigte van enige gebou, masjinerie, installasie, gereedskap, werktuig of artikel van ’n kapitale aard deur daardie belastingpligtige gebruik vir 25
- [doeleides] doeleindes van navorsing en ontwikkeling, ’n vermindering gelyk aan 40 persent van die koste van daardie gebou, masjinerie, installasie, gereedskap, werktuig of artikel in die jaar van aanslag waarin dit vir die eerste maal deur daardie belastingpligtige in gebruik geneem is en 20 persent in elk van die drie onmiddellik daaropvolgende jare van 30
- aanslag;”.
- (2) Subartikel (1) word geag op 22 Desember 2003 in werking te getree het.

Wysiging van artikel 12B van Wet 58 van 1962, soos ingevoeg deur artikel 11 van Wet 90 van 1988 en gewysig deur artikel 13 van Wet 101 van 1990, artikel 10 van Wet 113 van 1993, artikel 6 van Wet 140 van 1993, artikel 13 van Wet 28 van 1997 35

en artikel 17 van Wet 59 van 2000

11. (1) Artikel 12B van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die woord “of” aan die einde van paragraaf (f) by te voeg en die volgende paragraaf by daardie subartikel te voeg:
- “(g) masjinerie, installasie, gereedskap, werktuig of artikel wat vir die eerste maal 40
- deur die belastingpligtige in gebruik geneem is vir doeleindes van sy of haar
- bedryf wat gebruik staan te word vir die vervaardiging van bio-diesel of
- bio-etanol.”.
- (2) Subartikel (1) word geag op 18 Februarie 2004 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig. 45

Wysiging van artikel 13quat van Wet 58 van 1962, soos ingevoeg deur artikel 33 van Wet 45 van 2003

12. Artikel 13quat van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:
- “(b) daardie area by wyse van ’n formele besluit deur die betrokke munisipale raad 50
- aangedui is [nie later nie as 30 Junie 2004 of so ’n later datum as wat die
- Minister mag goedkeur];”.

Amendment of section 23 of Act 58 of 1962, as amended by section 18 of Act 65 of 1973, section 20 of Act 121 of 1984, section 23 of Act 129 of 1991, section 20 of Act 141 of 1992, section 18 of Act 113 of 1993, section 15 of Act 21 of 1994, section 28 of Act 30 of 2000, section 21 of Act 30 of 2002 and section 38 of Act 45 of 2003

13. Section 23 of the Income Tax Act, 1962, is hereby amended by the substitution for paragraph (d) of the following paragraph: 5

“(d) any tax, duty, levy, interest or penalty imposed under this Act, any additional tax imposed under section 60 of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), and any interest or penalty payable in consequence of the late payment of any tax, duty, [or] levy or contribution payable under any Act administered by the Commissioner, the Regional Services Councils Act, 1985 (Act No. 109 of 1985), the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990), [and] the Skills Development Levies Act, 1999 (Act No. 9 of 1999), and the Unemployment Insurance Contributions Act, 2002 (Act No. 4 of 2002);”.

Amendment of section 24G of Act 58 of 1962, as inserted by section 20 of Act 90 of 1988 and amended by section 41 of Act 45 of 2003

14. (1) Section 24G of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) of the definition of “permanent work” of the following paragraph: 20

“(b) the reimbursement [to the State of] for the cost of acquisition or expropriation of land required for the purposes of the toll road; and”;

(b) by the addition in subsection (1) to the definition of “permanent work” of the following paragraph:

“(c) any payment made to the South African National Roads Agency Limited in respect of the acquisition of the right to operate a toll road;”;

(c) by the substitution in subsection (1) for paragraph (b) of the definition of “single toll road” of the following paragraph:

“(b) two or more toll roads or portions thereof in respect of which a single agreement has been concluded with the [State] South African National Roads Agency Limited;”;

(d) by the insertion in subsection (1) after the definition of “single toll road” of the following definition:

“‘**South African National Roads Agency Limited**’ means the South African National Road Agency Limited incorporated in terms of section 3 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);”;

(e) by the substitution in subsection (1) for the definition of “tolling period” of the following definition:

“‘tolling period’, in relation to a toll road, means the initial period during which the [State] South African National Roads Agency Limited has granted to the taxpayer or any other person the right to operate such toll road, including any period in respect of which such right was so granted in terms of an interim agreement concluded by the [State] South African National Roads Agency Limited, but excluding any extension of such first-mentioned period in respect of which a right of renewal may be exercised;”;

(f) by the substitution for subsection (4) of the following subsection:

“(4) No deduction or allowance shall be granted under this Act in respect of expenditure contemplated in subsection (2) otherwise than as provided in that subsection [or section 11(o)].”.

(2) (a) Subsection (1)(a), (b), (c), (d) and (e) shall be deemed to have come into operation on 19 May 1998.

(b) Subsection (1)(f) shall be deemed to have come into operation on 22 December 2003.

Wysiging van artikel 23 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 65 van 1973, artikel 20 van Wet 121 van 1984, artikel 23 van Wet 129 van 1991, artikel 20 van Wet 141 van 1992, artikel 18 van Wet 113 van 1993, artikel 15 van Wet 21 van 1994, artikel 28 van Wet 30 van 2000, artikel 21 van Wet 30 van 2002 en artikel 38 van Wet 45 van 2003

5

13. Artikel 23 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:

- “(d) enige belasting, reg, heffing, rente of boete kragtens hierdie Wet gehef, enige addisionele belasting kragtens artikel 60 van die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991), gehef en enige rente of boete betaalbaar ten gevolge van die laat betaling van enige belasting, reg, [of] heffing of bydrae wat betaalbaar is kragtens enige Wet wat deur die Kommissaris geadminestreer word, die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84 van 1990), [en] die ‘Skills Development Levies Act, 1999’ ([Act] Wet No. 9 [of] van 1999), en die ‘Unemployment Insurance Contributions Act, 2002’ (Wet No. 4 van 2002);”.

Wysiging van artikel 24G van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 90 van 1988 en gewysig deur artikel 41 van Wet 45 van 2003

14. (1) Artikel 24G van die Inkomstebelastingwet, 1962, word hierby gewysig— 20

- (a) deur paragraaf (b) van die omskrywing van “enkele tolpad” in subartikel (1) deur die volgende paragraaf te vervang:

“(b) twee of meer tolpaaie of gedeeltes daarvan ten opsigte waarvan ’n enkele ooreenkoms met die [Staat] Suid-Afrikaanse Nasionale Padagentskap Beperk aangegaan is;”;

25

- (b) deur paragraaf (b) van die omskrywing van “permanente werk” in subartikel (1) deur die volgende paragraaf te vervang:

“(b) die vergoeding [aan die Staat van] vir die koste van verkryging of onteining van grond wat vir die doeleindes van die tolpad nodig is; en”;

30

- (c) deur in subartikel (1) die volgende paragraaf by die omskrywing van “permanente werk” te voeg:

“(c) enige betaling gemaak aan die Suid-Afrikaanse Nasionale Padagentskap Beperk ten opsigte van die verkryging van die reg om ’n tolpad te bedryf;”;

35

- (d) deur in subartikel (1) die volgende omskrywing na die omskrywing van “permanente werk” in te voeg:

“‘Suid-Afrikaanse Nasionale Padagentskap Beperk’ die Suid-Afrikaanse Nasionale Padagentskap Beperk ingelyf ingevolge artikel 3 van die Wet op die Suid-Afrikaanse Nasionale Padagentskap Beperk en op Nasionale Paaie, 1998 (Wet No. 7 van 1998);”;

40

- (e) deur in subartikel (1) die omskrywing van “toltydperk” deur die volgende omskrywing te vervang:

“‘toltydperk’, met betrekking tot ’n tolpad, die eerste tydperk waarin die [Staat] Suid-Afrikaanse Nasionale Padagentskap Beperk aan die belastingpligtige of ’n ander persoon die reg verleen het om bedoelde tolpad te bedryf, met inbegrip van ’n tydperk ten opsigte waarvan bedoelde reg verleen is ingevolge ’n tussentydse ooreenkoms deur die [Staat] Suid-Afrikaanse Nasionale Padagentskap Beperk gesluit, maar nie enige verlenging van bedoelde eersgenoemde tydperk ten opsigte waarvan ’n reg van hernuwing uitgeoefen mag word nie.”; en

45

- (f) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Geen aftrekking of vermindering word ingevolge hierdie Wet toegestaan nie ten opsigte van onkoste in subartikel (2) bedoel behalwe soos in daardie subartikel [of artikel 11(o)] bepaal.”.

55

(2)(a) Subartikel (1)(a), (b), (c), (d) en (e) word geag op 19 Mei 1998 in werking te getree het.

(b) Subartikel (1)(f) word geag op 22 Desember 2003 in werking te getree het.

Amendment of section 24K of Act 58 of 1962, as inserted by section 20 of Act 28 of 1997

15. (1) Section 24K of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any amount contemplated in the definition of ‘interest rate agreement’ in subsection (1) shall for the purposes of this Act be deemed to have been incurred by or accrued to, as the case may be, a person contemplated in such definition on a day to day basis [(which conforms with generally accepted accounting practice and is consistently applied for all financial reporting purposes)] during the period in respect of which it is calculated.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 July 2002 and shall apply in respect of any year of assessment commencing on or after that date.

Amendment of section 29A of Act 58 of 1962, as inserted by section 30 of Act 53 of 1999 and amended by section 36 of Act 59 of 2000, section 15 of Act 5 of 2001, section 15 of Act 19 of 2001, section 39 of Act 60 of 2001 and section 30 of Act 74 of 2002

16. Section 29A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4) for the words in subparagraph (ii) of paragraph (a) preceding the proviso of the following words:

“(ii) any policy of which the owner is a person **[or body the entire receipts and accruals of whom or of which are]** where any amount constituting gross income of whatever nature would be exempt from tax [under any provision] in terms of section 10 were it to be received by or accrue to that person:”.

Amendment of section 45 of Act 58 of 1962, as inserted by section 44 of Act 60 of 2001 and substituted by section 34 of Act 74 of 2002 and amended by section 53 of Act 45 of 2003

17. (1) Section 45 of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (6) of the Afrikaans text of item (gg) of subparagraph (iii) of paragraph (a).

(2) Subsection (1) shall be deemed to have come into operation on 6 November 2002 and applies in respect of any intra group transaction which takes effect on or after that date.

Amendment of section 66 of Act 58 of 1962, as amended by section 10 of Act 6 of 1963, section 19 of Act 90 of 1964, section 27 of Act 88 of 1971, section 22 of Act 91 of 1982, section 19 of Act 65 of 1986, section 23 of Act 85 of 1987, section 37 of Act 101 of 1990, section 26 of Act 21 of 1994, section 41 of Act 30 of 2000, section 19 of Act 5 of 2001, section 17 of Act 19 of 2001, section 26 of Act 30 of 2002, section 38 of Act 74 of 2002 and section 61 of Act 45 of 2003

18. Section 66 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for subitems (A) and (B) of item (aa) of subparagraph (ii) of paragraph (b) of the following subitems:

“(A) in the case of any person who was or, had he or she lived would have been, at least 65 years of age on the last day of the year of assessment, exceeded **[R10 000] R16 000;** or
(B) in any other case, exceeded **[R6 000] R11 000;** or”.

Wysiging van artikel 24K van Wet 58 van 1962, soos ingevoeg deur artikel 20 van Wet 28 van 1997

15. (1) Artikel 24K van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ’n Bedrag beoog in die omskrywing van ‘rentekoersoreenkoms’ in subartikel (1) word by die toepassing van hierdie Wet op ’n dag tot dag grondslag **[(wat aan algemeen aanvaarde rekeningkundige praktyk voldoen en wat konsekwent vir alle finansiële verslagdoeningsdoeleindes toegepas word)]** gedurende die tydperk ten opsigte waarvan dit bepaal is, geag aangegaan te gewees het of toe te geval het, na gelang van die geval, aan ’n persoon in bedoelde omskrywing beoog.”.

(2) Subartikel (1) word geag op 1 Julie 2002 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum ’n aanvang neem.

Wysiging van artikel 29A van Wet 58 van 1962, soos ingevoeg deur artikel 30 van Wet 53 van 1999 en gewysig deur artikel 36 van Wet 59 van 2000, artikel 15 van Wet 5 van 2001, artikel 15 van Wet 19 van 2001, artikel 39 van Wet 60 van 2001 en artikel 30 van Wet 74 van 2002

16. Artikel 29A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) die woorde in subparagraaf (ii) van paragraaf (a) wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“(ii) enige polis waarvan die eienaar ’n persoon [of liggaam] is [wie se totale ontvangste en toevallings] waar enige bedrag wat bruto inkomste van welke aard ook al uitmaak ingevolge [’n bepaling van] artikel 10 van belasting vrygestel [is] sou wees indien dit ontvang sou word deur of sou toeval aan daardie persoon:”.

Wysiging van artikel 45 van Wet 58 van 1962, soos ingevoeg deur artikel 44 van Wet 60 van 2001 en vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 53 van Wet 45 van 2003

17. (1) Artikel 45 van die Inkomstebelastingwet, 1962, word hierby gewysig deur item (gg) van subparagraaf (iii) van paragraaf (a) van subartikel (6) te skrap.

(2) Subartikel (1) word geag op 6 November 2002 in werking te getree het en is van toepassing ten opsigte van enige intragroeptransaksie wat op of na daardie datum in werking tree.

Wysiging van artikel 66 van Wet 58 van 1962, soos gewysig deur artikel 10 van Wet 6 van 1963, artikel 19 van Wet 90 van 1964, artikel 27 van Wet 88 van 1971, artikel 22 van Wet 91 van 1982, artikel 19 van Wet 65 van 1986, artikel 23 van Wet 85 van 1987, artikel 37 van Wet 101 van 1990, artikel 26 van Wet 21 van 1994, artikel 41 van Wet 30 van 2000, artikel 19 van Wet 5 van 2001, artikel 17 van Wet 19 van 2001, artikel 26 van Wet 30 van 2002, artikel 38 van Wet 74 van 2002 en artikel 61 van Wet 45 van 2003

18. Artikel 66 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subitems (A) en (B) van item (aa) van subparagraaf (ii) van paragraaf (b) van subartikel (1) deur die volgende subitems te vervang:

- “(A) in die geval van ’n persoon wat op die laaste dag van die jaar van aanslag minstens 65 jaar oud is of sou wees indien hy of sy gelewe het, **[R10 000] R16 000** te bowe gegaan het; of
- (B) in enige ander geval, **[R6 000] R11 000** te bowe gegaan het; of”.

Amendment of section 75 of Act 58 of 1962, as amended by section 40 of Act 101 of 1990, section 34 of Act 129 of 1991, section 30 of Act 141 of 1992, section 35 of Act 113 of 1993, section 27 of Act 21 of 1994, section 15 of Act 46 of 1996, section 39 of Act 53 of 1999, section 44 of Act 30 of 2000, section 23 of Act 5 of 2001, section 18 of Act 19 of 2001, section 52 of Act 60 of 2001, section 45 of Act 74 of 2002 and section 68 of Act 45 of 2003 5

19. Section 75 of the Income Tax Act, 1962, is hereby amended by the deletion of subsection (2).

Amendment of section 88G of Act 58 of 1962, as inserted by section 74 of Act 45 of 2003 10

20. Section 88G of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) maintain a register of all disputes settled in the circumstances contained in [these regulations] this Part; and”.

