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THE PRESIDENCY

No. 21 20 January 2015

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

Act No. 43 of 2014: Taxation Laws Amendment Act, 2014

DIE PRESIDENSIE

No. 21 20 Januarie 2015

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

Wet No 43 van 2014: Wysigingswet op Belastingwette, 2014

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 16 January 2015)

ACT

To—

- **amend the Income Tax Act, 1962, so as to amend, delete and insert certain definitions; to make corrections; to repeal certain provisions; to amend provisions; to make new provision; and to make textual and consequential amendments;**
- **amend the Value-Added Tax Act, 1991, so as to amend certain provisions and schedules;**
- **repeal the Tax on Retirements Funds Act, 1996;**
- **amend the Securities Transfer Tax Act, 2007, so as to amend a provision;**
- **amend the Taxation Laws Amendment Act, 2011, so as to amend a provision;**
- **amend the Employment Tax Incentive Act, 2013, so as to amend certain provisions;**
- **amend the Taxation Laws Amendment Act, 2013, so as to amend certain provisions;**

and to provide for matters connected therewith.

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

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 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 R780 of 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, Government Notice 46 of 1994, section 2 of Act 21 of 1995, section 2 of Act 36 of 1996, section 2 of Act 28 of 1997, section 19 of Act 30 of 1998, Government Notice 1503 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

ALGEMENE VERDUIDELIKENDE NOTA:

[ ]	Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
______	Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 16 Januarie 2015)

WET

Tot—

- **wysiging van die Inkomstebelastingwet, 1962, ten einde sekere omskrywings te wysig, te skrap en in te voeg; korreksies aan te bring; sekere bepalings te herroep; sekere bepalings te wysig; nuwe bepalings te verorden; en tekstuele en gevolglike wysigings aan te bring;**
- **wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde sekere bepalings en Bylaes te wysig;**
- **herroeping van die Wet op Belasting op Uittreefondse, 1996;**
- **wysiging van die Wet op Belasting op Oordrag van Sekuriteite, 2007, ten einde 'n bepaling te wysig;**
- **wysiging van die Wysigingswet op Belastingwette, 2011, ten einde 'n bepaling te wysig;**
- **wysiging van die "Employment Tax Incentive Act, 2013", ten einde sekere bepalings te wysig;**
- **wysiging van die Wysigingswet op Belastingwette, 2013, ten einde sekere bepalings te wysig;**

en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

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 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 R780 van 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, Goewermentskennisgewing 46 van 1994, artikel 2 van Wet 21 van 1995, artikel 2 van Wet 36 van 1996, artikel 2 van Wet 28 van 1997, artikel 19 van Wet 30 van 1998, Goewermentskennisgewing 1503 van 1998, artikel 10 van Wet 53 van 1999, artikel

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2002, section 33 of Act 12 of 2003, section 12 of Act 45 of 2003, section 3 of Act 16 of 2004, section 3 of Act 32 of 2004, section 3 of Act 32 of 2005, section 19 of Act 9 of 2006, section 3 of Act 20 of 2006, section 3 of Act 8 of 2007, section 5 of Act 35 of 2007, section 2 of Act 3 of 2008, section 4 of Act 60 of 2008, section 7 of Act 17 of 2009, section 6 of Act 7 of 2010, section 7 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 23 of Schedule 1 to that Act, section 2 of Act 22 of 2012 and section 4 of Act 31 of 2013

1. (1) Section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962), is hereby amended—

(a) by the substitution in subsection (1) in paragraph *(e)* of the definition of ''company'' for subparagraph (iii) of the following subparagraph:

''(iii) portfolio of a collective investment scheme in property that qualifies as a REIT as defined in paragraph 13.1(x) of the JSE Limited Listing Requirements; or'';

(b) by the substitution in subsection (1) in the definition of ''contributed tax capital'' for the words preceding paragraph *(a)* of the following words:

'' **'contributed tax capital'**, in relation to a class of shares **[issued by]** in a company, means—'';

(c) by the substitution in subsection (1) in paragraph *(a)* of the definition of ''contributed tax capital'' for the words preceding subparagraph (i) of the following words:

''in relation to a class of shares issued by a company, in the case of a foreign company that becomes a resident on or after 1 January 2011, an amount equal to the sum of—'';

(d) by the deletion in subsection (1) of the word ''and'' at the end of subparagraph (i) of paragraph *(a)* of the definition of ''contributed tax capital'', the addition of the expression ''; and'' at the end of subparagraph (ii) of that paragraph, and the addition of the following subparagraph:

''(iii) if the shares of that class include or consist of shares that were converted from another class of shares of that company to that class of shares—

(aa) any consideration received by or accrued to that company in respect of that conversion; and

(bb) the amount contemplated in subparagraph *(cc)* that was determined in respect of shares of the other class of shares that were so converted,'';

(e) by the substitution in subsection (1) in paragraph *(a)* of the definition of ''contributed tax capital'' for subparagraphs *(aa)* and *(bb)* of the following subparagraphs:

''*(aa)* the company has transferred on or after the date on which the company becomes a resident for the benefit of any person holding a share in that company of that class in respect of that share; **[and]**

(bb) has by the date of the transfer been determined by the directors of the company or by some other person or body of persons with comparable authority to be an amount so transferred; and

(cc) in the case of a convertible class of shares some of the shares of which have been converted to another class of shares, so much of the amount contemplated in this paragraph in respect of that convertible class of shares immediately prior to that conversion as bears to that amount the same ratio as the number of shares so converted bears to the total number of that convertible class of shares prior to that conversion; or'';

(f) by the substitution in subsection (1) in paragraph *(b)* of the definition of ''contributed tax capital'' for the words preceding subparagraph (i) of the following words:

''in relation to a class of shares issued by a company, in the case of any other company, an amount equal to the sum of—'';

(g) by the deletion in subsection (1) of the word ''and'' at the end of subparagraph (i) of paragraph *(b)* of the definition of ''contributed tax capital'', the addition of the expression ''; and'' at the end of subparagraph (ii) of that paragraph, and the addition of the following subparagraph:

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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, artikel 12 van Wet 45 van 2003, artikel 3 van Wet 16 van 2004, artikel 3 van Wet 32 van 2004, artikel 3 van Wet 32 van 2005, artikel 19 van Wet 9 van 2006, artikel 3 van Wet 20 van 2006, artikel 3 van Wet 8 van 2007, artikel 5 van Wet 35 van 2007, artikel 2 van Wet 3 van 2008, artikel 4 van Wet 60 van 2008, artikel 7 van Wet 17 van 2009, artikel 6 van Wet 7 van 2010, artikel 7 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 23 van Bylae 1 by daardie Wet, artikel 2 van Wet 22 van 2012 en artikel 4 van Wet 31 van 2013

1. (1) Artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), word hierby gewysig—

(a) deur in subartikel (1) na die omskrywing van "binnelandse skatkisbestuursmaatskappy" die volgende omskrywing in te voeg:

" **'Boedelbelastingwet'** die Boedelbelastingwet, 1955 (Wet No. 45 van 1955);";

(b) deur in subartikel (1) in die omskrywing van "bruto inkomste" in paragraaf *(c*A*)* subparagraaf (i) te skrap;

(c) deur in subartikel (1) na paragraaf *(c*A*)* van die omskrywing van "bruto inkomste" die volgende paragraaf in te voeg:

"*(c*B*)* enige bedrag ontvang deur of toegeval aan enige natuurlike persoon as vergoeding vir enige handelsbeperking aan daardie persoon opgelê ten opsigte van of uit hoofde van—

(i) diens of die bekleding van enige amp; of

(ii) enige diens in die verlede of toekoms of die bekleding van 'n amp;";

(d) deur in subartikel (1) na die omskrywing van "kind" die volgende omskrywings in te voeg:

" **'klein-, medium- of mikrobesigheid'** enige—

(a) persoon wat kwalifiseer as 'n mikrobesigheid soos omskryf in paragraaf 1 van die Sesde Bylae; of

(b) enige persoon wat 'n kleinsakekorporasie is soos omskryf in artikel 12E(4);

'kleinsake befondsingsentiteit' enige entiteit, goedgekeur deur die Kommissaris ingevolge Artikel 30C;";

(e) deur in subartikel (1) in paragraaf *(e)* van die omskrywing van "maatskappy" subparagraaf (iii) deur die volgende subparagraaf te vervang:

"(iii) portefeulje van 'n kollektiewe beleggingskema in eiendom wat as 'n EIT kwalifiseer soos omskryf in paragraaf 13.1(x) van die JSE Limited Listing Requirements; of";

(f) deur in subartikel (1) die omskrywing van "na-1990 goudmyn" deur die volgende omskrywing te vervang:

" **'na-1990-goudmyn'** 'n goudmyn—

(a) wat volgens die Direkteur-generaal: Mineraal- en Energiesake se oordeel 'n onafhanklike ontginbare onderneming is en ten opsigte waarvan 'n ontginningsmagtiging vir goudmynbou vir die eerste keer na 14 Maart 1990 uitgereik is; of

(b) waarvoor 'n 'mining permit' of 'mining right' vir 'goldmining', anders as 'n 'minig permit' of 'mining right' uitgereik by die omskakeling van 'n 'old order mining right' soos omskryf in paragraaf 1 van Bylae II tot die Mineral and Petroleum Resources Development Act) vir die eerste keer op of na 1 Mei 2004 ingevolge daardie Wet uitgereik is;";

(g) deur in subartikel (1) die omskrywing van "public private partnership" deur die volgende omskrywing te vervang:

" **'Public Private Partnership'** 'n 'Public Private Partnership' soos omskryf in—

(a) Regulasie 16 van die 'Treasury Regulations' uitgereik kragtens artikel 76 van die Wet op Openbare Finansiële Bestuur; of

(b) die 'Municipal Public-Private Partnership Regulations' gemaak ingevolge artikel 168 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003);";

"(iii) if the shares of that class include or consist of shares that were converted from another class of shares of that company to that class of shares—
(aa) any consideration received by or accrued to that company in respect of that conversion; and
(bb) the amount contemplated in subparagraph *(cc)* that was determined in respect of shares of the other class of shares that were so converted,";

(h) by the substitution in subsection (1) in paragraph *(b)* of the definition of "contributed tax capital" for subparagraphs *(aa)* and *(bb)* of the following subparagraphs:
"*(aa)* the company has transferred on or after 1 January 2011 for the benefit of any person holding a share in that company of that class in respect of that share; **[and]**
(bb) has by the date of the transfer been determined by the directors of the company or by some other person or body of persons with comparable authority to be an amount so transferred; and
(cc) in the case of a convertible class of shares some of the shares of which have been converted to another class of shares, so much of the amount contemplated in this paragraph in respect of that convertible class of shares immediately prior to that conversion as bears to that amount the same ratio as the number of shares so converted bears to the total number of that convertible class of shares prior to that conversion:";

(i) by the insertion in subsection (1) after the definition of "equity share" of the following definition:
" **'Estate Duty Act'** means the Estate Duty Act, 1955 (Act No. 45 of 1955);";

(j) by the insertion in subsection (1) after the definition of "Financial Markets Act" of the following definitions:
" **'Financial Services Board'** means the board established by the Financial Services Board Act;
'Financial Services Board Act' means the Financial Services Board Act, 1990 (Act No. 97 of 1990);";

(k) by the deletion in subsection (1) in paragraph *(c*A*)* of the definition of "gross income" of subparagraph (i);

(l) by the insertion in subsection (1) after paragraph (*c*A) of the definition of "gross income" of the following paragraph:
"*(c*B*)* any amount received by or accrued to any natural person as consideration for any restraint of trade imposed on that person in respect or by virtue of—
(i) employment or the holding of any office; or
(ii) any past or future employment or the holding of an office;":

(m) by the substitution in subsection (1) for the definition of "post-1990 gold mine" of the following definition:
" **'post-1990 gold mine'** means a gold mine—
(a) which, in the opinion of the Director-General: Mineral and Energy Affairs, is an independent workable proposition and in respect of which a mining authorisation for gold mining was issued for the first time after 14 March 1990 in terms of the Minerals Act, 1991 (Act No. 50 of 1991); or
(b) for which a mining permit or mining right for gold mining (other than a mining permit or mining right issued on conversion of an old order mining right as defined in paragraph 1 of Schedule II to the Mineral and Petroleum Resources Development Act) was issued for the first time on or after 1 May 2004 in terms of that Act;";

(h) deur in subartikel (1) na die omskrywing van ‘‘Public Private Partnership’’ die volgende omskrywing in te voeg:

‘‘ **‘Raad op Finansiële Dienste’** die raad ingestel kragtens die Wet op die Raad op Finansiële Dienste;’’;

(i) deur in subartikel (1) die omskrywing van ‘‘streekselektrisiteitsverspreider’’ te skrap;

(j) deur in subartikel (1) van die omskrywing van ‘‘toegevoegde belastingkapitaal’’ die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

‘‘ **‘toegevoegde belastingkapitaal’**, met betrekking tot ’n klas van aandele **[deur ’n]** in ’n maatskappy **[uitgereik]**—’’;

(k) deur in subartikel (1) in paragraaf *(a)* van die omskrywing van ‘‘toegevoegde belastingkapitaal’’ die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

‘‘met betrekking tot ’n klas van aandele deur ’n maatskappy uitgereik, in die geval van ’n buitelandse maatskappy wat ’n inwoner op of na 1 Januarie 2011 word, ’n bedrag gelykstaande aan die som van—’’;

(l) deur in subartikel (1) die woord ‘‘en’’ aan die einde van subparagraaf *(a)* van die omskrywing van ‘‘toegevoegde belastingkapitaal’’ te skrap, die uitdrukking ‘‘; en’’ aan die einde van subparagraaf (ii) van daardie paragraaf by te voeg, en die volgende subparagraaf by te voeg:

‘‘(iii) indien die aandele van daardie klas uit aandele bestaan of insluit wat omgeskakel is vanaf ’n ander klas van aandele van daardie maatskappy na daardie klas van aandele—

(aa) enige vergoeding ontvang deur of toegeval aan daardie maatskappy ten opsigte van daardie omskakeling;

(bb) die bedrag beoog in subparagraaf *(cc)* wat bepaal is ten opsigte van die aandele van die ander klas van aandele wat aldus omgeskakel is,’’;

(m) deur in subartikel (1) in paragraaf *(a)* van die omskrywing van ‘‘toegevoegde belastingkapitaal’’ subparagrawe *(aa)* en *(bb)* deur die volgende subparagrawe te vervang:

‘‘*(aa)* die maatskappy oorgedra het op of na die datum waarop die maatskappy ’n inwoner word ten behoewe van enige persoon wat ’n aandeel in daardie maatskappy van daardie klas hou ten opsigte van daardie aandeel; **[en]**

(bb) teen die datum van die oordrag deur die direkteure van die maatskappy of deur ’n ander persoon of liggaam van persone met vergelykbare gesag bepaal is ’n bedrag aldus oorgedra te wees; en

(cc) in die geval van ’n omskakelbare klas van aandele waarvan sommige van die aandele omgeskakel is na ’n ander klas van aandele, soveel van die bedrag beoog in hierdie paragraaf ten opsigte van daardie omskakelbare klas van aandele onmiddellik voor daardie omskakeling wat in dieselfde verhouding tot daardie bedrag staan as die aantal aandele aldus omgeskakel in verhouding staan tot die totale aantal van daardie omgeskakelde klas van aandele voor daardie omskakeling:’’;

(n) deur in subartikel (1) in paragraaf *(b)* van die omskrywing van ‘‘toegevoegde belastingkapitaal’’ die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

‘‘met betrekking tot ’n klas van aandele deur ’n maatskappy uitgereik, in die geval van enige ander maatskappy, ’n bedrag gelykstaande aan die som van—’’;

(o) deur in subartikel (1) die woord ‘‘en’’ aan die einde van paragraaf *(b)* van die omskrywing van ‘‘toegevoegde belastingkapitaal’’ te skrap, die uitdrukking ‘‘; en’’ by te voeg aan die einde van subparagraaf (ii) van daardie paragraaf en die volgende paragraaf by te voeg:

‘‘(iii) indien die aandele van daardie klas uit aandele bestaan of insluit wat omgeskakel is vanaf ’n ander klas van aandele van daardie maatskappy na daardie klas van aandele—

(aa) enige vergoeding ontvang deur of toegeval aan daardie maatskappy ten opsigte van daardie omskakeling;

(n) by the substitution in subsection (1) for the definition of "public private partnership" of the following definition:

" **'Public Private Partnership'** means a Public Private Partnership as defined in—

(a) Regulation 16 of the Treasury Regulations issued in terms of section 76 of the Public Finance Management Act; or

(b) the Municipal Public-Private Partnership Regulations made in terms of section 168 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);";

(o) by the deletion in subsection (1) of the definition of "regional electricity distributor";

(p) by the substitution subsection (1) in the definition of **"retirement date"** for paragraph *(a)* of the following paragraph:

"*(a)* a member of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund, elects to retire and in terms of the rules of that fund, becomes entitled to an annuity or a lump sum benefit contemplated in paragraph 2(1)*(a)*(i) of the Second Schedule on or subsequent to attaining normal retirement age; or";

(q) by the substitution in subsection (1) for the definition of "retirement interest" of the following definition:

" **'retirement interest'** means a member's share of the value of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund as determined in terms of the rules of the fund **[upon his or her retirement date]** on the date on which he or she elects to retire;";

(r) by the insertion in subsection (1) after the definition of "share" of the following definition:

" **'Share Blocks Control Act'** means the Share Blocks Control Act, 1980 (Act No. 59 of 1980);"; and

(s) by the insertion in subsection (1) after the definition of "Short-term Insurance Act" of the following definitions:

" **'small business funding entity'** means any entity, approved by the Commissioner in terms of section 30C;

'small, medium or micro-sized enterprise' means any—

(a) person that qualifies as a micro business as defined in paragraph 1 of the Sixth Schedule; or

(b) any person that is a small business corporation as defined in section 12E(4);".

(2) Paragraph *(a)* of subsection (1) comes into operation on 1 January 2015.

(3) Paragraph *(m)* of subsection (1) is deemed to have come into operation on 1 May 2004.

(4) Paragraphs *(k)*, *(l)*, *(p)*, *(q)* and *(s)* of subsection (1) come into operation on 1 March 2015.

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, section 13 of Act 45 of 2003, section 4 of Act 16 of 2004, section 2 of Act 21 of 2006, section 1 of Act 9 of 2007, section 3 of Act 36 of 2007, section 1 of Act 4 of 2008, section 2 of Act 61 of 2008, section 5 of Act 60 of 2008, section 14 of Act 8 of 2010, section 271 of Act 28 of 2011, read with paragraph 25 of Schedule 1 to that Act and section 2 of Act 39 of 2013

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

(a) by the substitution in subsection (5) for the words preceding paragraph *(a)* of the following words:

(bb) die bedrag beoog in subparagraaf *(cc)* wat bepaal is ten opsigte van die aandele van die ander klas van aandele wat so omgeskakel is,";

(p) deur in subartikel (1) in paragraaf *(b)* van die omskrywing van "toegevoegde belastingkapitaal" subparagrawe *(aa)* en *(bb)* deur die volgende subparagrawe te vervang:

"*(aa)* die maatskappy oorgedra het op of na die datum waarop die maatskappy 'n inwoner word ten behoewe van enige persoon wat 'n aandeel in daardie maatskappy van daardie klas hou ten opsigte van daardie aandeel; **[en]**

(bb) teen die datum van die oordrag deur die direkteure van die maatskappy of deur 'n ander persoon of liggaam van persone met vergelykbare gesag bepaal is 'n bedrag aldus oorgedra te wees; en

(cc) in die geval van 'n omskakelbare klas van aandele waarvan sommige van die aandele omgeskakel is na 'n ander klas van aandele, soveel van die bedrag beoog in hierdie paragraaf ten opsigte van daardie omskakelbare klas van aandele onmiddellik voor daardie omskakeling wat in dieselfde verhouding tot daardie bedrag staan as die aantal aandele so omgeskakel in verhouding staan tot die totale aantal van daardie omgeskakelde klas van aandele voor daardie omskakeling:";

(q) deur in subartikel (1) die omskrywing van "uittreebelang" met die volgende omskrywing te vervang:

" **'uittreebelang'** 'n lid se aandeel van die waarde van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds soos bepaal ingevolge die reëls van die fonds **[op sy of haar uittreedatum]** op die datum waarop hy of sy kies om af te tree;";

(r) deur in subartikel (1) in die omskrywing van "uittreedatum" paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* 'n lid van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds, ingevolge die reëls van daardie fonds, kies om af te tree en geregtig word op 'n annuïteit of 'n enkelbedragvoordeel beoog in paragraaf 2(1)*(a)*(i) van die Tweede Bylae op of na die bereiking van normale uittreeouderdom; of";

(s) deur in subartikel (1) na die omskrywing van "waterdiensteverskaffer" die volgende omskrywing in te voeg:

" **'Wet op die Beheer van Aandeleblokke'** die Wet op die Beheer van Aandeleblokke, 1980 (Wet No. 59 van 1980);"; en

(t) deur in subartikel (1) na die omskrywing van "Wet op Pensioenfondse" die volgende omskrywings in te voeg:

'Wet op die Raad op Finansiële Dienste', die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990);".

(2) Paragraaf *(e)* van subartikel (1) tree in werking op 1 Januarie 2015.

(3) Paragraaf *(f)* van subartikel (1) word geag op 1 Mei 2004 in werking te getree het.

(4) Paragrawe *(b)*, *(c)*, *(d)*, *(q)* en *(r)* van subartikel (1) tree in werking op 1 Maart 2015.

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, artikel 13 van Wet 45 van 2003, artikel 4 van Wet 16 van 2004, artikel 2 van Wet 21 van 2006, artikel 1 van Wet 9 van 2007, artikel 3 van Wet 36 van 2007, artikel 1 van Wet 4 van 2008, artikel 2 van Wet 61 van 2008, artikel 5 van Wet 60 van 2008, artikel 14 van Wet 8 van 2010, artikel 271 gelees saam met paragraaf 25 van Bylae 1 by Wet 28 van 2011 en artikel 2 van Wet 39 van 2013

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

(a) deur in subartikel (5) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"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—"; and

(b) by the substitution for subsection (6) of the following subsection:

"(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 accordance with the provisions of Chapter 9 of the Tax Administration Act.".

Amendment of section 6B of Act 58 of 1962, as inserted by section 7 of Act 22 of 2012

3. (1) Section 6B of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3) for paragraph *(c)* of the following paragraph:

"*(c)* in any other case, if the aggregate of—

(i) the amount of the fees paid by the person to a medical scheme or fund contemplated in section 6A(2)*(a)* as exceeds four times the amount of the medical scheme fees tax credit to which that person is entitled under section 6A(2)*(b)*; and

(ii) the amount of qualifying medical expenses paid by the person,

exceeds 7,5 per cent of the person's taxable income (excluding any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit), 25 per cent of the excess.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2014 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 7 of Act 58 of 1962, as amended by section 5 of Act 90 of 1962, section 8 of Act 88 of 1965, section 5 of Act 55 of 1966, section 7 of Act 94 of 1983, section 2 of Act 30 of 1984, section 5 of Act 90 of 1988, section 5 of Act 70 of 1989, section 4 of Act 101 of 1990, section 7 of Act 129 of 1991, section 5 of Act 141 of 1992, section 6 of Act 21 of 1995, section 23 of Act 30 of 1998, section 13 of Act 53 of 1999, section 5 of Act 59 of 2000, section 10 of Act 74 of 2002, section 17 of Act 45 of 2003, section 5 of Act 32 of 2004, section 9 of Act 31 of 2005, section 8 of Act 35 of 2007, section 4 of Act 3 of 2008, section 8 of Act 60 of 2008, section 10 of Act 17 of 2009, section 15 of Act 24 of 2011 and section 8 of Act 31 of 2013

4. (1) Section 7 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (11) for paragraph *(b)* of the following paragraph:

"*(b)* **[section 37D(1)*(d)*(ii)]** section 37D(1)*(e)* of the Pension Funds Act, to the extent that the deduction is a result of a deduction contemplated in paragraph *(a)*,".

(2) Subsection (1) is deemed to have come into operation on 28 February 2014.

Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966, section 10 of Act 89 of 1969, section 6 of Act 90 of 1972, section 8 of Act 85 of 1974, section 7 of Act 69 of 1975, section 7 of Act 113 of 1977, section 8 of Act 94 of 1983, section 5 of Act 121 of 1984, section 4 of Act 96 of 1985, section 5 of Act 65 of 1986, section 6 of Act 85 of 1987, section 6 of Act 90 of 1988, section 5 of Act 101 of 1990, section 9 of Act 129 of 1991, section 6 of Act 141 of 1992, section 4 of Act 113 of 1993, section 6 of Act 21 of 1994, section 8 of Act 21 of 1995, section 6 of Act 36 of 1996, section 6 of Act 28 of 1997, section 24 of Act 30 of 1998, section 14 of Act 53 of 1999, section 17 of Act 30 of 2000, section 6 of Act 59 of 2000, section 7 of Act 19 of 2001, section 21 of Act 60 of 2001, section 12 of Act 30 of 2002, section 11 of Act 74 of 2002, section 18 of Act 45 of 2003, section 6 of Act 32 of 2004, section 4 of Act

"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—";

(b) deur subartikel (6) deur die volgende subartikel te vervang:

"(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 ooreenkomstig die bepalings van Hoofstuk 9 van die Wet op Belastingadministrasie.".

Wysiging van artikel 6B van Wet 58 van 1962, soos ingevoeg deur artikel 7 van Wet 22 van 2012

3. (1) Artikel 6B van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3) paragraaf *(c)* deur die volgende paragraaf te vervang:

"*(c)* in enige ander geval, indien die totaal van—

(i) die bedrag van die fooie betaal deur die persoon aan 'n mediese skema of fonds beoog in artikel 6A(2)*(a)* wat vier maal die bedrag van die belastingkrediet vir mediese skemafooie waarop daardie persoon kragtens artikel 6A(2)*(b)* geregtig is, oorskry; en

(ii) die bedrag van kwalifiserende mediese onkoste deur die persoon betaal, wat 7,5 persent van die persoon se belasbare inkomste (behalwe enige uittreefonds enkelbedragvoordeel, uittreefonds enkelbedragonttrekkingsvoordeel en skeidingsvoordeel) oorskry, 25 persent van die oorskryding.".

(2) Subartikel (1) word geag op 1 Maart 2014 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 7 van Wet 58 van 1962, soos gewysig deur artikel 5 van Wet 90 van 1962, artikel 8 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 7 van Wet 94 van 1983, artikel 2 van Wet 30 van 1984, artikel 5 van Wet 90 van 1988, artikel 5 van Wet 70 van 1989, artikel 4 van Wet 101 van 1990, artikel 7 van Wet 129 van 1991, artikel 5 van Wet 141 van 1992, artikel 6 van Wet 21 van 1995, artikel 23 van Wet 30 van 1998, artikel 13 van Wet 53 van 1999, artikel 5 van Wet 59 van 2000, artikel 10 van Wet 74 van 2002, artikel 17 van Wet 45 van 2003, artikel 5 van Wet 32 van 2004, artikel 9 van Wet 31 van 2005, artikel 8 van Wet 35 van 2007, artikel 4 van Wet 3 van 2008, artikel 8 van Wet 60 van 2008, artikel 10 van Wet 17 van 2009, artikel 15 van Wet 24 van 2011 en artikel 8 van Wet 31 van 2013

4. (1) Artikel 7 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (11) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* **[artikel 37D(1)*(d)*(ii)]** artikel 37D(1)*(e)* van die Wet op Pensioenfondse namate die aftrekking 'n gevolg is van 'n aftrekking beoog in paragraaf *(a)*,".

(2) Subartikel (1) word geag op 28 Februarie 2014 in werking te getree het.

Wysiging van artikel 8 van Wet 58 van 1962 soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van 1972, artikel 8 van Wet 85 van 1974, artikel 7 van Wet 69 van 1975, artikel 7 van Wet 113 van 1977, artikel 8 van Wet 94 van 1983, artikel 5 van Wet 121 van 1984, artikel 4 van Wet 96 van 1985, artikel 5 van Wet 65 van 1986, artikel 6 van Wet 85 van 1987, artikel 6 van Wet 90 van 1988, artikel 5 van Wet 101 van 1990, artikel 9 van Wet 129 van 1991, artikel 6 van Wet 141 van 1992, artikel 4 van Wet 113 van 1993, artikel 6 van Wet 21 van 1994, artikel 8 van Wet 21 van 1995, artikel 6 van Wet 36 van 1996, artikel 6 van Wet 28 van 1997, artikel 24 van Wet 30 van 1998, artikel 14 van Wet 53 van 1999, artikel 17 van Wet 30 van 2000, artikel 6 van Wet 59 van 2000, artikel 7 van Wet 19 van 2001, artikel 21 van Wet 60 van 2001, artikel 12 van Wet 30 van 2002, artikel 11 van Wet 74 van 2002, artikel 18 van Wet 45 van 2003, artikel 6 van Wet 32 van 2004, artikel 4 van Wet 9 van 2005, artikel 21 van Wet 9 van 2006,

9 of 2005, section 21 of Act 9 of 2006, section 5 of Act 20 of 2006, section 6 of Act 8 of 2007, section 9 of Act 35 of 2007, sections 1 and 5 of Act 3 of 2008, section 9 of Act 60 of 2008, section 11 of Act 17 of 2009, section 10 of Act 7 of 2010, section 16 of Act 24 of 2011, section 271 of Act 28 of 2011, read with paragraph 30 of Schedule 1 to that Act, section 9 of Act 22 of 2012 and section 9 of Act 31 of 2013

5. (1) Section 8 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1)*(b)* for subparagraph (i) of the following subparagraph:

"(i) any allowance or advance in respect of transport expenses shall, to the extent to which such allowance or advance has been expended by the recipient on private travelling (including travelling between his or her place of residence and his or her place of employment or business or any other travelling done for his or her private or domestic purposes), be deemed not to have been actually expended on travelling on business;";

(b) by the deletion in subsection (4) of paragraphs *(g)*, *(h)*, *(i)* and *(j)*; and

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

"*(b)* Where any amount has been paid by any person for the right of use or occupation of any property which is thereafter acquired by that or any other person for a consideration which in the opinion of the Commissioner is not an adequate consideration or for no consideration, it shall for the purposes of paragraph *(a)* be deemed, unless the Commissioner having regard to the circumstances of the case otherwise decides, that the said amount, or so much thereof as does not exceed the fair market value of such property **[as determined by the Commissioner]** less the amount of the consideration, if any, for which it has been acquired as aforesaid, has been applied in reduction or towards settlement of the purchase price of such property.".

(2) Paragraph *(b)* of subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 8C of Act 58 of 1962, as inserted by section 8 of Act 32 of 2004 and amended by section 12 of Act 31 of 2005, section 7 of Act 20 of 2006, section 11 of Act 35 of 2007, section 11 of Act 60 of 2008, section 12 of Act 7 of 2010, section 19 of Act 24 of 2011 and section 10 of Act 31 of 2013

6. Section 8C of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1)*(a)* for the words preceding subparagraph (i) of the following words:

"Notwithstanding sections **[9B,]** 9C and 23*(m)*, a taxpayer must include in or deduct from his or her income for a year of assessment any gain or loss determined in terms of subsection (2) in respect of the vesting during that year of any equity instrument, if that equity instrument was acquired by that taxpayer—".