Amendment of paragraph 2 of Fourth Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 28 of Act 113 of 1977, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 45 of Act 101 of 1990, section 45 of Act 129 of 1991, section 38 of Act 21 of 1995, section 45 of Act 28 of 1997, section 53 of Act 30 of 2000, section 54 of Act 59 of 2000 and section 20 of Act 19 of 2001 15
20

21. (1) Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraph (4) of the following subparagraph:

“(4) [Any] The amount required to be deducted or withheld from any [amount of] remuneration under this Schedule by way of [employees] employees’ tax [shall] must be calculated on the balance of [such amount of] the remuneration remaining after deducting [in respect of] therefrom— 25

(a) any contribution by the employee concerned to any pension fund or retirement annuity fund which the employer is entitled or required to deduct from [such amount of] that remuneration, but limited to the deduction to which the employee is entitled under section 11(k) or (n), as the case may be, having regard to the remuneration and the period in respect of which it is payable; [and] 30
35

(b) at the option of the employer, any [such] contribution to a retirement annuity fund [which has been paid] by the employee [and] in respect of which proof of payment has been furnished to the employer, but limited to the deduction to which the employee is entitled under section 11(n) having regard to the remuneration and the period in respect of which it is payable; 40

(c) at the option of the employer, any premium paid by the employee [and] in respect of which proof of payment has been furnished to the employer, in terms of an insurance policy—

(i) to the extent that it covers that employee against the loss of income as a result of illness, injury, disability or unemployment; and 45

(ii) in respect of which all amounts payable in terms of that policy constitute or will constitute income as defined, but limited to the deduction to which the employee is entitled under section 11(a); and 50

(d) at the option of the employer, any contribution by the employee to a medical scheme as contemplated in section 18(1)(a) [and] in respect of which proof of payment has been furnished to the employer, if the employee is entitled to a rebate under section 6(2)(b) [an amount which, having regard to such remuneration or to the period in respect of which it is payable, is sufficient to restrict the aggregate of the deductions under this subparagraph during the 55

Wysiging van artikel 75 van Wet 58 van 1962, soos gewysig deur artikel 40 van Wet 101 van 1990, artikel 34 van Wet 129 van 1991, artikel 30 van Wet 141 van 1992, artikel 35 van Wet 113 van 1993, artikel 27 van Wet 21 van 1994, artikel 15 van Wet 46 van 1996, artikel 39 van Wet 53 van 1999, artikel 44 van Wet 30 van 2000, artikel 23 van Wet 5 van 2001, artikel 18 van Wet 19 van 2001, artikel 52 van Wet 60 van 2001, artikel 45 van Wet 74 van 2002 en artikel 68 van Wet 45 van 2003 5

19. Artikel 75 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 88G van Wet 58 van 1962, soos ingevoeg deur artikel 74 van Wet 45 van 2003 10

20. Artikel 88G van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) ’n register hou van alle geskille wat in die omstandighede in hierdie [regulasies] Deel vervat, geskik is; en”.

Wysiging van paragraaf 2 van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 28 van Wet 113 van 1977, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 45 van Wet 101 van 1990, artikel 45 van Wet 129 van 1991, artikel 38 van Wet 21 van 1995, artikel 45 van Wet 28 van 1997, artikel 53 van Wet 30 van 2000, artikel 54 van Wet 59 van 2000 en artikel 20 van Wet 19 van 2001 15 20

21. (1) Paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subparagraaf (4) deur die volgende subparagraaf te vervang: 25

“(4) [’n] Die bedrag wat ingevolge hierdie Bylae by wyse van werknemersbelasting van [’n bedrag aan] enige besoldiging afgetrek of teruggehou moet word, word bereken op die balans van [dié bedrag aan] die besoldiging wat oorbly [na aftrekking ten opsigte van] nadat daarvan afgetrek is— 30

(a) enige bydrae deur die betrokke werknemer aan ’n pensioenfonds of uitredingannuïteitsfonds wat die werkgewer geregtig of verplig is om van [dié bedrag aan] die besoldiging af te trek, maar beperk tot die aftrekking waartoe die werknemer kragtens artikel 11(k) of (n), na gelang van die geval, geregtig is, met inagneming van die besoldiging en die tydperk ten opsigte waarvan dit betaalbaar is; [en] 35

(b) ter keuse van die werkgewer, enige bydrae aan ’n uitredingannuïteitsfonds [wat] deur die werknemer [betaal is en], ten opsigte waarvan bewys van betaling aan die werkgewer voorgelê is, maar beperk tot die aftrekking waartoe die werknemer kragtens artikel 11(n) geregtig is, met inagneming van die besoldiging en die tydperk ten opsigte waarvan dit betaalbaar is; 40

(c) ter keuse van die werkgewer, enige premie deur die werknemer betaal, ten opsigte waarvan bewys van betaling aan die werkgewer voorgelê is, ingevolge ’n versekeringspolis— 45

(i) in die mate waarin dit daardie werknemer dek teen die verlies aan inkomste weens siekte, besering, ongeskiktheid of werkloosheid; en

(ii) ten opsigte waarvan alle bedrae wat ingevolge daardie polis betaalbaar is, inkomste soos omskryf uitmaak of sal uitmaak, maar beperk tot die aftrekking waartoe die werknemer kragtens artikel 11(a) geregtig is; en 50

(d) ter keuse van die werkgewer, enige bydrae deur die werknemer aan ’n mediese skema soos in artikel 18(1)(a) beoog, ten opsigte waarvan bewys van betaling aan die werkgewer voorgelê is, indien die werknemer geregtig is op ’n korting kragtens artikel 6(2)(b) 55

[van ’n bedrag wat, met inagneming van die bedrag van bedoelde besoldiging of die tydperk ten opsigte waarvan dit betaal is, genoeg is om die totale aftrekking ingevolge hierdie subparagraaf

year of assessment to an amount equal to the deduction to which the employee is entitled under the provisions of section 11(k)(i) or (ii) or 11(n)(aa) or (bb), as the case may be, and, in the case of any employee who is entitled to a rebate under section 6(2)(b), after deducting any contribution by the employee to a medical scheme contemplated in section 18(1)(a)].”;

- (b) by the substitution in subparagraph (5) of paragraph (aa) of the proviso to item (a) of the following paragraph:

“(aa) more than 80 per cent of the gross income of such person during the year of assessment consists of, or is likely to consist of, an amount or amounts received from any one client of such person, or any associated institution as defined in the Seventh Schedule to this Act in relation to such client, unless that person is a labour broker which throughout the year of assessment employs more than three full-time employees—

(A) who are on a full-time basis engaged in the business of that labour broker of providing persons to or procuring persons for clients of that labour broker; and

(B) who are not connected persons in relation to that labour broker;”.

- (2) (a) Subsection (1)(a) shall come into operation on 1 March 2005 and shall apply in respect of any remuneration paid on or after that date.

(b) Subsection (1)(b) shall come into operation on the date of promulgation and shall apply in respect of any application for an exemption certificate which is lodged with the Commissioner on or after that date.

Amendment of paragraph 11B of Fourth Schedule to Act 58 of 1962, as inserted by section 41 of Act 90 of 1988 and amended by section 22 of Act 70 of 1989, section 47 of Act 101 of 1990, section 46 of Act 129 of 1991, section 34 of Act 141 of 1992, section 3 of Act 168 of 1993, section 40 of Act 21 of 1995, section 35 of Act 36 of 1996, section 48 of Act 28 of 1997, section 53 of Act 30 of 1998, section 56 of Act 59 of 2000, section 33 of Act 30 of 2002 and section 56 of Act 74 of 2002

22. Paragraph 11B of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (4) of the following subparagraph:

“(4) Where the taxpayer is entitled to—

- (a) a deduction under section 11(k) or (n) of this Act in respect of any contribution to a pension fund or retirement annuity fund or a deduction in respect of any premium paid in terms of an insurance policy contemplated in paragraph 2(4), which has not been taken into account by his or her employer in the determination of the balance contemplated in the definition of ‘net remuneration’ in subparagraph (1); or

(b) [to] a deduction under section 18 of this Act, and the taxpayer’s taxable income derived otherwise than from net remuneration cannot be reduced by the full amount of any such deduction, the Commissioner shall on application made by the taxpayer amend—

[(a)](i) the determination of the amount of any net remuneration derived by the taxpayer; and

[(b)](ii) the amount of Standard Income Tax on Employees payable by the taxpayer in respect of such net remuneration.”.

Amendment of paragraph 16 of Fourth Schedule to Act 58 of 1962, as inserted by section 19 of Act 6 of 1963 and amended by section 86 of Act 45 of 2003

23. Paragraph 16 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (2B) for the words preceding item (a) of the following words:

“Every representative employer and person contemplated in subparagraph (2) shall be personally liable for the payment of any employees’ tax, additional tax, penalty or interest payable by that representative employer or person in his or her

gedurende die jaar van aanslag te beperk tot die aftrekking waarop die werknemer ingevolge die bepalings van artikel 11(k)(i) of (ii) of 11(n)(aa) of (bb), na gelang van die geval, ten opsigte van bedoelde bydrae geregtig is en, in die geval van 'n werknemer wat op 'n korting ingevolge artikel 6(2)(b) geregtig is, na aftrekking van 'n bydrae deur die werknemer aan 'n mediese skema soos in artikel 18(1)(a) beoogl.”; en

- (b) deur paragraaf (aa) van die voorbehoudsbepaling by item (a) van subparagraaf (5) deur die volgende paragraaf te vervang:

“(aa) meer as 80 persent van die bruto inkomste van bedoelde persoon gedurende die jaar van aanslag bestaan uit of waarskynlik sal bestaan uit, 'n bedrag of bedrae ontvang vanaf enige een kliënt van bedoelde persoon, of enige verwante inrigting soos in die Sewende Bylae by hierdie Wet omskryf, met betrekking tot bedoelde kliënt, tensy daardie persoon 'n arbeidsmakelaar is wat gedurende die hele jaar van aanslag meer as drie voltydse werknemers in diens het—

(A) wat op 'n voltydse basis betrokke is in die besigheid van daardie arbeidsmakelaar om persone vir kliënte van daardie arbeidsmakelaar te voorsien of te werf; en

(B) wat nie verbonde persone met betrekking tot daardie arbeidsmakelaar is nie.”.

(2)(a) Subartikel (1)(a) tree op 1 Maart 2005 in werking en is van toepassing ten opsigte van enige besoldiging op of na daardie datum betaal.

(b) Subartikel (1)(b) tree in werking op die datum van afkondiging van hierdie Wet en is van toepassing ten opsigte van enige aansoek om 'n vrystellingsertifikaat wat op of na daardie datum by die Kommissaris ingedien word.

Wysiging van paragraaf 11B van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 41 van Wet 90 van 1988 en gewysig deur artikel 22 van Wet 70 van 1989, artikel 47 van Wet 101 van 1990, artikel 46 van Wet 129 van 1991, artikel 34 van Wet 141 van 1992, artikel 3 van Wet 168 van 1993, artikel 40 van Wet 21 van 1995, artikel 35 van Wet 36 van 1996, artikel 48 van Wet 28 van 1997, artikel 53 van Wet 30 van 1998, artikel 56 van Wet 59 van 2000, artikel 33 van Wet 30 van 2002 en artikel 56 van Wet 74 van 2002

22. Paragraaf 11B van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (4) deur die volgende subparagraaf te vervang:

“(4) Waar die belastingpligtige geregtig is op—

- (a) 'n aftrekking ingevolge artikel 11(k) of (n) van hierdie Wet ten opsigte van 'n bydrae aan 'n pensioen- of uittredingannuïteitsfonds of 'n aftrekking ten opsigte van enige premie betaal ingevolge 'n versekeringspolis in paragraaf 2(4) beoog, wat nie deur sy of haar werkgever by die vasstelling van die balans in die omskrywing van 'netto besoldiging' in subparagraaf (1) bedoel in aanmerking geneem is nie; of

- (b) [op] 'n aftrekking ingevolge artikel 18 van hierdie Wet, en die belastingpligtige se belasbare inkomste wat anders as uit netto besoldiging verkry is nie met die volle bedrag van so 'n aftrekking verminder kan word nie, wysig die Kommissaris op aansoek van die belastingpligtige—

[(a)](i) die vasstelling van die bedrag aan enige netto besoldiging deur die belastingpligtige verkry; en

[(b)](ii) die bedrag aan Standaard Inkomstebelasting op Werknemers wat ten opsigte van bedoelde netto besoldiging deur die belastingpligtige betaalbaar is.”.

Wysiging van paragraaf 16 van Vierde Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 86 van Wet 45 van 2003

23. Paragraaf 16 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (2B) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang:

“Elke verteenwoordigende [werknemer] werkgever en persoon in subparagraaf (2) bedoel is persoonlik aanspreeklik vir die betaling van enige werknemersbelasting, addisionele belasting, boete of rente betaalbaar deur daardie verteen-

representative capacity to the extent that the representative employer or person, while it remains unpaid—”.

Amendment of paragraph 18 of Fourth Schedule to Act 58 of 1962, as added by section 19 of Act 6 of 1963 and amended by section 28 of Act 90 of 1964, section 42 of Act 88 of 1971, section 49 of Act 85 of 1974, section 19 of Act 104 of 1979, section 26 of Act 65 of 1986, section 9 of Act 108 of 1986, section 23 of Act 70 of 1989, section 50 of Act 113 of 1993, section 37 of Act 36 of 1996, section 24 of Act 19 of 2001, section 34 of Act 30 of 2002 and section 58 of Act 74 of 2002

24. Paragraph 18 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subparagraph (1) for item (b) of the following item:
“(b) any person in respect of whose liability for normal tax for the relevant year of assessment payments are required to be made under section thirty-three [or thirty-five] of this Act;” and
- (b) by the deletion in subparagraph (1) of item (c).

Amendment of paragraph 1 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 65 of Act 60 of 2001, section 63 of Act 74 of 2002 and section 90 of Act 45 of 2003

25. Paragraph 1 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in the definition of “valuation date” of item (a) of the following item:

- “(a) in the case of any person [contemplated in section 10(1)(cA) which] who after 1 October 2001 ceases to be an exempt person for purposes of [that section and] paragraph 63, the date on which that person so ceases to be an exempt person; or”.

Amendment of paragraph 39 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 88 of Act 60 of 2001 and section 100 of Act 45 of 2003

26. Paragraph 39 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subparagraph (1) of the Afrikaans text for item (a) of the following item:
“(a) wat ’n verbonde persoon met betrekking tot daardie persoon [, behoudens subparagraaf (3),] was onmiddellik voor daardie beskikking; of”;
- (b) by the substitution in subparagraph (1) for item (b) of the following item:
“(b) which is immediately after the disposal—
(i) a member of the same group of companies as that person; or
(ii) a trust with a beneficiary which is a member of the same group of companies as that person.
[, immediately after the disposal subject to subparagraph (3)].”.

Amendment of paragraph 65 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 103 of Act 60 of 2001 and substituted by section 106 of Act 45 of 2003

27. (1) Paragraph 65 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution for subparagraphs (4) and (5) of the following subparagraphs:
“(4) Where a replacement asset contemplated in [subsection] subparagraph (1) constitutes a depreciable asset, the person must treat as a capital gain for a year of assessment, so much of the disregarded capital gain contemplated in subparagraph (3), as bears to the total amount of that disregarded gain apportioned to that replacement asset as contemplated in [subsection] subparagraph (3) the same ratio as the amount of

woordigende werkgewer of persoon in sy of haar verteenwoordigende hoedanigheid, in die mate wat die verteenwoordigende werkgewer of persoon, terwyl dit onbetaal bly—”.

Wysiging van paragraaf 18 van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 28 van Wet 90 van 1964, artikel 42 van Wet 88 van 1971, artikel 49 van Wet 85 van 1974, artikel 19 van Wet 104 van 1979, artikel 26 van Wet 65 van 1986, artikel 9 van Wet 108 van 1986, artikel 23 van Wet 70 van 1989, artikel 50 van Wet 113 van 1993, artikel 37 van Wet 36 van 1996, artikel 24 van Wet 19 van 2001, artikel 34 van Wet 30 van 2002 en artikel 58 van Wet 74 van 2002

24. Paragraaf 18 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur item (b) van subparagraaf (1) deur die volgende item te vervang:
 - “(b) ’n persoon ten opsigte van wie se aanspreeklikheid vir normale belasting vir die betrokke jaar van aanslag betalings ingevolge artikel drie-en-dertig [of vyf-en-dertig] van hierdie Wet vereis word;”; en
- (b) deur item (c) van subparagraaf (1) te skrap.

Wysiging van paragraaf 1 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 65 van Wet 60 van 2001, artikel 63 van Wet 74 van 2002 en artikel 90 van Wet 45 van 2003

25. Paragraaf 1 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur item (a) van die omskrywing van “waardasiedatum” deur die volgende item te vervang:

- “(a) in die geval van enige persoon [in artikel 10(1)(cA) beoog] wat na 1 Oktober 2001 ophou om ’n vrygestelde persoon vir [doeleinde] doeleindes van [daardie artikel en] paragraaf 63 te wees, die datum waarop daardie persoon so opgehou het om ’n vrygestelde persoon te wees; of”.

Wysiging van paragraaf 39 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 88 van Wet 60 van 2001 en artikel 100 van Wet 45 van 2003

26. Paragraaf 39 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur item (a) van subparagraaf (1) deur die volgende item te vervang:
 - “(a) wat ’n verbonde persoon met betrekking tot daardie persoon [, behoudens subparagraaf (3),] was onmiddellik voor daardie beskikking; of”;
 - (b) deur in subparagraaf (1) van die Engelse teks item (b) deur die volgende item te vervang:
 - “(b) which is immediately after the disposal—
 - (i) a member of the same group of companies as that person; or
 - (ii) a trust with a beneficiary which is a member of the same group of companies as that person
- [, immediately after the disposal subject to subparagraph (3)].”.

Wysiging van paragraaf 65 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 103 van Wet 60 van 2001 en vervang deur artikel 106 van Wet 45 van 2003

27. (1) Paragraaf 65 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur subparagraawe (4) en (5) deur die volgende subparagraawe te vervang:
 - “(4) Waar ’n vervangende bate soos beoog in subparagraaf (1) ’n slytasiebate uitmaak, moet die persoon soveel van die kapitaalwins ingevolge subparagraaf (3) verontagsaam as ’n kapitaalwins vir ’n jaar van aanslag ag as wat in dieselfde verhouding staan tot daardie verontagsaamde kapitaalwins aan daardie bate toegedeel soos beoog in subparagraaf (3) [staan] as wat die bedrag van enige kapitaalaftrekking

any capital deduction or allowance allowed in that year in respect of the replacement asset bears to the total amount of the capital deduction or allowance (determined with reference to the cost or value of that asset at the time of acquisition thereof) which is allowable for all years of assessment in respect of that replacement asset.

(5) Where a person during any year of assessment disposes of a replacement asset **[contemplated in subparagraph (4)]** and any portion of the disregarded capital gain which is apportioned to that asset **[as contemplated in subparagraph (3)]**, has not otherwise been treated as a capital gain in terms of **[subparagraph (4)]** this paragraph, that person must treat that portion of disregarded capital gain as a capital gain from the disposal of that replacement asset in that year of assessment.”;

(b) by the substitution in subparagraph (6) for the words preceding item (a) of the following words:

“(6) Where a person fails to conclude a contract or fails to bring any replacement asset into use within the period prescribed in **[subsection] subparagraph (1)(d)(iii)** or (iv), subparagraph (2) shall not apply and that person must—”; and

(c) by the substitution for subparagraph (7) of the following subparagraph:

“(7) Where a replacement asset or assets constitute personal use assets, the provisions of this paragraph shall not apply **[unless the asset disposed of as contemplated in subparagraph (1)(a) constitutes a personal use asset]**.”.

(2) Subsection (1) shall be deemed to have come into operation on 22 December 2003 and shall apply in respect of any disposal on or after that date.

Amendment of paragraph 67C of Eighth Schedule to Act 58 of 1962, as inserted by section 111 of Act 45 of 2003

28. (1) Paragraph 67C of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for item (b) and the words following item (b) of the following item and words:

“(b) any prospecting right, mining right, exploration right **[or]**, production right, mining permit, **[or]** retention permit or reconnaissance permit, as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), is wholly or partially renewed in terms of that Act, and the continued, converted or renewed right or permit will be treated as one and the same asset as the right or permit before continuation, conversion or renewal for purposes of this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 May 2004.

Amendment of paragraph 75 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 114 of Act 45 of 2003

29. Paragraph 75 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

“(1) Where a company makes a distribution of an asset *in specie* to a shareholder (including an interim dividend), that company must be treated as having disposed of that asset to that shareholder on the date of distribution for an amount received or accrued equal to the market value of that asset on **[the]** that date **[of distribution]**.”.

Amendment of paragraph 76 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 107 of Act 60 of 2001, section 96 of Act 74 of 2002 and section 115 of Act 45 of 2003

30. Paragraph 76 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (3) of the following subparagraph:

“(3) Any distribution of an asset *in specie* received by or accrued to a shareholder must be treated as having been acquired **[at an]** on the date of distribution and for expenditure equal to the market value [and on the] of that asset on that date **[contemplated in paragraph 75(2)]**, which expenditure must be

of toelae ten aansien van daardie vervangende bate in daardie jaar toegelaat staan tot die totale bedrag van die kapitaalaftrekking of toelae (vasgestel met verwysing na die koste of waarde van daardie bate ten tyde van die verkryging daarvan) wat in alle jare van aanslag ten aansien van daardie vervangende bate toelaatbaar is. 5

(5) Waar 'n persoon gedurende enige jaar van aanslag beskik oor 'n vervangende bate [in subparagraaf (4) beoog] en enige gedeelte van die verontagsaamde kapitaalwins aan daardie bate toegedeel [soos in subparagraaf (3) beoog] nie andersins as 'n kapitaalwins ingevolge [subparagraaf (4)] hierdie paragraaf geag is nie, moet daardie persoon daardie gedeelte verontagsaamde [wins] kapitaalwins as 'n kapitaalwins vanweë die beskikking oor daardie vervangende bate in daardie jaar van aanslag hanteer.”; 10

(b) deur in subparagraaf (6) van die Engelse teks die woorde wat item (a) voorafgaan deur die volgende woorde te vervang: 15

“(6) Where a person fails to conclude a contract or fails to bring any replacement asset into use within the period prescribed in [subsection] subparagraph (1)(d)(iii) or (iv), subparagraph (2) shall not apply and that person must—”; en

(c) deur subparagraaf (7) deur die volgende subparagraaf te vervang: 20

“(7) Waar 'n vervangende bate of bates persoonlike gebruiksbate daarstel, sal die bepalings van hierdie paragraaf nie van toepassing wees nie [tensy die bate waaroor beskik is soos in subparagraaf (1)(a) beoog 'n persoonlike gebruiksbate daarstel].”.

(2) Subartikel (1) word geag op 22 Desember 2003 in werking te getree het en is van toepassing ten opsigte van enige beskikking op of na daardie datum. 25

Wysiging van paragraaf 67C van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 111 van Wet 45 van 2003

28. (1) Paragraaf 67C van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur item (b) en die woorde wat op item (b) volg deur die volgende item en woorde te vervang: 30

“(b) enige ‘prospecting right’, ‘mining right’, ‘exploration right’, [of] ‘production right’, ‘mining permit’, [of] ‘retention permit’ of ‘reconnaissance permit’, soos omskryf in artikel 1 van die ‘Mineral and Petroleum Resources Development Act, 2002’ (Wet No. 28 van 2002), in geheel of gedeeltelik ingevolge daardie Wet hernu word nie, 35

en die reg of permit wat van krag bly, omgeskakel of hernu word, word by die toepassing van hierdie Wet geag een en dieselfde bate te wees as die reg of permit voor dit van krag gebly het, omgeskakel of hernu is.”.

(2) Subartikel (1) word geag op 1 Mei 2004 in werking te getree het. 40

Wysiging van paragraaf 75 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 114 van Wet 45 van 2003

29. Paragraaf 75 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang: 45

“(1) Waar 'n maatskappy 'n uitkering van 'n bate *in specie* aan 'n aandeelhouer maak (waarby ingesluit 'n tussentydse dividend), moet daardie maatskappy geag word oor daardie bate te beskik het aan daardie aandeelhouer op die datum van uitkering vir 'n bedrag ontvang of toegeval gelyk aan die markwaarde van daardie bate op [die] daardie datum [van uitkering].”.

Wysiging van paragraaf 76 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 107 van Wet 60 van 2001, artikel 96 van Wet 74 van 2002 en artikel 115 van Wet 45 van 2003 50

30. Paragraaf 76 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (3) deur die volgende subparagraaf te vervang: 55

“(3) Enige uitkering van 'n bate *in specie* wat ontvang is deur of toegeval het aan 'n aandeelhouer moet geag word verkry te gewees het [teen] op die datum van uitkering en vir 'n onkoste gelykstaande aan die markwaarde [op die] van daardie

treated as an amount of expenditure actually incurred and paid for the purposes of paragraph 20(1)(a).”.

Amendment of paragraph 78 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 97 of Act 74 of 2002 and section 116 of Act 45 of 2003

5

31. Paragraph 78 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (1) of the following subparagraph:

“(1) Where a company issues capitalisation shares, those capitalisation shares must be treated as having been acquired on the date of distribution for expenditure incurred and paid of nil, except to the extent that the issue of those shares constitutes a dividend, in which case they must be treated as having been acquired on the date of distribution for expenditure incurred and paid equal to the amount of that dividend.”.

10

Amendment of Chapter VA of Act 91 of 1964, as inserted by section 139 of Act 45 of 2003

15

32. (1) Chapter VA of the Customs and Excise Act, 1964, is hereby amended—

- (a) by renumbering section 47C as section 54A;
- (b) by renumbering section 47D as section 54B;
- (c) by renumbering section 47E as section 54C;
- (d) by renumbering section 47F as section 54D;
- (e) by renumbering section 47G as section 54E; and
- (f) by renumbering section 47H as section 54F.

20

(2) Subsection (1) shall be deemed to have come into operation on 1 June 2004.

Amendment of section 77A of Act 91 of 1964, as inserted by section 147 of Act 45 of 2003

25

33. (1) Section 77A of the Customs and Excise Act, 1964, is hereby amended by renumbering paragraph (b) as subsection (2).

(2) Subsection (1) shall come into operation on the date on which section 77A of the Customs and Excise Act, 1964, comes into operation.

Amendment of section 77P of Act 91 of 1964, as inserted by section 147 of Act 45 of 2003

30

34. (1) Section 77P of the Customs and Excise Act, 1964, is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) be in such format which, subject to section [3E] 4(3E), does not disclose the identity of the person concerned, and be submitted at such time as may be agreed between the Commissioner and the Auditor-General or Minister of Finance, as the case may be; and”.

35

(2) Subsection (1) shall be deemed to have come into operation on 22 December 2003.

Amendment of section 105 of Act 91 of 1964, as substituted by section 2 of Act 111 of 1991 and amended by section 65 of Act 45 of 1995, section 72 of Act 30 of 1998, section 6 of Act 32 of 1999, section 63 of Act 30 of 2000 and section 111 of Act 74 of 2002

40

35. Section 105 of the Customs and Excise Act, 1964, is hereby amended by the substitution for paragraph (b) of the following paragraph:

45

“(b) the interest so payable shall be paid at a rate the Minister of Finance determines in terms of section 80(1)(b) of the Public Finance Management Act, 1999 (Act No. 1 of 1999); Provided that where the Minister fixes a new rate in terms of that Act, that new rate applies for purposes of this Act from the first day of the second month following the date on which that new rate came into operation;”.

50

bate op daardie datum [in paragraaf 75(2) beoog], welke onkoste by die toepassing van paragraaf 20(1)(a) geag moet word 'n bedrag van onkoste werklik aangegaan en betaal te wees.”.

Wysiging van paragraaf 78 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 97 van Wet 74 van 2002 en artikel 116 van Wet 45 van 2003 5

31. Paragraaf 78 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang:

“(1) Waar 'n maatskappy kapitalisasie-aandele uitreik, word daardie kapitalisasie-aandele geag verkry te gewees het op die datum van uitkering vir onkoste aangegaan en betaal van nul, behalwe tot die mate wat die uitreiking van daardie aandele 'n dividend uitmaak, in welke geval hulle geag moet word verkry te gewees het op die datum van uitkering vir onkoste aangegaan en betaal wat gelyk is aan die bedrag van daardie dividend.”. 10

Wysiging van Hoofstuk VA van Wet 91 van 1964, soos ingevoeg deur artikel 139 van Wet 45 van 2003 15

32. (1) Hoofstuk VA van die Doeane- en Aksynswet, 1964, word hierby gewysig—

- (a) deur artikel 47C as artikel 54A te hernoem;
- (b) deur artikel 47D as artikel 54B te hernoem;
- (c) deur artikel 47E as artikel 54C te hernoem;
- (d) deur artikel 47F as artikel 54D te hernoem;
- (e) deur artikel 47G as artikel 54E te hernoem; en
- (f) deur artikel 47H as artikel 54F te hernoem. 20

(2) Subartikel (1) word geag op 1 Junie 2004 in werking te getree het.

Wysiging van artikel 77A van Wet 91 van 1964, soos ingevoeg deur artikel 147 van Wet 45 van 2003 25

33. (1) Artikel 77A van die Doeane- en Aksynswet 1964, word hierby gewysig deur paragraaf (b) as subartikel (2) te hernoem.

(2) Subartikel (1) tree in werking op die datum wat artikel 77A van die Doeane- en Aksynswet, 1964, in werking tree. 30

Wysiging van artikel 77P van Wet 91 van 1964, soos ingevoeg deur artikel 147 van Wet 45 van 2003

34. (1) Artikel 77P van die Doeane- en Aksynswet, 1964, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) in so 'n formaat is wat, behoudens artikel [3E] 4(3E), nie die identiteit van die betrokke persoon openbaar maak nie, en gelewer moet word op 'n tyd wat die Kommissaris en die Ouditeur-generaal of Minister van Finansies, na gelang van die geval, ooreenkom; en”. 35

(2) Subartikel (1) word geag op 22 Desember 2003 in werking te getree het.

Wysiging van artikel 105 van Wet 91 van 1964, soos vervang deur artikel 2 van Wet 111 van 1991 en gewysig deur artikel 65 van Wet 45 van 1995, artikel 72 van Wet 30 van 1998, artikel 6 van Wet 32 van 1999, artikel 63 van Wet 30 van 2000 en artikel 111 van Wet 74 van 2002 40

35. Artikel 105 van die Doeane- en Aksynswet, 1964, word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang: 45

“(b) word die rente aldus betaalbaar betaal teen 'n koers deur die Minister van Finansies ingevolge die bepalings van artikel 80(1)(b) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), bepaal: Met dien verstande dat waar die Minister 'n nuwe koers ingevolge daardie Wet bepaal, daardie nuwe koers by die toepassing van hierdie Wet geld vanaf die eerste dag van die tweede maand wat volg op die datum waarop daardie nuwe koers in werking tree;”. 50

Amendment of Schedule No. 1 to Act 91 of 1964, as amended by section 19 of Act 95 of 1965, section 15 of Act 57 of 1966, section 2 of Act 96 of 1967, section 22 of Act 85 of 1968, section 37 of Act 105 of 1969, section 9 of Act 98 of 1970, section 2 of Act 89 of 1971, section 12 of Act 103 of 1972, section 6 of Act 68 of 1973, section 3 of Act 64 of 1974, section 13 of Act 71 of 1975, section 13 of Act 105 of 1976, section 38 of Act 112 of 1977, section 3 of Act 114 of 1981, section 27 of Act 86 of 1982, section 10 of Act 89 of 1984, section 14 of Act 101 of 1985, section 11 of Act 69 of 1988, section 19 of Act 68 of 1989, section 40 of Act 59 of 1990, section 3 of Act 111 of 1991, section 15 of Act 105 of 1992, section 13 of Act 98 of 1993, section 12 of Act 19 of 1994, section 74 of Act 45 of 1995, section 8 of Act 44 of 1996, section 15 of Act 27 of 1997, section 75 of Act 30 of 1998, section 7 of Act 32 of 1999, section 64 of Act 30 of 2000, section 52 of Act 19 of 2001, section 53 of Act 30 of 2002, section 41 of Act 12 of 2003 and section 155 of Act 45 of 2003

36. (1) Schedule No. 1 to the Customs and Excise Act, 1964, is hereby amended as set out in Schedule 2 to this Act.

(2) Subject to the provisions of section 58(1) of the Customs and Excise Act, 1964, subsection (1) shall be deemed to have come into operation on 18 February 2004.

Amendment of section 1 of Act 77 of 1968, as amended by section 16 of Act 103 of 1969, section 5 of Act 66 of 1973, section 7 of Act 88 of 1974, section 19 of Act 106 of 1980, section 3 of Act 118 of 1984, section 17 of Act 87 of 1988, section 36 of Act 9 of 1989, section 3 of Act 69 of 1989, section 5 of Act 136 of 1991, section 4 of Act 20 of 1994, section 16 of Act 27 of 1997, section 34 of Act 34 of 1997, section 77 of Act 30 of 1998, section 74 of Act 53 of 1999, section 40 of Act 5 of 2001, section 54 of Act 19 of 2001, section 141 of Act 60 of 2001 and section 42 of Act 12 of 2003

37. (1) Section 1 of the Stamp Duties Act, 1968, is hereby amended by the deletion of the definition of "fixed deposit".

(2) Subsection (1) shall be deemed to have come into operation on 1 April 2004.