Amendment of section 8EA of Act 58 of 1962, as inserted by section 12 of Act 22 of 2012 and amended by section 11 of Act 31 of 2013

7. (1) Section 8EA of the Income Tax Act, 1962, is hereby amended—

(a) by substitution in section (1) in the definition of "operating company" for paragraph *(a)* of the following paragraph:

"*(a)* any company that carries on business continuously, and in the course or furtherance of that business—

(i) provides goods or services for consideration; or

(ii) carries on exploration for natural resources;";

(b) by the substitution in subsection (1) in the definition of "qualifying purpose" for the words preceding paragraph *(a)* of the following words:

"in relation to the application of the funds derived from the issue of a preference share, means one or more of the following purposes:";

artikel 5 van Wet 20 van 2006, artikel 6 van Wet 8 van 2007, artikel 9 van Wet 35 van 2007, artikels 1 en 5 van Wet 3 van 2008, artikel 9 van Wet 60 van 2008, artikel 11 van Wet 17 van 2009, artikel 10 van Wet 7 van 2010, artikel 16 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 30 van Bylae 1 by daardie Wet, artikel 9 van Wet 22 van 2012 en artikel 9 van Wet 31 van 2013

5. (1) Artikel 8 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) word ’n toelae of voorskot ten opsigte van reiskoste, in die mate waarin bedoelde toelae of voorskot deur die ontvanger aan private reise bestee is (met inbegrip van reise tussen sy of haar woonplek en sy of haar werk- of besigheidsplek of ander reise vir sy of haar private of huishoudelike doeleindes onderneem) geag nie werklik aan reis vir besigheidsdoeleindes bestee te gewees het nie;”;

(b) deur in subartikel (4) of paragrawe *(g)*, *(h)*, *(i)* en *(j)* te skrap; en

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

“*(b)* Waar ’n bedrag deur iemand betaal is vir die reg om eiendom te gebruik of te okkupeer wat daarna deur so iemand of iemand anders verkry word teen ’n vergoeding wat volgens die Kommissaris se oordeel nie ’n voldoende vergoeding is nie of vir geen vergoeding, word, tensy die Kommissaris met inagneming van die omstandighede van die geval anders besluit, by die toepassing van paragraaf *(a)* veronderstel dat bedoelde bedrag, of soveel daarvan as wat nie die billike markwaarde van bedoelde eiendom **[soos deur die Kommissaris bepaal]** min die bedrag van die vergoeding, as daar is, waarteen dit soos voormeld verkry is, te bowe gaan nie, ter vermindering of afbetaling van die koopprys van bedoelde eiendom aangewend is.”.

(2) Paragraaf *(b)* van subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 8C van Wet 58 van 1962, soos ingevoeg deur artikel 8 van Wet 32 van 2004 en gewysig deur artikel 12 van Wet 31 van 2005, artikel 7 van Wet 20 van 2006, artikel 11 van Wet 35 van 2007, artikel 11 van Wet 60 van 2008, artikel 12 van Wet 7 van 2010, artikel 19 van Wet 24 van 2011 en artikel 10 van Wet 31 van 2013

6. Artikel 8C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1)*(a)* die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“Ondanks artikels **[9B,]** 9C en 23*(m)*, moet ’n belastingpligtige by sy inkomste vir ’n jaar van aanslag insluit of daarvan aftrek enige wins of verlies ingevolge subartikel (2) bepaal ten opsigte van die vestiging in daardie jaar van enige ekwiteitsinstrument, indien daardie ekwiteitsinstrument deur daardie belastingpligtige verkry is—”.

Wysiging van artikel 8EA van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 22 van 2012 en gewysig deur artikel 11 van Wet 31 van 2013

7. (1) Artikel 8EA van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van “bedryfsmaatskappy” paragraaf *(a)* deur die volgende paragraaf te vervang:

“*(a)* voortdurend besigheid dryf, en in die loop of bevordering van daardie besigheid—

(i) goedere of dienste vir vergoeding verskaf; of

(ii) opsporingsbedrywighede vir natuurlike hulpbronne uitvoer;”;

(b) deur in subartikel (1) in die omskrywing van “kwalifiserende doel” die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

“met betrekking tot die aanwending van die fondse verkry uit die uitreik van ’n voorkeuraandeel, een of meer van die volgende doeleindes:”;

(c) by the substitution in subsection (3)*(b)* for subparagraph (ii) of the following subparagraph:

“(ii) any issuer of a preference share if that preference share was issued for **[the purpose of the direct or indirect acquisition by any person of an equity share in an operating company to which that qualifying purpose relates]** a qualifying purpose;”; and

(d) by the deletion in subsection (3)*(b)* of the word “or” at the end of subparagraph (v), the addition to subsection (3)*(b)* of the expression “; or” at the end of subparagraph (vi), and the addition to subsection (3)*(b)* of the following subparagraph:

“(vii) any person that holds equity shares in an issuer contemplated in subparagraph (ii) if—

(aa) that issuer used the funds provided by that person solely for the acquisition by that issuer, other than from a company that immediately before that acquisition formed part of the same group of companies as the issuer, of equity shares in an operating company; and

(bb) the enforcement right exercisable or enforcement obligation enforceable against that person is limited to any rights in and claims against that issuer that are held by that person.”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect of any dividend or foreign dividend received or accrued during years of assessment commencing on or after that date.

Amendment of section 8F of Act 58 of 1962, as substituted by section 12 of Act 31 of 2013

8. Section 8F of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph *(b)* of the following paragraph:

“*(b)* accrues to a person to whom an amount is owed in respect of a hybrid debt instrument is deemed for the purposes of this Act to be a dividend *in specie* that **[accrues]** is declared and paid to that person on the last day of the year of assessment of the company contemplated in paragraph *(a)*.”.

Amendment of section 8FA of Act 58 of 1962, as inserted by section 14 of Act 31 of 2013 and amended by section 15 of that Act

9. (1) Section 8FA of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph *(b)* of the following paragraph:

“*(b)* accrues to a person to which an amount is owed in respect of the hybrid interest must be deemed for the purposes of this Act to be a dividend *in specie* that **[accrues]** is declared and paid to that person on the last day of that year of assessment of the company contemplated in paragraph *(a)*.”.

(2) Subsection (1) is deemed to have come into operation on 1 April 2014 and applies in respect of amounts incurred on or after that date.

Amendment of section 9 of Act 58 of 1962, as substituted by section 22 of Act 24 of 2011 and amended by section 16 of Act 31 of 2013

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

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

“constitutes a lump sum, a pension or an annuity and the services in respect of which that amount is so received or accrues were rendered within the Republic”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) For the purposes of paragraph *(i)* of subsection (2), any amount granted to a person by way of lump sum, a pension or annuity must be deemed to have been received by or to have accrued to that person in respect of services rendered by that person.”.

(c) deur in subartikel (3)*(b)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) enige uitreiker van 'n voorkeuraandeel indien daardie voorkeuraandeel uitgereik is met die oog op **[die regstreekse of onregstreekse verkryging deur enige persoon van 'n ekwiteitsaandeel in 'n bedryfsmaatskappy waarop daardie kwalifiserende doel betrekking het]** 'n kwalifiserende doel;";

(d) deur in subartikel (3)*(b)* aan die einde van subparagraaf (v) die woord "of" te skrap, deur in subartikel (3)*(b)* aan die einde van subparagraaf (vi) die punt deur die uitdrukking "; en" te vervang en, in subartikel (3)*(b)* na subparagraaf (vi) die volgende subparagraaf by te voeg:

"(vii) enige persoon wat ekwiteitsaandele hou in 'n uitreiker in subparagraaf (ii) beoog indien—

(aa) daardie uitreiker die fondse deur daardie persoon voorsien uitsluitlik gebruik het vir die verkryging deur daardie uitreiker van ekwiteitsaandele in 'n bedryfsmaatskappy; en

(bb) die afdwingingsreg uitoefenbaar of afdwingingsverpligting afdwingbaar teen daardie persoon beperk is tot regte in en eise teen daardie uitreiker wat gehou word deur daardie persoon.".

(2) Subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van enige dividend of buitelandse dividend of toegeval gedurende jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 8F van Wet 58 van 1962, soos vervang deur artikel 12 van Wet 31 van 2013

8. Artikel 8FA van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(b)* toeval aan 'n persoon waaraan 'n bedrag ten opsigte van 'n hibriede skuldinstrument verskuldig is, word by die toepassing van hierdie Wet geag 'n dividend *in specie* te wees wat verklaar is en aan daardie persoon **[toeval]** betaal is op die laaste dag van die jaar van aanslag van die maatskappy in paragraaf *(a)* beoog.".

Wysiging van artikel 8FA van Wet 58 van 1962, soos ingevoeg deur die artikel 14 van Wet 31 van 2013 en gewysig deur artikel 15 van daardie Wet

9. (1) Artikel 8FA van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* toeval aan 'n persoon waaraan 'n bedrag ten opsigte van die hibriede rente verskuldig is, moet by die toepassing van hierdie Wet geag word 'n dividend *in specie* te wees wat op die laaste dag van daardie jaar van aanslag verklaar word en aan daardie persoon **[toeval]** betaal word vanaf die maatskappy in paragraaf *(a)* beoog.".

(2) Subartikel (1) word geag op 1 April 2014 in werking te getree het en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.

Wysiging van artikel 9 van Wet 58 van 1962, soos vervang deur artikel 22 van Wet 24 van 2011 en gewysig deur artikel 16 van Wet 31 van 2013

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

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

" 'n enkelbedrag, 'n pensioen of 'n jaargeld uitmaak en die dienste ten opsigte waarvan daardie bedrag aldus ontvang word of toeval binne die Republiek gelewer is"; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) By die toepassing van paragraaf *(i)* van subartikel (2) moet enige bedrag toegestaan aan 'n persoon by wyse van enkelbedrag, 'n pensioen of jaargeld geag word deur of aan daardie persoon ontvang of toegeval te wees ten opsigte van dienste deur daardie persoon gelewer.".

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 9C of Act 58 of 1962, as inserted by section 14 of Act 35 of 2007 and amended by section 7 of Act 3 of 2008, section 12 of Act 60 of 2008, section 15 of Act 7 of 2010, section 24 of Act 24 of 2011, section 13 of Act 22 of 2012 and section 18 of Act 31 of 2013

11. Section 9C of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) in the definition of "qualifying share" for paragraph *(a)* of the following paragraph:

"*(a)* a share in a share block company as defined in section 1 of the Share Blocks Control Act**[, 1980 (Act No. 59 of 1980)]**;".

Amendment of section 9D of Act 58 of 1962, as inserted by section 9 of Act 28 of 1997 and amended by section 28 of Act 30 of 1998, section 17 of Act 53 of 1999, section 19 of Act 30 of 2000, section 10 of Act 59 of 2000, section 9 of Act 5 of 2001, section 22 of Act 60 of 2001, section 14 of Act 74 of 2002, section 22 of Act 45 of 2003, section 13 of Act 32 of 2004, section 14 of Act 31 of 2005, section 9 of Act 20 of 2006, sections 9 and 96 of Act 8 of 2007, section 15 of Act 35 of 2007, section 8 of Act 3 of 2008, section 13 of Act 60 of 2008, section 12 of Act 17 of 2009, sections 16 and 146 of Act 7 of 2010, section 25 of Act 24 of 2011, sections 14 and 156 of Act 22 of 2012 and section 19 of Act 31 of 2013

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

(a) by the deletion in subsection (1) of the definition of "foreign financial instrument holding company"; and

(b) by the substitution in subsection (2A) for paragraph (i) of the further proviso of the following paragraph:

"(i) the net income of a controlled foreign company in respect of a foreign tax year shall be deemed to be nil where—

(aa) the aggregate amount of **[tax]** taxes on income payable to all spheres of government of any country other than the Republic by the controlled foreign company in respect of the foreign tax year of that controlled foreign company is at least 75 per cent of the amount of normal tax that would have been payable in respect of any taxable income of the controlled foreign company had the controlled foreign company been a resident for that foreign tax year; or

(bb) all the receipts and accruals of that controlled foreign company are—

(i) attributable to any foreign business establishment of that controlled foreign company as contemplated in subsection (9)*(b)*; and

(ii) not required to be taken into account in terms of subsection (9A); and".

(2) Paragraph *(b)* of subsection (1) comes into operation on 31 December 2014 and applies in respect of years of assessment ending on or after that date.

Amendment of section 9H of Act 58 of 1962, as substituted by section 17 of Act 22 of 2012 and amended by section 21 of Act 31 of 2013

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

(a) by the substitution for subsection (6) of the following subsection:

"(6) This section must not apply in respect of any company that ceases to be a controlled foreign company as a result of—

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(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing op jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 9C van Wet 58 van 1962, soos ingevoeg deur artikel 14 van Wet 35 van 2007 en gewysig deur artikel 7 van Wet 3 van 2008, artikel 12 van Wet 60 van 2008, artikel 15 van Wet 7 van 2010, artikel 24 van Wet 24 van 2011, artikel 13 van Wet 22 van 2012 en artikel 18 van Wet 31 van 2013

11. Artikel 9C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) in die omskrywing van ''kwalifiserende aandeel'' paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* 'n aandeel in 'n aandeleblokmaatskappy soos in artikel 1 van die Wet op Beheer van Aandeleblokke**[, 1980 (Wet No. 59 van 1980),]** omskryf, uitgemaak het;''.

Wysiging van artikel 9D van Wet 58 van 1962, soos ingevoeg deur artikel 9 van Wet 28 van 1997 en gewysig deur artikel 28 van Wet 30 van 1998, artikel 17 van Wet 53 van 1999, artikel 19 van Wet 30 van 2000, artikel 10 van Wet 59 van 2000, artikel 9 van Wet 5 van 2001, artikel 22 van Wet 60 van 2001, artikel 14 van Wet 74 van 2002, artikel 22 van Wet 45 van 2003, artikel 13 van Wet 32 van 2004, artikel 14 van Wet 31 van 2005, artikel 9 van Wet 20 van 2006, artikel 9 en 96 van Wet 8 van 2007, artikel 15 van Wet 35 van 2007, artikel 8 van Wet 3 van 2008, artikel 13 van Wet 60 van 2008, artikel 12 van Wet 17 van 2009, artikels 16 en 146 van Wet 7 van 2010, artikel 25 van Wet 24 van 2011, artikels 14 en 156 van Wet 22 van 2012 en artikel 19 van Wet 31 van 2013

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

(a) deur in subartikel (1) die omskrywing van ''buitelandse finansiële instrumenthouermaatskappy'' te skrap;

(b) deur in subartikel (2A) paragraaf (i) van die verdere voorbehoudsbepaling te vervang deur die volgende paragraaf:

''(i) die netto inkomste van 'n beheerde buitelandse maatskappy ten opsigte van 'n buitelandse belastingjaar geag word nul te wees waar—

(aa) die totale bedrag van belasting op inkomste betaalbaar aan alle regeringsfere van enige land behalwe die Republiek deur die beheerde buitelandse maatskappy ten opsigte van die buitelandse belastingjaar van daardie beheerde buitelandse maatskappy minstens 75 persent is van die bedrag van normale belasting wat ten opsigte van belasbare inkomste van die beheerde buitelandse maatskappy betaalbaar sou gewees het indien die beheerde buitelandse maatskappy gedurende daardie buitelandse belastingjaar 'n inwoner was; of

(bb) al die ontvangste en toevallings van daardie beheerde buitelandse maatskappy—

(i) toeskryfbaar is aan 'n buitelandse besigheidsaak van die beheerde buitelandse maatskappy soos beoog in subartikel (9)*(b)*; en

(ii) nie uit hoofde van subartikel (9A) in ag geneem hoef te word nie; en''.

(2) Paragraaf *(b)* van subartikel (1) tree in werking op 31 Desember 2014 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 9H van Wet 58 van 1962, soos vervang deur artikel 17 van Wet 22 van 2012 en gewysig deur artikel 21 van Wet 31 van 2013

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

(a) deur subartikel (6) deur die volgende subartikel te vervang:

''(6) Hierdie artikel is nie van toepassing nie ten opsigte van 'n maatskappy wat ophou om 'n beheerde buitelandse maatskappy te wees as gevolg van—

(a) an amalgamation transaction as defined in section 44(1) to which section 44 applies; or
(b) a liquidation distribution as defined in section 47(1) to which section 47 applies.''; and

(b) by the addition after subsection (6) of the following subsection:
''(7) For the purposes of subsections (2) and (3), the market value of any asset must be determined in the currency of expenditure incurred to acquire that asset.''.

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect of years of assessment commencing on or after that date.

(3) Paragraph *(b)* of subsection (1) comes into operation on 1 January 2015.

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, section 9 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 1 of Act 49 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, section 26 of Act 45 of 2003, sections 8 and 62 of Act 16 of 2004, section 14 of Act 32 of 2004, section 5 of Act 9 of 2005, section 16 of Act 31 of 2005, section 23 of Act 9 of 2006, sections 10 and 101 of Act 20 of 2006, sections 2, 10, 88 and 97 of Act 8 of 2007, section 2 of Act 9 of 2007, section 16 of Act 35 of 2007, sections 1 and 9 of Act 3 of 2008, section 2 of Act 4 of 2008, section 16 of Act 60 of 2008, sections 13 and 95 of Act 17 of 2009, section 18 of Act 7 of 2010, sections 28 and 160 of Act 24 of 2011, section 271 of Act 28 of 2011, read with paragraph 31 of Schedule 1 to that Act, sections 19, 144, 157 and 166 of Act 22 of 2012 and section 23 of Act 31 of 2013

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

(a) by the insertion in subsection (1) after paragraph *(c*P*)* of the following paragraph:
''*(c*Q*)* the receipts and accruals of any small business funding entity approved by the Commissioner in terms of section 30C, to the extent that the receipts and accruals are derived—
(i) otherwise than from any business undertaking or trading activity; or
(ii) from any business undertaking or trading activity—
(aa) if the undertaking or activity—
(A) is integral and directly related to the sole or principal object of that small business funding entity;
(B) is carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost; and
(C) does not result in unfair competition in relation to taxable entities;

(a) 'n amalgamasietransaksie soos omskryf in artikel 44(1) waarop artikel 44 van toepassing is; of

(b) 'n likwidasieuitkering soos omskryf in artikel 47(1) waarop artikel 47 van toepassing is.''; en

(b) deur die volgende subartikel na subartikel (6) by te voeg:

''(7) By die toepassing van subartikels (2) en (3), moet die markwaarde van enige bate vesgestel word in die geldeenheid waarin die uitgawe aangegaan is om daardie bate te verkry.''.

(2) Paragraaf *(a)* van subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(3) Paragraaf *(b)* van subartikel (1) tree in werking op 1 Januarie 2015.

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 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 1 van Wet 49 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, artikel 26 van Wet 45 van 2003, artikels 8 en 62 van Wet 16 van 2004, artikel 14 van Wet 32 van 2004, artikel 5 van Wet 9 van 2005, artikel 16 van Wet 31 van 2005, artikel 23 van Wet 9 van 2006, artikels 10 en 101 van Wet 20 van 2006, artikels 2, 10, 88 en 97 van Wet 8 van 2007, artikel 2 van Wet 9 van 2007, artikel 16 van Wet 35 van 2007, artikel 9 van Wet 3 van 2008, artikel 16 van Wet 60 van 2008, artikels 13 en 92 van Wet 17 van 2009, artikel 18 van Wet 7 van 2010, artikels 28 en 160 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 31 van Bylae 1 by daardie Wet, artikels 19, 144, 157 en 166 van Wet 22 van 2012 en artikel 23 van Wet 31 van 2013

14. (1) Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) na paragraaf *(c*P*)* die volgende paragraaf in te voeg:

''*(c*Q*)* die ontvangste en toevallings van enige kleinsake befondsingsentiteit ingevolge artikel 30C deur die Kommissaris goedgekeur, in die mate wat die ontvangste en toevallings verkry is—

(i) anders as uit enige besigheidsonderneming of handelsaktiwiteit; of

(ii) uit enige besigheidsonderneming of handelsaktiwiteit—

(aa) indien die onderneming of aktiwiteit—

(A) integraal en direk verwant is tot die enigste of vernaamste oogmerk van daardie kleinsake befondsingsentiteit;

(B) beoefen of uitgevoer word op 'n grondslag waarvan wesenlik die geheel gerig is op die verhaling van koste; en

(C) wat nie onregverdige mededinging met betrekking tot belasbare entiteite tot gevolg het nie;

(bb) if the undertaking or activity is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation;

(cc) if the undertaking or activity is approved by the Minister by notice in the *Gazette*, having regard to—

(A) the scope and benevolent nature of the undertaking or activity;

(B) the direct connection and interrelationship of the undertaking or activity with the sole or principal object of the small business funding entity;

(C) the profitability of the undertaking or activity; and

(D) the level of economic distortion that may be caused by the tax exempt status of the small business funding entity carrying out the undertaking or activity; or

(dd) other than an undertaking or activity in respect of which item *(aa)*, *(bb)* or *(cc)* applies and do not exceed the greater of—

(A) 5 per cent of the total receipts and accruals of that small business funding entity during the relevant year of assessment; or

(B) R200 000;";

(b) by the substitution in subsection (1)*(e)*(i) for item *(bb)* of the following item:

"*(bb)* a share block company as defined in the Share Blocks Control Act**[, 1980 (Act No. 59 of 1980),]** from the holders of shares in that share block company; or";

(c) by the substitution in subsection (1)*(g*C*)* for subparagraph (ii) of the following subparagraph:

"(ii) lump sum, pension or annuity received by or accrued to any resident from a source outside the Republic as consideration for past employment outside the Republic;";

(d) by the substitution in subsection (1) for subparagraph *(g*I*)* of the following subparagraph:

"*(g*I*)* any amount received or accrued in respect of a policy of insurance relating to the death, disablement, illness or unemployment of a person who is the policyholder or an employee of the policyholder in respect of that policy of insurance to the extent to which the benefits in terms of that policy are paid as a result of death, disablement, illness or unemployment;";

(e) by the substitution in subsection (1)*(i)* for the words preceding subparagraph (i) of the following words:

"in the case of any taxpayer who is a natural person, so much of the aggregate of any interest received by or accrued to him or her, other than interest in respect of a tax free investment as defined in section 12T(1), from a source in the Republic as does not during the year of assessment exceed—";

(f) by the substitution in subsection (1) for paragraph *(i*B*)* of the following paragraph:

"*(i*B*)* any amount received by or accrued to a holder of a participatory interest in a portfolio of a collective investment scheme in securities by way of a distribution from that portfolio if that amount is deemed to have accrued to that portfolio in terms of **[section 25BA*(b)*]** section 25BA(1)*(b)* and that amount **[is]** was subject to normal tax **[at the time that the amount is deemed to accrue to]** in the hands of that portfolio **[of a collective investment scheme in securities]**;";

(g) by the substitution in subsection (1)*(k)*(i)*(gg)* for the words preceding the proviso of the following words:

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(bb) indien die onderneming of aktiwiteit van 'n toevallige aard is en wesenlik onderneem word met vrywillige bystand sonder vergoeding;

(cc) indien die onderneming of aktiwiteit deur die Minister by kennisgewing in die Staatskoerant goedgekeur is, met inagneming van—

(A) die omvang en welwillendheidsaard van die onderneming of aktiwiteit;

(B) die direkte verband en verwantskap van die onderneming of aktiwiteit met die enigste of vernaamste oogmerk van die kleinsake befondsingsentiteit;

(C) die winsgewendheid van die onderneming of aktiwiteit; en

(D) die vlak van ekonomiese verwringing wat deur die belastingvrye status van die kleinsake befondsingsentiteit wat die onderneming of aktiwiteit bedryf, veroorsaak mag word; of

(dd) behalwe 'n onderneming of aktiwiteit ten opsigte waarvan item *(aa)*, *(bb)* of *(cc)* van toepassing is en nie meer is nie as die grootste van—

(A) 5 persent van die totale ontvangste en toevallings van daardie kleinsake befondsingsentiteit gedurende die betrokke jaar van aanslag; of

(B) R200 000;";

(b) deur in subartikel (1)*(e)*(i) item *(bb)* deur die volgende item te vervang:

"*(bb)* 'n aandeleblokmaatskappy soos omskryf in die Wet op die Beheer van Aandeleblokke**[, 1980 (Wet No. 59 van 1980),]** van die houers van aandele in daardie aandeleblokmaatskappy; of";

(c) deur in subartikel (1)*(g*C*)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) enkelbedrag, pensioen of jaargeld ontvang deur of toegeval aan enige inwoner uit 'n bron buite die Republiek as vergoeding vir dienste in die verlede buite die Republiek gelewer;";

(d) deur in subartikel (1) paragraaf *(g*I*)* deur die volgende paragraaf te vervang:

"*(g*I*)* enige bedrag ontvang of toegeval ten opsigte van 'n versekeringspolis met betrekking tot die dood, gestremdheid, siekte of werkloosheid van 'n persoon wat die polishouer of die werkgewer van die persoon wat die polishouer ten opsigte van daardie versekeringspolis is namate die voordele kragtens daardie polis betaal word as gevolg van dood, gestremdheid, siekte of werkloosheid;";

(e) deur in subartikel (1)*(i)* die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

"in die geval van 'n belastingpligtige wat 'n natuurlike persoon is, so veel van die totaal van enige rente ontvang deur of toegeval aan hom of haar, buiten rente ten opsigte van in belastingvrye belegging soos omskryf in artikel 12T(1), van 'n bron in die Republiek as wat nie gedurende die jaar van aanslag-";

(f) deur in subartikel (1) paragraaf *(i*B*)* deur die volgende paragraaf te vervang:

"*(i*B*)* enige bedrag ontvang deur of toegeval aan 'n houer van 'n deelnemende belang in 'n portefeulje van 'n kollektiewe beleggingskema in effekte deur middel van 'n uitkering vanuit daardie portefeulje indien daardie bedrag ingevolge artikel **[25BA*(b)*]** artikel 25BA(1)*(b)* geag word aan daardie portefeulje toe te geval het en daardie bedrag aan normale belasting onderhewig **[is op die tydstip waarop die bedrag geag word aan]** was in die hande van daardie portefeulje **[van 'n kollektiewe beleggingskema in effekte toe te val]**;";

(g) deur in subartikel (1)*(k)*(i)*(gg)* die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"to any dividends received by or accrued to a company in respect of a share held by that company to the extent that the aggregate of those dividends does not exceed an amount equal to the aggregate of any amounts incurred by that company as compensation for any distributions in respect of any other share borrowed by the company, other than a share in respect of which any dividends were received by or accrued to that company as contemplated in paragraph *(ff)*, where the share so borrowed and the share so held are of the same kind and of the same or equivalent quality";

(h) by the substitution in subsection (1)*(k)*(i) for paragraph *(hh)* of the proviso of the following paragraph:

"*(hh)* to any dividends received by or accrued to a company **[other than dividends taken into account for the purposes of paragraph *(gg)*]** in respect of a share to the extent that—

(A) the aggregate of those dividends does not exceed an amount equal to the aggregate of any deductible expenditure incurred by that company or any amount taken into account that has the effect of reducing income in the application of section 24JB(2) **[, if]**; and

(B) the amount of that expenditure or reduction is determined **[wholly or partly]** directly or indirectly with reference to **[those dividends received by or accrued to that company]** the dividend in respect of a share of the same kind and of the same or equivalent quality as that share;";

(i) by the substitution in subsection (1) for paragraph *(l)* of the following paragraph:

"*(l)* the amount of any royalty as defined in section 49A which is received by or accrues **[by or]** to any person that is not a resident, unless **[that person]**—

(i) that person is a natural person who was physically present in the Republic for a period exceeding 183 days in aggregate during the twelve-month period preceding the date on which the amount is received by or **[accrued by or]** accrues to that person; or

(ii) **[at any time during the twelve-month period preceding the date on which the amount is received or accrued by or to that person carried on business through]** the intellectual property or the knowledge or information in respect of which that royalty is paid is effectively connected with a permanent establishment of that person in the Republic;";

(j) by the deletion in subsection (1)*(t)* of subparagraph (viii);

(k) by the substitution in subsection (1)*(z*I*)* for subparagraph (ii) of the following subparagraph:

"(ii) to the extent that person is required in terms of that Public Private Partnership to expend an amount at least equal to that amount in respect of any improvements on land or to buildings owned by any sphere of government or over which any sphere of government holds a servitude."; and

(l) by the insertion in subsection (1) after paragraph *(z*J*)* of the following paragraph:

"*(z*K*)* any amount received by or accrued to or in favour of a small, medium or micro-sized enterprise from a small business funding entity;".

(2) Paragraphs *(a)*, *(f)* and *(l)* of subsection (1) come into operation on 1 March 2015 and apply in respect of amounts received or accrued on or after that date.

(3) Paragraphs *(c)* and *(d)* of subsection (1) come into operation on 1 March 2015 and apply in respect of years of assessment commencing on or after that date.

(4) Paragraph *(e)* of subsection (1) comes into operation on 1 March 2015 and applies in respect of interest received or accrued on or after that date.

(5) Paragraph *(g)* of subsection (1) is deemed to have come into operation on 1 April 2014 and applies in respect of amounts received or accrued during years of assessment commencing on or after that date.

"op enige dividende ontvang deur of toegeval aan 'n maatskappy ten opsigte van 'n aandeel gehou deur daardie maatskappy namate die totaal van daardie dividende nie 'n bedrag oorskry nie gelyk aan die totaal van enige bedrae aangegaan deur daardie maatskappy as vergoeding vir enige uitkerings ten opsigte van enige ander aandeel geleen deur die maatskappy, buiten 'n aandeel ten opsigte waarvan enige dividende ontvang is deur of toegeval het aan daardie maatskappy soos beoog in paragraaf *(ff)*, waar die aandeel aldus geleen en die aandeel aldus gehou van dieselfde soort en van dieselfde of gelykstaande kwaliteit is";

(h) deur in subartikel (1)*(k)*(i) paragraaf *(hh)* van die voorbehoudsbepaling te vervang deur die volgende voorbehoudsbepaling:

"*(hh)* op enige dividende ontvang deur of toegeval aan 'n maatskappy **[buiten dividende in berekening gebring by die toepassing van paragraaf *(gg)*]** ten opsigte van 'n aandeel namate—

(A) die totaal van daardie dividende nie 'n bedrag gelyk aan die totaal van enige aftrekbare uitgawes aangegaan deur daardie maatskappy oorskry nie of enige bedrag in ag geneem wat die gevolg het van die vermindering van inkomste by die toepassing van artikel 24JB(2)**[, indien]**; en

(B) die bedrag van daardie uitgawes of vermindering bepaal word **[geheel of gedeeltelik]** direk of indirek met verwysing na **[daardie dividende ontvang deur of toegeval aan daardie maatskappy]** die dividend ten opsigte van 'n aandeel van dieselfde soort en van dieselfde of gelykstaande kwaliteit as daardie aandeel;";

(i) deur in subartikel (1) paragraaf *(l)* deur die volgende paragraaf te vervang:

"*(l)* die bedrag van enige tantième soos omskryf in artikel 49A wat ontvang word deur of toeval aan enige persoon wat nie 'n inwoner is nie, tensy **[daardie persoon]**—

(i) daardie persoon 'n natuurlike persoon is wat fisies in die Republiek teenwoordig was vir 'n tydperk wat 183 dae in totaal oorskry gedurende die tydperk van twaalf maande wat die datum voorafgaan waarop die bedrag ontvang word of toeval **[deur of]** aan daardie persoon; of

(ii) **[te eniger tyd gedurende die tydperk van twaalf maande wat die datum voorafgaan waarop die bedrag ontvang word of toeval deur of aan daardie persoon deur]** die immateriële goedere of die kennis of die inligting ten opsigte waarvan daardie tanti me betaal is, is toeskryfbaar aan 'n permanente saak in die Republiek **['n besigheid bedryf het]**;";

(j) deur in subartikel (1)*(t)* subparagraaf (viii) te skrap;

(k) deur in subartikel (1)*(z*I*)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) namate daardie persoon ingevolge daardie 'Public Private Partnership' 'n bedrag minstens gelykstaande aan daardie bedrag moet aangaan ten opsigte van enige verbeteringe aan grond of aan geboue wat aan enige regeringsfeer behoort of waaroor enige regeringsfeer 'n serwituut hou;"; en

(l) deur in subartikel (1) na paragraaf *(z*J*)* die volgende paragraaf in te voeg:

"*(z*K*)* enige bedrag ontvang deur of toegeval aan of ten gunste van 'n klein-, medium- of mikrobesigheid vanaf 'n kleinsake befondsingsentiteit;".