Amendment of section 7 of Act 77 of 1968, as amended by section 18 of Act 103 of 1969, section 10 of Act 89 of 1972, section 8 of Act 66 of 1973, section 3 of Act 70 of 1975, section 5 of Act 87 of 1982, section 7 of Act 118 of 1984, section 5 of Act 69 of 1989, section 55 of Act 19 of 2001, section 43 of Act 12 of 2003 and section 156 of Act 45 of 2003

38. Section 7 of the Stamp Duties Act, 1968, is hereby amended—

- (a) by the deletion in subsection (1) of paragraph (d); and
- (b) by the substitution in subsection (1) for paragraphs (g) and (h) of the following paragraphs:

“(g) in the case of the original issue of a marketable security [or of a negotiable certificate of deposit], the company or corporate body issuing the marketable security [or negotiable certificate of deposit];

(h) in the case of the registration of transfer of a marketable security [or of a negotiable certificate of deposit], the transferee;”.

Repeal of section 21 of Act 77 of 1968

39. (1) Section 21 of the Stamp Duties Act, 1968, is hereby repealed.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 2004 and shall apply in respect of any fixed deposit receipt given on or after that date.

Wysiging van Bylae No. 1 by Wet 91 van 1964, soos gewysig deur artikel 19 van Wet 95 van 1965, artikel 15 van Wet 57 van 1966, artikel 2 van Wet 96 van 1967, artikel 22 van Wet 85 van 1968, artikel 37 van Wet 105 van 1969, artikel 9 van Wet 98 van 1970, artikel 2 van Wet 89 van 1971, artikel 12 van Wet 103 van 1972, artikel 6 van Wet 68 van 1973, artikel 3 van Wet 64 van 1974, artikel 13 van Wet 71 van 1975, artikel 13 van Wet 105 van 1976, artikel 38 van Wet 112 van 1977, artikel 3 van Wet 114 van 1981, artikel 27 van Wet 86 van 1982, artikel 10 van Wet 89 van 1984, artikel 14 van Wet 101 van 1985, artikel 11 van Wet 69 van 1988, artikel 19 van Wet 68 van 1989, artikel 40 van Wet 59 van 1990, artikel 3 van Wet 111 van 1991, artikel 15 van Wet 105 van 1992, artikel 13 van Wet 98 van 1993, artikel 12 van Wet 19 van 1994, artikel 74 van Wet 45 van 1995, artikel 8 van Wet 44 van 1996, artikel 15 van Wet 27 van 1997, artikel 75 van Wet 30 van 1998, artikel 7 van Wet 32 van 1999, artikel 64 van Wet 30 van 2000, artikel 52 van Wet 19 van 2001, artikel 53 van Wet 30 van 2002, artikel 41 van Wet 12 van 2003 en artikel 155 van Wet 45 van 2003

36. (1) Bylae No. 1 by die Doeane- en Aksynswet, 1964, word hierby gewysig soos in Bylae 2 by hierdie Wet uiteengesit. 15

(2) Behoudens die bepalings van artikel 58(1) van die Doeane- en Aksynswet, 1964, word subartikel (1) geag op 18 Februarie 2004 in werking te getree het.

Wysiging van artikel 1 van Wet 77 van 1968, soos gewysig deur artikel 16 van Wet 103 van 1969, artikel 5 van Wet 66 van 1973, artikel 7 van Wet 88 van 1974, artikel 19 van Wet 106 van 1980, artikel 3 van Wet 118 van 1984, artikel 17 van Wet 87 van 1988, artikel 36 van Wet 9 van 1989, artikel 3 van Wet 69 van 1989, artikel 5 van Wet 136 van 1991, artikel 4 van Wet 20 van 1994, artikel 16 van Wet 27 van 1997, artikel 34 van Wet 34 van 1997, artikel 77 van Wet 30 van 1998, artikel 74 van Wet 53 van 1999, artikel 40 van Wet 5 van 2001, artikel 54 van Wet 19 van 2001, artikel 141 van Wet 60 van 2001 en artikel 42 van Wet 12 van 2003 20 25

37. (1) Artikel 1 van die Wet op Seëlregte, 1968, word hierby gewysig deur die omskrywing van "vaste deposito" te skrap.

(2) Subartikel (1) word geag op 1 April 2004 in werking te getree het.

Wysiging van artikel 7 van Wet 77 van 1968, soos gewysig deur artikel 18 van Wet 103 van 1969, artikel 10 van Wet 89 van 1972, artikel 8 van Wet 66 van 1973, artikel 3 van Wet 70 van 1975, artikel 5 van Wet 87 van 1982, artikel 7 van Wet 118 van 1984, artikel 5 van Wet 69 van 1989, artikel 55 van Wet 19 van 2001, artikel 43 van Wet 12 van 2003 en artikel 156 van Wet 45 van 2003 30

38. Artikel 7 van die Wet op Seëlregte, 1968, word hierby gewysig— 35

(a) deur paragraaf (d) van subartikel (1) te skrap; en

(b) deur paragrawe (g) en (h) van subartikel (1) deur die volgende paragrawe te vervang:

"(g) in die geval van die oorspronklike uitreiking van handelseffekte [of 'n verhandelbare sertifikaat ten opsigte van 'n deposito], die maatskappy of regspersoon wat die handelseffekte [of verhandelbare sertifikaat ten opsigte van 'n deposito] uitreik; 40

(h) in die geval van die registrasie van oordrag van handelseffekte [of 'n verhandelbare sertifikaat ten opsigte van 'n deposito], die oordragener;" 45

Herroeping van artikel 21 van Wet 77 van 1968

39. (1) Artikel 21 van die Wet op Seëlregte, 1968, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 2004 in werking te getree het en is van toepassing ten opsigte van enige vastedepositokwitansie op of na daardie datum gegee.

Amendment of section 23 of Act 77 of 1968, as amended by section 20 of Act 103 of 1969, section 13 of Act 92 of 1971, section 11 of Act 89 of 1972, section 10 of Act 66 of 1973, section 10 of Act 88 of 1974, section 20 of Act 106 of 1980, section 6 of Act 87 of 1982, section 5 of Act 92 of 1983, section 25 of Act 87 of 1988, section 8 of Act 69 of 1989, section 7 of Act 136 of 1991, section 13 of Act 37 of 1996, section 19 of Act 27 of 1997, section 80 of Act 30 of 1998, section 76 of Act 53 of 1999 and section 157 of Act 45 of 2003 5

40. Section 23 of the Stamp Duties Act, 1968, is hereby amended by the deletion in subsection (3) of paragraph (ii) of the proviso.

Repeal of item 7 of Schedule 1 to Act 77 of 1968 10

41. (1) Item 7 of Schedule 1 to the Stamp Duties Act, 1968, is hereby repealed.
(2) Subsection (1) shall be deemed to have come into operation on 1 March 2004 and shall apply in respect of any mortgage bond executed on or after that date.

Repeal of item 13 of Schedule 1 to Act 77 of 1968

42. (1) Item 13 of Schedule 1 to the Stamp Duties Act, 1968, is hereby repealed. 15
(2) Subsection (1) shall be deemed to have come into operation on 1 April 2004 and shall apply in respect of any fixed deposit receipt given on or after that date.

Amendment of section 1 of Act 89 of 1991, as amended by section 21 of Act 136 of 1991, paragraph 1 of Government Notice 2695 of 8 November 1991, section 12 of Act 136 of 1992, section 1 of Act 61 of 1993, section 22 of Act 97 of 1993, section 9 20
of Act 20 of 1994, section 18 of Act 37 of 1996, section 23 of Act 27 of 1997, section 34 of Act 34 of 1997, section 81 of Act 53 of 1999, section 76 of Act 30 of 2000, section 64 of Act 59 of 2000, section 65 of Act 19 of 2001, section 148 of Act 60 of 2001, section 114 of Act 74 of 2002, section 47 of Act 12 of 2003 and section 164 of Act 45 25
of 2003

43. Section 1 of the Value-Added Tax Act, 1991, is hereby amended—

- (a) by the substitution for the definition of “prescribed rate” of the following definition:

“ ‘prescribed rate’ in relation to any interest payable in terms of this Act means a rate equal to the rate fixed from time to time by the Minister by notice in the *Gazette* in terms of section 80(1)(b) of the Public Finance Management Act, 1999 (Act No. 1 of 1999): Provided that where the Minister fixes a new rate in terms of that Act, that new rate applies for purposes of this Act from the first day of the second month following the date on which that new rate came into operation;”;
- (b) by the deletion of the definition of “registration number”;
- (c) by the deletion in the definition of “second-hand goods” of the word “and” at the end of paragraph (i) and the addition of the word “and” at the end of paragraph (ii);
- (d) by the substitution for paragraph (iii) of the definition of “second-hand goods” of the following paragraph:

“(iii) any prospecting right, mining right, exploration right [or], production right, mining permit, retention permit or reconnaissance permit as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), [issued] or any reconnaissance permission contemplated in section 14 of that Act granted or renewed in terms of that Act or received upon conversion pursuant to Schedule II, except when that prospecting right, mining right, exploration right, production right or interest in that right is transferred, ceded, let, sublet, alienated, varied or otherwise disposed of as contemplated in section 11 of the Mineral and Petroleum Resources Development Act, 2002;”;
- (e) by the insertion before the definition of “vendor” of the following definition:

“ ‘VAT registration number’, in relation to any vendor, means the number allocated to that vendor by the Commissioner for the purposes of this Act;”.

Wysiging van artikel 23 van Wet 77 van 1968, soos gewysig deur artikel 20 van Wet 103 van 1969, artikel 13 van Wet 92 van 1971, artikel 11 van Wet 89 van 1972, artikel 10 van Wet 66 van 1973, artikel 10 van Wet 88 van 1974, artikel 20 van Wet 106 van 1980, artikel 6 van Wet 87 van 1982, artikel 5 van Wet 92 van 1983, artikel 25 van Wet 87 van 1988, artikel 8 van Wet 69 van 1989, artikel 7 van Wet 136 van 1991, artikel 13 van Wet 37 van 1996, artikel 19 van Wet 27 van 1997, artikel 80 van Wet 30 van 1998, artikel 76 van Wet 53 van 1999 en artikel 157 van Wet 45 van 2003 5

40. Artikel 23 van die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (ii) van die voorbehoudsbepaling by subartikel (3) te skrap.

Herroeping van item 7 van Bylae 1 by Wet 77 van 1968 10

41. (1) Item 7 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby herroep.
(2) Subartikel (1) word geag op 1 Maart 2004 in werking te getree het en is van toepassing ten opsigte van enige verband op of na daardie datum uitgevoer.

Herroeping van item 13 van Bylae 1 by Wet 77 van 1968

42. (1) Item 13 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby herroep. 15
(2) Subartikel (1) word geag op 1 April 2004 in werking te getree het en is van toepassing ten opsigte van enige vastedepositokwintansie op of na daardie datum gegee.

Wysiging van artikel 1 van Wet 89 van 1991, soos gewysig deur artikel 21 van Wet 136 van 1991, paragraaf 1 van Goewermenskennisgewing 2695 van 8 November 1991, artikel 12 van Wet 136 van 1992, artikel 1 van Wet 61 van 1993, artikel 22 van Wet 97 van 1993, artikel 9 van Wet 20 van 1994, artikel 18 van Wet 37 van 1996, artikel 23 van Wet 27 van 1997, artikel 34 van Wet 34 van 1997, artikel 81 van Wet 53 van 1999, artikel 76 van Wet 30 van 2000, artikel 64 van Wet 59 van 2000, artikel 65 van Wet 19 van 2001, artikel 148 van Wet 60 van 2001, artikel 114 van Wet 74 van 2002, artikel 47 van Wet 12 van 2003 en artikel 164 van Wet 45 van 2003 20 25

43. Artikel 1 van die Wet op die Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur na die omskrywing van “beslote korporasie” die volgende omskrywing in te voeg:
“‘BTW-registrasienommer’, met betrekking tot ’n ondernemer, die nommer wat deur die Kommissaris vir die doeleindes van hierdie Wet aan daardie ondernemer toegewys word.”; 30
- (b) deur die omskrywing van “registrasienommer” te skrap;
- (c) deur in die omskrywing van “tweedehandse goed” die woord “en” aan die einde van item (i) te skrap en die woord “en” aan die einde van item (ii) by te voeg; 35
- (d) deur paragraaf (iii) van die omskrywing van “tweedehandse goed” deur die volgende paragraaf te vervang:
“(iii) enige ‘prospecting right’, ‘mining right’, ‘exploration right’ [of] ‘production right’, ‘mining permit’, ‘retention permit’ of ‘reconnaissance permit’ soos omskryf in [Bylae] artikel 1 [by] van die ‘Mineral and Petroleum Resources Development Act, 2002’ (Wet No. 28 van 2002), [uitgereik] of ’n ‘reconnaissance permission’ in artikel 14 van daardie Wet bedoel, toegestaan of hernu ooreenkomstig [dieselfde Bylae] daardie Wet of ontvang op oorsakeling ooreenkomstig Bylae II, behalwe as daardie ‘prospecting right’, ‘mining right’, ‘exploration right’, ‘production right’ of belang daarin oorgedra, gesedeer, verhuur, onderverhuur, vervreem of gewysig of andersins oor beskik is soos in artikel 11 van die ‘Mineral and Petroleum Resources Development Act, 2002’, beoog;” en 40 45 50
- (e) deur die omskrywing van “voorgeskrewe koers” deur die volgende omskrywing te vervang:
“voorgeskrewe koers”, met betrekking tot enige rente wat ingevolge hierdie Wet betaalbaar is, ’n koers gelyk aan die koers wat die Minister van tyd tot tyd by kennisgewing in die Staatskoerant ingevolge artikel 55

(2) Subsection (1)(c) and (d) shall be deemed to have come into operation on 1 May 2004.

Amendment of section 2 of Act 89 of 1991, as amended by section 22 of Act 136 of 1991, paragraph 2 of Government Notice 2695 of 8 November 1991, section 13 of Act 136 of 1992, section 10 of Act 20 of 1994, section 19 of Act 37 of 1996, section 24 of Act 27 of 1997, section 87 of Act 30 of 1998, section 82 of Act 53 of 1999, section 149 of Act 60 of 2001 and section 115 of Act 74 of 2002 5

44. Section 2 of the Value-Added Tax Act, 1991, is hereby amended by the deletion in subsection (1) of paragraph (l).

Amendment of section 6 of Act 89 of 1991, as amended by section 20 of Act 37 of 1996, section 34 of Act 34 of 1997, section 88 of Act 30 of 1998, section 66 of Act 19 of 2001, section 150 of Act 60 of 2001, section 116 of Act 74 of 2002 and section 48 of Act 12 of 2003 10

45. Section 6 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (2) for paragraph (e) of the following paragraph: 15
 “(e) publishing and making known the name and VAT registration number of any vendor;”.

Amendment of section 11 of Act 89 of 1991, as amended by section 27 of Act 136 of 1991, paragraph 6 of Government Notice 2695 of 8 November 1991, section 17 of Act 136 of 1992, section 27 of Act 97 of 1993, section 13 of Act 20 of 1994, section 28 of Act 27 of 1997, section 89 of Act 30 of 1998, section 85 of Act 53 of 1999, section 77 of Act 30 of 2000, section 43 of Act 5 of 2001, section 153 of Act 60 of 2001 and section 169 of Act 45 of 2003 20

46. (1) Section 11 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (1) for paragraph (m) of the following paragraph: 25
 “(m) a registered vendor supplies goods in terms of a sale or instalment credit agreement to a registered vendor in a customs controlled area and consigns or delivers the goods to that vendor in that area;”.

(2) Subsection (1) shall come into operation on the date that section 169(1)(a) of the Revenue Laws Amendment Act, 2003 (Act No. 45 of 2003), comes into operation. 30

Amendment of section 20 of Act 89 of 1991, as amended by paragraph 11 of Government Notice 2695 of 8 November 1991, section 25 of Act 136 of 1992, section 33 of Act 97 of 1993, section 35 of Act 27 of 1997, section 94 of Act 30 of 1998, section 91 of Act 53 of 1999, section 157 of Act 60 of 2001 and section 175 of Act 45 of 2003

47. (1) Section 20 of the Value-Added Tax Act, 1991, is hereby amended— 35

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

“(b) the name, address and VAT registration number of the supplier;”;

(b) by the substitution in subsection (4) for paragraph (c) of the following paragraph: 40

“(c) the name, address and, where the recipient is a registered vendor, the VAT registration number of the recipient;” and

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

“(b) the name, address and VAT registration number of the supplier;” 45

(2) (a) Subsection (1)(a) and (c) shall come into operation on the date of promulgation.

(b) Subsection (1)(b) shall come into operation on 1 March 2005.