(2) Paragrawe *(a)*, *(f)* en *(l)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van bedrae ontvang of toegeval op of na daardie datum.

(3) Paragrawe *(c)* en *(d)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(4) Paragraaf *(e)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing op rente ontvang of toegeval op of na daardie datum.

(5) Paragraaf *(g)* van subartikel (1) word geag op 1 April 2014 in werking te getree het en is van toepassing ten opsigte van bedrae ontvang of toegeval gedurende jare van aanslag wat op of na daardie datum begin.

(6) Paragraph *(i)* of subsection (1) comes into operation on 1 January 2015 and applies in respect of royalties that are paid or become due and payable on or after that date.

(7) Paragraph *(k)* of subsection (1) comes into operation on 1 January 2015 and applies in respect expenditure incurred to effect improvements during any year of assessment commencing on or after that date.

Amendment of section 10B of Act 58 of 1962, as inserted by section 29 of Act 24 of 2011 and amended by section 4 of Act 13 of 2012, section 20 of Act 22 of 2012 and section 25 of Act 31 of 2013

15. (1) Section 10B of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3)*(b)*(ii)*(bb)* for subitem (B) of the following subitem:

"(B) an insurer in respect of its company policyholder fund **[and]**, corporate fund and risk policy fund,".

(2) Subsection (1) comes into operation on 1 January 2016.

Amendment of section 10C of Act 58 of 1962, as inserted by section 21 of Act 22 of 2012 and amended by section 26 of Act 31 of 2013

16. (1) Section 10C of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (1) in the definition of "compulsory annuity" of the word "or" at the end of paragraph *(b)*, the insertion of that word at the end of paragraph *(c)* and the addition of the following paragraph:

"*(d)* paragraph *(e)* of the definition of provident preservation fund.".

(2) Subsection (1) comes into operation on 1 March 2016.

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, section 27 of Act 45 of 2003, section 9 of Act 16 of 2004, section 16 of Act 32 of 2004, section 6 of Act 9 of 2005, section 18 of Act 31 of 2005, section 11 of Act 20 of 2006, section 11 of Act 8 of 2007, section 17 of Act 35 of 2007, sections 1 and 10 of Act 3 of 2008, section 18 of Act 60 of 2008, section 14 of Act 17 of 2009, section 19 of Act 7 of 2010, sections 30 and 161 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 33 of Schedule 1 to that Act, section 22 of Act 22 of 2012 and section 27 of Act 31 of 2013

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

(a) by the substitution for paragraph *(i)* of the following paragraph:

"*(i)* the amount of any debt due to the taxpayer which **[have]** has during the year of assessment become bad, provided such amount is included in the current year of assessment or was included in previous years of assessment in the taxpayer's income;"; and

(b) by the substitution for paragraph *(w)*(ii)*(cc)* of the following paragraph:

"*(cc)* the policy is not the property of any person other than the taxpayer at the time of the payment of the premium **[: Provided that any**

(6) Paragraaf *(i)* van subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van tantième wat op of na daardie datum betaal word of verskuldig en betaalbaar word.

(7) Paragraaf *(k)* van subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van uitgawes aangegaan om verbeteringe aan te bring gedurende enige jaar van aanslag wat op of na daardie datum begin.

Wysiging van artikel 10B van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 24 van 2011 en gewysig deur artikel 4 van Wet 13 van 2012, artikel 20 van Wet 22 van 2012 en artikel 25 van Wet 31 van 2013

15. (1) Artikel 10B van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3)*(b)*(ii)*(bb)* subitem (B) deur die volgende subitem te vervang:

"(B) 'n versekeraar ten opsigte van sy maatskappy polishouerfonds **[en]**, korporatiewe fonds en risikopolisfonds is,".

(2) Subartikel (1) tree in werking op 1 Januarie 2016.

Wysiging van artikel 10C van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 22 van 2012 en gewysig deur artikel 26 van Wet 31 van 2013

16. (1) Artikel 10C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) in die omskrywing van **"verpligte annuïteit"** die woord "of" aan die einde van paragraaf *(b)* te skrap, die punt aan die einde van paragraaf *(c)* deur die uitdrukking "; of" te vervang en die volgende paragraaf by te voeg:

"*(d)* paragraaf *(e)* van die omskrywing van 'voorsorgbewaringsfonds.".

(2) Subartikel (1) tree in werking op 1 Maart 2016.

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, artikel 27 van Wet 45 van 2003, artikel 9 van Wet 16 van 2004, artikel 16 van Wet 32 van 2004, artikel 6 van Wet 9 van 2005, artikel 18 van Wet 31 van 2005, artikel 11 van Wet 20 van 2006, artikel 11 van Wet 8 van 2007, artikel 17 van Wet 35 van 2007, artikels 1 en 10 van Wet 3 van 2008, artikel 18 van Wet 60 van 2008, artikel 14 van Wet 17 van 2009, artikel 19 van Wet 7 van 2010, artikels 30 en 161 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 33 van Bylae 1 by daardie Wet, artikel 22 van Wet 22 van 2012 en artikel 27 van Wet 31 van 2013

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

(a) deur die Engelse weergawe van paragraaf *(i)* deur die volgende paragraaf te vervang:

"*(i)* the amount of any debt due to the taxpayer which **[have]** has during the year of assessment become bad, provided such amount is included in the current year of assessment or was included in previous years of assessment in the taxpayer's income;"; en

(b) deur paragraaf *(w)*(ii)*(cc)* deur die volgende paragraaf te vervang:

"*(cc)* die polis nie die eiendom van enige persoon buiten die belastingpligtige is nie ten tye van die betaling van die premie**[:**

premium paid shall not be disallowed as a deduction by reason of the policy being held by a creditor of the taxpayer as a security for a debt of the taxpayer]; and".

(2) Paragraph *(b)* of subsection (1) comes into operation on 1 March 2015 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 11D of Act 58 of 1962, as inserted by section 13 of Act 20 of 2006 and amended by sections 13 and 99 of Act 8 of 2007, section 3 of Act 9 of 2007, section 19 of Act 35 of 2007, section 11 of Act 3 of 2008, section 19 of Act 60 of 2008, section 16 of Act 17 of 2009, section 20 of Act 7 of 2010, section 32 of Act 24 of 2011, section 1 of Act 25 of 2011, section 271 of Act 28 of 2011, read with item 34 of Schedule 1 to that Act, sections 5 and 35 of Act 21 of 2012, section 68 of Act 22 of 2012 and section 29 of Act 31 of 2013

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

(a) by the substitution in subsection (1) in paragraph *(b)* of the definition of "research and development" for subparagraph (ii) of the following subparagraph:

"(ii) a functional design—

(aa) as defined in section 1 of the Designs Act, capable of qualifying for registration under section 14 of that Act; and

(bb) that is innovative in respect of the functional characteristics or intended uses of that functional design;";

(b) by the substitution in subsection (1) in the definition of "research and development" after the words following paragraph *(c)*(iv) for the colon of a semi-colon;

(c) by the insertion in subsection (1) in the definition of "research and development" after paragraph *(c)* of the following paragraphs:

"*(d)* creating or developing a multisource pharmaceutical product, as defined in the World Health Organisation Technical Report Series, No. 937, 2006 Annex 7 Multisource (generic) pharmaceutical products: guidelines on registration requirements to establish interchangeability issued by the World Health Organisation, conforming to such requirements as must be prescribed by regulations made by the Minister after consultation with the Minister for Science and Technology; or

(e) conducting a clinical trial as defined in Appendix F of the Guidelines for good practice in the conduct of clinical trials with human participants in South Africa issued by the Department of Health (2006), conforming to such requirements as must be prescribed by regulations made by the Minister after consultation with the Minister for Science and Technology.";

(d) by the substitution in subsection (1) in the definition of "research and development" for paragraph *(b)* of the proviso of the following paragraph:

"*(b)* development of internal business processes unless those internal business processes are mainly intended for sale or for granting the use or right of use or permission to use thereof to persons who are not connected **[parties]** persons in relation to the person carrying on that research and development;";

(e) by the substitution in subsection (2)*(a)* for the words preceding subparagraph (i) of the following words:

"For the purposes of determining the taxable income of a taxpayer that is a company in respect of any year of assessment there shall be allowed as a deduction from the income of that taxpayer an amount equal to 150 per cent of so much of any expenditure actually incurred by that taxpayer directly and solely in respect of the carrying on of research and development **[undertaken]** in the Republic if—";

Met dien verstande dat geen premie betaal as 'n aftrekking geweier word nie ten gevolge daarvan dat die polis deur 'n krediteur van die belastingpligtige as sekuriteit vir 'n skuld van die belastingpligtige gehou word]; en''.

(2) Paragraaf *(b)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 11D van Wet 58 van 1962, soos ingevoeg deur artikel 13 van Wet 20 van 2006 en gewysig deur artikels 13 en 99 van Wet 8 van 2007, artikel 3 van Wet 9 van 2007, artikel 19 van Wet 35 van 2007, artikel 11 van Wet 3 van 2008, artikel 19 van Wet 60 van 2008, artikel 16 van Wet 17 van 2009, artikel 20 van Wet 7 van 2010, artikel 32 van Wet 24 van 2011, artikel 1 van Wet 25 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 34 van Bylae 1 by daardie Wet, artikels 5 en 35 van Wet 21 van 2012, artikel 68 van Wet 22 van 2012 en artikel 29 van Wet 31 van 2013

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

(a) deur in subartikel (1) in paragraaf *(b)* van die omskrywing van ''navorsing en ontwikkeling'' subparagraaf (ii) deur die volgende subparagraaf te vervang:

''(ii) 'n funksionele model—

(aa) soos omskryf in artikel 1 van die Wet op Modelle geskik om te kwalifiseer vir registrasie ingevolge artikel 14 van daardie Wet; en

(bb) wat innoverend is ten opsigte van die funksionele eienskappe of beoogde gebruike van daardie funksionele model;'';

(b) deur in subartikel (1) in die omskrywing van ''navorsing en ontwikkeling'' na die woorde wat op paragraaf *(c)*(iv) volg die dubbelpunt met 'n kommapunt te vervang;

(c) deur in subartikel (1) in die omskrywing van ''navorsing en ontwikkeling'' na paragraaf *(c)* die volgende paragrawe in te voeg:

''*(d)* skepping of ontwikkeling van 'n 'multisource pharmaceutical product', soos omskryf in die 'World Health Organisation Technical Report Series, No. 937, 2006 Annex 7 Multisource *(generic)* pharmaceutical products: guidelines on registration requirements to establish interchangeability' uitgereik deur die Wêreldgesondheids-organisasie, wat voldoen aan vereistes soos wat voorgeskryf by regulasies deur die Minister gemaak na oorlegpleging met die Minister vir Wetenskap en Tegnologie; of

(e) uitvoering van 'n 'clinical trial' soos omskryf in 'Appendix F of the Guidelines for good practice in the conduct of clinical trials with human participants in South Africa issued by the Department of Health (2006)', wat voldoen aan vereistes soos voorgeskryf by regulasies deur die Minister gemaak na oorlegpleging met die Minister vir Wetenskap en Tegnologie.'';

(d) deur in subartikel (1) in die omskrywing van ''navorsing en ontwikkeling'' paragraaf *(b)* van die voorbehoudsbepaling deur die volgende paragraaf te vervang:

''*(b)* ontwikkeling van interne sakeprosesse tensy daardie interne sakeprosesse hoofsaaklik bedoel is vir verkoop of vir die verlening van die gebruik of reg van gebruik of toestemming tot gebruik daarvan aan persone wat nie verbonde **[partye]** persone met betrekking tot die persoon wat daardie navorsing en ontwikkeling onderneem, is nie;'';

(e) deur in subartikel (2)*(a)* die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

''By die bepaling van die belasbare inkomste van 'n belastingpligtige wat 'n maatskappy is ten opsigte van 'n jaar van aanslag word daar toegelaat as 'n aftrekking van die inkomste van daardie belastingpligtige 'n bedrag gelyk aan 150 persent van soveel van enige uitgawes werklik aangegaan deur daardie belastingpligtige direk en uitsluitlik ten opsigte van navorsing en ontwikkeling in die Republiek **[onderneem]** beoefen indien—'';

(f) by the substitution for subsection (5) of the following subsection:

"(5) Where a company funds expenditure incurred by another company as contemplated in subsection (4)*(c)*(ii), any deduction under that subsection by the company that funds the expenditure must be limited to an amount of **[50]** 150 per cent of the actual expenditure incurred directly and solely in respect of that research and development carried on by the other company that is being funded.";

(g) by the substitution in subsection (6) for paragraph *(b)* of the following paragraph:

"*(b)* notwithstanding paragraph *(a)*, certain categories of research and development designated by the Minister **[of Science and Technology]** by notice in the *Gazette* are deemed to constitute the carrying on of research and development."; and

(h) by the addition in subsection (11) for after *(b)* of the following paragraph:

"*(c)* If any person is appointed as an alternative in terms of paragraph *(a)*, that person may perform the function of any other person from the Department of Science and Technology, or the South African Revenue Service in respect of which institution that person is appointed as alternative.".

(2) Paragraphs *(a)* and *(h)* of subsection (1) come into operation on 1 January 2015 and apply in respect of expenditure incurred in respect of research and development on or after that date, but before 1 October 2022.

(3) Paragraphs *(b)*, *(c)* and *(g)* of subsection (1) are deemed to have come into operation on 1 October 2012 and apply in respect of expenditure incurred in respect of research and development on or after that date, but before 1 October 2022.

(4) Paragraphs *(e)* and *(f)* of subsection (1) are deemed to have come into operation on 1 January 2014 and apply in respect of expenditure incurred in respect of research and development on or after that date, but before 1 October 2022.

Amendment of section 12D of Act 58 of 1962, as amended by section 23 of Act 30 of 2000, section 19 of Act 59 of 2000, section 28 of Act 60 of 2001, section 16 of Act 30 of 2002, section 23 of Act 35 of 2007, section 12 of Act 3 of 2008, section 21 of Act 60 of 2008, section 20 of Act 17 of 2009, section 22 of Act 7 of 2010 and section 33 of Act 31 of 2013

19. (1) Section 12D of the Income Tax Act, 1962 is hereby amended—

(a) by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

"There shall be allowed to be deducted an allowance in respect of the cost actually incurred by the taxpayer in respect of the acquisition of **[any new and unused affected asset, which]**—";

(b) by the substitution in subsection (2) for paragraphs *(a)* and *(b)* of the following paragraphs:

"*(a)* (i) any new and unused affected asset; or

(ii) in the case of an asset contemplated in paragraph *(c)* of the definition of 'affected asset' any asset,

owned by the taxpayer that is brought into use for the first time by the taxpayer; and;

(b) the asset as contemplated in paragraph (a) which is used directly by such taxpayer for purposes contemplated in the definition of 'affected asset',";

(c) by the deletion in subsection (3) at the end of paragraph *(a)* of the word "or";

(d) by the substitution in subsection (3) for paragraph *(b)* of the following paragraph:

"*(b)* 5 per cent of the cost incurred in respect of any asset contemplated in paragraph *(a*A), *(b)***[, *(c)*]** or *(d)* of the definition of affected asset; or"; and

(e) by the addition in subsection (3) after paragraph *(b)* of the following paragraph:

"*(c)* 6.67 per cent of the cost incurred in respect of any asset contemplated in paragraph *(c)* of the definition of 'affected asset'.".

(f) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Waar 'n maatskappy uitgawes aangegaan deur 'n ander maatskappy befonds soos in subartikel (4)*(c)*(ii) beoog, word enige aftrekking ingevolge daardie subartikel deur die maatskappy wat die uitgawes befonds beperk tot 'n bedrag van **[50]** 150 persent van die werklike uitgawes aangegaan direk en uitsluitlik ten opsigte van daardie navorsing en ontwikkeling beoefen deur die ander maatskappy wat befonds word.";

(g) deur in subartikel (6) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* ondanks paragraaf *(a)*, word sekere kategorieë van navorsing en ontwikkeling aangewys deur die Minister **[van Wetenskap en Tegnologie]** by kennisgewing in die *Staatskoerant* geag die beoefening van navorsing en ontwikkeling uit te maak;"; en

(h) deur in subartikel (11) na paragraaf *(b)* die volgende paragraaf by te voeg:

"*(c)* Indien enige persoon aangestel is as 'n alternatief ingevolge paragraaf *(a)*, mag daardie persoon die funksie verrig van enige ander persoon van die Departement van Wetenskap en Tegnologie, of die Suid-Afrikaanse Inkomstediens ten opsigte van welke inrigting daardie persoon as alternatief aangestel is.".

(2) Paragrawe *(a)* en *(h)* van subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum, maar voor 1 Oktober 2022.

(3) Paragrawe *(b)*, *(c)* en *(g)* van subartikel (1) word geag op 1 Oktober 2012 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum, maar voor 1 Oktober 2022.

(4) Paragrawe *(e)* en *(f)* van subartikel (1) word geag op 1 Januarie 2014 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum, maar voor 1 Oktober 2022.

Wysiging van artikel 12D van Wet 58 van 1962, soos gewysig deur artikel 23 van Wet 30 van 2000, artikel 19 van Wet 59 van 2000, artikel 28 van Wet 60 van 2001, artikel 16 van Wet 30 van 2002, artikel 23 van Wet 35 van 2007, artikel 12 van Wet 3 van 2008, artikel 21 van Wet 60 van 2008, artikel 20 van Wet 17 van 2009, artikel 22 van Wet 7 van 2010 en artikel 33 van Wet 31 van 2013

19. (1) Artikel 12D van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Daar word as 'n aftrekking toegelaat 'n vermindering ten opsigte van die koste werklik deur die belastingpligtige aangegaan ten opsigte van die verkryging van **[enige nuwe en ongebruikte geaffekteerde bate, wat]**—";

(b) deur in subartikel (2) paragrawe *(a)* en *(b)* deur die volgende paragrawe te vervang:

"*(a)* (i) enige nuwe en ongebruikte geaffekteerde bate; of

(ii) in die geval van 'n bate beoog in paragraaf *(c)* van die omskrywing van 'geaffekteerde bate' enige bate, waarvan die belastingpligtige die eienaar is wat en wat vir die eerste maal deur die belastingpligtige in gebruik geneem is of word; en

(b) die bate soos beoog in paragraaf *(a)* wat regstreeks deur sodanige belastingbetaler vir doeleindes beoog in die omskrywing van 'geaffekteerde bate' gebruik word,";

(c) deur in subartikel (3) aan die einde van paragraaf *(a)* die woord "of" te skrap;

(d) deur in subartikel (3) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* 5 persent van die koste ten opsigte van enige bate in paragraaf *(a*A*)*, *(b)***[, *(c)*]** of *(d)* van die omskrywing van "geaffekteerde bate" bedoel, aangegaan nie; of"; en

(e) deur in subartikel (3) na paragraaf *(b)* die volgende paragraaf by te voeg:

"*(c)* 6.67 persent van die koste aangegaan ten opsigte van enige bate beoog in paragraaf *(c)* van die omskrywing van geaffekteerde bate.".

(2) Subsection (1) comes into operation on 1 April 2015 and applies in respect of assets acquired on or after that date.

Amendment of section 12E of Act 58 of 1962, as inserted by section 12 of Act 19 of 2001 and amended by section 17 of Act 30 of 2002, section 21 of Act 74 of 2002, section 37 of Act 12 of 2003, section 31 of Act 45 of 2003, section 9 of Act 9 of 2005, section 21 of Act 31 of 2005, section 24 of Act 9 of 2006, section 14 of Act 20 of 2006, section 15 of Act 8 of 2007, section 25 of Act 35 of 2007, section 13 of Act 3 of 2008, section 23 of Act 60 of 2008, section 21 of Act 17 of 2009, section 23 of Act 7 of 2010, section 34 of Act 24 of 2011, section 25 of Act 22 of 2012 and section 35 of Act 31 of 2013

20. Section 12E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4)*(a)*(ii) for the words preceding item *(aa)* of the following words:

"**[none of the shareholders or members]** at any time during the year of assessment **[of]**, no holder of shares in the company**[,]** or member of the close corporation or co-operative holds any shares or has any interest in the equity of any other company as defined in section 1, other than—".

Amendment of section 12H of Act 58 of 1962, as substituted by section 23 of Act 17 of 2009 and amended by section 25 of Act 7 of 2010, section 36 of Act 24 of 2011 and section 27 of Act 22 of 2012

21. (1) Section 12H of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) Where a learner contemplated in subsection (2), (3) or (4) is a person with a disability (as defined in **[section 18(3)]** section 6B(1)) at the time of entering into the learnership agreement, the amounts contemplated in subsection (2), (3) or (4) must be increased by an amount of R20 000.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2014 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 12I of Act 58 of 1962, as inserted by section 26 of Act 60 of 2008 and amended by section 24 of Act 17 of 2009, section 26 of Act 7 of 2010, section 37 of Act 24 of 2011 and section 28 of Act 22 of 2012

22. (1) Section 12I of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in the definition of "industrial project" for paragraphs *(a)* and *(b)* of the following paragraphs:

"*(a)* is classified under '**[Major Division 3]** Section C: Manufacturing' in **[the most recent]** version 7 of the Standard Industrial Classification Code (referred to as the 'SIC Code') issued by Statistics South Africa; or

(b) in the case of products, goods, articles or things which are not yet classified, the adjudication committee is of the view will be classified as contemplated in paragraph *(a)*, but does not include **[the manufacture of]**—

"(i) distilling, rectifying and blending of spirits (SIC Code 1101);

(ii) manufacture of wines (SIC Code 1102);

(iii) manufacture of malt liquors and malt (SIC Code 103);

(iv) manufacture of tobacco products (SIC Code 12);

(v) manufacture of weapons and ammunition (SIC Code 252);

(vi) manufacture of bio-fuels if that manufacture negatively impacts on food security in the Republic;";

(b) by the insertion after subsection (1A) of the following subsection:

"(1B) For the purposes of this section, if a taxpayer completes an improvement on any land not owned by that taxpayer and that improvement consists of machinery or plant as contemplated in section 12C(1)*(a)*, that taxpayer shall be deemed to be the owner of that improvement.";

(2) Subartikel (1) tree in werking op 1 April 2015 en is van toepassing ten opsigte van bates verkry op of na daardie datum.

Wysiging van artikel 12E van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 19 van 2001 en gewysig deur artikel 17 van Wet 30 van 2002, artikel 21 van Wet 74 van 2002, artikel 37 van Wet 12 van 2003, artikel 31 van Wet 45 van 2003, artikel 9 van Wet 9 van 2005, artikel 21 van Wet 31 van 2005, artikel 24 van Wet 9 van 2006, artikel 14 van Wet 20 van 2006, artikel 15 van Wet 8 van 2007, artikel 25 van Wet 35 van 2007, artikel 13 van Wet 3 van 2008, artikel 23 van Wet 60 van 2008, artikel 21 van Wet 17 van 2009, artikel 23 van Wet 7 van 2010, artikel 34 van Wet 24 van 2011, artikel 25 van Wet 22 van 2012 en artikel 35 van Wet 31 van 2013

20. Artikel 12E van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4)*(a)*(ii) die woorde wat item *(aa)* voorafgaan deur die volgende woorde te vervang:

> "**[nie een van die aandeelhouers of lede]** te eniger tyd gedurende die jaar van aanslag **[van]**, geen houer van aandele in die maatskappy**[,]** of lid van die beslote korporasie of koöperasie enige aandele of belang in die ekwiteit van enige ander maatskappy soos in artikel 1 omskryf gehou het nie behalwe—".

Wysiging van artikel 12H van Wet 58 van 1962, soos vervang deur artikel 23 van Wet 17 van 2009 en gewysig deur artikel 25 van Wet 7 van 2010, artikel 36 van Wet 24 van 2011 en artikel 27 van Wet 22 van 2012

21. (1) Artikel 12H van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

> "(5) Waar 'n leerling beoog in subartikel (2), (3) of (4) 'n persoon met 'n gestremdheid (soos omskryf in **[artikel 18(3)]** artikel 6B(1)) by die aangaan van die leerlingooreenkoms is, moet die bedrae beoog in subartikel (2), (3) of (4) met 'n bedrag van R20 000 verhoog word.".

(2) Subartikel (1) word geag op 1 Maart 2014 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 12I van Wet 58 van 1962, soos ingevoeg deur artikel 26 van Wet 60 van 2008 en gewysig deur artikel 24 van Wet 17 van 2009, artikel 26 van Wet 7 van 2010, artikel 37 van Wet 24 van 2011 en artikel 28 van Wet 22 van 2012

22. (1) Artikel 12I van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van "nywerheidsprojek" paragrawe *(a)* en *(b)* te vervang deur die volgende paragrawe:

> "*(a)* geklassifiseer is in **[Hoofafdeling 3]** Afdeling C: Fabriekswese van die **[mees onlangse]** weergawe 7 van die Standaardnywerheidsklassifikasie van alle Ekonomiese Bedrywighede (die SNK-kode genoem) deur Statistiek Suid-Afrika uitgereik; of
>
> *(b)* in die geval van produkte, goedere, artikels of ander goed wat nog nie geklassifiseer is nie, die beoordelingskomitee van mening is geklassifiseer sal word soos in paragraaf *(a)* bedoel, maar sluit nie in nie **[die vervaardiging van]**—
>
> (i) distillering, rektifisering en vermenging van spiritus (SNK-kode 1101);
> (ii) vervaardiging van wyn (SNK-kode 1102);
> (iii) vervaardiging van mout dranke en mout (SNK-kode 103);
> (iv) vervaardiging van tabakprodukte (SNK-kode 12);
> (v) vervaardiging van wapens en ammunisie (SNK-kode 252);
> (vi) vervaardiging van bio-brandstowwe, indien daardie vervaardiging 'n negatiewe impak op voedselsekuriteit in die Republiek het;";

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

> "(1B) Vir die doeleindes van hierdie artikel, indien 'n belastingpligtige 'n verbetering voltooi op enige grond waarvan die belastingpligtige nie die eienaar is nie en daardie verbetering bestaan uit masjinerie of installasie soos beoog in artikel 12C(1)*(a)*, word daardie belastingpligtige geag die eienaar van daardie verbetering te wees.";

(c) by the substitution in subsection (2)*(a)* for subparagraph (ii) of the following subparagraph:

"(ii) 100 per cent of the cost of any new and unused manufacturing asset used in an industrial policy project with preferred status that is located within **[an industrial development zone]** a special economic zone; or";

(d) by the substitution in subsection (2)*(b)* for subparagraph (ii) of the following subparagraph:

"(ii) 75 per cent of the cost of any new and unused manufacturing asset used in any industrial policy project other than an industrial policy project with preferred status that is located within **[an industrial development zone]** a special economic zone;";

(e) by the substitution in subsection (7)*(a)*(i) for item *(aa)* of the following item:

"*(aa)* in the case of greenfield projects, **[R200 million]** R50 million; and";

(f) by the substitution in subsection (7)*(a)*(i)*(bb)* for subitem (B) of the following subitem:

"(B) the lesser of **[R200 million]** R50 million or 25 per cent of the expenditure incurred to acquire assets previously used in the project;";

(g) by the deletion in subsection (8) of paragraph *(d)*;

(h) by the substitution in subsection (8) for paragraph *(f)* of the following paragraph:

"*(f)* in the case of a greenfield project, the location of the project within **[an industrial development zone]** a special economic zone.";

(i) by the deletion in subsection (10) of paragraph *(d)*; and

(j) by the substitution in subsection (10) for paragraph *(f)* of the following paragraph:

"*(f)* the factors to be taken into account in determining the location of the project within **[an industrial development zone]** a special economic zone.".

(2) Paragraphs *(b)*, *(e)*, *(f)*, *(g)* and *(i)* come into operation on 1 January 2015.

(3) Paragraphs *(c)*, *(d)*, *(h)* and *(j)* of subsection (1) come into operation on the date on which the Special Economic Zones Act, 2014 (Act No.16 of 2014), comes into operation.

Amendment of section 12J of Act 58 of 1962, as inserted by section 27 of Act 60 of 2008 and amended by section 25 of Act 17 of 2009 and section 38 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 37 of Schedule 1 to that Act and section 36 of Act 31 of 2013

23. (1) Section 12J of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (3)*(b)* for subparagraph (ii) of the following subparagraph:

"(ii) the repayment of any loan or credit **[(other than any loan or credit contemplated in paragraph (ii) of the proviso to this paragraph)]** used by the taxpayer for the payment or financing of any expenditure contemplated in subsection (2),";

(b) by the substitution in subsection (6A) for the words preceding paragraph *(b)* of the following words:

"If, at the end of any year of assessment, after the expiry of a period of 36 months commencing on the first date **[of approval by the Commissioner of a company as a venture capital company in terms of subsection (5), the Commissioner is not satisfied that]** of the issue of venture capital shares—";

(c) by the substitution in subsection (6A) for paragraph *(b)* of the following paragraph:

"*(b)* at least 80 per cent of the expenditure incurred by the company **[in that period]** to acquire assets held by the company was incurred to acquire qualifying shares issued to the company by qualifying companies, each of which, immediately after the issue, held assets with a book value not exceeding—

(c) deur in subartikel (2)*(a)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) 100 persent van die koste van 'n nuwe en ongebruikte vervaardigingsbate gebruik in 'n nywerheidsbeleidprojek met voorkeurstatus wat binne 'n **[nywerheidsontwikkelingsone]** spesiale ekonomiese sone geleë is; of";

(d) deur in subartikel (2)*(b)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) 75 persent van die koste van 'n nuwe en ongebruikte vervaardigingsbate gebruik in enige nywerheidsbeleidprojek behalwe 'n nywerheidsbeleidprojek met voorkeurstatus wat binne 'n **[nywerheidsontwikkelingsone]** spesiale ekonomiese sone geleë is,";

(e) deur in subartikel (7)*(a)*(i) item *(aa)* deur die volgende item te vervang:

"*(aa)* in die geval van groenveldprojekte,**[R200 miljoen]** R50 miljoen sal oorskry; en";

(f) deur in subartikel (7)*(a)*(i)*(bb)* subitem (B) deur die volgende subitem te vervang:

"(B) die minste van **[R200 miljoen]** R50 miljoen of 25 persent van die uitgawes aangegaan om bates te verkry wat tevore in die projek gebruik is,";

(g) deur in subartikel (8) paragraaf *(d)* te skrap;

(h) deur in subartikel (8) paragraaf *(f)* deur die volgende paragraaf te vervang:

"*(f)* in die geval van 'n groenveldprojek, die ligging van die projek in 'n **[Nywerheidsontwikkelingsone]** 'n spesiale ekonomiese sone.";

(i) deur in subartikel (10) paragraaf *(d)* te skrap; en

(j) deur in subartikel (10) paragraaf *(f)* deur die volgende paragraaf te vervang:

"*(f)* die faktore voorskryf wat in berekening gebring moet word by die bepaling van die ligging van die projek in 'n **[Nywerheidsontwikkelingsone]** spesiale ekonomiese sone.".

(2) Paragrawe *(b)*, *(e)*, *(f)*, *(g)* en *(i)* tree in werking op 1 Januarie 2015.

(3) Paragrawe *(c)*, *(d)*, *(h)* en *(j)* van subartikel (1) tree in werking op die datum waarop die "Special Economic Zones Act", 2014 (Wet No. 16 van 2014), in werking tree.

Wysiging van artikel 12J van Wet 58 van 1962, soos ingevoeg deur artikel 27 van Wet 60 van 2008 en gewysig deur artikel 25 van Wet 17 van 2009, artikel 38 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 37 van Bylae 1 by daardie Wet en artikel 36 van Wet 31 van 2013

23. (1) Artikel 12J van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (3)*(b)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) die terugbetaling van 'n lening of krediet **[(behalwe enige lening of krediet beoog in paragraaf (ii) van die voorbehoudsbepaling tot hierdie paragraaf)]** gebruik deur die belastingpligtige vir die betaling of finansiering van enige uitgawes beoog in subartikel (2),";

(b) deur in subartikel (6A) die woorde wat paragraaf *(b)* voorafgaan deur die volgende woorde te vervang

"Indien, aan die einde van enige jaar van aanslag, na die verstryking van 'n tydperk van 36 maande wat begin op die eerste datum **[van goedkeuring deur die Kommissaris van 'n maatskappy as 'n waagkapitaalmaatskappy ingevolge subartikel (5), die Kommissaris nie tevrede is nie dat]** van die uitreiking van waagkapitaalaandele—";

(c) deur in subartikel (6A) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* minstens 80 persent van die uitgawes aangegaan deur die maatskappy **[in daardie tydperk]** om bates te verkry wat deur die maatskappy gehou word, aangegaan is om kwalifiserende aandele te verkry wat uitgereik is aan die maatskappy deur kwalifiserende maatskappye, elkeen waarvan, onmiddellik na die uitreiking, bates gehou het met 'n boekwaarde van hoogstens—

(i) **[R300]** R500 million, where the qualifying company was a junior mining company; or

(ii) **[R20]** R50 million, where the qualifying company was a company other than a junior mining company; or";

(d) by the substitution in subsection (6A) for paragraph *(c)* of the following paragraph:

"*(c)* no more than 20 per cent of **[the]** any amounts received in respect of the issue of shares in the company **[expenditure incurred by the company]** was utilised to acquire qualifying shares **[held by the company was incurred for qualifying shares]** issued to the company by any one qualifying company,"; and

(e) by the insertion after subsection (8) of the following subsection:

"(9) Notwithstanding section 8(4), no amount shall be recovered or recouped in respect of the disposal of a venture capital share if that share has been held by the taxpayer for a period longer than five years.".

(2) Subsection (1) comes into operation on 1 January 2015.

Amendment of section 12N of Act 58 of 1962, as inserted by section 29 of Act 7 of 2010 and amended by section 31 of Act 31 of 2013

24. (1) Section 12N of the Income Tax Act, 1962, is hereby amended by the substitution in subsection 1 for the words following paragraph *(e)* of the following words:

"the taxpayer must, for the purposes of any deduction contemplated in section 11D, 12B, 12C, 12D, 12F, 12I, 12S, 13, 13*bis*, 13*ter*, 13*quat*, 13*quin*, 13*sex* or 36, and for the purposes of the Eighth Schedule, be deemed to be the owner of the improvement so completed.".

(2) Subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect expenditure incurred to effect improvements during any year of assessment commencing on or after that date.

Insertion of section 12NA in Act 58 of 1962

25. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 12N:

"**Deductions in respect of improvements on property in respect of which government holds a right of use or occupation**

12NA. (1) There shall be allowed to be deducted from the income of a person, expenditure actually incurred by that person to effect an improvement to land or to a building in terms of an obligation to effect those improvements to that land or to that building in terms of a Public Private Partnership if the government of the Republic in the national, provincial or local sphere holds the right of use or occupation of that land or building.

(2) The amount allowed to be deducted in terms of this section in respect of any year of assessment shall be equal to the amount of expenditure contemplated in subsection (1) that has not been allowed to be deducted in terms of this section, divided by the number of years (including that year of assessment) for which the taxpayer will derive income in respect of the Public Private Partnership in terms of the agreement or 25 years, whichever is the lesser.

(3) Where any amount as contemplated in section (10)(1)*(z*I*)* is received by or accrues to a person from the government of the Republic in the national, provincial or local sphere for the purpose of effecting an improvement to land or a building or in respect of the defraying of the cost of any improvements in terms of the Public Private Partnership contemplated in subsection (1), the expenditure to be deducted in terms of this section shall be reduced in an amount equal to an amount that is exempt in terms of that section.

(i) **[R300]** R500 miljoen, waar die kwalifiserende maatskappy ’n junior mynmaatskappy was; of

(ii) **[R20]** R50 miljoen, waar die kwalifiserende maatskappy ’n maatskappy buiten ’n junior mynmaatskappy was; of”;

(d) deur in subartikel (6A) paragraaf *(c)* deur die volgende paragraaf te vervang:

“*(c)* hoogstens 20 persent van **[die]** enige bedrae ontvang ten opsigte van die uitreiking van aandele in die maatskappy **[uitgawes aangegaan deur die maatskappy]** gebruik is om kwalifiserende aandele **[te verkry wat deur die maatskappy gehou word, aangegaan is vir kwalifiserende aandele]** uitgereik aan die maatskappy deur enige enkele kwalifiserende maatskappy te verkry,”; en

(e) deur die volgende subartikel na subartikel (8) in te voeg:

“(9) Ondanks artikel 8(4) moet geen bedrag afgetrek of verreken word ten opsigte van die beskikking van waagkapitaalaandeel indien daardie aandeel deur die belastingpligtige gehou is vir ’n tydperk van langer as vyf jaar.”.

(2) Subartikel (1) tree in werking op 1 Januarie 2015.

Wysiging van artikel 12N van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 7 van 2010 en gewysig deur artikel 31 van Wet 31 van 2013

24. (1) Artikel 12N van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf *(e)* volg deur die volgende woorde te vervang:

“moet die belastingpligtige, by die toepassing van enige aftrekking beoog in artikel 11D, 12B, 12C, 12D, 12F, 12I, 12S, 13, 13*bis*, 13*ter*, 13*quat*, 13*quin*, 13*sex* of 36, en by die toepassing van die Agtste Bylae, geag word die eienaar van die verbetering aldus voltooi te wees.”.

(2) Subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan om verbeteringe aan te bring gedurende enige jaar van aanslag wat op of na daardie datum begin.

Invoeging van artikel 12NA in Wet 58 van 1962

25. (1) Die volgende artikel word hierby na artikel 12N in die Inkomstebelastingwet, 1962, ingevoeg:

“**Aftrekkings ten opsigte van verbeteringe aan eiendom ten opsigte waarvan die regering ’n reg van gebruik of okkupasie hou**

12NA. (1) Daar word as ’n aftrekking van die inkomste van ’n persoon toegelaat, onkoste werklik deur daardie persoon aangegaan om ’n verbetering aan grond of aan ’n gebou aan te bring ingevolge ’n verpligting om daardie verbeteringe aan daardie grond of aan daardie gebou aan te bring ingevolge ’n ‘Public Private Partnership’ indien die regering van die Republiek in die nasionale, provinsiale of plaaslike sfeer die reg van gebruik of okkupasie van daardie land of gebou hou.

(2) Die bedrag wat ingevolge hierde artikel toegelaat word ten opsigte van enige jaar van aanslag moet gelykstaande wees aan die bedrag van uitgawes beoog in subartikel (1) wat nie toegelaat was om ingevolge hierdie artikel afgetrek te word nie, gedeel deur die aantal jare (insluitend daardie jaar van aanslag) waarvoor die belastingpligtige inkomste sal verkry ten opsigte van die ‘Public Private Partnership’ ingevolge die ooreenkoms of 25 jaar, wat ookal die minste is.

(3) Waar enige bedrag soos beoog in artikel (10)(1)*(z*I*)* ontvang word deur of toeval aan ’n persoon vanaf die regering van die Republiek in die nasionale, provinsiale of plaaslike sfeer vir die doel om ’n verbetering aan grond of ’n gebou aan te bring of ten opsigte van die bestryding van die koste van enige verbeteringe ingevolge die ‘Public Private Partnership’ beoog in subartikel (1), moet enige aftrekking ingevolge hierdie artikel verminder word met ’n bedrag gelykstaande aan die bedrag wat ingevolge daardie artikel vrygestel is.

(4) This section shall not apply if the person effecting an improvement to land or to a building is a person carrying on any banking, financial services or insurance business.".

(2) Subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect expenditure incurred to effect improvements during any year of assessment commencing on or after that date.

Amendment of section 12R of Act 58 of 1962, as inserted by section 43 of Act 31 of 2013

26. (1) Section 12R of the Income Tax Act, 1962, is hereby amended—

(a) by the insertion in subsection (1) after the definition of "qualifying company" of the following definition:

" **'SIC Code'** means version 7 of the Standard Industrial Classification Code issued by Statistics South Africa;";

(b) by the substitution in subsection (1) in the definition of "qualifying company" for paragraph *(b)* of the following paragraph:

"*(b)* **[(i)]** that carries on business in **[a category of]** a special economic zone designated by the Minister of Trade and Industry in terms of the Special Economic Zones Act and approved by the Minister of Finance after consultation with the Minister of Trade and Industry for the purposes of subsection (2) by notice in the *Gazette*; **[or**

(ii) that carries on a type of business or provision of services that may be located in a special economic zone prescribed by the Minister of Trade and Industry in terms of the Special Economic Zones Act and approved by the Minister of Finance after consultation with the Minister of Trade and Industry for the purposes of this section in terms of subsection (2);]";

(c) by the substitution in subsection (1) in the definition of "qualifying company" for paragraph *(d)* of the following paragraph:

"*(d)* if not less than 90 per cent of the income of that company is derived from the carrying on of business or provision of services within **[that]** one or more special economic **[zone]** zones;";

(d) by the substitution in subsection (1) for the definition of "Special Economic Zones Act" of the following definition:

" **'Special Economic Zones Act'** means **[an Act of Parliament that makes provision for special economic zones]** the Special Economic Zones Act, 2014 (Act No. 16 of 2014).";

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

"(2) The rate of tax on taxable income attributable to income derived by a qualifying company within a special economic zone must be 15 cents on each rand of taxable income **[derived in respect of business activities within that special economic zone]**.";

(f) by the substitution in subsection (4)*(a)* for the words preceding subparagraph (i) of the following words:

"subsection (2) and section 12S do not apply to any qualifying company **[in respect of]** that conducts any of the following activities classified under '**[Major Division 3]** Section C: Manufacturing' in the **[most recent Standard Industrial Classification Code (referred to as the 'SIC Code') issued by Statistics South Africa]** SIC Code;";

(g) by the substitution in subsection (4)*(a)* for subparagraphs (i), (ii), (iii), (iv) and (v) of the following subparagraphs:

"(i) Distilling, rectifying and blending of spirits (SIC Code 1101);

(ii) Manufacture of wines (SIC Code 1102);

(iii) Manufacture of malt liquors and malt (SIC Code 103);

(4) Hierdie artikel is nie van toepassing nie indien die persoon wat die verbetering aan grond of aan 'n gebou aanbring 'n persoon is wat enige bankwese, finansiële dienste of versekeringsbesigheid bedryf.".

(2) Subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan om verbeteringe aan te bring gedurende enige jaar van aanslag wat op of na daardie datum begin.

Wysiging van artikel 12R of Wet 58 van 1962, soos ingevoeg deur artikel 43 van Wet 31 van 2013

26. (1) Artikel 12R van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) na die omskrywing van "kwalifiserende maatskappy" die volgende omskrywing in te voeg:

" **'SNK-kode'** weergawe 7 van die Standaardnywerheidsklassifikasie van alle Ekonomiese Bedrywighede uitgereik deur Statistiek Suid-Afrika;";

(b) deur in subartikel (1) in die omskrywing van "kwalifiserende maatskappy" paragraaf *(b)* deur die volgende paragraaf te vervang:

(b) **[(i)]** wat 'n saak bedryf in **['n kategorie van]** 'n spesiale ekonomiese sone aangewys deur die Minister van Handel en Nywerheid ingevolge die 'Special Economic Zones Act' en goedgekeur deur die Minister van Finansies na oorleg met die Minister van Handel en Nywerheid by die toepassing van subartikel (2) by kennisgewing in die *Staatskoerant*; **[of**

(ii) wat 'n tipe saak of lewering van dienste bedryf wat geleë mag wees in 'n spesiale ekonomiese sone voorgeskryf deur die Minister van Handel en Nywerheid ingevolge die 'Special Economic Zones Act' en goedgekeur deur die Minister van Finansies na oorleg met die Minister van Handel en Nywerheid by die toepassing van hierdie artikel ingevolge subartikel (2);]";

(c) deur in subartikel (1) in die omskrywing van "kwalifiserende maatskappy" paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(d)* indien minstens 90 persent van die inkomste van daardie maatskappy verkry word uit die bedryf van 'n saak of lewering van dienste binne **[daardie]** een of meer spesiale ekonomiese **[sone]** sones;";

(d) deur in subartikel (1) die omskrywing van "Special Economic Zones Act" deur die volgende omskrywing te vervang:

" **'Special Economic Zones Act' ['n Wet van die Parlement wat vir spesiale ekonomiese sones voorsiening maak]** die 'Special Economic Zones Act, 2014' (Wet No. 16 van 2014).";

(e) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die belastingkoers op belasbare inkomste toeskryfbaar aan inkomste verkry deur 'n kwalifiserende maatskappy binne 'n spesiale ekonomiese sone moet 15 sent op elke rand van belasbare inkomste **[verkry ten opsigte van sakebedrywighede binne daardie spesiale ekonomiese sone]** wees.";

(f) deur in subartikel (4)*(a)* die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

"is subartikel (2) en artikel 12S nie van toepassing nie op enige kwalifiserende maatskappy **[ten opsigte van]** wat enige van die volgende bedrywighede bedryf geklassifiseer onder **['Hoofafdeling 3: Fabriekswese']** 'Section C: Manufacturing' in die **[mees onlangse Standaardnywerheidsklassifikasie van alle Ekonomiese Bedrywighede (na verwys as die 'SNK-kode') uitgereik deur Statistiek Suid-Afrika:]** SNK-kode;";

(g) deur in subartikel (4)*(a)* subpargrawe (i), (ii), (iii), (iv) en (v) deur die volgende subparagrawe te vervang:

"(i) Distillering, rektifisering en vermenging van spiritus (SNK-kode 1101);

(ii) vervaardiging van wyn (SNK-kode 1102);

(iii) vervaardiging van malt dranke en malt (SNK-kode 103);

(iv) Manufacture of tobacco products (SIC Code 12);
(v) Manufacture of weapons and ammunition (SIC Code 252);
(vi) Manufacture of bio-fuels if that manufacture negatively impacts on food security in the Republic; and";

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

"*(b)* subsection (2) does not apply to any qualifying company **[in respect of activities]** that conducts any activity classified in the **[most recent]** SIC Code **[issued by Statistics South Africa]**, which the Minister of Finance may designate by notice in the *Gazette*.";

(i) by the substitution for subsection (5) of the following subsection:

"(5) This provision ceases to apply in respect of any year of assessment commencing **[on]** the later of—

(a) on or after 1 January 2024; or
(b) 10 years after the commencement of the carrying on of business in a special economic zone.".

(2) Subsection (1) comes into operation on the date on which the Special Economic Zones Act, 2014 (Act No. 16 of 2014), comes into operation.

Amendment of section 12S of Act 58 of 1962, as inserted by section 43 of Act 31 of 2013

27. (1) Section 12S of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A qualifying company may deduct from the income of that qualifying company an allowance equal to ten per cent of the cost to the qualifying company of any new and unused building owned by the qualifying company, or any new and unused improvement to any building owned by the qualifying company, if that building or improvement is wholly or mainly used by the qualifying company during the year of assessment for purposes of producing income within a special economic zone, as defined in section 12R(1), in the course of the taxpayer's trade, other than the provision of residential accommodation.".

(2) Subsection (1) comes into operation on the date on which the Special Economic Zones Act, 2014 (Act No. 16 of 2014), comes into operation.

Insertion of section 12T in Act 58 of 1962

28. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 12S:

"**Exemption of amounts received or accrued in respect of tax free investments**

12T. (1) For the purposes of this section—

'tax free investment' means any financial instrument or policy as defined in section 29A—

(a) administered by a person or entity designated by notice by the Minister in the *Gazette;*
(b) owned by—
   (i) a natural person; or
   (ii) the deceased estate or insolvent estate of a natural person that is deemed to be one and the same person as that natural person in respect of the contributions made by that person; and
(c) that complies with the requirements of the Regulations contemplated in subsection (8).

(2) There shall be exempt from normal tax any amount received by or accrued to a natural person in respect of a tax free investment.

(3) In determining the aggregate capital gain or aggregate capital loss of

(iii) vervaardiging van tabakprodukte (SNK-kode 12);
(iv) vervaardiging van wapens en ammunisie (SNK-kode 252);
(v) vervaardiging van bio-brandstowwe, indien daardie vervaardiging 'n negatiewe impak op voedselsekuriteit in die Republiek het; en";

(h) deur in subartikel (4) paragraaf *(b)* deur die volgende paragraaf te vervang:
"*(b)* is subartikel (2) nie van toepassing nie op enige kwalifiserende maatskappy **[ten opsigte van bedrywighede]** wat 'n bedrywigheid bedryf geklassifiseer in die **[mees onlangse]** SNK-kode **[uitgereik deur Statistiek Suid-Afrika]**, wat deur die Minister van Finansies by kennisgewing in die Staatskoerant aangewys mag word."; en

(i) deur subartikel (5) deur die volgende subartikel te vervang:
"(5) Hierdie bepaling hou op om van toepassing te wees ten opsigte van enige jaar van aanslag wat **[op]** die latere van—
(a) of na 1 Januarie 2024 begin; of
(b) 10 jaar na die aanvang van die voortsetting van besigheid in 'n spesiale ekonomiese sone.".

(2) Subartikel (1) tree in werking op die datum waarop die "Special Economic Zones Act", 2014 (Wet No. 16 van 2014), in werking tree.

Wysiging van artikel 12S van Wet 58 van 1962, soos ingevoeg deur artikel 43 van Wet 31 van 2013

27. (1) Artikel 12S van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
"(2) 'n Kwalifiserende maatskappy kan van die inkomste van daardie kwalifiserende maatskappy aftrek 'n toelaag gelyk aan tien persent van die koste vir die kwalifiserende maatskappy van enige nuwe en ongebruikte gebou in die besit van die kwalifiserende maatskappy, of enige nuwe en ongebruikte verbetering aan enige gebou in die besit van die kwalifiserende maatskappy, indien daardie gebou of verbetering in die geheel of hoofsaaklik deur die kwalifiserende maatskappy gedurende die jaar van aanslag gebruik word met die doel om inkomste binne 'n spesiale ekonomiese sone, soos omskryf in artikel 12R(1), in die loop van die belastingpligtige se bedryf, behalwe die voorsiening van huisvesting, voort te bring.".

(2) Subartikel (1) tree in werking op die datum waarop die "Special Economic Zones Act", 2014 (Wet No. 16 van 2014), in werking tree.

Invoeging van artikel 12T in Wet 58 van 1962

28. (1) Die volgende artikel word hierby ingevoeg in die Inkomstebelastingwet, 1962, na artikel 12S:

"**Vrystelling van bedrae ontvang of toegeval ten opsigte van belastingvrye beleggings**

12T. (1) By die toepassing van hierdie artikel beteken—
'belastingvrye belegging' enige finansiële instrument of polis soos omskryf in artikel 29A—
(a) geadministreer deur 'n persoon of entiteit deur die Minister aangewys by kennisgewing in die *Staatskoerant*;
(b) van wie die eienaar—
(i) 'n natuurlike persoon is; of
(ii) die bestorwe boedel of insolvente boedel van 'n natuurlike persoon wat ten opsigte van die bydraes deur daardie persoon gemaak geag word een en dieselfde persoon te wees as daardie natuurlike persoon; en
(c) wat aan die Regulasies in subartikel (8) beoog, voldoen.

(2) Van die normale belasting word vrygestel enige bedrag ontvang deur of toegeval aan 'n persoon ten opsigte van 'n belastingvrye belegging.

(3) By die vasstelling van die totale kapitaalwins of totale kapitaalverlies van 'n persoon ten opsigte van enige jaar van aanslag, moet enige

a person in respect of any year of assessment, any capital gain or capital loss in respect of the disposal of a tax free investment shall be disregarded.

(4) Contributions in respect of tax free investments shall be—

(a) limited to an amount of R30 000 in aggregate during any year of assessment;

(b) an amount in cash; and

(c) limited to an amount of R500 000 in aggregate.

(5) Any amount contemplated in subsection (2) shall not be taken into account in determining whether a person contributed in excess in respect of the amounts contemplated in subsections (4)*(a)* and *(c)*.

(6) Any—

(a) transfer of an amount in respect of a tax free investment of a person to another tax free investment of that person; or

(b) amount received by or accrued in respect of a tax free investment,

shall not be taken into account in determining whether that person contributed in excess of the amounts contemplated in subsections (4)*(a)* and *(c)* as a contribution in respect of that other tax free investment.

(7) *(a)* If during any year of assessment any person contributes in excess of the amount of R30 000 in respect of tax free investments, an amount equal to 40 per cent of that excess is deemed to be an amount of normal tax payable by that person in respect of that year of assessment.

(b) If any person contributes in excess of R500 000 in aggregate in respect of tax free investments, an amount equal to 40 per cent of so much of that excess as has not previously been taken into account in terms of this subsection shall be deemed to be an amount of normal tax payable in respect of the year of assessment in which that excess is contributed.

(8) The Minister shall make regulations prescribing the requirements—

(a) to which any financial instrument or policy as defined in section 29A shall conform for the purposes of constituting a tax free investment;

(b) that must be complied with when a tax free investment is transferred; and

(c) in respect of disclosure by any person contemplated in paragraph *(a)* of the definition of 'tax free investment' in subsection (1) in respect of a tax free investment.

(9) *(a)* The Financial Services Board established under the Financial Services Board Act (hereafter Financial Services Board) shall be responsible for supervising and enforcing compliance with any regulations made by the Minister in terms of subsection (8).

(b) The supervising and enforcing compliance contemplated in paragraph *(a)* shall form part of the legislative mandate of the Financial Services Board.

(c) The Financial Services Board, acting through the Registrar, as defined in section 1 of the Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001), in supervising and enforcing compliance as contemplated in paragraph *(a)*, shall exercise any power afforded to the Registrar as defined in section 1 of that Act and in any of the Acts contemplated in the definition of 'law' in section 1 of that Act.".

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of section 18A of Act 58 of 1962, as substituted by section 24 of Act 30 of 2000 and amended by section 72 of Act 59 of 2000, section 20 of Act 30 of 2002, section 34 of Act 45 of 2003, section 26 of Act 31 of 2005, section 16 of Act 20 of 2006, section 18 of Act 8 of 2007, section 31 of Act 35 of 2007, section 1 of Act 3 of 2008, section 6 of Act 4 of 2008, section 34 of Act 60 of 2008, section 37 of Act 7 of 2010, section 44 of Act 24 of 2011, section 7 of Act 21 of 2012 and section 52 of Act 31 of 2013

29. (1) Section 18A of the Income Tax Act, 1962, is hereby amended—

kapitaalwins of kapitaalverlies ten opsigte van die beskikking van 'n belastingvrye belegging, nie in ag geneem word nie.

(4) Bydraes ten opsigte van 'n belastingvrye belegging is—

(a) beperk tot 'n bedrag van R30 000 in totaal gedurende enige jaar van aanslag;

(b) 'n bedrag in kontant; en

(c) beperk tot 'n bedrag van R500 000 in totaal.

(5) Enige bedrag beoog in subartikel (2) moet nie in ag geneem word nie by die vasstelling of 'n persoon meer bygedra het ten opsigte van die bedrae in subartikel (4)*(a)* en *(c)* beoog.

(6) Enige—

(a) oordrag van 'n bedrag ten opsigte van 'n belastingvrye belegging van 'n persoon na 'n ander belastingvrye belegging van daardie persoon; of

(b) bedrag ontvang of toegeval ten opsigte van 'n belastingvrye belegging, moet nie in ag geneem word nie by die vasstelling of daardie persoon meer bygedra het ten opsigte van die bedrae beoog in subartikel (4)*(a)* en *(c)* as 'n bydrae ten opsigte van daardie ander belastingvrye belegging.

(7) *(a)* Indien gedurende enige jaar van aanslag enige persoon meer bydra as die bedrag van R 30 000 ten opsigte van belastingvrye beleggings, moet 'n bedrag gelykstaande aan 40 persent van daardie bedrag meer bygedra geag word om 'n bedrag van normale belasting betaalbaar te wees deur daardie persoon ten opsigte van daardie jaar van aanslag.

(b) Indien enige persoon meer as R 500 000 in totaal bydra ten opsigte van belastingvrye beleggings, moet 'n bedrag gelykstaande aan 40 persent van soveel van daardie bedrag meer betaal soos wat voorheen nie in ag geneem is nie ingevolge hierdie subartikel geag word om 'n bedrag van normale belasting betaalbaar te wees ten opsigte van die jaar van aanslag waarin daardie bedrag meer betaal is.

(8) Die Minister moet regulasies maak wat die vereistes voorskryf—

(a) waaraan enige finansiële instrument of polis soos omskryf in artikel 29A moet voldoen vir die doeleindes om 'n belastingvrye belegging uit te maak;

(b) waaraan voldoen moet word wanneer 'n belastingvrye belegging oorgedra word; en

(c) ten opsigte van openbaarmaking deur enige persoon beoog in paragraaf *(a)* van die omskrywing van 'belastingvrye belegging' in subartikel (1) ten opsigte van 'n belastingvrye belegging.

(9) *(a)* Die Raad op Finansiële Dienste wat ingevolge die Wet op die Raad op Finansiële Dienste ingestel is (hierna die Raad op Finansiële Dienste), is verantwoordelik vir toesig oor en afdwinging van voldoening aan enige regulasie ingevolge subartikel (8) deur die Minister gemaak.

(b) Die toesig oor en afdwinging van voldoening beoog in paragraaf *(a)* vorm deel van die wetgewende mandaat van die Raad op Finansiële Dienste.

(c) Die Raad op Finansiële Dienste wat optree deur die Registrateur, soos omskryf in artikel 1 van die Wet op Finansiële Instellings (Beskerming van Fondse), 2001 (Wet No. 28 van 2001) in toesig oor en afdwinging van voldoening soos beoog in paragraaf *(a)*, moet enige magte aan die Registrateur verleen uitoefen soos omskryf in artikel 1 van daardie Wet en in enige van die Wette beoog in die omskrywing van 'reg' in artikel 1 van daardie Wet.''.

(2) Subartikel (1) tree in werking op 1 Maart 2015.

Wysiging van artikel 18A van Wet 58 van 1962, soos vervang deur artikel 24 van Wet 30 van 2000 en gewysig deur artikel 72 van Wet 59 van 2000, artikel 20 van Wet 30 van 2002, artikel 34 van Wet 45 van 2003, artikel 26 van Wet 31 van 2005, artikel 16 van Wet 20 van 2006, artikel 18 van Wet 8 van 2007, artikel 31 van Wet 35 van 2007, artikel 1 van Wet 3 van 2008, artikel 6 van Wet 4 van 2008, artikel 34 van Wet 60 van 2008, artikel 37 van Wet 7 van 2010, artikel 44 van Wet 24 van 20101, artikel 7 van Wet 21 van 2012 en artikel 52 van Wet 31 van 2013

29. (1) Artikel 18A van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) by the substitution in subsection (2A)*(b)*(i) for the words preceding the proviso of the following words:

"that organisation will within 12 months after the end of the relevant year of assessment distribute or incur the obligation to distribute at least **[75]** 50 per cent of all funds received by way of donation during that year in respect of which receipts were issued:";

(b) by the insertion after subsection (2C) of the following subsection:

"(2D) Any public benefit organisation contemplated in subsection (1)*(b)*, in respect of any amount that is not distributed referred to in subsection (2A)*(b)*(i), shall distribute or incur the obligation to distribute all amounts received in respect of investment assets held by it, other than amounts received in respect of disposals of those investment assets to any public benefit organisation, institution, board or body contemplated in subsection (1)*(a)*, no later than six months after—

(a) every five years from the date on which the Commissioner issued a reference number referred to in subsection (2)*(a)*(i) to that public benefit organisation referred to in subsection (1)*(b)*, if that public benefit organisation is incorporated, formed or established on or after 1 March 2015; or

(b) every five years from 1 March 2015, if that public benefit organisation referred to in subsection (1)*(b)* was incorporated, formed or established and issued with a reference number referred to in subsection (2)*(a)*(i) prior to 1 March 2015.";

(c) by the substitution in subsection (3B) for paragraph *(b)* of the following paragraph:

"*(b)* issued by a financial institution as defined in section 1 of the Financial Services Board Act**[, 1990 (Act No. 97 of 1990)]**."; and

(d) by the insertion after subsection (5B) of the following subsection:

"(5C) If the Commissioner has reasonable grounds for believing that any public benefit organisation contemplated in subsection (1)*(b)*, has not distributed amounts as contemplated in subsection (2D), or has not incurred the obligation to distribute those amounts received in respect of investment assets held by it, those amounts shall be deemed to be taxable income of that public benefit organisation in that year of assessment.".

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of section 19 of Act 58 of 1962, as inserted by section 36 of Act 22 of 2012 and amended by section 53 of Act 31 of 2013

30. Section 19 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (8)*(a)* for subparagraph (iii) of the following subparagraph:

"(iii) the amount by which the debt is reduced by the deceased estate forms part of the property of the deceased estate for the purposes of the Estate Duty Act**[, 1955 (Act No. 45 of 1955)]**;".

Amendment of section 20 of Act 58 of 1962, as amended by section 13 of Act 90 of 1964, section 18 of Act 88 of 1965, section 13 of Act 76 of 1968, section 18 of Act 89 of 1969, section 15 of Act 65 of 1973, section 8 of Act 101 of 1978, section 18 of Act 94 of 1983, section 19 of Act 101 of 1990, section 16 of Act 113 of 1993, section 17 of Act 21 of 1995, section 15 of Act 28 of 1997, section 26 of Act 30 of 2000, section 27 of Act 59 of 2000, section 23 of Act 74 of 2002, section 35 of Act 45 of 2003, section 19 of Act 8 of 2007, section 32 of Act 35 of 2007, section 15 of Act 3 of 2008, section 35 of Act 60 of 2008, section 32 of Act 17 of 2009, section 37 of Act 22 of 2012 and section 54 of Act 31 of 2013

31. (1) Section 20 of the Income Tax Act, 1962, is hereby amended by the addition in subsection (1) to paragraph *(a)* of the following proviso:

": Provided that no person whose estate has been voluntarily or compulsorily sequestrated shall be entitled to carry forward any assessed loss incurred prior to the date of sequestration, unless the order of sequestration has been set aside, in which case the amount to be so carried forward shall be reduced by an amount

(a) deur in subartikel (2A)*(b)*(i) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"daardie organisasie binne 12 maande na die einde van die betrokke jaar van aanslag minstens **[75]** 50 persent van alle fondse ontvang by wyse van skenkings gedurende daardie jaar ten opsigte waarvan kwitansies uitgereik is uitkeer of die verpligting aangaan om dit uit te keer:";

(b) deur na subartikel (2C) die volgende subartikel in te voeg:

"(2D) Enige openbare weldaadsorganisasie beoog in subartikel (1)*(b)*, ten opsigte van enige bedrag bedoel in subartikel (2A)*(b)*(i) wat nie uitgekeer is nie, moet alle bedrae uitkeer of die verpligting aangaan om dit uit te keer ontvang ten opsigte van beleggingsbates deur dit gehou, anders as bedrae ontvang ten opsigte van beskikking van daardie beleggingsbates aan enige openbare weldaadsorganisasie, instelling, raad of liggaam beoog in subartikel (1)*(a)*, nie later nie as ses maande na—

(a) elke vyf jaar vanaf die datum waarop die Kommissaris 'n verwysingsnommer uitgereik het in subartikel (2)*(a)*(i) bedoel na daardie openbare weldaadsorganisasie verwys na in subartikel (1)*(b)*, indien daardie openbare weldaadsorganisasie op of na 1 Maart 2015 ingelyf, gestig of opgerig is."; of

(b) elke vyf jaar vanaf 1 Maart 2015, indien daardie openbare weldaadsorganisasie bedoel in subartikel (1)*(b)* voor 1 Maart 2015 ingelyf, gestig of opgerig is en 'n verwysingsnommer in subartikel (2)*(a)*(i) bedoel, ontvang het."; en

(c) deur in subartikel (3B) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* uitgereik is deur 'n finansiële instelling soos in artikel 1 van die Wet op die Raad op Finansiële Dienste**[, 1990 (Wet No. 97 van 1990),]** bedoel, uitmaak;"; en

(d) deur na subartikel (5B) die volgende subartikel in te voeg:

"(5C) Indien die Kommissaris redelike gronde het om te glo dat enige openbare weldaadsorganisasie beoog in subartikel 1*(b)* nie bedrae uitgekeer het nie soos beoog in subartikel (2D) of nie die verpligting aangegaan het nie om daardie bedrae ontvang uit te keer ten opsigte van beleggingsbates deur dit gehou nie, moet daardie bedrae geag wees belasbare inkomste van daardie openbare weldaadsorganisasie in daardie jaar van aanslag te wees.".