80(1)(b) van die Wet op [die Bestuur van Openbare Finansies] Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), bepaal: Met dien verstande dat waar die Minister 'n nuwe koers ingevolge daardie Wet bepaal, daardie nuwe koers by die toepassing van hierdie Wet geld vanaf die eerste dag van die tweede maand wat volg op die datum waarop daardie nuwe koers in werking tree;” 5

(2) Subartikel (1)(c) en (d) word geag op 1 Mei 2004 in werking te getree het.

Wysiging van artikel 2 van Wet 89 van 1991, soos gewysig deur artikel 22 van Wet 136 van 1991, paragraaf 2 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 13 van Wet 136 van 1992, artikel 10 van Wet 20 van 1994, artikel 19 van Wet 37 van 1996, artikel 24 van Wet 27 van 1997, artikel 87 van Wet 30 van 1998, artikel 82 van Wet 53 van 1999, artikel 149 van Wet 60 van 2001 en artikel 115 van Wet 74 van 2002 10

44. Artikel 2 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur paragraaf (l) van subartikel (1) te skrap. 15

Wysiging van artikel 6 van Wet 89 van 1991, soos gewysig deur artikel 20 van Wet 37 van 1996, artikel 34 van Wet 34 van 1997, artikel 88 van Wet 30 van 1998, artikel 66 van Wet 19 van 2001, artikel 150 van Wet 60 van 2001, artikel 116 van Wet 74 van 2002 en artikel 48 van Wet 12 van 2003

45. Artikel 6 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur paragraaf (e) van subartikel (2) deur die volgende paragraaf te vervang: 20

“(e) die naam en BTW-registrasienommer van enige ondernemer te publiseer en bekend te maak; of”.

Wysiging van artikel 11 van Wet 89 van 1991, soos gewysig deur artikel 27 van Wet 136 van 1991, paragraaf 6 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 17 van Wet 136 van 1992, artikel 27 van Wet 97 van 1993, artikel 13 van Wet 20 van 1994, artikel 28 van Wet 27 van 1997, artikel 89 van Wet 30 van 1998, artikel 85 van Wet 53 van 1999, artikel 77 van Wet 30 van 2000, artikel 43 van Wet 5 van 2001, artikel 153 van Wet 60 van 2001 en artikel 169 van Wet 45 van 2003 25

46. (1) Artikel 11 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in die Engelse teks paragraaf (m) van subartikel (1) deur die volgende paragraaf te vervang: 30

“(m) a registered vendor supplies goods in terms of a sale or instalment credit agreement to a registered vendor in a customs controlled area and consigns or delivers the goods to that vendor in that area;” 35

(2) Subartikel (1) tree in werking op die datum wat artikel 169(1)(a) van die Wysigingswet op Inkomstewette, 2003 (Wet No. 45 van 2003), in werking tree.

Wysiging van artikel 20 van Wet 89 van 1991, soos gewysig deur paragraaf 11 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 25 van Wet 136 van 1992, artikel 33 van Wet 97 van 1993, artikel 35 van Wet 27 van 1997, artikel 94 van Wet 30 van 1998, artikel 91 van Wet 53 van 1999, artikel 157 van Wet 60 van 2001 en artikel 175 van Wet 45 van 2003 40

47. (1) Artikel 20 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang: 45

“(b) die naam, adres en BTW-registrasienommer van die leweraar;”;

(b) deur paragraaf (c) van subartikel (4) deur die volgende paragraaf te vervang:

“(c) die naam, adres en, waar die ontvanger 'n geregistreerde ondernemer is, die BTW-registrasienommer van die ontvanger;” en

(c) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang: 50

“(b) die naam, adres en BTW-registrasienommer van die leweraar;”.

(2)(a) Subartikel (1)(a) en (c) tree in werking op die datum van afkondiging van hierdie Wet.

(b) Subartikel (1)(b) tree op 1 Maart 2005 in werking.

Amendment of section 21 of Act 89 of 1991, as amended by section 26 of Act 136 of 1992 and section 176 of Act 45 of 2003

48. (1) Section 21 of the Value-Added Tax Act, 1991, is hereby amended—

- (a) by the substitution in subsection (3) for subparagraph (ii) of paragraph (a) of the following subparagraph: 5
 “(ii) the name, address and VAT registration number of the vendor;”;
- (b) by the substitution in subsection (3) for subparagraph (iii) of paragraph (a) of the following subparagraph:
 “(iii) the name, address and, where the recipient is a registered vendor, the VAT registration number of the recipient, except where the 10
 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 (ii) of paragraph (b) of the following subparagraph:
 “(ii) the name, address and VAT registration number of the vendor;”;
- (d) by the substitution in subsection (3) for subparagraph (iii) of paragraph (b) of the following subparagraph: 15
 “(iii) the name, address and, where the recipient is a registered vendor, the VAT registration number of the recipient, except where the debit 20
 note relates to a supply in respect of which a tax invoice contemplated in section 20(5) was issued;”.

(2) (a) Subsection (1)(a) and (c) shall come into operation on the date of promulgation.

(b) Subsection (1)(b) and (d) shall come into operation on 1 March 2005.

Amendment of section 29 of Act 89 of 1991

49. Section 29 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in paragraph (a) for subparagraphs (i) and (ii) of the following subparagraphs:

- “(i) the name and address of the seller and, if registered as a vendor, his or her VAT registration number; 30
- (ii) the name and address of the person whose goods are sold (hereinafter referred to as the owner) and, if the owner is registered under this Act, the VAT registration number of the owner;”.

**Amendment of section 39 of Act 89 of 1991, as amended by section 30 of Act 136 of 1992, section 3 of Act 61 of 1993, section 23 of Act 20 of 1994, section 40 of Act 27 35
 of 1997, section 166 of Act 60 of 2001 and section 184 of Act 45 of 2003**

50. (1) Section 39 of the Value-Added Tax Act, 1991, is hereby amended—

- (a) by the insertion after subsection (4) of the following subsection:
 “(5) Where any person who is liable for the payment of tax fails to pay 40
 any amount of such tax on the date on which in terms of the Customs and Excise Act, liability arises for the payment of the excise duty referred to in section 7(3)(a), that person shall, in addition to such amount of tax, pay—
 (a) a penalty equal to 10 per cent of the said amount of tax; and
 (b) where payment of the said amount of tax is made on or after the first 45
 day of the month following the month during which the period allowed for payment of the tax ended, interest on that amount of tax, calculated at the prescribed rate (but subject to the provisions of

Wysiging van artikel 21 van Wet 89 van 1991, soos gewysig deur artikel 26 van Wet 136 van 1992 en artikel 176 van Wet 45 van 2003

48. (1) Artikel 21 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur subparagraaf (ii) van paragraaf (a) van subartikel (3) deur die volgende subparagraaf te vervang: 5
 “(ii) die naam, adres en BTW-registrasienommer van die ondernemer;”;
- (b) deur subparagraaf (iii) van paragraaf (a) van subartikel (3) deur die volgende subparagraaf te vervang: 10
 “(iii) die naam, adres en, waar die ontvanger ’n geregistreerde ondernemer is, die [verwysingsnommer] BTW-registrasienommer van die ontvanger, behalwe waar die kreditnota betrekking het op ’n lewering ten opsigte waarvan ’n belastingfaktuur beoog in artikel 20(5) uitgereik is;”;
- (c) deur subparagraaf (ii) van paragraaf (b) van subartikel (3) deur die volgende subparagraaf te vervang: 15
 “(ii) die naam, adres en BTW-registrasienommer van die ondernemer;”;
 en
- (d) deur subparagraaf (iii) van paragraaf (b) van subartikel (3) deur die volgende subparagraaf te vervang: 20
 “(iii) die naam, adres en, waar die ontvanger ’n geregistreerde ondernemer is, die [verwysingsnommer] BTW-registrasienommer van die ontvanger, behalwe waar die debetnota betrekking het op ’n lewering ten opsigte waarvan ’n belastingfaktuur beoog in artikel 20(5) uitgereik is;”. 25

(2) (a) Subartikel (1)(a) en (c) tree op die datum van afkondiging van hierdie Wet in werking.

(b) Subartikel 1(b) en (d) tree op 1 Maart 2005 in werking.

Wysiging van artikel 29 van Wet 89 van 1991

49. Artikel 29 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur subparagrafe (i) en (ii) van paragraaf (a) deur die volgende subparagrafe te vervang: 30

- “(i) die naam en adres van die verkoper en, indien as ’n ondernemer geregistreer, sy of haar BTW-registrasienommer;
- (ii) die naam en adres van die persoon wie se goed verkoop word (hieronder die eienaar genoem) en indien die eienaar ingevolge hierdie Wet geregistreer is, die eienaar se BTW-registrasienommer;”. 35

Wysiging van artikel 39 van Wet 89 van 1991, soos gewysig deur artikel 30 van Wet 136 van 1992, artikel 3 van Wet 61 van 1993, artikel 23 van Wet 20 van 1994, artikel 40 van Wet 27 van 1997, artikel 166 van Wet 60 van 2001 en artikel 184 van Wet 45 van 2003 40

50. (1) Artikel 39 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur die volgende subartikel na subartikel (4) in te voeg: 45
 “(5) Indien enige persoon wat vir die betaling van belasting aanspreeklik is, versuim om enige bedrag van daardie belasting te betaal op die datum waarop aanspreeklikheid ingevolge die Doeane- en Aksynswet ontstaan vir die betaling van die aksynsreg in artikel 7(3)(a) bedoel, moet daardie persoon, benewens bedoelde bedrag van belasting— 50
 (a) ’n boete betaal gelyk aan 10 persent van bedoelde bedrag van belasting; en
 (b) waar betaling van bedoelde bedrag van belasting gedoen word op of na die eerste dag van die maand wat volg op die maand waarin die tydperk wat vir betaling van die belasting toegelaat word geëindig het, rente betaal op daardie bedrag van belasting, bereken teen die voorgeskrewe koers (maar behoudens die bepalinge van artikel 55

section 45A) for each month or part of a month in the period reckoned from the said first day.”;

(b) by the substitution for subsection (7) of the following subsection:

“(7) To the extent that the Commissioner is satisfied that the failure on the part of the person concerned or any other person under the control or acting on behalf of that person to make payment of the tax within the period for payment contemplated in subsection (1)(a), (2), (3), (4), (6) or (6A) or on the date referred to in subsection (5), as the case may be—”.

(2) (a) Subsection (1)(a) shall come into operation on 1 August 2004 and shall apply in respect of any amount which remains outstanding on or after that date.

(b) Subsection (1)(b) shall be deemed to have come into operation on 1 April 2004.

(c) Despite subsection (2)(a), no interest shall be calculated in terms of section 39(5) of the Value-Added Tax Act, 1991, for any month or part thereof during which that amount remained outstanding which ends on or before 1 August 2004.

Amendment of section 54 of Act 89 of 1991, as amended by section 40 of Act 136 of 1991, section 34 of Act 136 of 1992, section 25 of Act 20 of 1994, section 46 of Act 27 of 1997 and section 100 of Act 53 of 1999

51. Section 54 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (3) for the words following paragraph (b) of the following words:

“the agent shall maintain sufficient records to enable the name and address and VAT registration number of the principal to be ascertained and in respect of all supplies made on or after 1 January 2000 by or to the agent on behalf of the principal, the agent shall notify the principal in writing within 21 days of the end of the calendar month during which the supply was made or received, of the particulars contemplated in paragraphs (e), (f) and (g) of section 20(4) in relation to such supplies.”.

Amendment of item 407.00 of Schedule 1 to Act 89 of 1991

52. Item 407.00 of Schedule 1 to the Value-Added Tax Act, 1991, is hereby amended by the substitution for paragraph 4A of the notes to item 407.00 of the following paragraph:

“4A. The exemption in item 407.02/00.00/02.00 is only applicable if the total value of the goods declared under item 407.00 (excluding goods provided for in item 407.01) does not exceed [R10 000] R12 000 (or such other amount as the Minister may fix by way of a notice in the *Gazette*).”.

Amendment of item 409.00 of Schedule 1 to Act 89 of 1991

53. Item 409.00 of Schedule 1 to the Value-Added Tax Act, 1991, is hereby amended by the substitution in subitem 409.07/00.00/01.00 for the words preceding paragraph (i) of the following words:

“409.07/00.00/01.00 Compensating products obtained abroad from goods temporarily exported for outward processing, in terms of a specific permit issued by the [Director-General: Trade and Industry on the recommendation of the Board of Trade and Industry] International Trade Administration Commission, provided—”.

Amendment of item 412.00 of Schedule 1 to Act 89 of 1991

54. Item 412.00 of Schedule 1 to the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subitem 412.11/00.00/01.00 for paragraphs (i) and (ii) of the proviso of the following paragraphs:

“(i) the importation of any goods under this item shall be subject to a certificate issued by the [Director-General: Trade and Industry]

45A) vir elke maand of gedeelte van 'n maand in die tydperk |
 gereken vanaf vermeldde eerste dag.”;

(b) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) In die mate wat die Kommissaris oortuig is dat die versuim aan 5
 die kant van die betrokke persoon of enige ander persoon onder die
 beheer van of wat namens daardie persoon optree om betaling van die
 belasting binne die tydperk vir betaling beoog in subartikel (1)(a), (2),
 (3), (4), (6) of (6A) of op die datum in subartikel (5) bedoel, na gelang
 van die geval, te doen—”.

(2)(a) Subartikel (1)(a) tree op 1 Augustus 2004 in werking en is van toepassing ten 10
 opsigte van enige bedrag wat op of na daardie datum uitstaande bly.

(b) Subartikel (1)(b) word geag op 1 April 2004 in werking te getree het.

(c) Ondanks subartikel (2)(a) word geen rente bereken ingevolge artikel 39(5) van die 15
 Wet op Belasting op Toegevoegde Waarde, 1991, vir enige maand of gedeelte daarvan
 waartydens enige bedrag uitstaande is, wat voor of op 1 Augustus 2004 eindig.

Wysiging van artikel 54 van Wet 89 van 1991, soos gewysig deur artikel 40 van Wet 136 van 1991, artikel 34 van Wet 136 van 1992, artikel 25 van Wet 20 van 1994, artikel 46 van Wet 27 van 1997 en artikel 100 van Wet 53 van 1999

51. Artikel 54 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby 20
 gewysig deur die woorde in subartikel (3) wat op paragraaf (b) volg deur die volgende
 woorde te vervang:

“moet die agent voldoende aantekeninge behou sodat die naam en adres en BTW-
 registrasienommer van die prinsipaal vasgestel kan word en met betrekking tot alle
 lewerings gemaak op of na 1 Januarie 2000 aan of deur die agent namens die 25
 prinsipaal, moet die agent die prinsipaal binne 21 dae na die einde van die
 kalendermaand waarin die lewering gemaak of ontvang is van die besonderhede
 beoog in paragrawe (e), (f) en (g) van artikel 20(4) met betrekking tot daardie
 lewerings, skriftelik in kennis stel.”.

Wysiging van Item 407.00 van Bylae 1 by Wet 89 van 1991

52. Item 407.00 van Bylae 1 by die Wet op Belasting op Toegevoegde Waarde, 1991, 30
 word hierby gewysig deur paragraaf 4A van die notas tot item 407.00 deur die volgende
 paragraaf te vervang:

“4A. Die vrystelling in item 407.02/00.00/02.00 is slegs van toepassing indien die
 totale waarde van die goed wat onder item 407.00 verklaar word, (uitgesluit
 goed waarvoor voorsiening in item 407.01 gemaak is) nie [R10 000] R12 000 35
 (of sodanige ander bedrag as wat die Minister by kennisgewing in die
 Staatskoerant bepaal) te bowe gaan nie.”.

Wysiging van Item 409.00 van Bylae 1 by Wet 89 van 1991

53. Item 409.00 van Bylae 1 by die Wet op Belasting op Toegevoegde Waarde, 1991,
 word hierby gewysig deur in sub-item 409.07/00.00/01.00 die woorde wat paragraaf (i) 40
 voorafgaan deur die volgende woorde te vervang:

“409.07/00.00/01.00 Kompenserende produkte wat in die buiteland bekom is van
 goed wat tydelik uitgevoer is vir buitewaartse prosessering,
 ingevolge 'n bepaalde permit uitgereik deur die 45
 [Direkteur-generaal: Handel en Nywerheid op
 aanbeveling van die Raad op Handel en Nywerheid]
 Internasionale Handelsadministrasiekommissie, op
 voorwaarde dat—”.