(2) Subartikel (1) tree in werking op 1 Maart 2015.

Wysiging van artikel 19 van Wet 58 van 1962, soos ingevoeg deur artikel 36 van Wet 22 van 2012 en gewysig deur artikel 53 van Wet 31 van 2013

30. Artikel 19 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (8)*(a)* subparagraaf (iii) deur die volgende subparagraaf te vervang:

"(iii) die bedrag waarmee die skuld deur die bestorwe boedel verminder word deel uitmaak van die eiendom van die bestorwe boedel by die toepassing van die Boedelbelastingwet**[, 1955 (Wet No. 45 van 1955)]**;".

Wysiging van artikel 20 van Wet 58 van 1962, soos gewysig deur artikel 13 van Wet 90 van 1964, artikel 18 van Wet 88 van 1965, artikel 13 van Wet 76 van 1968, artikel 18 van Wet 89 van 1969, artikel 15 van Wet 65 van 1973, artikel 8 van Wet 101 van 1978, artikel 18 van Wet 94 van 1983, artikel 19 van Wet 101 van 1990, artikel 16 van Wet 113 van 1993, artikel 17 van Wet 21 van 1995, artikel 15 van Wet 28 van 1997, artikel 26 van Wet 30 van 2000, artikel 27 van Wet 59 van 2000, artikel 23 van Wet 74 van 2002, artikel 35 van Wet 45 van 2003, artikel 19 van Wet 8 van 2007, artikel 32 van Wet 35 van 2007, artikel 15 van Wet 3 van 2008, artikel 35 van Wet 60 van 2008, artikel 32 van Wet 17 van 2009, artikel 37 van Wet 22 van 2012 en artikel 54 van Wet 31 van 2013

31. (1) Artikel 20 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die volgende voorbehoudsbepaling tot paragraaf *(a)* by te voeg:

": Met dien verstande dat 'n persoon wie se boedel onder vrywillige of verpligte sekwestrasie geplaas is, nie geregtig is om 'n vasgestelde verlies voor die datum van sekwestrasie gely, oor te bring nie, tensy die sekwestrasiebevel tersyde gestel is, in welke geval die bedrag aldus oorgebring staan te word, verminder word met

which was allowed to be set off against the income of the insolvent estate of such person from the carrying on of any trade;”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 22 of Act 58 of 1962, as amended by section 8 of Act 6 of 1963, section 14 of Act 90 of 1964, section 21 of Act 89 of 1969, section 23 of Act 85 of 1974, section 20 of Act 69 of 1975, section 15 of Act 103 of 1976, section 20 of Act 94 of 1983, section 19 of Act 121 of 1984, section 14 of Act 65 of 1986, section 5 of Act 108 of 1986, section 21 of Act 101 of 1990, section 22 of Act 129 of 1991, section 17 of Act 113 of 1993, section 1 of Act 168 of 1993, section 19 of Act 21 of 1995, section 12 of Act 36 of 1996, section 25 of Act 53 of 1999, section 27 of Act 30 of 2000, section 12 of Act 5 of 2001, section 24 of Act 74 of 2002, section 37 of Act 45 of 2003, section 16 of Act 3 of 2008, section 36 of Act 60 of 2008, section 39 of Act 7 of 2010, section 45 of Act 24 of 2011, section 40 of Act 22 of 2012 and section 55 of Act 31 of 2013

32. Section 22 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (3)*(a)* for subparagraph (i) of the following paragraph:

“(i) subject to subparagraphs (iA) and (ii), be the cost incurred by such person, whether in the current or any previous year of assessment in acquiring such trading stock, plus**[, subject to the provisions of paragraph *(b)*,]** any further costs incurred by **[him]** such person, in terms of IFRS (in the case of a company), up to and including the said date in getting such trading stock into its then existing condition and location, but excluding any exchange difference as defined in section 24I (1) relating to the acquisition of such trading stock;”; and

(b) by the deletion in subsection (3) of paragraph *(b)*.

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, section 38 of Act 45 of 2003, section 13 of Act 16 of 2004, section 28 of Act 31 of 2005, section 17 of Act 20 of 2006, section 20 of Act 8 of 2007, section 37 of Act 60 of 2008, section 41 of Act 7 of 2010, sections 47 and 162 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 38 of Schedule 1 to that Act, section 42 of Act 22 of 2012 and section 56 of Act 31 of 2013

33. (1) Section 23 of the Income Tax Act, 1962, is hereby amended by the substitution for paragraph *(r)* of the following paragraph:

“*(r)* any deduction in respect of any premium paid by a person in terms of an insurance policy if that insurance policy covers that person against illness, injury, disability, unemployment or death of that person.”.

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 23B of Act 58 of 1962, as inserted by section 25 of Act 129 of 1991 and amended by section 16 of Act 21 of 1994, section 29 of Act 30 of 2000, section 39 of Act 45 of 2003, section 18 of Act 20 of 2006, section 42 of Act 7 of 2010 and section 48 of Act 24 of 2011

34. (1) Section 23B of the Income Tax Act, 1962, is hereby amended by the deletion of subsection (4).

(2) Subsection (1) is deemed to have come into operation on 1 January 2014 and applies in respect of expenditure incurred in respect of research and development on or after that date, but before 1 October 2022.

'n bedrag wat toegelaat is om teen die inkomste in vergelyking gebring te gewees het van die insolvente boedel van bedoelde persoon uit die beoefening van 'n bedryf;".

(2) Subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 22 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 6 van 1963, artikel 14 van Wet 90 van 1964, artikel 21 van Wet 89 van 1969, artikel 23 van Wet 85 van 1974, artikel 20 van Wet 69 van 1975, artikel 15 van Wet 103 van 1976, artikel 20 van Wet 94 van 1983, artikel 19 van Wet 121 van 1984, artikel 14 van Wet 65 van 1986, artikel 5 van Wet 108 van 1986, artikel 21 van Wet 101 van 1990, artikel 22 van Wet 129 van 1991, artikel 17 van Wet 113 van 1993, artikel 1 van Wet 168 van 1993, artikel 19 van Wet 21 van 1995, artikel 12 van Wet 36 van 1996, artikel 25 van Wet 53 van 1999, artikel 27 van Wet 30 van 2000, artikel 12 van Wet 5 van 2001, artikel 24 van Wet 74 van 2002, artikel 37 van Wet 45 van 2003, artikel 16 van Wet 3 van 2008, artikel 36 van Wet 60 van 2008, artikel 39 van Wet 7 van 2010, artikel 45 van Wet 24 van 2011, artikel 40 van Wet 22 van 2012 en artikel 55 van Wet 31 van 2013

32. Artikel 22 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (3)*(a)* subparagraaf (i) deur die volgende paragraaf te vervang:

"(i) behoudens die bepalings van subparagrawe *(i*A*)* en (ii), die koste wat die persoon of in die lopende of in 'n vorige jaar van aanslag, by die verkryging van bedoelde handelsvoorraad aangegaan het, plus**[, behoudens die bepalings van paragraaf *(b)*,]** enige verdere koste deur **[hom]** so persoon ingevolge IFRS (in die geval van 'n maatskappy), tot en met daardie datum aangegaan om bedoelde handelsvoorraad in die toestand waarin en op die plek waar dit dan is, te kry, maar uitgesonderd 'n valutaverskil soos omskryf in artikel 24I (1) met betrekking tot die verkryging van bedoelde handelsvoorraad;"; en

(b) deur in subartikel (3) paragraaf *(b)* te skrap.

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, artikel 38 van Wet 45 van 2003, artikel 13 van Wet 16 van 2004, artikel 28 van Wet 31 van 2005, artikel 17 van Wet 20 van 2006, artikel 20 van Wet 8 van 2007, artikel 37 van Wet 60 van 2008, artikel 41 van Wet 7 van 2010, artikels 47 en 162 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 38 van Bylae 1 by daardie Wet, artikel 42 van Wet 22 van 2012 en artikel 56 van Wet 31 van 2013

33. (1) Artikel 23 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf *(r)* deur die volgende paragraaf te vervang:

"*(r)* enige aftrekking ten opsigte van enige premie betaal deur 'n persoon ingevolge 'n versekeringspolis indien daardie versekeringspolis daardie persoon dek teen siekte, besering, ongeskiktheid, werkloosheid of dood van daardie persoon.".

(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 23B van Wet 58 van 1962, soos ingevoeg deur artikel 25 van Wet 129 van 1991 en gewysig deur artikel 16 van Wet 21 van 1994, artikel 29 van Wet 30 van 2000, artikel 39 van Wet 45 van 2003, artikel 18 van Wet 20 van 2006, artikel 42 van Wet 7 van 2010 en artikel 48 van Wet 24 van 2011

34. (1) Artikel 23B van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (4) te skrap.

(2) Subartikel (1) word geag op 1 Januarie 2014 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling voor of na daardie datum, maar voor 1 Oktober 2022.

Amendment of section 23H of Act 58 of 1962, as inserted by section 31 of Act 30 of 2000 and amended by section 29 of Act 59 of 2000, section 34 of Act 60 of 2001, section 36 of Act 35 of 2007, section 19 of Act 3 of 2008, section 43 of Act 7 of 2010 and section 46 of Act 22 of 2012

35. (1) Section 23H of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* which is allowable as a deduction in terms of the provisions of section 11 *(a)*, *(c)*, *(d)* or *(w)*, or section 11A **[or section 11D (1)]**; and".

(2) Subsection (1) is deemed to have come into operation on 1 October 2012.

Amendment of section 23I of Act 58 of 1962, as substituted by section 38 of Act 60 of 2008 and amended by section 36 of Act 17 of 2009, section 44 of Act 7 of 2010, section 47 of Act 22 of 2012 and section 58 of Act 31 of 2013

36. Section 23I of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in section (1) for the definition of "end user" of the following definition:

" **'end user'** means a taxable person or a person with a permanent establishment within the Republic that uses intellectual property or any corresponding invention during a year of assessment to derive income, other than a person that derives income mainly by virtue of the grant of use**[,]** or right of use or permission to use intellectual property or any corresponding invention;";

(b) by the substitution in subsection (1) in paragraph *(d)* of the definition of "tainted intellectual property" for subparagraphs (i) and (ii) of the following subparagraphs:

"(i) by virtue of the grant of use**[,]** or right of use or permission to use that property; or

(ii) where that receipt, accrual or amount is determined directly or indirectly with reference to expenditure incurred for the use**[,]** or right of use or permission to use that property;"; and

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

"*(b)* expenditure the incurral or amount of which is determined directly or indirectly with reference to expenditure incurred for the use or, right of use of or permission to use tainted intellectual property,".

Amendment of section 23M of Act 58 of 1962, as inserted by section 16 of Act 31 of 2013

37. (1) Section 23M of the Income Tax Act, 1962, is hereby amended—

(a) by the deletion in subsection (1) in the definition of "adjusted taxable income" at the end of paragraph *(b)*(i) of the word "and" and the addition of the expression "and" at the end of subparagraph (ii) of that paragraph;

(b) by the addition in subsection (1) to the definition of "adjusted taxable income" after paragraph *(b)*(ii) of the following paragraph:

"(iii) any assessed loss or balance of assessed loss allowed to be set off against income in terms of section 20;";

(c) by the substitution in subsection (1) for the definition of "controlling relationship" of the following definition:

" **'controlling relationship'** means a relationship where a person directly or indirectly holds at least 50 per cent of the equity shares in a company or at least 50 per cent of the voting rights in a company is exercisable by a person;";

(d) by the substitution in subsection (1) for the definition of "debtor" of the following definition:

" **'debtor'** means a debtor who is—

(a) a person that is a resident; or

Wysiging van artikel 23H van Wet 58 van 1962, soos ingevoeg deur artikel 31 van Wet 30 van 2000 en gewysig deur artikel 29 van Wet 59 van 2000, artikel 34 van Wet 60 van 2001, artikel 36 van Wet 35 van 2007, artikel 19 van Wet 3 van 2008, artikel 43 van Wet 7 van 2010 en artikel 46 van Wet 22 van 2012

35. (1) Artikel 23H van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* wat ingevolge die bepalings van artikel 11 *(a)*, *(c)*, *(d)* of *(w)*, of artikel 11A **[of artikel 11D(1)]** as 'n aftrekking toelaatbaar is; en".

(2) Subartikel (1) word geag op 1 Oktober 2012 in werking te getree het.

Wysiging van artikel 23I van Wet 58 van 1962, soos vervang deur artikel 38 van Wet 60 van 2008 en gewysig deur artikel 36 van Wet 17 van 2009, artikel 44 van Wet 7 van 2010, artikel 47 van Wet 22 van 2012 en artikel 58 van Wet 31 van 2013

36. Artikel 23I van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van "eindgebruiker" deur die volgende omskrywing te vervang:

" **'eindgebruiker'** 'n belasbare persoon of 'n persoon met 'n permanente saak in die Republiek wat immateriële goedere of enige gepaardgaande ontdekking gedurende 'n jaar van aanslag gebruik om inkomste te verkry, buiten 'n persoon wat inkomste verkry hoofsaaklik uit hoofde van die verlening van die gebruik **[,]** of reg van gebruik of toestemming om te gebruik van immateriële goedere of enige gepaardgaande ontdekking;";

(b) deur in subartikel (1) in paragraaf *(d)* van die omskrywing van "besmette immateriële goedere" subparagrawe (i) en (ii) deur die volgende subparagrawe te vervang:

"(i) uit hoofde van die verlening van gebruik**[,]** of reg van gebruik of toestemming tot gebruik van daardie eiendom; of

(ii) waar daardie ontvangs, toevalling of bedrag direk of indirek bepaal word met verwysing na uitgawes aangegaan vir die gebruik**[,]** of reg van gebruik of toestemming om daardie eiendom te gebruik;"; en

(c) deur in subartikel (2) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* uitgawes waarvan die aangaan of bedrag direk of indirek bepaal word met verwysing na onkostes aangegaan vir die gebruik of, reg van gebruik van of toestemming tot gebruik van enige besmette immateriële goedere,".

Wysiging van artikel 23M in Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 31 van 2013

37. (1) Artikel 23M van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" aan die einde van paragraaf *(b)*(i) die woord "en" te skrap, en die uitdrukking "en" aan die einde van subparagraaf (ii) van daardie paragraaf by te voeg;

(b) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" na paragraaf *(b)*(ii) die volgende paragraaf by te voeg:

"(iii) enige vasgestelde verlies of balans van 'n vasgestelde verlies toegelaat om verreken te word teen inkomste ingevolge artikel 20;";

(c) deur in subartikel (1) die omskrywing van "beherende verhouding" deur die volgende omskrywing te vervang:

" **'beherende verhouding'** 'n verhouding waar 'n persoon direk of indirek ten minste 50 persent van die ekwiteitsaandele in 'n maatskappy hou of ten minste 50 persent van die stemregte in 'n maatskappy uitoefenbaar is deur 'n persoon;";

(d) deur in subartikel (1) die omskrywing van "skuldenaar" deur die volgende omskrywing te vervang:

" **'skuldenaar'** 'n skuldenaar wat—

(a) 'n persoon is wat 'n inwoner is; of

(b) any other person who is not a resident that has a permanent establishment in the Republic in respect of any debt claim that is effectively connected with that permanent establishment;";

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

"(2) Where an amount of interest is incurred by a debtor during a year of assessment in respect of a debt owed to—

(a) a creditor that is in a controlling relationship with that debtor; or

(b) a creditor that is not in a controlling relationship with that debtor, if that creditor obtained the funding for the debt advanced to the debtor from a person that is in a controlling relationship with that debtor,

and the amount of interest so incurred is not during that year of assessment—

(i) (aa) subject to tax in the hands of the person to which the interest accrues; or

(bb) included in the net income of a controlled foreign company as contemplated in section 9D in the foreign tax year of the controlled foreign company commencing or ending within that year of assessment; and

(ii) disallowed under 23N,

the amount of interest allowed to be deducted may not exceed the amount determined in accordance with subsection (3).";

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

"(b) a percentage of that adjusted taxable income of that debtor to be determined in accordance with the formula—

$$A = B \times \frac{C}{D}$$

in which formula—

(a) 'A' represents the percentage to be determined;

(b) 'B' represents the number 40;

(c) 'C' represents the average repo rate plus 400 basis points; and

(d) 'D' represents the number 10,

but not exceeding 60 per cent of the adjusted taxable income of that debtor,

reduced by so much of any amount of interest incurred by the debtor in respect of debts other than debts contemplated in subsection (2) as exceeds any amount not allowed to be deducted in terms of section 23N."; and

(g) by the substitution for subsection (5) of the following subsection:

"(5) Where an amount of interest is to be taken into account in terms of this section and in terms of section 23N, that amount of interest shall only be taken into account in terms of this section after section 23N has been applied.".

(2) Subsection (1) comes into operation on 1 January 2015 and applies in respect of interest incurred on or after that date.

Amendment of section 23N of Act 58 of 1962, as inserted by section 63 of Act 31 of 2013

38. (1) Section 23N of the Income Tax Act, 1962, is hereby amended—

(a) by the insertion in subsection (1) in the definition of "adjusted taxable income" at the end of paragraph (a)(iii) of the word "and";

(b) by the deletion in subsection (1) in the definition of "adjusted taxable income" at the end of paragraph (b)(ii) of the word "and";

(c) by the insertion in subsection (1) in the definition of "adjusted taxable income" at the end of paragraph (b)(iii) of the word "and";

(d) by the addition in subsection (1) to the definition of "adjusted taxable income" after paragraph (b)(iii) of the following subparagraph:

(b) enige ander persoon is wat nie 'n inwoner is nie wat 'n permanente saak in die Republiek het ten opsigte van 'n skuld eis wat effektief verbind is met daardie permanente saak;";

(e) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Waar 'n bedrag van rente gedurende 'n jaar van aanslag deur 'n skuldenaar aangegaan word ten opsigte van 'n skuld verskuldig aan—

(a) 'n krediteur wat in 'n beherende verhouding met daardie skuldenaar is; of

(b) 'n krediteur wat nie in 'n beherende verhouding met daardie skuldenaar is nie, indien daardie krediteur die befondsing vir die skuld voorgeskiet aan die skuldenaar verkry het van 'n persoon wat in 'n beherende verhouding met daardie skuldenaar is,

en die bedrag van rente aldus aangegaan nie gedurende daardie jaar van aanslag—

(i) *(aa)* aan belasting onderhewig is nie in die hande van die persoon waaraan die rente toeval; of

(bb) soos beoog in artikel 9D by die netto inkomste van 'n beheerde buitelandse maatskappy ingesluit word nie in die buitelandse belastingjaar van die beheerde binnelandse maatskappy wat binne daardie jaar van aanslag begin of eindig; en

(ii) nie toegelaat is kragtens 23N nie,

mag die bedrag van rente toegelaat om afgetrek te word nie die bedrag bepaal in subartikel (3) oorskry nie." ;

(f) deur in subartikel (3) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* 'n persentasie van daardie aangepaste belasbare inkomste van daardie skuldenaar bepaal moet word ooreenkomstig die formule—

$$A = B \times \frac{C}{D}$$

in welke formule—

(a) 'A' die persentasie wat bepaal moet word, voorstel;

(b) 'B' die getal 40 voorstel;

(c) 'C' die gemiddelde repokoers plus 400 basispunte voorstel; en

(d) 'D' die getal 10 voorstel, maar wat nie 60 persent van die aangepaste belasbare inkomste van daardie skuldenaar te bowe gaan nie,

verminder met soveel van enige bedrag rente aangegaan deur die skuldenaar ten opsigte van skulde buiten skulde beoog in subartikel (2) soos wat enige bedrag te bowe gaan nie toegelaat om afgetrek te word ingevolge artikel 23N."; en

(g) deur subartikel (5) te vervang deur die volgende subartikel:

"(5) Waar 'n bedrag van rente in ag geneem moet word ingevolge hierdie artikel en ingevolge artikel 23N, word daardie bedrag van rente slegs ingevolge hierdie artikel in ag geneem nadat artikel 23N toegepas is.".

(2) Subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van rente aangegaan op of na daardie datum.

Wysiging van artikel 23N van Wet 58 van 1962, soos ingevoeg deur artikel 63 van Wet 31 van 2013

38. (1) Artikel 23N van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" aan die einde van paragraaf *(a)*(iii) die woord "en" in te voeg;

(b) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" aan die einde van paragraaf *(b)*(ii) die woord "en" te skrap;

(c) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" aan die einde van paragraaf *(b)*(iii) die woord "en" in te voeg;

(d) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" aan die einde van paragraaf *(b)*(iii) die volgende subparagraaf by te voeg:

"(iv) any assessed loss or balance of assessed loss allowed to be set off against income in terms of section 20;";

(e) by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

"**[Subject to section 23M, where]** Where an amount of interest is incurred by an acquiring company in terms of a debt—";

(f) by the substitution in subsection (3) for paragraph *(b)* of the following paragraph:

"*(b)* **[subject to subsection (4), 40 percent of]** a percentage calculated in terms of the amount of the adjusted taxable income of that acquiring company **[determined]** in accordance with the formula contemplated in subsection (4) determined in respect of the year of assessment **[in which]**—

(i) in which the acquisition transaction or reorganisation transaction is entered into; **[or]**

(ii) in which the amount of interest is incurred by that acquiring company; or

(iii) prior to the year of assessment contemplated in subparagraph (i),

whichever is the highest,

reduced by any amount of interest incurred by the acquiring company in respect of debts **[not]** other than debts contemplated in subsection (2)."; and

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

"(4) The percentage contemplated in subsection (3)*(b)* must be determined in accordance with the formula—

$$A = B \times \frac{C}{D}$$

in which formula—

(a) 'A' represents the percentage to be determined;

(b) 'B' represents the number 40;

(c) 'C' represents the average repo rate plus 400 basis points; and

(d) 'D' represents the number 10,

but not exceeding 60 per cent of the adjusted taxable income of that acquiring company.

(2) Subsection (1) comes into operation on 1 January 2015 and applies in respect of years of assessment commencing on or after that date.

Insertion of section 23O in Act 58 of 1962

39. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 23N:

"**Limitation of deductions by small, medium or micro-sized enterprises in respect of amounts received or accrued from small business funding entities**

23O. (1) For the purposes of this section—

'allowance asset' means an asset as defined in paragraph 1 of the Eighth Schedule, other than trading stock, in respect of which a deduction or allowance is allowable in terms of this Act for purposes other than the determination of any capital gain or capital loss.

(2) Where during any year of assessment any amount is received by or accrues to a small, medium or micro-sized enterprise from a small business funding entity for the acquisition, creation or improvement, or as a reimbursement for expenditure incurred in respect of the acquisition, creation or improvement of trading stock, any expenditure incurred in respect of that trading stock allowed as a deduction in terms of section 11*(a)* or any amount taken into account in respect of the value of trading stock as contemplated in section 22(1) or (2) must be reduced to the extent that the amount received or accrued from the small business funding entity is applied for that purpose.

(3) Where during any year of assessment any amount is received by or accrues to a small, medium or micro-sized enterprise from a small business

"(iv) enige vasgestelde verlies of balans van 'n vasgestelde verlies toegelaat om verreken te word teen inkomste ingevolge artikel 20;";

(e) deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"**[Behoudens artikel 23M, waar]** Waar 'n bedrag van rente deur 'n verkrygende maatskappy aangegaan word ingevolge 'n skuld—";

(f) deur in subartikel (3) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* **[behoudens subartikel (4), 40 persent van]** 'n persentasie bereken ingevolge die bedrag van die aangepaste belasbare inkomste van daardie verkrygende maatskappy **[bepaal]** in ooreenstemming met die formule beoog in subartikel (4) bepaal ten opsigte van die jaar van aanslag **[waarin]**—

(i) waarin die verkrygingstransaksie of reorganisasietransaksie aangegaan is; **[of]**

(ii) waarin die bedrag van rente deur daardie verkrygende maatskappy aangegaan is; of

(iii) wat die jaar van aanslag beoog in subparagraaf (i) voorafgaan,

wat ookal die hoogste is, oorskry nie,

verminder deur enige bedrag van rente deur die verkrygende maatskappy aangegaan ten opsigte van skulde **[nie]** anders as skulde in subartikel (2) beoog **[nie]**."; en

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

"(4) Die persentasie beoog in subartikel (3)*(b)* word bepaal ooreenkomstig die formule—

$$A = B \times \frac{C}{D}$$

in welke formule—

(a) 'A' die persentasie wat toegepas moet word, voorstel;

(b) 'B' die getal 40 voorstel;

(c) 'C' die gemiddelde repokoers plus 400 basispunte voorstel; en

(d) 'D' die getal 10 voorstel,

maar wat nie 60 persent van die aangepaste belasbare inkomste van daardie verkrygende maatskappy te bowe gaan nie.".

(2) Subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Invoeging van artikel 23O in Wet 58 van 1962

39. (1) Die volgende artikel word hierby na artikel 23N in die Inkomstebelastingwet, 1962, ingevoeg:

"**Beperkings van aftrekkings deur klein-, medium- en mikrobesighede ten opsigte van bedrae ontvang of toegeval van kleinsake befondsingsentiteite**

23O. (1) By die toepassing van hierdie artikel beteken—

'afskryfbare bate' 'n bate soos omskryf in paragraaf 1 van die Agtste Bylae, buiten handelsvoorraad, ten opsigte waarvan 'n aftrekking of toelae ingevolge hierdie Wet toelaatbaar is vir doeleindes buiten die bepaling van enige kapitaalwins of kapitaalverlies.

(2) Waar gedurende enige jaar van aanslag enige bedrag ontvang word deur of toeval aan 'n klein-, medium- en mikrobesigheid vanaf 'n kleinsake befondsingsentiteit vir die verkryging, skepping of verbetering, of as 'n terugbetaling vir uitgawes aangegaan ten opsigte van die verkryging, skepping of verbetering van handelsvoorraad word enige uitgawes aangegaan ten opsigte van daardie handelsvoorraad wat as 'n aftrekking ingevolge artikel 11*(a)* toegelaat word enige bedrag in berekening gebring ten opsigte van die waarde van handelsvoorraad soos beoog in artikel 22(1) of (2) verminder namate die bedrag ontvang of toegeval vanaf daardie kleinsake befondsingsentiteit vir daardie doel toegepas word.

(3) Waar gedurende enige jaar van aanslag enige bedrag ontvang word deur of toeval aan 'n klein-, medium- en mikrobesigheid vanaf 'n kleinsake

funding entity for the acquisition, creation or improvement, or as a reimbursement for expenditure incurred in respect of the acquisition, creation or improvement of an allowance asset, the base cost of that allowance asset must be reduced to the extent that the amount received or accrued from the small business funding entity is applied for that purpose.

(4) Where during any year of assessment any amount is received by or accrues to a small, medium or micro-sized enterprise from a small business funding entity for the acquisition, creation or improvement of an allowance asset or as a reimbursement for expenditure incurred in respect of that acquisition, creation or improvement, the aggregate amount of the deductions or allowances allowable to that person in respect of that allowance asset may not exceed an amount equal to the aggregate of the expenditure incurred in the acquisition, creation or improvement of that allowance asset, reduced by an amount equal to the sum of—

(a) the amount received by or accrued to from a small business funding entity that is applied for that purpose; and

(b) the aggregate amount of all deductions and allowances previously allowed to that person in respect of that allowance asset.

(5) Where during any year of assessment any amount is received by or accrues to a small, medium or micro-sized enterprise from a small business funding entity—

(a) for the purpose of the acquisition, creation or improvement of an asset other than an asset contemplated in subsection (2) or (3); or

(b) as a reimbursement for expenditure incurred for the acquisition, creation or improvement of an asset other than an asset contemplated in subsection (2) or (3),

the base cost of that asset must be reduced to the extent that the amount received by or accrued from the small business funding entity is applied for that acquisition, creation or improvement.

(6) *(a)* Where during any year of assessment—

(i) any amount is received by or accrues to a small, medium or micro-sized enterprise from a small business funding entity; and

(ii) subsection (2), (3) or (4) does not apply to that amount,

any amount allowed to be deducted from the income of that small, medium or micro-sized enterprise in terms of section 11 for that year of assessment must be reduced to the extent of the amount received or accrued from a small business funding entity.

(b) To the extent that the amount received or accrued from a small business funding entity exceeds the amount allowed to be deducted as contemplated in paragraph *(a)*, that excess is deemed to be an amount received or accrued from a small business funding entity during the following year of assessment for the purposes of paragraph *(a)*.”.

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of amounts received on or after that date.

Amendment of section 24I of Act 58 of 1962, as inserted by section 21 of Act 113 of 1993 and amended by section 11 of Act 140 of 1993, section 18 of Act 21 of 1994, section 13 of Act 36 of 1996, section 18 of Act 28 of 1997, section 35 of Act 30 of 1998, section 26 of Act 53 of 1999, section 31 of Act 59 of 2000, section 36 of Act 60 of 2001, section 27 of Act 74 of 2002, section 42 of Act 45 of 2003, section 23 of Act 32 of 2004, section 33 of Act 31 of 2005, section 26 of Act 9 of 2006, section 19 of Act 20 of 2006, section 23 of Act 8 of 2007, section 40 of Act 35 of 2007, section 20 of Act 3 of 2008, section 38 of Act 17 of 2009, section 47 of Act 7 of 2010, section 52 of Act 24 of 2011, section 53 of Act 22 of 2012 and section 68 of Act 31 of 2013

40. Section 24I of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (10A) for paragraph *(a)* of the following paragraph:

“*(a)* Subject to **[subsection (7A) and]** paragraph *(b)*, no exchange difference arising during any year of assessment in respect of an exchange item contemplated in paragraph *(b)* of the definition of ‘exchange item’ shall be included in or deducted from the income of a person in terms of this section **[if, at the end of that year of assessment]**—

befondsingsentiteit vir die verkryging, skepping of verbetering van 'n afskryfbare bate of as 'n terugbetaling vir uitgawes aangegaan ten opsigte van daardie verkryging, skepping of verbetering, 'n afskryfbare bate, word die basiskoste van daardie afskryfbare bate verminder tot die mate wat die bedrag ontvang of toegeval vanaf die kleinsake befondsingsentiteit vir daardie doel toegepas word.