Wysiging van Item 412.00 van Bylae 1 by Wet 89 van 1991

54. Item 412.00 van Bylae 1 by die Wet op Belasting op Toegevoegde Waarde, 1991, 50
 word hierby gewysig—

(a) deur paragrawe (i) en (ii) van die voorbehoudsbepaling by sub-item
 412.11/00.00/01.00 deur die volgende paragrawe te vervang:

“(i) die invoer van enige goed onder hierdie item onderworpe is aan 'n
 sertifikaat uitgereik deur die [Direkteur-generaal: Handel en 55

- International Trade Administration Commission and to such other conditions as may be agreed upon by the Governments of the Republic, Botswana, Lesotho, Namibia and Swaziland; and
- (ii) goods imported under this item shall not be sold or disposed of to any party who is not entitled to any privileges under the item, or be removed to the area of Botswana, Lesotho, Namibia or Swaziland without the permission of the **[Director-General: Trade and Industry]** International Trade Administration Commission.”; 5
- (b) by the substitution in subitem 412.12/00.00/01.00 for paragraph (ii) of the proviso of the following paragraph: 10
- “(ii) the importation of any goods under this item shall be subject to a certificate issued by the **[Director-General: Trade and Industry]** International Trade Administration Commission and to such other conditions as may be agreed upon by the Governments of the Republic, Botswana, Lesotho, Namibia and Swaziland; and”; 15
- (c) by the substitution in subitem 412.27/00.00/01.00 for paragraph (a) of the proviso of the following paragraph: 20
- “(a) a specific permit issued by the **[Director-General: Trade and Industry on the recommendation of the Board on Tariffs and Trade]** International Trade Administration Commission, is submitted;”.

Amendment of item 490.00 of Schedule 1 to Act 89 of 1991

55. Item 490.00 of Schedule 1 to the Value-Added Tax Act, 1991, is hereby amended—

- (a) by the substitution for subitem 490.40/00.00/01.00 of the following subitem: 25
- “490.40/00.00/01.00 Machinery or plant (excluding tower cranes) for use on contract in civil engineering or construction work, in such quantities and at such times and subject to such conditions as the Commissioner, on the recommendation of the International Trade Administration Commission, may allow by specific permit.”; 30
- (b) by the substitution for subitem 490.90/00.00/01.00 of the following subitem: 35
- “490.90/00.00/01.00 Machinery or plant (excluding tower cranes) for use on contract other than for purposes of civil engineering or construction work, in such quantities and at such times and subject to such conditions as the Commissioner, on the recommendation of the **[Board of Trade and Industry]** International Trade Administration Commission, may allow by specific permit.”. 40

Amendment of Schedule 2 to Act 89 of 1991, as amended by section 49 of Act 136 of 1991, paragraph 25 of Government Notice 2695 of 8 November 1991, section 44 of Act 136 of 1992, section 45 of Act 97 of 1993, section 33 of Act 20 of 1994, section 104 of Act 30 of 1998 and section 73 of Act 19 of 2001 45

56. (1) Schedule 2 to the Value-Added Tax Act, 1991, is hereby amended by the substitution in Part A for subparagraph (c) of paragraph 2 of the following subparagraph:

- “(c) a tax invoice in respect of the relevant supply is issued **[which, in addition to the] containing such particulars as required by section 20(4) of this Act [states the registration number of the recipient];**”.

(2) Subsection (1) shall come into operation on 1 March 2005. 50

- Nywerheid]** Internasionale Handelsadministrasiekommissie en aan sodanige ander voorwaardes waaromtrent deur die Regerings van die Republiek, Botswana, Lesotho, Namibië en Swaziland ooreengekom mag word; en
- (ii) goed wat onder hierdie item ingevoer is nie verkoop of van die hand gesit mag word aan enige party wat nie op die voorregte kragtens die item geregtig is nie, of na die gebied van Botswana, Lesotho, Namibië of Swaziland verwyder mag word sonder die toestemming van die **[Direkteur-generaal: Handel en Nywerheid]** Internasionale Handelsadministrasiekommissie nie.”; 10
- (b) deur paragraaf (ii) van die voorbehoudsbepaling by sub-item 412.12/00.00/01.00 deur die volgende paragraaf te vervang:
- “(ii) die invoer van enige goed onder hierdie item onderworpe is aan ’n sertifikaat uitgereik deur die **[Direkteur-generaal: Handel en Nywerheid]** Internasionale Handelsadministrasiekommissie en aan sodanige ander voorwaardes waaromtrent deur die Regerings van die Republiek, Botswana, Lesotho, Namibië en Swaziland ooreengekom mag word; en”;
- (c) deur paragraaf (a) van die voorbehoudsbepaling by sub-item 412.27/00.00/01.00 deur die volgende paragraaf te vervang: 20
- “(a) ’n bepaalde permit uitgereik deur die **[Direkteur-generaal: Handel en Nywerheid, op aanbeveling van die Raad op Tariewe en Handel]** Internasionale Handelsadministrasiekommissie, voorgelê word;”.

Wysiging van Item 490.00 van Bylae 1 by Wet 89 van 1991

55. Item 490.00 van Bylae 1 by die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur sub-item 490.40/00.00/01.00 deur die volgende sub-item te vervang:
- “490.40/00.00/01.00 Masjinerie of installasies (uitgesonderd toringhyskrane) vir gebruik op kontrak by siviele ingenieurs- of konstruksiewerk in die hoeveelhede en op die tye en onderworpe aan die voorwaardes wat die Kommissaris, op aanbeveling van die Internasionale Handelsadministrasiekommissie, by bepaalde permit toelaat.”;
- (b) deur sub-item 490.90/00.00/01.00 deur die volgende sub-item te vervang: 35
- “490.90/00.00/01.00 Masjinerie of installasies (uitgesonderd toringhyskrane) vir gebruik op kontrak vir ander doeleindes as siviele ingenieurs- of konstruksiewerk, in die hoeveelhede en op die tye en onderworpe aan die voorwaardes wat die Kommissaris, op aanbeveling van die **[Raad van Handel en Nywerheid]** Internasionale Handelsadministrasiekommissie, by bepaalde permit toelaat.”.

Wysiging van Bylae 2 by Wet 89 van 1991, soos gewysig deur artikel 49 van Wet 136 van 1991, paragraaf 25 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 44 van Wet 136 van 1992, artikel 45 van Wet 97 van 1993, artikel 33 van Wet 20 van 1994, artikel 104 van Wet 30 van 1998 en artikel 73 van Wet 19 van 2001 45

56. (1) Bylae 2 by die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur subparagraaf (c) van paragraaf 2 van Deel A deur die volgende subparagraaf te vervang:

“(c) ’n belastingfaktuur ten opsigte van die betrokke lewering uitgereik word **[wat bo en behalwe die]** met die besonderhede wat ingevolge artikel 20(4) van hierdie Wet vereis word[, ook die registrasienommer van die ontvanger aantoon];”.

(2) Subartikel (1) tree op 1 Maart 2005 in werking. 55

Amendment of section 3 of Act 38 of 1996, as substituted by section 58 of Act 27 of 1997, amended by section 86 of Act 30 of 2000 and section 67 of Act 59 of 2000

57. (1) Section 3 of the Tax on Retirement Funds Act, 1996, is hereby amended by the substitution for paragraph (e) of the following paragraph:

“(e) ‘D’ represents the amount of any foreign dividends received by or accrued to such fund during such tax period **[as determined in accordance with the provisions of section 9E]** which are not exempt from tax in terms of section 10(1)(k)(ii) of the Income Tax Act, 1962 (Act No. 58 of 1962).”.

(2) Subsection (1) shall come into operation on 1 September 2004 and shall apply in respect of any foreign dividend received or accrued on or after that date.

Insertion of section 13A in Act 38 of 1996

58. (1) The following section is hereby inserted in the Tax on Retirement Funds Act, 1996, after section 13:

“Interest on delayed refund of overpayment

13A. (1) The amount by which any tax on retirement funds paid by a person in respect of any tax period, exceeds the tax on retirement funds as finally determined for that period, is refundable to that person.

(2) Interest is payable by the Commissioner on an amount refunded in terms of subsection (1) at the rate referred to in paragraph (a) of the definition of ‘prescribed rate’ in section 1 of the Income Tax Act, 1962, which interest is determined from the day following the last date for payment of the tax on retirement funds as contemplated in section 6 to the date that the refund is made to that person.

(3) Subsection (2) does not apply in respect of any amount refunded where interest is payable to that person on that amount in respect of the same period in terms of section 88 of the Income Tax Act, 1962.”.

(2) Subsection (1) shall come into operation on the date of promulgation and shall apply in respect of any refund relating to any tax period commencing on or after that date.

Amendment of section 56 of Act 53 of 1999

59. Section 56 of the Revenue Laws Amendment Act, 1999, which inserts section 54A in the Customs and Excise Act, 1964, is hereby amended—

(a) by the substitution for the words preceding the heading to section 54A of the Customs and Excise Act, 1964, of the following words:

“(1) The following section is hereby inserted after section [54] 116 of the Customs and Excise Act, 1964:”; and

(b) by renumbering section 54A of the Customs and Excise Act, 1964, which is inserted by section 56(1) of the Revenue Laws Amendment Act, 1999, as section 116A.

Amendment of section 115 of Act 60 of 2001

60. Section 115 of the Second Revenue Laws Amendment Act, 2001, is hereby amended—

(a) to the extent that it amends section 4(3) of the Customs and Excise Act, 1964, by the deletion of paragraph (iv) of the proviso to section 4(3) of that Act; and

(b) by the deletion in subsection (2) of paragraph (a).

Wysiging van artikel 3 van Wet 38 van 1996, soos vervang deur artikel 58 van Wet 27 van 1997 en gewysig deur artikel 86 van Wet 30 van 2000 en artikel 67 van Wet 59 van 2000

57. (1) Artikel 3 van die Wet op Belasting op Uittreefondse, 1996, word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang: 5

“(e) ‘D’ die bedrag van enige buitelandse dividende ontvang deur of toegeval aan bedoelde fonds gedurende bedoelde belastingperiode [**soos bereken ooreenkomstig die bepalings van artikel 9E**] wat nie ingevolge artikel 10(1)(k)(ii) van die Inkomstebelastingwet, 1962 (Wet 58 van 1962), van belasting vrygestel is nie, verteenwoordig.”. 10

(2) Subartikel (1) tree op 1 September 2004 in werking en is van toepassing ten opsigte van enige buitelandse dividend op of na daardie datum ontvang of toegeval.

Invoeging van artikel 13A in Wet 38 van 1996

58. (1) Die volgende artikel word hierby in die Wet op Belasting op Uittreefondse, 1996, ingevoeg na artikel 13: 15

“Rente op laat terugbetaling van oorbetalings

13A. (1) Die bedrag waarby enige belasting op uittreefondse deur ’n persoon ten opsigte van enige belastingtydperk betaal die belasting op uittreefondse soos finaal bereken vir daardie tydperk te bowe gaan, is aan daardie persoon terugbetaalbaar. 20

(2) Rente is deur die Kommissaris betaalbaar op ’n bedrag terugbetaal ingevolge subartikel (1) teen die koers in paragraaf (a) van die omskrywing van ‘voorgeskrewe koers’ in artikel 1 van die Inkomstebelastingwet, 1962, bedoel, welke rente bereken word vanaf die dag wat volg op die laaste datum vir betaling van die belasting op uittreefondse soos in artikel 6 beoog tot die datum waarop die terugbetaling aan daardie persoon gemaak word. 25

(3) Subartikel (2) is nie van toepassing nie ten opsigte van enige bedrag terugbetaal waar rente ingevolge artikel 88 van die Inkomstebelastingwet, 1962, aan daardie persoon op daardie bedrag ten opsigte van dieselfde tydperk betaalbaar is.”. 30

(2) Subartikel (1) tree op die datum van afkondiging van hierdie Wet in werking en is van toepassing ten opsigte van enige terugbetaling wat verband hou met ’n belastingtydperk wat op of na daardie datum begin.

Wysiging van artikel 56 van Wet 53 van 1999

59. Artikel 56 van die Wysigingswet op Inkomstewette, 1999, wat artikel 54A in die Docane- en Aksynswet, 1964, invoeg, word hierby gewysig— 35

(a) deur die woorde wat die opskrif van artikel 54A van die Doeane- en Aksynswet, 1964, voorafgaan deur die volgende woorde te vervang:

“(1) Die volgende artikel word hierby na artikel [54] 116 in die Docane- en Aksynswet, 1964, ingevoeg:” en 40

(b) deur artikel 54A van die Doeane- en Aksynswet, 1964, wat deur artikel 56(1) van die Wysigingswet op Inkomstewette, 1999, ingevoeg word, as artikel 116A te hernoem.

Wysiging van artikel 115 van Wet 60 van 2001

60. Artikel 115 van die Tweede Wysigingswet op Inkomstewette, 2001, word hierby gewysig— 45

(a) in die mate wat dit artikel 4(3) van die Doeane- en Aksynswet, 1964, wysig, deur paragraaf (iv) van die voorbehoudsbepaling by artikel 4(3) van daardie Wet te skrap; en

(b) deur paragraaf (a) van subartikel (2) te skrap. 50

Amendment of section 20 of Act 12 of 2003

61. Section 20 of the Exchange Control Amnesty and Amendment of Taxation Laws Act, 2003, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

- “(a) in respect of the tax relief contemplated in section 15 or 17, where the applicant or facilitator, as the case may be, fails to submit the tax return for the last year of assessment ending on or before 28 February 2003 by **[29 February 2004]**—
- (i) a date determined by the amnesty unit, in the case where the applicant or facilitator was not registered for tax or the registration of the applicant or facilitator was dormant at the time that the application for amnesty was submitted; or
 - (ii) 31 March 2004, in any other case; or”.

Amendment of section 26 of Act 45 of 2003

62. Section 26 of the Revenue Laws Amendment Act, 2003, is hereby amended—

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

- “(b) Subsection (1)(c), (d), (e), (f), (g) and (h) **[and (i)]** shall come into operation on 1 June 2004 and shall apply in respect of any foreign dividend received or accrued during any year of assessment commencing on or after that date.”;
- (b) by the addition to subsection (2) of the following paragraph:
- “(f) Subsection (1)(i) shall come into operation on 1 June 2004 and shall apply in respect of any year of assessment commencing on or after that date.”.

Amendment of section 28 of Act 45 of 2003

63. Section 28 of the Revenue Laws Amendment Act, 2003, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) Subsection (1) shall come into operation on 1 January 2004 and shall apply in respect of any expenses actually incurred during any year of assessment ending on or after that date.”.

Amendment of section 38 of Act 45 of 2003

64. Section 38 of the Revenue Laws Amendment Act, 2003, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) Subsection (1)(b) shall come into operation on the date of promulgation and shall apply in respect of any asset acquired on or after that date.”.

Amendment of section 53 of Act 45 of 2003

65. Section 53 of the Revenue Laws Amendment Act, 2003, is hereby amended by the deletion in the Afrikaans text of paragraph (e) of subsection (1).

Amendment of section 166 of Act 45 of 2003

66. Section 166 of the Revenue Laws Amendment Act, 2003, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) (a) Subsection (1)(a) and (b) **[and (d)]** shall **[to the extent it inserts subsection (23)]** come into operation on the date determined by the President by proclamation in the *Gazette*.
- (b) Subsection (1)(d) shall to the extent that it inserts subsection (23) in section 8 of the Value-Added Tax Act, 1991, come into operation on the date determined by the President by proclamation in the *Gazette*.”.

Wysiging van artikel 20 van Wet 12 van 2003

61. Artikel 20 van die Wet op Deviesebeheeramnestie en Wysiging van Belastingwette, 2003, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) ten opsigte van die belastingverligting in artikel 15 of 17 beoog, waar die applikant of fasiliteerder, na gelang van die geval, versuim om die belastingopgawe vir die laaste jaar van aanslag wat op of voor 28 Februarie 2003 eindig, [teen 29 Februarie 2004] in te dien teen—

- (i) ’n datum deur die amnestie-eenheid bepaal, in die geval waar die applikant of fasiliteerder nie vir belasting geregistreer was nie of die registrasie van die applikant of fasiliteerder op die tydstip wat die aansoek vir amnestie ingedien is, dormant was; of
- (ii) 31 Maart 2004, in enige ander geval; of”.