(4) Waar gedurende enige jaar van aanslag enige bedrag ontvang word deur of toeval aan 'n klein-, medium- of mikrobesigheid vanaf 'n kleinsake befondsingsentiteit vir die verkryging, skepping of verbetering van 'n afskryfbare bate of as 'n terugbetaling vir uitgawes aangegaan ten opsigte van daardie verkryging, skepping of verbetering, mag die totale bedrag van die aftrekkings of toelaes toelaatbaar aan daardie persoon ten opsigte van daardie afskryfbare bate nie 'n bedrag oorskry nie gelyk aan die totaal van die uitgawes aangegaan in die verkryging, skepping of verbetering van daardie afskryfbare bate, verminder deur 'n bedrag gelyk aan die som van—

(a) die bedrag ontvang deur of toegeval aan vanaf 'n kleinsake befondsingsentiteit; en

(b) die totale bedrag van alle aftrekkings en toelaes voorheen aan daardie persoon toegelaat ten opsigte van daardie afskryfbare bate.

(5) Waar gedurende enige jaar van aanslag enige bedrag ontvang word deur of toeval aan 'n klein-, medium- of mikrobesigheid vanaf 'n kleinsake befondsingsentiteit—

(a) vir die doeleindes van die verkryging, skepping of verbetering van 'n bate buiten 'n bate in beoog in subartikel (2) of (3); of

(b) as 'n vergoeding vir uitgawe aangegaan vir die verkryging, skepping of verbetering van 'n bate buiten 'n bate beoog in subartikel (2) of (3),

moet die basiskoste van daardie bate verminder word tot die mate wat die bedrag wat van die kleinsakebefondsingsentiteit ontvang is gebruik word vir daardie verkryging, skepping of verbetering.

(6) *(a)* Waar gedurende enige jaar van aanslag—

(i) enige bedrag ontvang word deur of toeval aan 'n klein-, medium- of mikrobesigheid vanaf 'n kleinsake befondsingsentiteit; en

(ii) subartikel (2), (3) of (4) is nie van toepassing op daardie bedrag nie, word enige bedrag wat toegelaat word om van daardie klein-, medium- en mikrobesigheid se inkomste ingevolge artikel 11 vir daardie jaar van aanslag afgetrek te word, verminder tot die bedrag ontvang of toegeval vanaf 'n kleinsake befondsings entiteit.

(b) Namate die bedrag ontvang of toegeval kleinsake befondsingsentiteit die bedrag oorskry wat toegelaat word om afgetrek te word soos beoog in paragraaf *(a)*, word daardie oorskot geag 'n bedrag ontvang of toegeval te wees vanaf 'n kleinsake befondsingsentiteit gedurende die volgende jaar van aanslag by die toepassing van paragraaf *(a)* te wees.".

(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van bedrae ontvang op of na daardie datum.

Wysiging van artikel 24I van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 113 van 1993, en gewysig deur artikel 11 van Wet 140 van 1993, artikel 18 van Wet 21 van 1994, artikel 13 van Wet 36 van 1996, artikel 18 van Wet 28 van 1997, artikel 35 van Wet 30 van 1998, artikel 26 van Wet 53 van 1999, artikel 31 van Wet 59 van 2000, artikel 36 van Wet 60 van 2001, artikel 27 van Wet 74 van 2002, artikel 42 van Wet 45 van 2003, artikel 23 van Wet 32 van 2004, artikel 33 van Wet 31 van 2005, artikel 26 van Wet 9 van 2006, artikel 19 van Wet 20 van 2006, artikel 23 van Wet 8 van 2007, artikel 40 van Wet 35 van 2007, artikel 20 van Wet 3 van 2008, artikel 47 van Wet 7 van 2010 en artikel 68 van Wet 31 van 2013

40. Artikel 24I van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (10A) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* Behoudens **[subartikel (7A) en]** paragraaf *(b)* word geen valutaverskil wat gedurende enige jaar van aanslag voorkom ten opsigte van 'n valuta-item beoog in paragraaf *(b)* van die omskrywing van 'valuta-item' ingesluit by of afgetrek van die inkomste van 'n persoon ingevolge hierdie artikel nie **[indien, teen die einde van daardie jaar van aanslag—]**

(i) if, at the end of that year of assessment—

(aa) that person and the other party to the contractual provisions of that exchange item—

[*(aa)*](A) form part of the same group of companies; or

[*(bb)*](B) are connected persons in relation to each other; and

(bb) no forward exchange contract and no foreign currency option contract has been entered into by that person to serve as a hedge in respect of that exchange item; and

(ii) that exchange item—

(aa) or any portion thereof does not represent for that person a current asset or a current liability for the purposes of financial reporting pursuant to IFRS; **[or]** and

(bb) is not directly or indirectly funded by any debt owed to any person that—

(A) does not form part of the same group of companies as; or

(B) is not a connected person in relation to,

that person or the other party to the contractual provisions of that exchange item**[; and**

(iii) no forward exchange contract and no foreign currency option contract has been entered into by that person to serve as a hedge in respect of that exchange item].''.

Amendment of section 24J of Act 58 of 1962, as inserted by section 21 of Act 21 of 1995 and amended by section 14 of Act 36 of 1996, section 19 of Act 28 of 1997, section 27 of Act 53 of 1999, section 24 of Act 32 of 2004, section 10 of Act 9 of 2005, section 20 of Act 20 of 2006, section 53 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 40 of Schedule 1 to that Act, section 54 of Act 22 of 2012 and section 69 of Act 31 of 2013

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

(a) by the substitution in subsection (1) in the definition of ''instrument'' for the words following paragraph *(e)*(iii) of the following words:

''but excluding any lease agreement (other than a sale and leaseback arrangement as contemplated in section 23G) or any policy issued by an insurer as defined in section 29A;'';

(b) by the substitution in subsection (9)*(g)* for subparagraph (i) of the following subparagraph:

''(i) in respect of a company that is a covered person as defined in section 24JB, during any year of assessment ending on or after **[1 April 2014]** 1 January 2014; and''; and

(c) by the substitution in subsection (9A)*(b)* for subparagraph (i) of the following subparagraph:

''(i) in the case of a company that is a covered person as defined in section 24JB, in respect of the year of assessment of that covered person immediately preceding the year of assessment ending on or after **[1 April 2014]** 1 January 2014; and''.

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 1 January 1996 and applies in respect of years of assessment commencing on or after that date.

(3) Paragraphs *(b)* and *(c)* of subsection (1) are deemed to have come into operation on 1 January 2014 and apply in respect of years of assessment commencing on or after that date.

Amendment of section 24JA of Act 58 of 1962, as inserted by section 48 of Act 7 of 2010 and amended by sections 54, 159 and 172 of Act 24 of 2011, section 55 of Act 22 of 2012 and section 70 of Act 31 of 2013

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

(a) by the substitution in subsection (1) in the definition of ''sukuk'' for paragraphs *(a)* and *(b)* of the following paragraphs:

(i) indien, teen die einde van daardie jaar van aanslag—
(aa) daardie persoon en die ander party by die kontraktuele bepalings van daardie valuta-item—
[*(aa)*](A) deel van dieselfde groep van maatskappye uitmaak; of
[*(bb)*](B) verbonde persone met betrekking tot mekaar is; en
(bb) geen valutatermynkontrak en geen buitelandse valuta-opsiekontrak deur daardie persoon aangegaan is om as 'n dekking te dien ten opsigte van daardie valuta-item nie; en

(ii) daardie valuta-item—
(aa) of enige gedeelte daarvan nie vir daardie persoon 'n lopende bate of 'n lopende las by die toepassing van finansiële verslaggewing ooreenkomstig IFRS verteenwoordig nie; **[of]** en
(bb) nie regstreeks of onregstreeks befonds word deur enige skuld verskuldig aan 'n persoon wat—
(A) nie deel uitmaak van dieselfde groep van maatskappye as; of
(B) nie 'n verbonde persoon is met betrekking tot, daardie persoon of die ander party by die kontraktuele bepalings van daardie valuta-item nie**[; en**

(iii) geen valutatermynkontrak en geen buitelandse valuta-opsiekontrak aangegaan is deur daardie persoon om as daaldekking te dien ten opsigte van daardie valuta-item nie].".

Wysiging van artikel 24J van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 21 van 1995 en gewysig deur artikel 14 van Wet 36 van 1996, artikel 19 van Wet 28 van 1997, artikel 27 van Wet 53 van 1999, artikel 24 van Wet 32 van 2004, artikel 10 van Wet 9 van 2005, artikel 20 van Wet 20 van 2006, artikel 53 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 40 van Bylae 1 by daardie Wet, artikel 54 van Wet 22 van 2012 en artikel 69 van Wet 31 van 2013

41. (1) Artikel 24J van die Inkomstebelastingwet, 1962, word hierby gewysig—
(a) deur in subartikel (1) in die omskrywing van "instrument" die woorde wat op paragraaf *(e)*(iii) volg deur die volgende woorde te vervang: "maar uitgesonderd 'n huurooreenkoms (uitgesonderd 'n verkoop en terughuur reëling in artikel 23G beoog) of enige polis uitgereik deur 'n versekeraar soos omskryf in artikel 29A;";
(b) deur in subartikel (9)*(g)* subparagraaf (i) deur die volgende subparagraaf te vervang:
"(i) ten opsigte van 'n maatskappy wat 'n gedekte persoon soos omskryf in artikel 24JB is, gedurende enige jaar van aanslag wat op of na **[1 April 2014]** 1 Januarie 2014 eindig; en"; en
(c) deur in subartikel (9A)*(b)* subpargraaf (i) deur die volgende subparagraaf te vervang:
"(i) in die geval van 'n maatskappy wat 'n gedekte persoon soos omskryf in artikel 24JB is, ten opsigte van die jaar van aanslag van daardie gedekte persoon wat die jaar van aanslag wat op of na **[1 April 2014]** 1 Januarie 2014 eindig onmiddellik voorafgaan; en".

(2) Paragraaf *(a)* van subartikel (1) word geag op 1 Januarie 1996 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(3) Paragrawe *(b)* en *(c)* van subartikel (1) word geag op 1 Januarie 2014 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 24JA van Wet 58 van 1962, soos ingevoeg deur artikel 48 van Wet 7 van 2010 en gewysig deur artikels 54, 159 en 172 van Wet 24 van 2011, artikel 55 van Wet 22 van 2012 en artikel 70 van Wet 31 van 2013

42. (1) Artikel 24JA van die Inkomstebelastingwet, 1962, word hierby gewysig—
(a) deur in subartikel (1) in die omskrywing van "sukuk" paragrawe *(a)* en *(b)* deur die volgende paragrawe te vervang:

"*(a)* the government of the Republic or any public entity that is listed in Schedule 2 to the Public Finance Management Act disposes of an interest in an asset to a trust; and

(b) the disposal of the interest in the asset to the trust by the government or the public entity contemplated in paragraph *(a)* is subject to an agreement in terms of which the government or that public entity undertakes to reacquire on a future date from that trust the interest in the asset disposed of at a cost equal to the cost paid by the trust to the government or to that public entity to obtain the asset."; and

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

"(7) Where any sukuk is entered into—

(a) the trust is deemed not to have acquired the asset from the government of the Republic or the public entity that is listed in Schedule 2 to the Public Finance Management Act under the sharia arrangement;

(b) the government or that public entity is deemed not to have disposed of or reacquired the asset; and

(c) any consideration paid by the government or that public entity in respect of the use of the asset held by the trust is deemed to be interest as defined in section 24J(1).".

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 24JB of Act 58 of 1962, as substituted by section 71 of Act 31 of 2013

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

(a) by the substitution for the heading of the following heading:

"**[Fair value taxation] Taxation in respect of financial [instruments] assets and liabilities of certain persons**";

(b) by the deletion in subsection (1) of the definition of "financial instrument";

(c) by the deletion in subsection (2)*(a)* of the word "or" at the end of subparagraph (iii);

(d) by the substitution in subsection (2)*(a)* at the end of subparagraph (iv) for the comma of the expression "; or";

(e) by the addition in subsection (2)*(a)* after subparagraph (iv) of the following subparagraph:

"(v) an interest in a partnership,";

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

"(3) Any amount required to be taken into account in determining the taxable income in terms of any provision of Part I of Chapter II, or in determining any assessed capital loss of a covered person in respect of a financial asset or a financial liability contemplated in subsection (2) must only be taken into account in terms of **[that subsection]** this section.";

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

"*(a)* a covered person and another person that is not a covered person, are parties to an agreement in respect of a financial **[instrument]** asset or financial liability; and";

(h) by the substitution in subsection (6)*(a)* for subparagraphs (i) and (ii) of the following subparagraphs:

"(i) the financial reporting values of all financial assets **[taken into account under]** of a nature as described in subsection (2) held by that person as at the end of the realisation year of that person exceed the tax base amount attributed to those financial assets as at the end of the realisation year of that person; or

(ii) the tax base amount attributed to all financial liabilities **[taken into account under]** of a nature as described in subsection (2) held by that person as at the end of the realisation year of that person

"*(a)* die regering van die Republiek of 'n openbare instelling wat in Bylae 2 tot die Wet op Openbare Finansiële Bestuur gelys is, oor 'n belang in 'n bate aan 'n trust beskik; en

(b) die beskikking oor die belang in die bate aan die trust deur die regering of die instelling beoog in paragraaf *(a)* onderhewig is aan 'n ooreenkoms ingevolge waarvan die regering of daardie openbare instelling onderneem om op 'n toekomstige datum die belang in die bate waaroor beskik is van daardie trust te herverkry teen 'n koste gelyk aan die koste betaal deur die trust aan die regering of aan daardie openbare instelling om die bate te verkry."; en

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

"(7) Waar enige sukuk aangegaan word—

(a) word die trust geag nie die bate van die regering van die Republiek of openbare instelling wat gelys is in Bylae 2 tot die Wet op Openbare Finansiële Bestuur kragtens die sharia-reëling te verkry het nie;

(b) word die regering of daardie openbare instelling geag nie oor die bate te beskik het of die bate te herverkry het nie; en

(c) word enige vergoeding betaal deur die regering of daardie openbare instelling ten opsigte van die gebruik van die bate deur die trust gehou, geag rente soos omskryf in artikel 24J(1) te wees.".

(2) Subartikel (1) tree in werking op 1 April 2015.

Wysiging van artikel 24JB van Wet 58 van 1962, soos ingevoeg deur artikel 71 van Wet 31 van 2013

43. (1) Artikel 24JB van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

"**[Billike waarde belasting] Belasting ten opsigte van finansiële [instrumente] bates en laste van sekere persone**";

(b) deur in subartikel (1) die omskrywing van "finansiële instrument" te skrap;

(c) deur in subartikel (2)*(a)* die woord "of" aan die einde van subparagraaf (iii) te skrap;

(d) deur in subartikel (2)*(a)* aan die einde van subparagraaf (iv) die komma deur die uitdrukking "; of" te vervang;

(e) deur in subartikel (2)*(a)* na subparagraaf (iv) die volgende paragraaf by te voeg:

"(v) 'n belang in 'n vennootskap,";

(f) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Enige bedrag wat vereis word om in berekening gebring **[moet]** te word by die bepaling van die belasbare inkomste ingevolge enige bepaling van Deel I van Hoofstuk II of in die vasstelling van enige vasgestelde kapitaalverlies van 'n gedekte persoon ten opsigte van 'n finansiële bate of 'n finansiële las beoog in subartikel (2) moet slegs ingevolge **[daardie subartikel]** hierdie artikel in berekening gebring word.";

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

"*(a)* 'n gedekte persoon en 'n ander persoon wat nie 'n gedekte persoon is nie, partye by 'n ooreenkoms ten opsigte van 'n **[finansiële instrument]** finansiële bate of finansiële las is; en";

(h) deur in subartikel (6)*(a)* subparagrawe (i) en (ii) deur die volgende subparagrawe te vervang:

"(i) die finansiële verslaggewingswaardes van alle finansiële bates **[in berekening gebring kragtens]** van 'n aard soos beskryf in subartikel (2) gehou deur daardie persoon aan die einde van die realisasiejaar van daardie persoon die belastingbasisbedrag toegeskryf aan daardie finansiële bates aan die einde van die realisasiejaar van daardie persoon oorskry; of

(ii) die belastingbasisbedrag toegeskryf aan alle finansiële laste **[in berekening gebring kragtens]** van 'n aard soos beskryf in subartikel (2) gehou deur daardie persoon aan die einde van die realisasiejaar van daardie persoon die finansiële verslaggewingswaardes van daardie finansiële laste aan die einde van die

exceeds the financial reporting values of those financial liabilities as at the end of the realisation year of that person,''; and

(i) by the substitution in subsection (6)*(b)* for subparagraphs (i) and (ii) of the following subparagraphs:

''(i) the tax base amount attributed to all financial assets **[taken into account under]** of a nature as described in subsection (2) held by that person as at the end of the realisation year of that person exceeds the financial reporting values of those financial assets as at the end of the realisation year of that person; or

(ii) the financial reporting values of all financial liabilities **[taken into account under]** of a nature as described in subsection (2) held by that person as at the end of the realisation year of that person exceed the tax base amount attributed to those financial liabilities as at the end of the realisation year of that person,''.

(2) Subsection (1) is deemed to have come into operation on 1 January 2014 and applies in respect of years of assessment ending on or after that date.

Insertion of section 24P in Act 58 of 1962

44. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 24O:

''**Allowance in respect of future repairs to certain ships**

24P. (1) There must be allowed to be deducted from the income of any person an amount of expenditure on repairs to any ship as, notwithstanding section 23*(e)*, the Commissioner allows in respect of each year of assessment if that person—

(a) is a resident;

(b) carries on any business as owner or charterer of any ship; and

(c) satisfies the Commissioner that within five years of that year of assessment, that person is likely to incur an amount of expenditure on repairs to any ship used by that person for the purposes of that person's trade.

(2) In determining the amount of the deduction under subsection (1) the Commissioner must have regard to—

(a) the estimated cost of those repairs; and

(b) the date on which those costs are likely to be incurred.

(3) The amount of the deduction allowed to a person under subsection (1) in respect of any year of assessment must be included in the income of that person in the following year of assessment.''.

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 25BB of Act 58 of 1962, as substituted by section 74 of Act 31 of 2013

45. (1) Section 25BB of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in the definition of ''property company'' for paragraph *(b)* of the following paragraph:

''*(b)* of which at the end of the previous year of assessment 80 per cent or more of the value of the assets, reflected in the annual financial statements prepared in accordance with the Companies Act or IFRS for the previous year of assessment, is directly or indirectly attributable to immovable property;'';

(b) by the substitution in subsection (5) for the words preceding paragraph *(a)* of the following words:

''(5) In determining the aggregate capital gain or aggregate capital loss of a company that is a REIT or a controlled company on the last day of a year of assessment for purposes of the Eighth Schedule, any capital gain or capital loss determined in respect of the disposal of—'';

realisasiejaar van daardie persoon oorskry,”; en

(i) deur in subartikel (6)*(b)* subparagrawe (i) en (ii) deur die volgende subparagrawe te vervang:

“(i) die belastingbasisbedrag toegeskryf aan alle finansiële bates **[kragtens]** van ’n aard soos beskryf in subartikel (2) **[in berekening gebring]** gehou deur daardie persoon aan die einde van die realisasiejaar van daardie persoon die finansiële verslaggewingswaardes van daardie finansiële bates aan die einde van die realisasiejaar van daardie persoon oorskry; of

(ii) die finansiële verslaggewingswaardes van alle finansiële laste **[in berekening gebring kragtens]** van ’n aard soos beskryf in subartikel (2) gehou deur daardie persoon aan die einde van die realisasiejaar van daardie persoon die belastingbasisbedrag toegeskryf aan daardie finansiële laste aan die einde van die realisasiejaar van daardie persoon oorskry,”.

(2) Subartikel (1) word geag op 1 Januarie 2014 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

Invoeging van artikel 24P in Wet 58 van 1962

44. (1) Die volgende artikel word hierby na artikel 24O in die Inkomstebelastingwet, 1962, ingevoeg:

“**Toelae ten opsigte van toekomstige herstelwerk aan sekere skepe**

24P. (1) Daar word toegelaat as ’n aftrekking van die inkomste van enige persoon ’n bedrag van uitgawes op herstelwerk aan enige skip, ondanks artikel 23*(e)*, wat die Kommissaris toelaat ten opsigte van elke jaar van aanslag indien daardie persoon—

(a) ’n inwoner is;

(b) enige besigheid bedryf as eienaar of bevragter van enige skip; en

(c) die Kommissaris oortuig dat binne vyf jaar van daardie jaar van aanslag, daardie persoon waarskynlik ’n bedrag van onkoste sal aangaan op herstelwerk aan enige skip deur daardie persoon gebruik vir die doeleindes van daardie persoon se bedryf.

(2) By die vasstelling van die bedrag van die aftrekking kragtens subartikel (1) moet die Kommissaris in berekening bring—

(a) die beraamde koste van daardie herstelwerk; en

(b) die datum waarop daardie koste waarskynlik aangegaan sal word.

(3) Die bedrag van die aftrekking toegelaat aan ’n persoon kragtens subartikel (1) ten opsigte van enige jaar van aanslag word in die inkomste van daardie persoon ingesluit in die daaropvolgende jaar van aanslag.”.

(2) Subartikel (1) word op 12 Desember 2013 geag in werking te getree het.

Wysiging van artikel 25BB van Wet 58 van 1962, soos ingevoeg deur artikel 59 van Wet 22 van 2012 en gewysig deur artikel 74 van Wet 31 van 2013

45. (1) Artikel 25BB van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van “eiendomsmaatskappy” paragraaf *(b)* deur die volgende paragraaf te vervang:

“*(b)* waarvan aan die einde van die vorige jaar van aanslag 80 persent of meer van die waarde van die bates, weergegee in die finansiële jaarstate voorberei ooreenkomstig die Maatskappywet of IFRS vir die vorige jaar van aanslag, regstreeks of onregstreeks aan onroerende eiendom toeskryfbaar is;”;

(b) deur in subartikel (5) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

“(5) By die bepaling van die totale kapitaalwins of totale kapitaalverlies van ’n maatskappy wat ’n EIT of ’n beheerde maatskappy is op die laaste dag van ’n jaar van aanslag by die toepassing van die Agtste Bylae, moet enige kapitaalwins of kapitaalverlies bepaal ten opsigte van die beskikking oor—”;

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

"*(a)* immovable property of a company that is a REIT or controlled company at the time of the disposal;";

(d) by the substitution in subsection (6) for paragraph *(a)* of the following paragraph:

"*(a)* Any amount of interest received by or accrued to a person during a year of assessment in respect of a debenture forming part of a linked unit held by that person in a company that is a REIT or a controlled company must be deemed to be a dividend received by or accrued to that person during that year of assessment.";

(e) by the substitution in subsection (6) for paragraph *(b)* of the following paragraph:

"*(b)* Any amount of interest received by or accrued to a company that is a REIT or a controlled company that is a resident during a year of assessment in respect of a debenture forming part of a linked unit held by that company in a property company must be deemed to be a dividend if the property company is a resident or foreign dividend if the property company is a foreign company received by or accrued to that company during that year of assessment if that company is a REIT or a controlled company that is a resident at the time of that receipt or accrual."; and

(f) by the substitution in subsection (8) for paragraph *(b)* of the following paragraph:

"*(b)* expenditure incurred by the **[shareholder of]** holder of a share in the REIT or controlled company in respect of the shares is deemed to be equal to the amount of the expenditure incurred in respect of the acquisition of that linked unit; and".

(2) Paragraphs *(a)*, *(b)*, *(d)*, *(e)* and *(f)* of subsection (1) are deemed to have come into operation on 1 April 2013 and apply in respect of years of assessment commencing on or after that date.

(3) Paragraph *(c)* of subsection (1) comes into operation on the date of promulgation of this Act and applies in respect of years of assessment ending on or after that date.

Amendment of section 25D of Act 58 of 1962, as substituted by section 35 of Act 31 of 2005, and amended by section 41 of Act 35 of 2007, section 50 of Act 7 of 2010 and section 75 of Act 31 of 2013

46. (1) Section 25D of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subsection (6) of the following subsection:

"(6) Where, during any year of assessment—

(a) any amount—

(i) is received by or accrues to; or

(ii) of expenditure is incurred by,

an international shipping company in any currency other than the functional currency of the international shipping company; and

(b) the functional currency of that international shipping company is a currency other than the currency of the Republic,

that amount must be determined in the functional currency of the international shipping company and must be translated to the currency of the Republic by applying the average exchange rate for that year of assessment."; and

(b) by the addition after subsection (6) of the following subsection:

"(7) Any amounts received by or accrued to, or expenditure incurred by—

(a) a headquarter company contemplated in subsection (4); or

(b) a domestic treasury management company contemplated in subsection (5); or

(c) an international shipping company contemplated in subsection (6),

during any year of assessment in a functional currency that is a currency

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(c) deur in subartikel (5) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* onroerende eiendom van 'n maatskappy wat 'n EIT of beheerde maatskappy is ten tyde van die beskikking;";

(d) deur in subartikel (6) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* Enige bedrag van rente ontvang deur of toegeval aan 'n persoon gedurende 'n jaar van aanslag ten opsigte van 'n obligasie wat deel uitmaak van 'n gekoppelde eenheid gehou deur daardie persoon in 'n maatskappy wat 'n EIT of beheerde maatskappy is word geag 'n dividend ontvang deur of toegeval aan daardie persoon gedurende daardie jaar van aanslag te wees.";

(e) deur in subartikel (6) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* Enige bedrag van rente ontvang deur of toegeval aan 'n maatskappy wat 'n EIT of 'n beheerde maatskappy is wat 'n inwoner is gedurende 'n jaar van aanslag ten opsigte van 'n obligasie wat deel uitmaak van 'n gekoppelde eenheid gehou deur daardie maatskappy in 'n eiendomsmaatskappy word geag 'n dividend te wees indien die eiendomsmaatskappy 'n inwoner is of buitelandse dividend indien die eiendomsmaatskappy 'n buitelandse maatskappy is ontvang deur of toegeval aan daardie maatskappy wat 'n EIT of beheerde maatskappy is wat 'n inwoner is ten tyde van daardie ontvangste of toevalling gedurende daardie jaar van aanslag te wees."; en

(f) deur in subartikel (8) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* word uitgawes aangegaan deur die **[aandeelhouer]** houer van 'n aandeel van die EIT of beheerde maatskappy ten opsigte van die aandele geag gelyk te wees aan die bedrag van die uitgawes aangegaan ten opsigte van die verkryging van daardie gekoppelde eenheid; en".

(2) Paragrawe *(a)*, *(b)*, *(d)*, *(e)* en *(f)* van subartikel (1) word geag op 1 April 2013 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(3) Paragraaf *(c)* van subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 25D van Wet 58 van 1962, soos vervang deur artikel 35 van Wet 31 van 2005, artikel 41 van Wet 35 van 2007, artikel 50 van Wet 7 van 2010 en artikel 75 van Wet 31 van 2013

46. (1) Artikel 25D van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subartikel (6) deur die volgende subartikel te vervang:

"(6) Waar, gedurende 'n jaar van aanslag—

(a) enige bedrag—

(i) ontvang word deur of toeval aan; of

(ii) van uitgawes aangegaan word deur, 'n internasionale skeepvaartmaatskappy in enige ander geldeenheid as die funksionele geldeenheid van daardie internasionale skeepvaartmaatskappy; en

(b) die funksionele geldeenheid van daardie internasionale skeepvaartmaatskappy in 'n ander geldeenheid as die geldeenheid van die Republiek is, moet daardie bedrag bepaal word in die funksionele geldeenheid van internasionale skeepvaartmaatskappy en moet na die geldeenheid van die Republiek omgereken word deur die gemiddelde wisselkoers vir daardie jaar van aanslag toe te pas."; en

(b) deur die volgende subartikel na subartikel (6) by te voeg:

"(7) Enige bedrae ontvang deur of toegeval aan, of uitgawes aangegaan deur—

(a) 'n hoofkwartiermaatskappy beoog in subartikel (4); of

(b) 'n binnelandse skatkisbestuursmaatskappy soos beoog in subartikel (5); of

(c) 'n internasionale skeepvaartmaatskappy soos beoog in subartikel (6),

gedurende enige jaar van aanslag in 'n funksionele geldeenheid wat 'n geldeenheid is anders as die geldeenheid van die Republiek moet na die

other than the currency of the Republic must be translated to the currency of the Republic by applying the average exchange rate for the relevant year of assessment.”.

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 1 April 2014 and applies in respect of years 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, section 30 of Act 74 of 2002, section 16 of Act 16 of 2004, section 23 of Act 20 of 2006, section 21 of Act 3 of 2008, section 52 of Act 7 of 2010, section 62 of Act 22 of 2012 and section 77 of Act 31 of 2013

47. (1) Section 29A of the Income Tax Act, 1962, is hereby amended—

(a) by the insertion in subsection (1) before the definition of “business” of the following definition:

“ **‘adjusted IFRS value’** means the amount of the insurance liabilities of the insurer determined in accordance with IFRS as annually reported by the insurer to shareholders in the audited annual financial statements, adjusted so that no policy has a liability of less than zero;”;

(b) by the insertion in subsection (1) after the definition of “policyholder fund” of the following definitions:

“ **‘risk policy’** means any policy issued by the insurer during any year of assessment of that insurer commencing on or after 1 January 2016 under which the benefits payable cannot exceed the amount of premiums receivable, except where the policy benefits are solely payable due to death, disablement, illness or unemployment and excludes a contract of insurance in terms of which annuities are being paid;

‘risk policy fund’ means the fund contemplated in subsection 4*(e)*;”;

(c) by the substitution in subsection (1) for the definition of “value of liabilities” of the following definition:

“ **‘value of liabilities’[,]** means, in respect of—

(a) a policyholder fund, an amount equal to the value of the liabilities of the insurer in respect of the business conducted by it in the fund concerned calculated on the basis as shall be determined by the **[Chief Actuary]** chief actuary of the Financial Services Board, appointed in terms of section 13 of the Financial Services Board Act, in consultation with the Commissioner; and

(b) the risk policy fund, the adjusted IFRS value plus expenditure allocated to the risk policy fund that has not been paid in relation to that fund by the last day of the year of assessment;”;

(d) by the substitution for subsection (3) of the following subsection:

“(3) Every insurer shall establish **[four]** five separate funds as contemplated in subsection (4), and shall thereafter maintain such funds in accordance with the provisions of this section and section 29B.”;

(e) by the substitution in subsection (4)*(a)* for subparagraph (i) of the following subparagraph:

“(i) *(aa)* business other than business relating to a risk policy carried on by the insurer with **[,]**; and

(bb) any policy other than a risk policy, of which the owner is, any pension fund, pension preservation fund, provident fund, provident preservation fund, retirement annuity fund or benefit fund,;”;

(f) by the substitution in subsection (4)*(a)*(ii) for the words preceding the proviso of the following words:

“any policy, other than a risk policy, of which the owner is a person where any amount constituting gross income of whatever nature would be exempt from tax in terms of section 10 were it to be received by or accrue to that person”;

geldeenheid van die Republiek omgereken word deur die gemiddelde wisselkoers vir daardie jaar van aanslag toe te pas vir die relevante jaar van aanslag.''.

(2) Paragraaf *(a)* van subartikel (1) word geag op 1 April 2014 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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, artikel 30 van Wet 74 van 2002, artikel 16 van Wet 16 van 2004, artikel 23 van Wet 20 van 2006, artikel 21 van Wet 3 van 2008, artikel 52 van Wet 7 van 2010, artikel 62 van Wet 22 van 2012 en artikel 77 van Wet 31 van 2013

47. (1) Artikel 29A van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) die volgende omskrywing voor die omskrywing van ''besigheid'' in te voeg:

'' **'aangepaste IFRS-waarde'** die bedrag van die versekeringsverpligtings van die versekeraar vasgestel ooreenkomstig IFRS soos jaarliks deur die versekeraar in die geouditeerde jaarlikse finansiële state aan aandeelhouers gerapporteer, aangepas sodat geen polis 'n verpligting van minder as nul het nie;'';

(b) deur in subartikel (1) na die omskrywing van ''polishouerfonds'' die volgende omskrywing in te voeg:

'' **'risikopolis'** enige polis uitgereik deur die versekeraar gedurende enige jaar van aanslag van daardie versekeraar wat op of na 1 Januarie 2016 begin ingevolge waarvan die voordele betaalbaar nie die bedrag van premies betaalbaar kan oorskry nie, behalwe waar die polisvoordele slegs betaalbaar is as gevolg van dood, ongeskiktheid, siekte of werkloosheid en 'n versekeringskontrak uitsluit ingevolge waarvan jaargelde betaal word;

'risikopolisfonds' die fonds beoog in subartikel 4*(e)*;'';

(c) deur in subartikel (1) die omskrywing van ''waarde van verpligtinge'' deur die volgende omskrywing te vervang:

'' **'waarde van verpligtinge'** ten opsigte van—

(a) 'n polishouerfonds 'n bedrag gelyk aan die waarde van die verpligtinge van die versekeraar ten opsigte van die besigheid deur hom in die betrokke fonds gedryf, bereken op die grondslag soos deur die **[Hoofaktuaris]** hoofaktuaris van die Raad op Finansiële Dienste, aangestel ingevolge artikel 13 van die Wet op die Raad van Finansiële Dienste in oorleg met die Kommissaris bepaal moet word; en

(b) die risikopolisfonds, die aangepaste IFRS-waarde plus uitgawes toegeken aan die risikopolisfonds wat nie betaal is nie met betrekking tot daardie fonds teen die laaste dag van die jaar van aanslag.'';

(d) deur subartikel (3) deur die volgende subartikel te vervang:

''(3) Elke versekeraar stig **[vier]** vyf afsonderlike fondse soos in subartikel (4) beoog, en hou bedoelde fondse daarna ooreenkomstig die bepalings van hierdie artikel en artikel 29B in stand.'';

(e) deur in subartikel (4)*(a)* subparagraaf (i) deur die volgende subparagraaf te vervang:

''(i) *(aa)* besigheid buiten besigheid met betrekking tot 'n risikopolis wat deur die versekeraar gedryf word met; en

(bb) enige polis buiten 'n risikopolis waarvan die eienaar,

'n pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorgbewaringsfonds, uittredingannuïteitsfonds of bystandsfonds**[, en enige polis waarvan die eienaar so 'n fonds]** is,'';

(f) deur in subartikel (4)*(a)*(ii) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

''enige polis, buiten 'n risikopolis, waarvan die eienaar 'n persoon is waar enige bedrag wat bruto inkomste van welke aard ook al uitmaak ingevolge artikel 10 van belasting vrygestel sou wees indien dit ontvang sou word deur of sou toeval aan daardie persoon'';

(g) by the addition to subsection (4)*(a)* after subparagraph (iii) of the following subparagraph:

"(iv) any policy that is a tax free investment as contemplated in section 12T.";

(h) by the substitution in subsection (4) for paragraphs *(b)*, *(c)* and *(d)* of the following paragraphs:

"*(b)* a fund, to be known as the individual policyholder fund, in which shall be placed assets having a market value equal to the value of liabilities determined in relation to any policy, (other than a policy contemplated in **[paragraph]** paragraphs *(a)* or *(e)*) of which the owner is any person other than a company;

(c) a fund, to be known as the company policyholder fund, in which shall be placed assets having a market value equal to the value of liabilities determined in relation to any policy (other than a policy contemplated in **[paragraph]** paragraphs *(a)* or *(e)*) of which the owner is a company; **[and]**

(d) a fund, to be known as a corporate fund in which shall be placed all the assets **[(if any)]** held by the insurer and all liabilities owned by it, other than **[those]** assets and liabilities contemplated in paragraph *(a)*, *(b)* **[and]**, *(c)* and *(e)*; and";

(i) by the addition to subsection (4) after paragraph *(d)* of the following paragraph:

"*(e)* a fund, to be known as a risk policy fund, in which shall be placed assets having a market value equal to the value of liabilities determined in relation to any risk policy.";

(j) by the substitution for subsection (6) of the following subsection:

"(6) An insurer who becomes aware that, in consequence of—

(a) a change of ownership of any policy issued by it; **[or]**

(b) any change affecting the status of the owner of any policy; or

(c) an annuity becoming payable in terms of a policy,

the assets held by it in relation to such policy should in terms of the provisions of subsection (4) be held in a **[policyholder]** fund other than the **[policyholder]** fund in which such assets are actually held, shall forthwith transfer from such last-mentioned fund to such first-mentioned fund assets having a market value equal to the value of liabilities determined on the date of such transfer in relation to the said policy.

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

"(7) Every insurer shall within a period of **[four]** three months after the end of every year of assessment redetermine the value of liabilities in relation to each of its policyholder funds and its risk policy fund as at the last day of **[such year]** that year of assessment, and—

(a) where the market value of the assets actually held by it in any such fund exceeds the value of liabilities in relation to such fund on such last day, it shall within **[the said]** that period transfer from such fund to its corporate fund assets having a market value equal to such excess; or

(b) where the market value of the assets actually held by it in any such fund is less than the value of liabilities in relation to such fund on such last day, it shall within **[the said]** that period transfer from its corporate fund to such fund assets having a market value equal to the shortfall,

and such transfer shall be made with effect from that day and for the purposes of this section **[and section 29B]** be deemed to have been made on such last day.";

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

"(10) The taxable income derived by an insurer in respect of its individual policyholder fund, its company policyholder fund **[and]**, its corporate fund and its risk policy fund shall be determined separately in accordance with the provisions of this Act as if each such fund had been a separate taxpayer and the individual policyholder fund, company

(g) deur in subartikel (4)*(a)* na subparagraaf (iii) die volgende subparagraaf by te voeg:

"(iv) enige polis wat 'n belastingvrye belegging is soos beoog in artikel 12T.";

(h) deur in subartikel (4) paragrawe *(b)*, *(c)* en *(d)* deur die volgende paragrawe te vervang:

"*(b)* 'n fonds, wat die individuele polishouerfonds heet, waarin bates geplaas word met 'n markwaarde gelyk aan die waarde van verpligtinge vasgestel met betrekking tot 'n polis (behalwe 'n polis beoog in **[paragraaf]** paragrawe *(a)* of *(e)*) waarvan die eienaar 'n persoon behalwe 'n maatskappy is;

(c) 'n fonds, wat die maatskappypolishouerfonds heet, waarin bates geplaas word met 'n markwaarde gelyk aan die waarde van verpligtinge vasgestel met betrekking tot 'n polis (behalwe 'n polis beoog in **[paragraaf]** paragrawe *(a)* of *(e)*) waarvan die eienaar 'n maatskappy is; **[en]**

(d) 'n fonds, wat die korporatiewe fonds heet, waarin al die bates **[(as daar is)]** wat deur die versekeraar gehou word, en alle verpligtinge wat deur hom verskuldig is, behalwe **[dié]** bates en verpligtinge in paragrawe *(a)*, *(b)* **[en]** *(c)* en *(e)* beoog; en";

(i) deur in subartikel (4) na paragraaf *(d)* die volgende paragraaf by te voeg:

"*(e)* 'n fonds, wat 'n risikopolishouerfonds heet, waarin bates geplaas word met 'n markwaarde gelyk aan die waarde van verpligtinge vasgestel met betrekking tot enige risikopolis.";

(j) deur subartikel (6) deur die volgende subartikel te vervang:

"(6) 'n Versekeraar wat daarvan bewus word dat, as gevolg van—

(a) 'n verandering van eiendomsreg van 'n polis wat deur hom uitgereik is; **[of]**

(b) enige verandering wat die status van die eienaar van 'n polis raak; of

(c) 'n jaargeld wat betaalbaar word ingevolge 'n polis,

die bates wat met betrekking tot bedoelde polis deur hom gehou word ingevolge die bepalings van subartikel (4) in 'n ander **[polishouerfonds]** fonds gehou behoort te word as die **[polishouerfonds]** fonds waarin bedoelde bates werklik gehou word, moet onmiddellik bates vanaf bedoelde laasgenoemde fonds na bedoelde eersgenoemde fonds oorplaas met 'n markwaarde gelyk aan die waarde van verpligtinge met betrekking tot genoemde polis soos op die datum van bedoelde oorplasing vasgestel.";

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

"(7) Elke versekeraar moet binne 'n tydperk van **[vier]** drie maande na die einde van elke jaar van aanslag die waarde van verpligtinge met betrekking tot elkeen van sy polishouerfondse en sy risikopolishouer-fonds soos op die laaste dag van **[bedoelde jaar]** daardie jaar van aanslag herbepaal, en—

(a) waar die markwaarde van die bates werklik deur hom in so 'n fonds gehou die waarde van verpligtinge met betrekking tot sodanige fonds op daardie laaste dag oorskry, moet hy binne **[genoemde]** daardie tydperk bates met 'n markwaarde gelyk aan bedoelde oorskot vanaf bedoeldefonds na sy korporatiewe fonds oorplaas; of

(b) waar die markwaarde van die bates werklik deur hom in so 'n fonds gehou minder is as die waarde van verpligtinge met betrekking tot so 'n fonds op daardie laaste dag, moet hy binne **[genoemde]** daardie tydperk bates met 'n markwaarde gelyk aan dié tekort vanaf sy korporatiewe fonds na bedoeldefonds oorplaas, en bedoelde oorplasing word gemaak met effek vanaf daardie dag en word by die toepassing van hierdie artikel **[en artikel 29B]** geag op bedoelde laaste dag gemaak te gewees het.";

(l) deur subartikel (10) deur die volgende artikel te vervang:

"(10) Die belasbare inkomste deur 'n versekeraar verkry ten opsigte van sy individuele polishouerfonds, sy maatskappypolishouerfonds **[en]**, sy korporatiewe fonds en sy risikopolisfonds word afsonderlik ooreenkomstig die bepalings van hierdie Wet vasgestel asof elke bedoelde fonds 'n afsonderlike belastingpligtige was en die individuele

policyholder fund, untaxed policyholder fund **[and]**, corporate fund**[,]** and its risk policy fund shall be deemed to be separate companies which are connected persons in relation to each other for the purposes of subsections (6), (7) and (8) and sections **[9B]**, 20, 24I, 24J, 24K, 24L, 26A and 29B and the Eighth Schedule to this Act.'';

(m) by the substitution in subsection (11) for the words preceding paragraph *(a)* of the following words:

''In the determination of the taxable income derived by an insurer in respect of its individual policyholder fund, its company policyholder fund **[and]**, its corporate fund and its risk policy fund in respect of any year of assessment—'';

(n) by the substitution in subsection (11)*(a)*(ii) for item *(bb)* and the words following that item of the following item and words:

''*(bb)* all expenses and allowances allocated to such fund which are not included in subparagraph (i), but excluding any expenses directly attributable to any amounts received or accrued which do not constitute income as defined in section 1,

which percentage shall be determined in accordance with the formula

$$Y = \frac{X + U}{Z}$$

in which formula—

(A) ''Y'' represents the percentage to be applied to such amount;

(B) ''X'' represents an amount which would have been equal to the taxable income calculated in respect of such fund in respect of such year of assessment before taking into account any deduction during such year of—

(AA) any amount incurred in respect of the selling and administration of policies;

(BB) any indirect expenses allocated to such fund;

(CC) the balance of assessed losses as contemplated in section 20(1)*(a)*; and

(DD) any amount determined in terms of subparagraph (iii);

(C) ''U'' represents the amount determined under subitem (DD) multiplied by 0,333 in the case of the individual policyholder fund and 0,666 in the case of the company policyholder fund; and

(D) ''Z'' represents an amount equal to the amount represented by X in the formula, plus—

(AA) the aggregate amount of all dividends that are exempt from normal tax and that are received in respect of such fund during such year;

(BB) the aggregate amount of all foreign dividends received in respect of such fund during such year, less any amount of that aggregate amount that is included in taxable income;

(CC) any portion of the aggregate capital gain in respect of such fund and in respect of such year that is not, by virtue of paragraph 10 of the Eighth Schedule, included in the taxable income in respect of such fund and in respect of such year; and

(DD) the difference between the market value as defined in section 29B and the expenditure incurred in respect of any asset held at the end of the year of assessment, reduced by the amount determined in terms of this subparagraph for the immediately preceding year of assessment: Provided that if the resultant amount is negative the amount shall be deemed to be nil; and;'' ;

polishouerfonds, maatskappypolishouerfonds, onbelaste polishouerfonds **[en]**, korporatiewe fonds en sy risikopolisfonds word geag afsonderlike maatskappye te wees wat verbonde persone is met betrekking tot mekaar by die toepassing van subartikels (6), (7) en (8) en artikels **[9B]**, 20, 24I, 24J, 24K, 24L, 26A en 29B en die Agtste Bylae by hierdie Wet.'';

(m) deur in subartikel (11) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

''By die vasstelling van die belasbare inkomste wat deur 'n versekeraar verkry word ten opsigte van sy individuele polishouerfonds, sy maatskappypolishouerfonds **[en]**, sy korporatiewe fonds en sy risikopolisfonds ten opsigte van enige jaar van aanslag—'';

(n) deur in subartikel (11)*(a)*(ii) item *(bb)* en die woorde wat op daardie item volg deur die volgende item en woorde te vervang:

''*(bb)* alle onkoste en toelaes aan daardie fonds toegedeel wat nie by subparagraaf (i) ingesluit is nie, maar uitgesonderd enige onkoste direk toeskryfbaar aan enige bedrae ontvang of toegeval wat nie inkomste soos in artikel 1 omskryf, uitmaak nie, welke persentasie bepaal word ooreenkomstig die formule—

$$Y = \frac{X + U}{Z}$$

in welke formule—

(A) ''Y'' die persentasie verteenwoordig wat op daardie bedrag toegepas moet word;

(B) ''X'' 'n bedrag verteenwoordig wat gelyk sou wees aan die belasbare inkomste bereken ten opsigte van sodanige fonds en ten opsigte van sodanige jaar van aanslag, by ontstentenis van enige aftrekking gedurende sodanige jaar van—

(AA) enige bedrag aangegaan ten opsigte van die verkoop en administrasie van polisse;

(BB) enige indirekte uitgawes aan sodanige fonds toegeken;

(CC) die balans van enige vasgestelde verlies soos beoog in artikel 20(1)*(a)*; en

(DD) enige bedrag bereken ingevolge subparagraaf (iii);

(C) ''U'' die bedrag bepaal kragtens subsubitem (DD) vermenigvuldig met 0,333 in die geval van die individuele polishouerfonds en 0,666 in die geval van die maatskappypolishouerfonds; en

(D) ''Z'' 'n bedrag verteenwoordig gelyk aan die bedrag verteenwoordig deur X in die formule, plus—

(AA) die totale bedrag van alle dividende wat vrygestel word van normale belasting en wat ontvang word ten opsigte van sodanige fonds gedurende sodanige jaar;

(BB) die totale bedrag van alle buitelandse dividende ontvang ten opsigte van sodanige fonds gedurende sodanige jaar, minus enige bedrag van daardie totale bedrag wat by belasbare inkomste ingesluit word;

(CC) enige gedeelte van die totale kapitaalwins ten opsigte van sodanige fonds en ten opsigte van sodanige jaar wat nie, uit hoofde van paragraaf 10 van die Agtste Bylae, by die belasbare inkomste ten opsigte van sodanige fonds en ten opsigte van sodanige jaar ingesluit word nie; en

(DD) die verskil tussen die markwaarde soos omskryf in artikel 29B en die uitgawes aangegaan ten opsigte van enige bate gehou aan die einde van die jaar van aanslag, verminder deur die bedrag bepaal ingevolge hierdie subparagraaf vir die onmiddellik voorafgaande jaar van aanslag: Met dien verstande dat indien die gevolglike bedrag negatief is, die bedrag geag word nul te wees; en;'';

(o) by the insertion in subsection (11) after paragraph *(a)* of the following paragraph:

"*(b*A*)* a deduction is allowed in determining the taxable income of the risk policy fund of an amount equal to the amount of the transfer from the risk policy fund to the corporate fund in respect of that year of assessment, but not exceeding the taxable income of the risk policy fund before deducting an amount in terms of this paragraph;";

(p) by the substitution in subsection (11) for the words following paragraph *(d)*(ii) of the following words:

"for purposes of determining the taxable income of such fund for the year of assessment in respect of which the value of liabilities in relation to its policyholder funds or risk policy fund was redetermined in terms of that subsection: Provided that where any amount is transferred from the corporate fund to any policyholder fund or risk policy fund as contemplated in subparagraph (ii), any subsequent transfers from the policyholder fund or risk policy fund to the corporate fund of any amounts which in the aggregate do not exceed the total amount of such transfer, shall not be included in the income of the corporate fund in terms of the provisions of subparagraph (i) of this paragraph;";

(q) by the substitution in subsection (11) for paragraph *(e)* of the following paragraph:

"*(e)* subject to the provisions of **[paragraph]** paragraphs *(a)*(iii) and *(b*A*)*, no amount transferred to or from the corporate fund in terms of the provisions of subsection (7) shall be deducted from or included in the income of the policyholder fund or risk policy fund from or to which such amount was transferred, as the case may be;";

(r) by the substitution in subsection (11) for paragraph *(g)* of the following paragraph:

"*(g)* premiums and reinsurance claims received and claims and reinsurance premiums paid in respect of policies, other than risk policies, shall be disregarded; and";

(s) by the addition in subsection (11) to subparagraph *(g)* of the following proviso:

": Provided that where a reinsurance claim is received by or accrues to an insurer in respect of a reinsurance policy (other than a policy that would have constituted a risk policy had it been concluded on 1 January 2016) entered into between that insurer and a person other than a resident, there must be included in the gross income of the policyholder fund associated with that reinsurance policy an amount equal to that reinsurance claim less the aggregate amount of reinsurance premiums incurred or paid in terms of that reinsurance policy which relates to that reinsurance claim;";

(t) by the substitution for subsection (12) of the following subsection:

"(12) In the allocation of any receipt, accrual, asset, expenditure or liability to any fund contemplated in subsection (4), an insurer shall, when establishing such fund and at all times thereafter—

(a) to the extent to which such receipt, accrual, asset, expenditure or liability relates exclusively to business conducted by it in any one fund, allocate such receipt, accrual, asset, expenditure or liability to that fund; and

(b) to the extent to which such receipt, accrual, asset, expenditure or liability does not relate exclusively to business conducted by it in any one fund, allocate such receipt, accrual, asset, expenditure or liability in a manner which is consistent with and appropriate to the manner in which its business is conducted."; and

(u) by the addition after subsection (12) of the following subsection:

"(13A) *(a)* Notwithstanding section 23*(e)*, in the determination of the taxable income derived by an insurer in respect of its risk policy fund in respect of any year of assessment, there shall be allowed as a deduction from the income of the risk policy fund an amount equal to the adjusted IFRS value for the year of assessment in respect of risk policies.

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(o) deur in subartikel (11) na paragraaf *(a)* die volgende paragraaf in te voeg:

"*(b*A*)* 'n aftrekking word toegelaat in die bepaling van die belasbare inkomste van die risikopolisfonds van 'n bedrag gelykstaande aan die bedrag van die oordrag vanaf die risikopolisfonds na die korporatiewe fonds ten opsigte van daardie jaar van aanslag, maar wat nie die belasbare inkomste van die risikopolisfonds te bowe gaan nie voor 'n bedrag ingevolge hierdie paragraaf afgetrek word;";

(p) deur in subartikel (11) die woorde wat op paragraaf *(d)*(ii) volg deur die volgende woorde te vervang:

"vir die doeleindes van die berekening van die belasbare inkomste van bedoelde fonds vir die jaar van aanslag ten opsigte waarvan die waarde van verpligtinge met betrekking tot die polishouerfondse of risikopolisfonds ingevolge daardie subartikel herbepaal is: Met dien verstande dat waar 'n bedrag oorgeplaas is vanaf die korporatiewe fonds na 'n polishouerfonds soos in subparagraaf (ii) beoog, enige daaropvolgende oorplasings vanaf die polishouerfonds na die korporatiewe fonds of risikopolisfonds van enige bedrae wat in totaal nie die totale bedrag van daardie oorplasing te bowe gaan nie, nie in die inkomste van die korporatiewe fonds ingevolge die bepalings van subparagraaf (i) van hierdie paragraaf ingesluit word nie; en";

(q) deur in subartikel (11) paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* word behoudens die bepalings van **[paragraaf]** paragrawe (*a*)(iii) en *(b*A*)* geen bedrag van enige oorplasing na of van die korporatiewe fonds ingevolge die bepalings van subartikel (7) afgetrek van of ingesluit by die inkomste van die polishouerfonds of risikopolisfonds waarvan of waarna dit, na gelang van die geval, oorgeplaas is nie;";

(r) deur in subartikel (11) paragraaf *(g)* deur die volgende paragraaf te vervang:

"*(g)* word premies en herversekeringseise ontvang en eise en herversekeringspremies betaal ten opsigte van polisse buiten risikopolisse, buite rekening gelaat; en";

(s) deur in subartikel (11) die volgende voorbehoudsbepaling in paragraaf *(g)* by te voeg:

": Met dien verstande dat waar 'n versekeringseis ontvang word deur of toeval aan 'n versekeraar ten opsigte van 'n herversekeringspolis (buiten 'n polis wat 'n risikopolis sou uitmaak indien dit aangegaan is op 1 Januarie 2015) aangegaan tussen daardie versekeraar en 'n persoon buiten 'n inwoner, word daar ingesluit in die bruto inkomste van die polishouerfonds geassosieer met daardie herversekeringspolis 'n bedrag gelykstaande aan daardie herversekeringseis minus die totale bedrag van herversekeringspremies aangegaan of betaal ingevolge daardie herversekeringspolis wat van toepassing is op daardie herversekeringseis;";

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

"(12) By die toedeling van enige ontvangs, toevalling, bate, onkoste of verpligting aan 'n in subartikel (4) beoogde fonds, moet 'n versekeraar wanneer hy bedoelde fonds stig en te alle tye daarna—

(a) vir sover bedoelde ontvangs, toevalling, bate, onkoste of verpligting uitsluitlik betrekking het op besigheid wat in 'n enkele fonds deur hom gedryf word, bedoelde ontvangs, toevalling, bate, onkoste of verpligting aan daardie fonds toedeel; en

(b) vir sover bedoelde ontvangs, toevalling, bate, onkoste of verpligting nie uitsluitlik betrekking het op besigheid wat in 'n enkele fonds deur hom gedryf word nie, bedoelde bate ontvangs, toevalling, onkoste of verpligting toedeel op 'n wyse wat konsekwent is met en toepaslik is op die wyse waarop sy besigheid gedryf word.

(u) deur die volgende subartikel na subartikel (12) by te voeg:

"(13A)*(a)* Ondanks artikel 23*(e)*, by die vasstelling van die belasbare inkomste verkry deur enige versekeraar ten opsigte van sy risikopolisfonds ten opsigte van enige jaar van aanslag word daar as 'n aftrekking teen die inkomste van die risikopolisfonds toegelaat 'n bedrag gelykstaande aan die aangepaste IFRS-waarde vir die jaar van aanslag ten opsigte van risikopolisse in die daaropvolgende jaar van aanslag.

(b) Any amount deducted in terms of paragraph *(a)* during any year of assessment shall be included in the income of the risk policy fund in the following year of assessment.";

(2) Paragraphs *(a)*, *(b)*, *(c)*, *(d)*, *(e)*, *(f)*, *(h)*, *(i)*, *(j)*, *(k)*, *(l)*, *(m)*, *(o)*, *(p)*, *(q)*, *(r)*, *(t)* and *(u)* of subsection (1) come into operation on 1 January 2016 and apply in respect of years of assessment commencing on or after that date.

(3) Paragraph *(g)* of subsection (1) comes into operation on 1 March 2015.

(4) Paragraph *(n)* of subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect of years of assessment commencing on or after that date.

(5) Paragraph *(s)* of subsection (1) comes into operation on 1 December 2014 and applies in respect of reinsurance claims received or accrued on or after that date.

Amendment of section 30 of Act 58 of 1962, as inserted by section 35 of Act 30 of 2000 and amended by sections 36 and 73 of Act 59 of 2000, section 16 of Act 19 of 2001, section 22 of Act 30 of 2002, section 31 of Act 74 of 2002, section 45 of Act 45 of 2003, section 16 of Act 16 of 2004, section 28 of Act 32 of 2004, section 36 of Act 31 of 2005, section 24 of Act 20 of 2006, section 25 of Act 8 of 2007, section 43 of Act 35 of 2007, section 22 of Act 3 of 2008, section 41 of Act 60 of 2008, section 41 of Act 17 of 2009, section 53 of Act 7 of 2010, section 8 of Act 21 of 2012 and section 79 of Act 31 of 2013

48. Section 30 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) Where the constitution, will or other written instrument does not comply with the provisions of subsection (3)*(b)*, it shall be deemed to so comply if the **[person]** persons contemplated in subsection (3)*(b)*(i) responsible in a fiduciary capacity for the funds and assets of **[such organisation]** a branch contemplated in paragraph *(a)*(ii) of the definition of 'public benefit organisation' in subsection (1) or any trust established in terms of a will of any person furnishes the Commissioner with a written undertaking that such organisation will be administered in compliance with the provisions of this section.".

Insertion of section 30C in Act 58 of 1962

49. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 30B:

"**Small business funding entities**

30C. (1) The Commissioner must approve a small business funding entity for the purposes of section 10(1)*(c*Q*)* if—

(a) that entity is a trust or an association of persons that has been incorporated, formed or established in the Republic;

(b) (i) the sole or principal object of that entity is the provision of funding for small, medium and micro-sized enterprises; and

(ii) the funding contemplated in subparagraph (i) is—

(aa) provided by that small business funding entity for the benefit of, or is widely accessible to small, medium and micro-sized enterprises;

(bb) provided on a non-profit basis and with an altruistic or philanthropic intent; and

(cc) not intended to directly or indirectly promote the economic self-interest of any fiduciary or employee of that entity, otherwise than by way of reasonable remuneration payable to that fiduciary or employee;

(c) that small business funding entity has submitted to the Commissioner a copy of the constitution or written instrument under which that small business funding entity has been established;

(d) the constitution or written instrument contemplated in paragraph *(c)* provides that—

(b) Enige bedrag afgetrek ingevolge paragraaf *(a)* gedurende enige jaar van aanslag word in die inkomste van die risikopolisfonds ingesluit in die daaropvolgende jaar van aanslag.”.

(2) Paragrawe *(a)*, *(c)*, *(d)*, *(e)*, *(f)*, *(h)*, *(i)*, *(j)*, *(k)*, *(l)*, *(m)*, *(o)*, *(p)*, *(q)*, *(r)*, *(t)* en *(u)* van subartikel (1) tree in werking op 1 Januarie 2016 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(3) Paragraaf *(g)* van subartikel (1) tree in werking op 1 Maart 2015.

(4) Paragraaf *(n)* van subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(5) Paragraaf *(s)* van subartikel (1) tree in werking op 1 Desember 2014 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 30 van Wet 58 van 1962, soos ingevoeg deur artikel 35 van Wet 30 van 2000 en gewysig deur artikels 36 en 73 van Wet 59 van 2000, artikel 16 van Wet 19 van 2001, artikel 22 van Wet 30 van 2002, artikel 31 van Wet 74 van 2002, artikel 45 van Wet 45 van 2003, artikel 16 van Wet 16 van 2004, artikel 28 van Wet 32 van 2004, artikel 36 van Wet 31 van 2005, artikel 24 van Wet 20 van 2006, artikel 25 van Wet 8 van 2007, artikel 43 van Wet 35 van 2007, artikel 22 van Wet 3 van 2008, artikel 41 van Wet 60 van 2008, artikel 41 van Wet 17 van 2009, artikel 53 van Wet 7 van 2010, artikel 8 van Wet 21 van 2012 en artikel 79 van Wet 31 van 2013

48. Artikel 30 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Waar die konstitusie, testament of ander skriftelike stuk nie aan die bepalings van subartikel (3)*(b)* voldoen nie, word dit geag aldus te voldoen indien die **[persoon]** persone beoog in subartikel (3)*(b)*(i) wat in ’n fidusiêre hoedanigheid vir die fondse en bates van **[bedoelde organisasie]** ’n tak beoog in paragraaf *(a)*(ii) van die omskrywing van ‘openbare weldaadsorganisasie’ in subartikel (1) of enige trust gestig ingevolge die testament van enige persoon verantwoordelik is ’n geskrewe onderneming aan die Kommissaris verstrek dat bedoelde organisasie ooreenkomstig die bepalings van hierdie artikel geadministreer sal word.”.