Wysiging van artikel 26 van Wet 45 van 2003

62. Artikel 26 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig—

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

“(b) Subartikel (1)(c), (d), (e), (f), (g) en (h) [en (i)] tree op 1 Junie 2004 in werking en is van toepassing ten opsigte van enige buitelandse dividend ontvang of toegeval gedurende enige jaar van aanslag wat op of na daardie datum ’n aanvang neem.”;
- (b) deur die volgende paragraaf by subartikel (2) te voeg:

“(f) Subartikel (1)(i) tree op 1 Junie 2004 in werking en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum ’n aanvang neem.”.

Wysiging van artikel 28 van Wet 45 van 2003

63. Artikel 28 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) Subartikel (1) tree in werking op 1 Januarie 2004 en is van toepassing ten opsigte van enige onkoste werklik aangegaan gedurende enige jaar van aanslag wat op of na daardie datum eindig.”.

Wysiging van artikel 38 van Wet 45 van 2003

64. Artikel 38 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) Subartikel (1)(b) tree in werking op die datum van afkondiging van hierdie Wet en is van toepassing ten opsigte van enige bate op of na daardie datum verkry.”.

Wysiging van artikel 53 van Wet 45 van 2003

65. Artikel 53 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur in die Afrikaanse teks paragraaf (e) van subartikel (1) te skrap.

Wysiging van artikel 166 van Wet 45 van 2003

66. Artikel 166 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) (a) Subartikel (1)(a) en (b) [en (d)] tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* bepaal.
- (b) Subartikel (1)(d) tree in die mate wat dit subartikel (23) in artikel 8 van die Wet op Belasting op Toegevoegde Waarde, 1991, invoeg, in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* bepaal.”.

Amendment of section 172 of Act 45 of 2003

67. Section 172 of the Revenue Laws Amendment Act, 2003, is hereby amended by the addition of the following subsection:

“(2) Subsection (1)(a) shall come into operation on 1 March 2005 and shall apply in respect of any supply made on or after that date.”.

5

Amendment of section 192 of Act 45 of 2003

68. Section 192 of the Revenue Laws Amendment Act, 2003, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subsection (1) shall in so far as it inserts section [12A] 11A in the Uncertificated Securities Tax Act, 1998, come into operation on the date of promulgation of this Act and shall apply in respect of the purchase of any security in terms of a transaction, operation, scheme or undertaking entered into on or after that date.”.

10

Amendment of section 208 of Act 45 of 2003

69. Section 208 of the Revenue Laws Amendment Act, 2003, is hereby amended by the substitution for subsection (2) of the following subsection: 15

“(2) (a) Subsection (1)(a) shall, to the extent it amends—
 (i) paragraph (b) of section 4(1) of the Unemployment Insurance Contributions Act, 2002, be deemed to have come into operation on 1 May 2004; and
 (ii) paragraph (c) of section 4(1) of the Unemployment Insurance Contributions Act, 2002, be deemed to have come into operation on 1 April 2004.
 (b) Subsection (1)(b) shall come into operation on the date that [section 2 of] the Unemployment Insurance Amendment Act, 2003, comes into operation.”.

20

Continuation of certain amendments of Schedules Nos. 1 to 6 and 10 to Act 91 of 1964

25

70. (1) Every amendment or withdrawal of or insertion in Schedules Nos. 1 to 6, inclusive, 8 and 10 to the Customs and Excise Act, 1964, made under section 48, 49, 56, 60(3) or 75(15) of that Act during the calendar year ending on 31 December 2003 shall not lapse by virtue of the provisions of section 48(6), 49, 56(3) or 75(16) of that Act.

(2) The amendment of Part 2 of Schedule No. 1 and Schedule No. 6 to the Customs and Excise Act, 1964, made respectively under sections 48 and 75 of that Act by Government Notices R.402, R.404 and R.405 of 26 March 2004, in respect of the said Part 2 of Schedule No. 1 and Schedule No. 6 shall not lapse by virtue of the provisions of section 48(6) of that Act.

30

Transitional Mineral and Petroleum Provisions

35

71. The transitional mineral and petroleum provisions relating to the continuation of payments to the State for the removal and disposal of minerals or petroleum are set out in Schedule 3 of this Act.

Short title and commencement

72. (1) This Act shall be called the Taxation Laws Amendment Act, 2004. 40

(2) Unless otherwise provided in this Act or the context otherwise indicates, the amendments effected to the Income Tax Act, 1962, by this Act shall for purposes of assessments in respect of normal tax under the Income Tax Act, 1962, be deemed to have come into operation as from the commencement of years of assessment ending on or after 1 January 2005.

45

Wysiging van artikel 172 van Wet 45 van 2003

67. Artikel 172 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur die volgende subartikel by te voeg:

“(2) Subartikel (1)(a) tree op 1 Maart 2005 in werking en is van toepassing ten opsigte van enige lewering op of na daardie datum gemaak.”.

5

Wysiging van artikel 192 van Wet 45 van 2003

68. Artikel 192 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur in die Engelse teks subartikel (2) deur die volgende subartikel te vervang:

“(2) Subsection (1) shall in so far as it inserts section [12A] 11A in the Uncertificated Securities Tax Act, 1998, come into operation on the date of promulgation of this Act and shall apply in respect of the purchase of any security in terms of a transaction, operation, scheme or undertaking entered into on or after that date.”.

10

Wysiging van artikel 208 van Wet 45 van 2003

69. Artikel 208 van die Wysigingswet op Inkomstewette, 2003, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2)(a) Subartikel (1)(a) word geag vir sover dit—

(i) paragraaf (b) van artikel 4(1) van die ‘Unemployment Insurance Contributions Act, 2002’, wysig, op 1 Mei 2004 in werking te getree het; en

(ii) paragraaf (c) van artikel 4(1) van die ‘Unemployment Insurance Contributions Act, 2002’, wysig, op 1 April 2004 in werking te getree het.

20

(b) Subartikel (1)(b) tree in werking op die datum wat [artikel 2 van] die ‘Unemployment Insurance Amendment Act, 2003’, in werking tree.”.

Voortdoring van sekere wysigings van Bylaes Nos. 1 tot 6 en 10 by Wet 91 van 1964

70. (1) Elke wysiging of intrekking van of invoeging in Bylaes Nos. 1 tot 6, insluitend, 8 en 10 by die Doeane- en Aksynswet, 1964, wat kragtens artikel 48, 49, 56, 60(3) of 75(15) van daardie Wet gedurende die kalenderjaar wat op 31 Desember 2003 geëindig het, aangebring is, verval nie uit hoofde van die bepalings van artikel 48(6), 49, 56(3) of 75(16) van daardie Wet nie.

25

(2) Die wysigings van Deel 2 van Bylae No. 1 en Bylae No. 6 by die Doeane- en Aksynswet, 1964, wat onderskeidelik kragtens artikels 48 en 75 van daardie Wet deur Goewermentskennisgewings R.402, R.404 en R.405 van 26 Maart 2004, ten opsigte van bedoelde Deel 2 van Bylae No. 1 en Bylae No. 6 uitgevaardig is, verval nie uit hoofde van die bepalings van artikel 48(6) van daardie Wet nie.

30

Oorgangsbepalings met betrekking tot Minerale en Petroleum

35

71. Die oorgangsbepalings met betrekking tot minerale en petroleum wat verband hou met die voortdoring van betalings aan die Staat vir die verwydering van en beskikking oor minerale of petroleum word in Bylae 3 by hierdie Wet uiteengesit.

Kort titel en inwerkingtreding

72. (1) Hierdie Wet heet die Wysigingswet op Belastingwette, 2004.

40

(2) Tensy hierdie Wet anders bepaal of dit uit die samehang anders blyk, word die wysigings aan die Inkomstebelastingwet, 1962, by hierdie Wet aangebring, vir die doeleindes van aanslae ten opsigte van normale belasting ingevolge die Inkomstebelastingwet, 1962, geag in werking te getree het met ingang van die begin van jare van aanslag wat op of na 1 Januarie 2005 eindig.

45

SCHEDULE 1**RATES OF NORMAL TAX PAYABLE BY PERSONS (OTHER THAN COMPANIES) IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 28 FEBRUARY 2005 AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF 12 MONTHS ENDING 31 MARCH 2005****(Section 5)**

1. The rates of normal tax referred to in section 5 of this Act in respect of persons (other than companies) are as follows:—

- (a) in respect of the taxable income of any person (other than a person in respect of which subparagraph (b) applies), an amount of tax calculated in accordance with the table below:

Taxable Income	Rates of Tax
Where the taxable income—	
Does not exceed R74 000.....	18 per cent of each R1 of the taxable income;
Exceeds R74 000 but does not exceed R115 000	R13 320 plus 25 per cent of the amount by which the taxable income exceeds R74 000;
“ R115 000 ” “ ” “ ” R155 000	R23 570 plus 30 per cent of the amount by which the taxable income exceeds R115 000;
“ R155 000 ” “ ” “ ” R195 000	R35 570 plus 35 per cent of the amount by which the taxable income exceeds R155 000;
“ R195 000 ” “ ” “ ” R270 000	R49 570 plus 38 per cent of the amount by which the taxable income exceeds R195 000;
“ R270 000	R78 070 plus 40 per cent of the amount by which the taxable income exceeds R270 000.

- (b) in respect of the taxable income of any trust (other than a special trust), an amount of 40 cents on each rand of taxable income.

2. The rates of normal tax referred to in section 5 of this Act in respect of companies are, subject to the provisions of paragraph 4, as follows:—

- (a) on each rand of the taxable income of any company (excluding taxable income referred to in subparagraphs (b), (c), (d), (e), (f), (g) and (h)) 30 cents, or, in the case of such a company which mines for gold on any gold mine and which is in terms of an option exercised by it exempt from the payment of secondary tax on companies, 38 cents;
- (b) in respect of the taxable income of any company which qualifies as a small business corporation as defined in section 12E of the Income Tax Act, 1962, on each rand of the taxable income as does not exceed R150 000, 15 cents, and on each rand of the taxable income of such company as exceeds R150 000, 30 cents;
- (c) on each rand of the taxable income of any employment company as defined in section 12E of the Income Tax Act, 1962, 35 cents;
- (d) on each rand of the taxable income derived by any company from mining for gold on any gold mine with the exclusion of so much of the taxable income as the Commissioner for the South African Revenue Service determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of “gross income” in section 1 of the Income

BYLAE 1**SKALE VAN NORMALE BELASTING BETAALBAAR DEUR PERSONE (BEHALWE MAATSKAPPE) TEN OPSIGTE VAN DIE JARE VAN AANSLAG EINDIGENDE OP 28 FEBRUARIE 2005 EN DEUR MAATSKAPPE TEN OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE TYDPERK VAN 12 MAANDE EINDIGENDE OP 31 MAART 2005****(Artikel 5)**

1. Die skale van normale belasting bedoel in artikel 5 van hierdie Wet ten opsigte van persone (behalwe maatskappe) is soos volg:—

- (a) ten opsigte van die belasbare inkomste van 'n persoon (behalwe 'n persoon ten opsigte waarvan subparagraaf (b) van toepassing is), 'n bedrag aan belasting wat ooreenkomstig die tabel hieronder bereken word:

Belasbare Inkomste	Skaal van Belasting
Waar die belasbare inkomste—	
nie R74 000 te bowe gaan nie	18 persent van elke R1 van die belasbare inkomste;
R74 000 te bowe gaan maar nie R115 000 nie	R13 320 plus 25 persent van die bedrag waarmee die belasbare inkomste R74 000 oorskry;
R115 000 " " " " " R155 000 nie	R23 570 plus 30 persent van die bedrag waarmee die belasbare inkomste R115 000 oorskry;
R155 000 " " " " " R195 000 nie	R35 570 plus 35 persent van die bedrag waarmee die belasbare inkomste R155 000 oorskry;
R195 000 " " " " " R270 000 nie	R49 570 plus 38 persent van die bedrag waarmee die belasbare inkomste R195 000 oorskry;
R270 000 te bowe gaan	R78 070 plus 40 persent van die bedrag waarmee die belasbare inkomste R270 000 oorskry.

- (b) ten opsigte van die belasbare inkomste van 'n trust (behalwe 'n spesiale trust), 'n bedrag van 40 sent van elke rand van belasbare inkomste.

2. Die skale van normale belasting bedoel in artikel 5 van hierdie Wet ten opsigte van maatskappe is, behoudens die bepalinge van paragraaf 4 soos volg:—

- (a) op elke rand van die belasbare inkomste van 'n maatskappy (met uitsondering van belasbare inkomste in subparagrafe (b), (c), (d), (e), (f), (g) en (h) bedoel), 30 sent, of, in die geval van 'n maatskappy wat vir goud myn op 'n goudmyn en wat ingevolge 'n keuse deur hom uitgeoefen van die betaling van sekondêre belasting op maatskappe vrygestel is, 38 sent;
- (b) ten opsigte van die belasbare inkomste van 'n maatskappy wat as 'n kleinsakekorporasie soos in artikel 12E van die Inkomstebelastingwet, 1962, omskryf kwalifiseer, op elke rand van die belasbare inkomste wat nie R150 000 te bowe gaan nie, 15 sent, en op elke rand van die belasbare inkomste wat R150 000 te bowe gaan, 30 sent;
- (c) op elke rand van die belasbare inkomste van 'n werknemersmaatskappy soos in artikel 12E van die Inkomstebelastingwet, 1962, omskryf, 35 sent;
- (d) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van goud op 'n goudmyn verkry word met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris vir die Suid-Afrikaanse Inkomstediens toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Inkomstebelastingwet, 1962, maar na

Tax Act, 1962, but after the set-off of any assessed loss in terms of section 20(1) of that Act, a percentage determined in accordance with the formula:

$$y = 37 - \frac{185}{x}$$

or, in the case of a company which is in terms of an option exercised by it exempt from the payment of secondary tax on companies, in accordance with the formula:

$$y = 46 - \frac{230}{x}$$

in which formulae y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion, but before the set-off of any assessed loss or deduction which is not attributable to the mining for gold from the said mine) bears to the income so derived (with the said exclusion);

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is, or has been, mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Commissioner for the South African Revenue Service determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the Income Tax Act, 1962, a rate equal to the average rate of normal tax or 30 cents, whichever is higher: Provided that for the purposes of this subparagraph, the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with this subparagraph for the period assessed) paid by the company in respect of its aggregate taxable income from mining for gold on any gold mine for the period from which that company commenced its gold mining operations on that gold mine to the end of the period assessed, by the number of rands contained in the said aggregate taxable income;
- (f) on each rand of the taxable income derived by any company from carrying on long-term insurance business in respect of its individual policyholder fund, company policyholder fund and corporate fund, 30 cents;
- (g) on each rand of the taxable income (excluding taxable income referred to in subparagraphs (b), (c), (d), (e), (f) and (h)) derived by a company which is not a resident and which carries on a trade through a branch or agency within the Republic, 35 cents;
- (h) on each rand of the taxable income derived by a qualifying company as contemplated in section 37H of the Income Tax Act, 1962, subject to the provisions of the said section, zero cents:

Provided that the tax determined in accordance with any of subparagraphs (a) to (h), inclusive, shall be payable in addition to the tax determined in accordance with any other of the said subparagraphs.

3. The rates set forth in paragraphs 1 and 2 shall be the rates required to be fixed by Parliament in accordance with the provisions of section 5(2) of the Income Tax Act, 1962.

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

5. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Income Tax Act, 1962, bears the meaning so assigned.

die verrekening van enige vasgestelde verlies ingevolge artikel 20(1) van daardie Wet, 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 37 - \frac{185}{x}$$

of, in die geval van 'n maatskappy wat ingevolge 'n keuse deur die maatskappy uitgeoefen van die betaling van sekondêre belasting op maatskappye vrygestel is, ooreenkomstig die formule:

$$y = 46 - \frac{230}{x}$$

in welke formules y bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreeë belasbare inkomste (met genoemde uitsluiting, maar voor die verrekening van enige vasgestelde verlies of aftrekking wat nie aan die myn van goud uit bedoelde goudmyn toeskryfbaar is nie) staan tot die aldus verkreeë inkomste (met genoemde uitsluiting);

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Kommissaris vir die Suid-Afrikaanse Inkomstediens toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Inkomstebelastingwet, 1962, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of 30 sent, watter ook al die hoogste is: Met dien verstande dat vir die doeleindes van hierdie subparagraaf die gemiddelde skaal van normale belasting vasgestel word deur die totale normale belasting (met uitsondering van die belasting wat vir die tydperk van aanslag ooreenkomstig hierdie subparagraaf vasgestel is) wat deur die maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud op enige goudmyn vir die tydperk van wanneer daardie maatskappy sy goudmynbedrywighede op daardie goudmyn begin het tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rande wat genoemde totale belasbare inkomste bevat;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die dryf van langtermynversekeringsbesigheid verkry word ten opsigte van sy individuele polishouerfonds, maatskappypolishouerfonds en korporatiewe fonds, 30 sent;
- (g) op elke rand van die belasbare inkomste (uitgesonderd belasbare inkomste bedoel in subparagraawe (b), (c), (d), (e), (f) en (h)) wat verkry word deur 'n maatskappy wat nie 'n inwoner is nie en wat 'n bedryf deur 'n tak of agentskap binne die Republiek beoefen, 35 sent;
- (h) op elke rand van die belasbare inkomste wat deur 'n kwalifiserende maatskappy, soos beoog in artikel 37H van die Inkomstebelastingwet, 1962, verkry word, behoudens die bepalinge van gemelde artikel, nul sent:

Met dien verstande dat die belasting ooreenkomstig enige van subparagraawe (a) tot en met (h) vasgestel, benewens die belasting vasgestel ooreenkomstig enige ander van genoemde subparagraawe betaalbaar is.

3. Dat die skale uiteengesit in paragraawe 1 en 2 die skale is wat deur die Parlement ooreenkomstig die bepalinge van artikel 5(2) van die Inkomstebelastingwet, 1962, vasgestel moet word.

4. By die toepassing van paragraaf 2, sluit inkomste uit die myn van goud verkry inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin word, en enige ander inkomste wat regstreeks uit die myn van goud voortvloei.

5. In hierdie Bylae, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Inkomstebelastingwet, 1962, 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

SCHEDULE 2**AMENDMENTS TO SCHEDULE NO. 1 TO THE CUSTOMS AND
EXCISE ACT, 1964**

(Section 36)

TARIFF ITEM	TARIFF HEADING	DESCRIPTION	RATE OF DUTY	
			EXCISE	CUSTOMS
104.00		By the substitution for tariff item 104.00 of the following:		
"104.00		PREPARED FOODSTUFFS; BEVERAGES, SPIRITS AND VINEGAR; TOBACCO		
104.01	19.01	MALT EXTRACT; FOOD PREPARATIONS OF FLOUR, GROUTS, MEAL, STARCH OR MALT EXTRACT, NOT CONTAINING COCOA OR CONTAINING LESS THAN 40 PER CENT BY MASS OF COCOA CALCULATED ON TOTALLY DEFATTED BASIS, NOT ELSEWHERE SPECIFIED OR INCLUDED; FOOD PREPARATIONS OF GOODS OF HEADINGS 04.01 TO 04.04, NOT CONTAINING COCOA OR CONTAINING LESS THAN 5 PER CENT BY MASS OF COCOA CALCULATED ON TOTALLY DEFATTED BASIS NOT ELSEWHERE SPECIFIED OR INCLUDED:		
.10		Traditional African beer powder as defined in Additional Note 1 to Chapter 19	34.7c/kg	34.7c/kg
104.10	22.03	BEER MADE FROM MALT		
.10		Traditional African beer as defined in Additional Note 1 to Chapter 22	7.82c/l	7.82c/l
.20		Other	3 073.04 c/l of absolute alcohol	3 073.04 c/l of absolute alcohol
104.15	22.04	WINE OF FRESH GRAPES, INCLUDING FORTIFIED WINES; GRAPE MUST, OTHER THAN THAT OF HEADING NO. 20.09		
	22.05	VERMOUTHS AND OTHER WINE OF FRESH GRAPES FLAVOURED WITH PLANTS OR AROMATIC SUBSTANCES		
.02		Sparkling wine	323.32 c/l	323.32 c/l
.04		Unfortified wine	117.10 c/l	117.10 c/l
.06		Fortified wine	232.87 c/l	232.87 c/l
104.17	22.06	OTHER FERMENTED BEVERAGES (FOR EXAMPLE, CIDER, PERRY AND MEAD); MIXTURES OF FERMENTED BEVERAGES AND MIXTURES OF FERMENTED BEVERAGES AND NON- ALCOHOLIC BEVERAGES, NOT ELSEWHERE SPECIFIED OR INCLUDED:		
.05		Traditional African beer as defined in Additional Note 1 to Chapter 22	7.82c/l	7.82c/l

BYLAE 2

WYSIGINGS VAN BYLAE NO. 1 BY DIE DOEANE- EN AKSYNSWET, 1964

(Artikel 36)

TARIEF-ITEM	TARIEF-POS	BESKRYWING	SKAAL VAN REG	
			AKSYNS	DOEANE
104.00		Deur tariefitem 104.00 deur die volgende te vervang:		
"104.00		BEREIDE VOEDSELS; DRANKE, SPIRITUS EN ASYN; TABAK		
104.01	19.01	MOUTEKSTRAK; VOEDSELBEREIDINGE VAN MEELBLOM, GORT, MEELSTYSEL OF MOUTEKSTRAK, WAT NIE KAKAOPOEIER BEVAT NIE OF WAT KAKAOPOEIER MET 'N VERHOUDING, VOLGENS MASSA, VAN MINDER AS 40 PERSENT BEVAT, BEREKEN OP DIE TOTALE ONTVETTE BASIS, NIE ELDERS VERMELD OF INGESLUIT NIE; VOEDSELBEREIDINGE VAN GOEDERE VAN POSTE 04.01 TOT 04.04, WAT NIE KAKAOPOEIER BEVAT NIE OF WAT KAKAOPOEIER MET 'N VERHOUDING, VOLGENS MASSA, VAN MINDER AS 5 PERSENT BEVAT, BEREKEN OP DIE TOTALE ONTVETTE BASIS, NIE ELDERS VERMELD OF INGESLUIT NIE:		
.10		Tradisionele Afrikaan bierpoeier soos omskryf in Addisionele Opmerking 1 by Hoofstuk 19	34.7c/kg	34.7c/kg
104.10	22.03	BIER VAN MOUT GEMAAK		
.10		Tradisionele Afrikaan bier soos omskryf in Addisionele Opmerking 1 by Hoofstuk 22	7.82c/l	7.82c/l
.20		Ander	3 073.04 c/l absolute alkohol	3 073.04c/l absolute alkohol
104.15	22.04	WYN VAN VARS DRUIWE, MET INBEGRIIP VAN GEFORTIFISEERDE WYN; DRUIWEMOS BEHALWE DIE WAT IN POS 20.09 VERMELD WORD		
	22.05	VERMOET EN ANDER WYN VAN VARS DRUIWE MET PLANTE OF ANDER AROMATIESE STOWWE GEGEUR		
.02		Vonkelende wyn	323.32c/l	323.32c/l
.04		Ongefortifiseerde wyn	117.10c/l	117.10c/l
.06		Gefortifiseerde wyn	232.87c/l	232.87c/l
104.17	22.06	ANDER GEGISTE DRANKE (BYVOORBEELD APPELSIDER, PEERSIDER EN MEE); MENGSELS VAN GEGISTE DRANKE EN MENGSELS VAN GEGISTE DRANKE EN NIE-ALKOHOLIESE DRANKE, NIE ELDERS VERMELD OF INGESLUIT NIE:		
.05		Tradisionele Afrikaan bier soos omskryf in Addisionele Opmerking 1 by Hoofstuk 22	7.82c/l	7.82c/l

Act No. 16, 2004

TAXATION LAWS AMENDMENT ACT, 2004

.15		Other fermented beverages, unfortified	153.74 c/l	153.74 c/l
.17		Other fermented beverages, fortified	295.27 c/l	295.27 c/l
.22		Mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages	153.74 c/l	153.74 c/l
.90		Other	295.27 c/l	295.27 c/l
104.20	22.07	UNDENATURED ETHYL ALCOHOL OF AN ALCOHOLIC STRENGTH BY VOLUME OF 80 PER CENT VOLUME OR HIGHER; ETHYL ALCOHOL AND OTHER SPIRITS, DENATURED, OF ANY STRENGTH		
	22.08	UNDENATURED ETHYL ALCOHOL OF AN ALCOHOLIC STRENGTH BY VOLUME OF LESS THAN 80 PER CENT VOLUME; SPIRITS, LIQUEURS AND OTHER SPIRITUOUS BEVERAGES:		
.10		Wine spirits, manufactured by the distillation of wine	4 583.65 c/l of absolute alcohol	4 487.65 c/l of absolute alcohol
.15		Spirits, manufactured by the distillation of any sugar cane product	4 583.65 c/l of absolute alcohol	4 569.65 c/l of absolute alcohol
.25		Spirits, manufactured by the distillation of any grain product	4 583.65 c/l of absolute alcohol	4 537.65 c/l of absolute alcohol
.29		Other spirits	4 583.65 c/l of absolute alcohol	4 583.65 c/l of absolute alcohol
.40		Liqueurs and other spirituous beverages	4 583.65 c/l of absolute alcohol	4 583.65 c/l of absolute alcohol
104.30	24.02	CIGARS, CHEROOTS, CIGARILLOS AND CIGARETTES, OF TOBACCO OR OF TOBACCO SUBSTITUTES		
.10		Cigars, cheroots and cigarillos, of tobacco or of tobacco substitutes	123 304 c/kg net	123 304 c/kg net
.20		Cigarettes, of tobacco or of tobacco substitutes	226.40 c/10 cigarettes	226.40 c/10 cigarettes
104.35	24.03	OTHER MANUFACTURED TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES; "HOMOGENISED" OR "RECONSTITUTED" TOBACCO; TOBACCO EXTRACTS AND ESSENCES:		
.10		Cigarette tobacco and substitutes thereof	13 903 c/kg	13 903 c/kg
.20		Pipe tobacco and substitutes thereof	6 832 c/kg net	6 832 c/kg net"

.15		Ander gegiste drank, ongefortifiseerd	153.74c/l	153.74c/l
.17		Ander gegiste drank, gefortifiseerd	295.27c/l	295.27c/l
.22		Mengsels van gegiste drank en mengsels van gegiste drank en nie-alkoholiese drank	153.74c/l	153.74c/l
.90		Ander	295.27c/l	295.27c/l
104.20	22.07	ONGEDENATUREERDE ETIELALKOHOL MET 'N STERKTE VAN MINSTENS 80 PERSENT ALKOHOL VOLGENS VOLUME; ETIELALKOHOL EN ANDER SPIRITUS, GEDENATUREER, VAN ENIGE STERKTE		
	22.08	ONGEDENATUREERDE ETIELALKOHOL MET 'N STERKTE VAN MINDER AS 80 PERSENT ALKOHOL VOLGENS VOLUME; SPIRITUS, LIKEURE EN ANDER SPIRITUSDRANKE:		
.10		Wynspiritus, vervaardig deur die distillering van wyn	4 583.65c/l absolute alkohol	4 487.65c/l absolute alkohol
.15		Spiritus, vervaardig deur die distillering van enige suikerrietproduk	4 583.65c/l absolute alkohol	4 569.65c/l absolute alkohol
.25		Spiritus, vervaardig deur die distillering van enige graanproduk	4 583.65c/l absolute alkohol	4 537.65c/l absolute alkohol
.29		Ander spiritus	4 583.65c/l absolute alkohol	4 583.65c/l absolute alkohol
.40		Likeure en ander spiritusdranke	4 583.65c/l absolute alkohol	4 583.65c/l absolute alkohol
104.30	24.02	SIGARE, SEROETE, SIGARILLOS EN SIGARETTE, VAN TABAK OF TABAKSURROGATE		
.10		Sigare, seroete en sigarillos, van tabak of tabaksurrogate	123 304 c/kg netto	123 304 c/kg netto
.20		Sigarette, van tabak of tabaksurrogate	226.40c/10 sigarette	226.40c/10 sigarette
104.35	24.03	ANDER BEWERKTE TABAK EN BEWERKTE TABAKSURROGATE, "GEHOMOGENISEERDE" OF "HERSAAMGESTELDE" TABAKEKSTRAKTE EN ESSENSE		
.10		Sigarettabak en surrogate daarvan	13 903c/kg	13 903c/kg
.20		Pyptabak en surrogate daarvan	6 832c/kg netto	6 832c/kg netto

SCHEDULE 3**TRANSITIONAL MINERAL AND PETROLEUM PROVISIONS**

(Section 71)

Definitions

1. For purposes of this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), bears the meaning so assigned.

Continuation of payments to State for removal and disposal of minerals or petroleum

2. (1) If a holder of any mining right, production right or mining permit or any prospecting right with a permission to remove and dispose of minerals or petroleum—

(a) acquired that right or permit upon conversion of an old order right or OP26 right in terms of Schedule II of the Mineral and Petroleum Resources Development Act, 2002; and

(b) was immediately before that conversion required to make lease, royalty or similar payments to the State in terms of any conditions imposed pursuant to the laws applicable in respect of that old order right or OP26 right, as consideration for the removal and disposal of minerals or petroleum, or would have been required to make such payments had any minerals or petroleum been removed and disposed of,

that holder must, notwithstanding the repeal of any law in terms of which those conditions were imposed, make payments of that nature to the State to the extent that the mining right, production right, prospecting right or mining permit relates to the same mining or production area as the converted old order right or OP 26 right.

(2) (a) The Minister of Finance must, in consultation with the Minister, determine the amount of the payments required under subparagraph (1) according to the same practices, formulae and procedures which applied before conversion.

(b) Any provision providing for the payment of any penalties or interest charges for failure to make timely payment of the amounts referred to in subparagraph (1), which was in effect before conversion, continues to apply in respect of any failure to make timely payment as required under this Schedule.

Authority and responsibility for collection

3. The Minister has the authority and responsibility to collect the payments referred to in paragraph 2.

Commencement and termination

4. (1) This Schedule shall be deemed to have come into operation on 1 May 2004.

(2) Paragraphs 1 and 2 cease to apply on 1 May 2009.

BYLAE 3**OORGANGSBEPALINGS MET BETREKKING TOT
MINERALE EN PETROLEUM**

(Artikel 71)

Woordomskrywing

1. By die toepassing van hierdie Bylae, tensy uit die samehang anders blyk, dra enige woord of uitdrukking waaraan 'n betekenis in die "Mineral and Petroleum Resources Development Act, 2002" (Wet No. 28 van 2002), geheg is, die betekenis aldus daaraan geheg.

Voortdurende van betalings aan Staat vir verwydering van en beskikking oor minerale of petroleum

2. (1) Indien 'n houer van 'n "mining right", "production right" of "mining permit" of 'n "prospecting right" met toestemming om enige minerale of petroleum te verwyder en daarvoor te beskik—

- (a) daardie reg of permit verkry het deur omskakeling van 'n "old order right" of "OP26 right" ingevolge Bylae II by die "Mineral and Petroleum Resources Development Act, 2002"; en
- (b) onmiddellik voor daardie omskakeling verplig was om huur, tantième of soortgelyke betalings aan die Staat te maak ingevolge enige voorwaardes opgelê ooreenkomstig die wette van toepassing ten opsigte van daardie "old order right" of "OP26 right", as vergoeding vir die verwydering van en beskikking oor minerale of petroleum, of verplig sou gewees het om sulke betalings te maak indien enige minerale of petroleum verwyder of oor beskik is,

moet daardie houer, ondanks die herroeping van enige wet ingevolge waarvan daardie voorwaardes opgelê is, betalings van daardie aard aan die Staat maak in die mate wat die "mining right", "production right", "prospecting right" of "mining permit" verband hou met dieselfde myn- of produksiegebied as die omgeskakelde "old order right" of "OP 26 right".

(2)(a) Die Minister van Finansies moet, in oorleg met die Minister, die bedrag van die betalings kragtens subartikel (1) vereis bepaal ingevolge dieselfde praktyke, formules en prosedures wat voor die omskakeling van toepassing was.

(b) Enige bepaling wat voorsiening maak vir die betaling van enige boetes of rente weens versuim om tydigte betaling van die bedrae in subparagraaf (1) bedoel te maak, wat voor die omskakeling van toepassing was, bly van toepassing ten opsigte van enige versuim om tydigte betaling te maak soos vereis kragtens hierdie Bylae.

Bevoegdheid en verantwoordelikheid vir vordering

3. Die Minister het die bevoegdheid en verantwoordelikheid om die betalings in paragraaf 2 bedoel te vorder.

Inwerkingtreëding en beëindiging

4. (1) Hierdie Bylae word geag op 1 Mei 2004 in werking te getree het.

(2) Die toepassing van paragrawe 1 en 2 eindig op 1 Mei 2009.