Invoeging van artikel 30C in Wet 58 van 1962

49. (1) Die volgende artikel word hierby in die Inkomstebelastingwet, 1962, na artikel 30B ingevoeg:

“**Kleinsake befondsingsentiteite**

30C. (1) Die Kommissaris moet ’n kleinsake befondsingsentiteit vir die doeleindes van artikel 10(1)*(c*Q*)* goedkeur indien—

(a) daardie entiteit ’n trust of vereniging van persone is wat in die Republiek ingelyf, gestig of opgerig is;

(b) (i) die enigste of hoof oogmerk van daardie entiteit die voorsiening van befondsing vir klein-, medium- of mikrobesighede is;

(ii) die befondsing beoog in paragraaf (i)—

(aa) deur daardie organisasie voorsien word vir die voordeel van, of algemeen toeganklik is vir klein-, medium- of mikrobesighede

(bb) voorsien word op ’n niewinsgewende grondslag en met ’n altruïstiese of filantropiese bedoeling; en

(cc) nie bedoel is om regstreeks of onregstreeks die ekonomiese eiebelang van enige fiduciarius of werknemer van die entiteit te bevorder nie, anders as by wyse van redelike besoldiging wat aan daardie fiduciarius of werknemer betaalbaar is;

(c) daardie kleinsake befondsingsentiteit ’n afskrif van die konstitusie of geskrewe stuk waarkragtens daardie kleinsake befondsingsentiteit ingestel is, by die Kommissaris ingedien het;

(d) die konstitusie of geskrewe stuk beoog in paragraaf *(c)* bepaal dat—

(i) *(aa)* the small business funding entity must have a committee, a board of management or similar governing body consisting of at least three natural persons who are not connected persons in relation to each other to accept the fiduciary responsibility of that small business funding entity;

(bb) not more than fifty per cent of the members of the committee or a board of management contemplated in item *(aa)* may be employees or directors of any entity providing funding to that small business funding entity or persons who are connected persons in relation to any such employee or director;

(ii) any single person may not directly or indirectly control the decision-making powers relating to that small business funding entity;

(iii) the small business funding entity may not directly or indirectly distribute any of its funds or assets to any person other than in the course of furthering its sole or principal object;

(iv) the small business funding entity may not directly or indirectly distribute any of its funds or assets to any employee in relation to that entity or a person that is a connected person in relation to any such employee or to a person contemplated in subparagraph (i);

(v) the small business funding entity is required to utilise substantially the whole of its funds for its sole or principal object for which it has been established;

(vi) the small business funding entity must during any year of assessment distribute or incur the obligation to distribute at least 25 per cent of all amounts received or accrued in respect of assets held, other than any amount received or accrued in respect of the disposal of any of those assets, during that year of assessment;

(vii) a member of a committee, a board of management or similar governing body of the small business funding entity may not directly or indirectly have any personal or private interest in that small business funding entity;

(viii) substantially the whole of the activities of the small business funding entity must be directed to the furtherance of the sole or principal object of that small business funding entity;

(ix) the small business funding entity may not pay to any employee, office bearer, member or other person any remuneration, as defined in the Fourth Schedule, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;

(x) the small business funding entity must as part of its dissolution transfer its assets to—

(aa) another small business funding entity approved by the Commissioner in terms of this section;

(bb) a public benefit organisation contemplated in paragraph *(a)*(i) of the definition of public benefit organisation in section 30(1) that is approved by the Commissioner as a public benefit organisation in terms of that section;

(cc) an institution, board or body which is exempt from tax under section 10(1)*(c*A*)*(i); or

(dd) the government of the Republic in the national, provincial or local sphere;

(xi) the persons contemplated in paragraph *(d)*(i) will submit any amendment of the constitution or written instrument of the small business funding entity to the Commissioner within 30 days of its amendment;

(xii) the small business funding entity will comply with such reporting requirements as may be determined by the Commissioner from time to time; and

(i) *(aa)* die kleinsake befondsingsentiteit 'n komitee, besturende raad of soortgelyke beheerliggaam moet hê wat uit minstens drie natuurlike persone bestaan, wat nie verbonde persone met betrekking tot mekaar is nie, om die fidusiêre verantwoordelikheid van daardie kleinsake befondsingsentiteit te aanvaar;

(bb) nie meer as vyftig present van die lede van die komitee of besturende raad beoog in item *(aa)* mag werknemers of direkteure wees van enige entiteit wat befondsing voorsien aan daardie kleinsake befondsingsentiteit nie of persone wat verbonde persone is met betrekking tot enige so 'n werknemer of direkteur;

(ii) geen enkele persoon mag direk of indirek die besluitnemingsmagte beheer met betrekking tot daardie kleinsake befondsingsentiteit nie;

(iii) die kleinsake befondsingsentiteit nie direk of indirek enige van sy fondse of bates aan enige persoon andersins as in die loop van die bevordering van sy enigste of hoof oogmerk mag uitkeer nie;

(iv) die kleinsake befondsingsentiteit nie direk of indirek enige van sy fondse of bates aan enige werknemer met betrekking tot daardie kleinsakebefondsingsentiteit of 'n persoon wat 'n verbonde persoon is met betrekking tot so 'n werknemer of aan 'n persoon beoog in subparagraaf (i), mag uitkeer nie;

(v) die kleinsake befondsingsentiteit verplig word om wesenlik die geheel van sy fondse aan te wend vir die uitsluitlike of hoof oogmerk waarvoor dit ingestel is;

(vi) die kleinsake befondsingsentiteit gedurende enige jaar van aanslag ten minste 25 persent van alle bedrae ontvang of toegeval ten opsigte van bates gehou moet uitkeer of die verpligting aangaan om dit uit te keer, buiten enige bedrag ontvang of toegeval ten opsigte van die beskikking van enige van daardie bates gedurende daardie jaar van aanslag;

(vii) geen lid van 'n komitee, besturende raad of soortgelyke beheerliggaam van die kleinsake befondsingsentiteit direk of indirek enige persoonlike of private belang in daardie kleinsake befondsingsentiteit mag hê nie;

(viii) wesenlik die geheel van die aktiwiteite van die kleinsake befondsingsentiteit gerig moet wees op die bevordering van die uitsluitlike of hoof oogmerk van daardie kleinsake befondsingsentiteit;

(ix) die kleinsake befondsingsentiteit nie aan enige werknemer, amptenaar, lid of ander persoon enige besoldiging, soos omskryf in die Vierde Bylae, wat oormatig is met inagneming van wat algemeen as redelik geag word in die sektor en met betrekking tot die diens gelewer, mag betaal nie;

(x) die kleinsake befondsingsentiteit as deel van sy ontbinding sy bates moet oordra aan—

(aa) 'n ander kleinsake befondsingsentiteit ingevolge hierdie artikel deur die Kommissaris goedgekeur;

(bb) 'n openbare weldaadsorganisasie in paragraaf *(a)*(i) van die omskrywing van ''openbare weldaadsorganisasie'' in artikel 30(1) bedoel, wat deur die Kommissaris as 'n openbare weldaadsorganisasie ingevolge daardie artikel goedgekeur is;

(cc) 'n instelling, raad of liggaam wat kragtens artikel 10(1)*(c*A*)*(i) van belasting vrygestel is; of

(dd) die regering van die Republiek in die nasionale, provinsiale of plaaslike sfeer;

(xi) die persone beoog in paragraaf *(d)*(i) enige wysiging van die konstitusie of geskrewe stuk van die entiteit binne 30 dae van sy wysiging aan die Kommissaris sal voorlê;

(xii) die kleinsake befondsingsentiteit sal voldoen aan die verslagdoeningsvereistes wat die Kommissaris van tyd tot tyd bepaal; en

(xiii) the small business funding entity is not knowingly and will not knowingly become a party to, and does not knowingly and will not knowingly permit itself to be used as part of, an impermissible avoidance arrangement contemplated in Part IIA of Chapter III, or a transaction, operation or scheme contemplated in section 103(5).

(2) Where the Commissioner is—

(a) satisfied that any small business funding entity approved in terms of subsection (1) has during any year of assessment in any material respect; or

(b) during any year of assessment satisfied that any small business funding entity approved in terms of subsection (1) has on a continuous or repetitive basis,

failed to comply with this section, or the constitution or written instrument under which that small business funding entity was established to the extent that it relates to this section, the Commissioner must notify the small business funding entity that the Commissioner intends to withdraw approval of the small business funding entity if corrective steps are not taken by the small business funding entity within the period stated in the notice.

(3) If no corrective steps are taken by the small business funding entity as contemplated in subsection (2), the Commissioner must withdraw approval of that small business funding entity with effect from the commencement of the year of assessment contemplated in subsection (2).

(4) If the Commissioner has withdrawn the approval of a small business funding entity as contemplated in subsection (3) the small business funding entity must within six months after the date of the withdrawal of approval (or such longer period as the Commissioner may allow) transfer, or take reasonable steps to transfer, its remaining assets to any small business funding entity, public benefit organisation, institution, board or body or the government of the Republic, as contemplated in subsection (1)*(d)*(x).

(5) If a small business funding entity is wound up or liquidated, the small business funding entity must, as part of the winding-up or liquidation, transfer its assets remaining after the satisfaction of its liabilities to any small business funding entity, public benefit organisation, institution, board or body or the government of the Republic, as contemplated in subsection (1)*(d)*(x).

(6) If a small business funding entity fails to transfer, or to take reasonable steps to transfer, its assets as contemplated in subsection (4) or (5), an amount equal to the market value of those assets which have not been transferred less an amount equal to the *bona fide* liabilities of that small business funding entity must for the purposes of this Act be deemed to be an amount of taxable income which accrued to that small business funding entity during the year of assessment in which the withdrawal of approval in terms of subsection (4) or the winding-up or liquidation contemplated in subsection (5) took place.

(7) Any person who is in a fiduciary capacity responsible for the management of any small business funding entity and who intentionally fails to comply with any provision of this section or of the constitution, or other written instrument under which that small business funding entity is established to the extent that it relates to the provisions of this section, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 24 months.".

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of section 31 of Act 58 of 1962, as substituted by section 57 of Act 24 of 2011, amended by section 64 of Act 22 of 2012 and section 82 of Act 31 of 2013

50. (1) Section 31 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (3) for the words following paragraph *(b)* of the following words:

"the amount of that difference must, if that person is a resident and the other person to the affected transaction is a person as contemplated in paragraph *(a)*(i)*(bb)* or *(a)*(iii)*(bb)* of the definition of 'affected transaction'—

(xiii) die kleinsake befondsingsentiteit nie bewustelik 'n party is of sal wees by, en nie bewustelik toelaat of sal toelaat dat dit gebruik word as deel van 'n ontoelaatbare vermydingsreëling beoog in Deel IIA van Hoofstuk III, of 'n transaksie, handeling of skema beoog in artikel 103(5) nie.

(2) Waar die Kommissaris—

(a) tevrede is dat enige kleinsake befondsingsentiteit ingevolge subartikel (1) goedgekeur, gedurende enige jaar van aanslag in enige wesenlike opsig; of

(b) gedurende enige jaar van aanslag tevrede is dat enige sodanige kleinsake befondsingsentiteit op 'n deurlopende of herhaalde grondslag,

versuim het om te voldoen aan hierdie artikel, of die konstitusie of geskrewe stuk waarkragtens dit ingestel is namate dit op hierdie artikel betrekking het, moet die Kommissaris die kleinsake befondsingsentiteit in kennis stel dat die Kommissaris van voorneme is om goedkeuring van die kleinsake befondsingsentiteit te onttrek indien korrektiewe stappe nie deur die kleinsake befondsingsentiteit gedoen word binne die tydperk in die kennisgewing vermeld nie.

(3) Indien korrektiewe stappe nie gedoen word deur die kleinsake befondsingsentiteit beoog in subartikel (2) nie, moet die Kommissaris goedkeuring van daardie kleinsake befondsingsentiteit onttrek met ingang van die begin van die jaar van aanslag beoog in subartikel (2).

(4) Indien die Kommissaris goedkeuring van 'n kleinsake befondsingsentiteit onttrek het soos beoog in subartikel (3), moet die kleinsake befondsingsentiteit binne ses maande na die datum van die onttrekking van goedkeuring (of die langer tydperk wat die Kommissaris toelaat) sy oorblywende bates aan enige entiteit, openbare weldaadsorganisasie, instelling, raad of liggaam of die regering van die Republiek, beoog in subartikel (1)*(d)*(x), oordra of redelike stappe doen om dit oor te dra.

(5) Indien 'n kleinsake befondsingsentiteit gelikwideer word, moet die entiteit, as deel van die likwidering, die bates wat oorbly na sy verpligtinge bevredig is, oordra aan enige entiteit, openbare weldaadsorganisasie, instelling, raad of liggaam of die regering van die Republiek, beoog in subartikel (1)*(d)*(x).

(6) Indien 'n kleinsake befondsingsentiteit versuim om sy bates oor te dra, of om redelike stappe te doen om sy bates oor te dra, soos beoog in subartikel (4) of (5), moet 'n bedrag gelyk aan die markwaarde van daardie bates wat nie oorgedra is nie, minus 'n bedrag gelyk aan die bona fide-laste van daardie entiteit by die toepassing van hierdie Wet geag word 'n bedrag van belasbare inkomste te wees wat daardie entiteit toegeval het gedurende die jaar van aanslag waarin die onttrekking van goedkeuring ingevolge subartikel (6) of die likwidering beoog in subartikel (8) plaasgevind het.

(7) Enige persoon wat in 'n fidusiêre hoedanigheid verantwoordelik is vir die bestuur van 'n kleinsake befondsingsentiteit wat opsetlik nalaat om aan enige bepaling van hierdie artikel, of 'n bepaling van die konstitusie of ander geskrewe stuk waarkragtens daardie kleinsake befondsingsentiteit opgerig is, tot die mate wat dit verband hou met die bepalings van hierdie artikel, te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 24 maande.".

(2) Subartikel (1) tree in werking op 1 Maart 2015.

Wysiging van artikel 31 van Wet 58 van 1962, soos vervang deur artikel 57 van Wet 24 van 2011 en gewysig deur artikel 64 van Wet 22 van 2012 en artikel 82 van Wet 31 van 2013

50. (1) Artikel 31 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (3) die woorde wat op paragraaf *(b)* volg deur die volgende woorde te vervang:

"word die bedrag van daardie verskil, indien daardie persoon 'n inwoner is en die ander persoon tot die geaffekteerde transaksie 'n persoon is soos bedoel in paragraaf *(a)*(i)*(bb)* of *(a)*(iii)*(bb)* van die omskrywing van 'geaffekteerde transaksie'—

(i) if that resident is a company, be deemed to be a dividend consisting of a distribution of an asset *in specie* declared and paid by that resident to that other person; or

(ii) if that resident is a person other than a company, be deemed, for purposes of Part V, to be donation made by that resident to that other person,

on the last day of the period of six months following the end of the year of assessment in respect of which that adjustment is made: Provided that where the amount of that difference was prior to 1 January 2015 deemed to be a loan that constitutes an affected transaction, so much of that loan as has not been repaid before 1 January 2015 must—

(a) if that resident is a company, be deemed to be a dividend consisting of a distribution of an asset *in specie* that was declared and paid by that resident to that other person; or

(b) if that resident is a person other than a company, be deemed, for purposes of Part V, to be a donation made by that resident to that other person,

on 1 January 2015.''; and

(b) by the deletion in subsection (7) at the end of paragraph *(b)* of the word ''and'', insertion of that word at the end of paragraph *(c)* and addition of the following paragraph:

''*(d)* no interest accrued in respect of the debt during the year of assessment,''.

(2) Paragraph *(a)* of subsection (1) comes into operation on 1 January 2015.

Amendment of section 36 of Act 58 of 1962, as amended by section 12 of Act 72 of 1963, section 15 of Act 90 of 1964, section 20 of Act 88 of 1965, section 23 of Act 55 of 1966, section 16 of Act 95 of 1967, section 14 of Act 76 of 1968, section 26 of Act 89 of 1969, section 21 of Act 65 of 1973, section 28 of Act 85 of 1974, section 20 of Act 104 of 1980, section 25 of Act 94 of 1983, section 16 of Act 96 of 1985, section 14 of Act 70 of 1989, section 26 of Act 101 of 1990, section 30 of Act 129 of 1991, section 24 of Act 141 of 1992, section 29 of Act 113 of 1993, section 17 of Act 36 of 1996, section 41 of Act 60 of 2001, section 31 of Act 32 of 2004, section 26 of Act 20 of 2006, section 46 of Act 35 of 2007, section 23 of Act 3 of 2008, section 44 of Act 60 of 2008, section 43 of Act 17 of 2009, section 57 of Act 7 of 2010, section 60 of Act 24 of 2011 and section 83 of Act 31 of 2013

51. (1) Section 36 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (11) for subparagraph (B) of paragraph *(c)(aa)* of the definition of ''capital expenditure'' of the following subparagraph:

''(B) **[prospecting right, mining right, exploration right or production right,]** mining right or mining permit **[or retention permit]** issued in terms of the Mineral and Petroleum Resources Development Act;''.

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

Amendment of section 37C of Act 58 of 1962, as inserted by section 46 of Act 60 of 2008 and amended by section 86 of Act 31 of 2013

52. (1) Section 37C of the Income Tax Act, 1962, is hereby amended by the deletion of subsections (5), (6) and (7).

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of years of assessment commencing on or after that date.

Insertion of section 37D in Act 58 of 1962

53. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 37C:

(i) indien daardie inwoner 'n maatskappy is, geag 'n dividend te wees wat die uitkering van 'n bate in specie uitmaak verklaar en betaal deur daardie inwoner aan daardie ander persoon; of

(ii) indien daardie inwoner 'n persoon is buiten 'n maatskappy, geag, vir doeleindes van deel V, 'n donasie te wees gemaak deur daardie inwoner aan daardie ander persoon,

op die laaste dag van die periode van ses maande wat volg op die einde van die jaar van aanslag ten opsigte waarvan daardie aanpassing gemaak word:

Met dien verstande dat waar die bedrag van daardie verskil voor 1 Januarie 2015 geag was om 'n lening te wee wat 'n geaffekteerde transaksie uitmaak, soveel van daardie lening wat nie terugbetaal is voor 1 Januarie 2015 word—

(a) indien daardie inwoner 'n maatskappy is, geag om 'n dividend te wees wat die uitkering van 'n bate in specie uitmaak verklaar en betaal deur daardie inwoner aan daardie ander persoon; of

(b) indien daardie inwoner 'n persoon is buiten 'n maatskappy, geag, vir doeleindes van deel V, 'n donasie te wees gemaak deur daardie inwoner aan daardie ander persoon,

op 1 Januarie 2015."; en

(b) deur in subartikel (7) aan die einde van paragraaf *(b)* die woord "en" te skrap, daardie woord aan die einde van paragraaf *(c)* in te voeg en die volgende paragraaf by te voeg:

"*(d)* geen rente toegeval is nie ten opsigte van daardie skuld gedurende daardie jaar van aanslag,".

(2) Paragraaf *(a)* van subartikel (1) tree in werking op 1 Januarie 2015.

Wysiging van artikel 36 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 72 van 1963, artikel 15 van Wet 90 van 1964, artikel 20 van Wet 88 van 1965, artikel 23 van Wet 55 van 1966, artikel 16 van Wet 95 van 1967, artikel 14 van Wet 76 van 1968, artikel 26 van Wet 89 van 1969, artikel 21 van Wet 65 van 1973, artikel 28 van Wet 85 van 1974, artikel 20 van Wet 104 van 1980, artikel 25 van Wet 94 van 1983, artikel 16 van Wet 96 van 1985, artikel 14 van Wet 70 van 1989, artikel 26 van Wet 101 van 1990, artikel 30 van Wet 129 van 1991, artikel 24 van Wet 141 van 1992, artikel 29 van Wet 113 van 1993, artikel 17 van Wet 36 van 1996, artikel 41 van Wet 60 van 2001, artikel 31 van Wet 32 van 2004, artikel 26 van Wet 20 van 2006, artikel 46 van Wet 35 van 2007, artikel 23 van Wet 3 van 2008, artikel 44 van Wet 60 van 2008, artikel 43 van Wet 17 van 2009, artikel 57 van Wet 7 van 2010, artikel 60 van Wet 24 van 2011 en artikel 83 van Wet 31 van 2013

51. (1) Artikel 36 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (11) subparagraaf (B) van paragraaf *(c)(aa)* van die omskrywing van "kapitaaluitgawe" deur die volgende paragraaf te vervang:

"(B)**['prospecting right', 'mining right', 'exploration right' of 'production right',]** 'mining right' of 'mining permit' **[of 'retention permit']** uitgereik kragtens die Mineral and Petroleum Resources Development Act;".

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

Wysiging van artikel 37C van Wet 58 van 1962, soos ingevoeg deur artikel 46 van Wet 60 van 2008 en gewysig deur artikel 86 van Wet 31 van 2013

52. (1) Artikel 37C van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikels (5), (6) en (7) te skrap.

(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Invoeging van artikel 37D in Wet 58 van 1962

53. (1) Die volgende artikel word hierby na artikel 37C in die Inkomstebelastingwet, 1962, ingevoeg:

“**Allowance in respect of land conservation in respect of nature reserves or national parks**

37D. (1) For the purposes of this section, **‘declared land’** means—

(a) land owned by a person and that is declared a national park or nature reserve in terms of an agreement entered into with that person under section 20 or 23 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003); and

(b) an endorsement is effected to the title deed of that land that reflects the declaration contemplated in paragraph *(a)* and has a duration of at least 99 years.

(2) There must be allowed to be deducted from the income of any person in respect of declared land, in the year of assessment during which that land becomes declared land and in each subsequent year of assessment, an amount equal to four per cent of—

(a) the expenditure incurred in respect of—

(i) the acquisition of the declared land; and

(ii) improvements effected to the declared land (other than borrowing or finance costs),

if that expenditure is not less than the market value or municipal value of that declared land; or

(b) an amount determined in accordance with the formula:

$$A = B + (C \times D)$$

in which formula—

(i) ‘A’ represents the amount to be determined;

(ii) ‘B’ represents the cost of acquisition of the declared land and of any improvements to that land;

(iii) ‘C’ represents the amount of a capital gain (if any), that would have been determined in terms of the Eighth Schedule had the declared land been disposed of for an amount equal to the lower of the market value or municipal value of that land on the date of the agreement; and

(iv) ‘D’ represents 66,6 per cent in the case of a natural person or special trust or 33,3 per cent in any other case, if the market value of the declared land or municipal value of that declared land exceeds the expenditure contemplated in paragraph *(a)*.

(3) If a person retains a right of use of the declared land, the deduction to be allowed in terms of this section must be limited to an amount that bears the amount determined as contemplated in subsection (2) the same ratio as the market value of the declared land subject to the right of use bears to the market value of the declared land had that declared land not been subject to that right use.

(4) The deductions which may be allowed in terms of this section in respect of declared land must not in aggregate exceed the expenditure incurred as referred to in subsection (2)*(a)* or the amount referred to in symbol ‘A’ under subsection (2)*(b)*, as the case may be.

(5) If the agreement in respect of which the land that becomes declared land is terminated by the person with which the agreement is entered into, an amount equal to the aggregate of the deductions allowed in terms of this section in the five years of assessment preceding the termination must be included in the income of that person in the year of assessment that the agreement is terminated.”.

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 41 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 49 of Act 45 of 2003, section 32 of Act 32 of 2004, section 37 of Act 31 of 2005, section 28 of Act 20 of 2006, sections 32 and 103 of Act

"**Toelae ten opsigte van grondbewaring ten opsigte van natuurreservate of nasionale parke**

37D. (1) By toepassing van hierdie artikel beteken 'verklaarde grond'—

(a) grond waarvan 'n persoon die eienaar is en wat verklaar word tot 'n nasionale park of natuurreservaat ingevolge 'n ooreenkoms aangegaan met daardie persoon kragtens artikel 20 of 23 van die 'National Environmental Management: Protected Areas Act', 2003 (Wet No. 57 van 2003); en

(b) 'n endossement aangebring is aan die titelakte van daardie grond wat die verklaring beoog in paragraaf aandui en het 'n lewensduur van ten minste 99 jaar.

(2) Daar moet toegelaat word om afgetrek te word van die inkomste van enige persoon ten opsigte van verklaarde grond, in die jaar van aanslag gedurende waarin daardie grond verklaarde grond word en in elke daaropvolgende jaar van aanslag, 'n bedrag gelykstaande aan vier persent van—

(a) die uitgawes aangegaan ten opsigte van—

(i) die verkryging van die verklaarde grond; en

(ii) verbeteringe aan die verklaarde grond aangebring (buiten leen- of finansieringskoste),

indien daardie uitgawes die markwaarde of munisipale waarde van daardie verklaarde grond te bowe gaan; of

(b) 'n bedrag bepaal ooreenkomstig die formule:

$$A = B + (C \times D)$$

in welke formule—

(i) 'A' die bedrag wat bepaal moet word voorstel;

(ii) 'B' die koste van verkryging van die verklaarde grond voorstel en van enige verbeteringe aan daardie grond;

(iii) 'C' die bedrag van 'n kapitaalwins (indien enige) voorstel, wat sou bepaal gewees het ingevolge die agtste bylae as die verklaarde grond oor beskik is vir 'n bedrag gelykstaande aan die laere van die markwaarde van daardie grond op die datum van die ooreenkoms; en

(iv) 'D' 66,6 persent voorstel in die geval van 'n natuurlike persoon of spesiale trust of 33,3 persent in enige ander geval, indien die markwaarde van die verklaarde grond of die munisipale waarde van daardie verklaarde grond die uitgawes beoog in paragraaf *(a)* oorskry.

(3) Indien 'n persoon 'n gebruiksreg van die verklaarde grond behou, word die aftrekking toegelaat ingevolge hierdie artikel beperk tot 'n bedrag wat tot die bedrag bepaal ingevolge subartikel (2) in dieselfde verhouding staan as wat die markwaarde van die grond aan die gebruiksreg onderhewig staan tot die markwaarde van die grond indien die grond nie aan die gebruiksreg onderhewig was nie.

(4) Die aftrekkings wat toegelaat mag word ingevolge hierdie artikel ten opsigte van verklaarde grond moet nie in totaal die uitgawes aangegaan oorskry nie soos bedoel in subartikel (2)*(a)* of die bedrag bedoel in simbool 'A' kragtens subartikel (2)*(b)*, na gelang van die geval.

(5) Indien die ooreenkoms ten opsigte waarvan die grond wat verklaarde grond word opgesê word deur die persoon met wie die ooreenkoms aangegaan is, moet 'n bedrag gelykstaande aan die totaal van die aftrekkings toegelaat ingevolge hierdie artikel in die vyf jaar van aanslag wat die opsegging voorafgaan in die inkomste van daardie persoon ingesluit word in die jaar van aanslag waarin die ooreenkoms opgesê word.".

(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing op jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 41 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 49 van Wet 45 van 2003, artikel 32 van Wet 32 van 2004, artikel 37 van Wet 31 van 2005, artikel 28 van Wet 20 van 2006, artikels

8 of 2007, section 52 of Act 35 of 2007, section 25 of Act 3 of 2008, sections 48 and 128 of Act 60 of 2008, section 47 of Act 17 of 2009, section 61 of Act 7 of 2010, section 67 of Act 24 of 2011, section 73 of Act 22 of 2012 and section 90 of Act 31 of 2013

54. Section 41 of the Income Tax Act, 1962, is hereby amended—

(a) by the deletion in subsection (1) of the definitions of ''associated group of companies'', ''domestic financial instrument holding company'', ''foreign financial instrument holding company'', ''prescribed proportion'' and ''shareholder''; and

(b) by the substitution for the definition of ''trading stock'' of the following definition:

'' **'trading stock'[—**

***(a)*]** for purposes of sections 42, 44, 45 and 47, includes any livestock or produce contemplated in the First Schedule and any reference **[in section 11*(a)* or 22(1) or (2)]** to an amount taken into account in respect of an asset in terms of section 11*(a)* or 22(1) or (2) shall, in the case of such livestock or produce, be construed as a reference to the amount taken into account in respect thereof in terms of paragraph 5(1) or 9 of the First Schedule, as the case may be;''.

Amendment of section 42 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 50 of Act 45 of 2003, section 33 of Act 32 of 2004, section 38 of Act 31 of 2005, section 29 of Act 20 of 2006, section 33 of Act 8 of 2007, section 53 of Act 35 of 2007, section 26 of Act 3 of 2008, section 49 of Act 60 of 2008, section 48 of Act 17 of 2009, section 62 of Act 7 of 2010, section 68 of Act 24 of 2011, section 74 of Act 22 of 2012 and section 91 of Act 31 of 2013

55. (1) Section 42 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (6)*(a)* for subparagraph (i) of the following subparagraph:

''(i) to hold a qualifying interest in that company, as contemplated in **[paragraph *(a)*(iii) and (iv)]** paragraphs *(c)* and *(d)* of the definition of 'qualifying interest' (whether or not as a result of the disposal of shares in that company); or''; and

(b) by the substitution in subsection (7)*(b)* for subparagraph (i) of the following subparagraph:

''(i) trading stock in the hands of that company, other than an asset that constitutes trading stock that is regularly and continuously disposed of by that company, so much of the amount received or accrued in respect of the disposal of that trading stock as does not exceed the market value of that trading stock as at the beginning of that period of 18 months and so much of the amount taken into account in respect of that trading stock in terms of section 11*(a)* or 22(1) or (2) as is equal to the amount so taken into account in terms of subsection (2)*(b)***[: Provided that this subparagraph does not apply to any asset that constitutes trading stock that is regularly and continuously disposed of by that company]**; or''.

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect of transactions entered into on or after that date.

Amendment of section 43 of Act 58 of 1962, as inserted by section 75 of Act 22 of 2012 and amended by section 92 of Act 31 of 2013

56. Section 43 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4)*(b)* for subparagraph (i) of the following subparagraph:

32 en 103 van Wet 8 van 2007, artikel 52 van Wet 35 van 2007, artikel 25 van Wet 3 van 2008, artikels 48 en 128 van Wet 60 van 2008, artikel 47 van Wet 17 van 2009, artikel 61 van Wet 7 van 2010, artikel 67 van Wet 24 van 2011, artikel 73 van Wet 22 van 2012 en artikel 90 van Wet 31 van 2013

54. Artikel 41 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) die omskrywings van ''aandeelhouer'', ''buitelandse finansiële instrumenthouermaatskappy'', ''geassosieerde groep van maatskappye'', ''plaaslike finansiële instrumenthouermaatskappy'', en ''voorgeskrewe proporsie'' te skrap; en

(b) deur die omskrywing van ''handelsvoorraad'' deur die volgende omskrywing te vervang:

'' **'handelsvoorraad'[—**

***(a)*]** sluit vir doeleindes van artikels 42, 44, 45 en 47 in enige lewende hawe of produkte soos bedoel in die Eerste Bylae en enige verwysing **[in artikel 11*(a)* of 22(1) of (2)]** na 'n bedrag in ag geneem ten aansien van 'n bate ingevolge artikel 11*(a)* of 22(1) of (2) moet in die geval van sodanige lewende hawe of produkte uitgelê word as 'n verwysing na die bedrag ten aansien daarvan in ag geneem kragtens paragraaf 5(1) of 9 van die Eerste Bylae, na gelang van die geval;''.

Wysiging van artikel 42 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 50 van Wet 45 van 2003, artikel 33 van Wet 32 van 2004, artikel 38 van Wet 31 van 2005, artikel 29 van Wet 20 van 2006, artikel 33 van Wet 8 van 2007, artikel 53 van Wet 35 van 2007, artikel 26 van Wet 3 van 2008, artikel 49 van Wet 60 van 2008, artikel 48 van Wet 17 van 2009, artikel 62 van Wet 7 van 2010, artikel 68 van Wet 24 van 2011, artikel 74 van Wet 22 van 2012 en artikel 91 van Wet 31 van 2013

55. (1) Artikel 42 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (6)*(a)* subparagraaf (i) deur die volgende subparagraaf te vervang:

''(i) ophou om 'n kwalifiserende belang in daardie maatskappy te hou, soos in **[paragraaf *(a)*(iii) en (iv)]** paragrawe *(c)* en *(d)* van die omskrywing van 'kwalifiserende belang' beoog (hetsy as gevolg van die beskikking oor aandele in daardie maatskappy of nie); of''; en

(b) deur in subartikel (7)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:

''(i) handelsvoorraad in die hande van daardie maatskappy uitmaak, buiten 'n bate wat handelsvooraad uitmaak wat gereeld en deurlopend deur daardie maatskappy van die hand gesit word, word soveel van die bedrag wat ontvang is of toegeval het ten opsigte van die beskikking oor daardie handelsvoorraad as wat nie die markwaarde van daardie handelsvoorraad soos aan die begin van die tydperk van 18 maande oorskry nie en soveel van die bedrag wat ingevolge artikel 11*(a)* of 22(1) of (2) in berekening gebring is ten opsigte van daardie handelsvoorraad as wat gelykstaande is aan die bedrag wat aldus ingevolge subartikel (2)*(b)* in berekening gebring is**[: Met dien verstande dat hierdie subparagraaf nie van toepassing is nie op enige bate wat handelsvoorraad uitmaak wat gereeld en deurlopend deur daardie maatskappy van die hand gesit word; en]**; of''.

(2) Paragraaf *(a)* van subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing op transaksies aangegaan op of na daardie datum.

Wysiging van artikel 43 van Wet 58 van 1962, soos ingevoeg deur artikel 75 van Wet 22 van 2012 en gewysig deur artikel 92 van Wet 31 van 2013

56. Artikel 43 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:

"(i) **[subsections (2) and (3)]** subsection (2) must not apply to the part of the equity share so disposed of that relates to that consideration; and".

Amendment of section 44 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 52 of Act 45 of 2003, section 40 of Act 31 of 2005, section 34 of Act 8 of 2007, section 55 of Act 35 of 2007, section 27 of Act 3 of 2008, sections 50 and 129 of Act 60 of 2008, section 49 of Act 17 of 2009, section 63 of Act 7 of 2010, section 69 of Act 24 of 2011, section 76 of Act 22 of 2012 and section 93 of Act 31 of 2013

57. Section 44 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in paragraph *(a)* of the definition of "amalgamation transaction" for subparagraph (i) of the following subparagraph:

"(i) in terms of which any company (hereinafter referred to as the 'amalgamated company') which is a resident disposes of all of its assets (other than assets it elects to use to settle any debts incurred by it in the ordinary course of its trade and other than assets required to satisfy any reasonably anticipated liabilities to any sphere of government of any country and costs of administration relating to the liquidation or winding-up) to another company (hereinafter referred to as the 'resultant company') which is a resident, by means of an amalgamation, conversion or merger; and"; and

(b) by the substitution in subsection (1) in paragraph *(b)* of the definition of "amalgamation transaction" for subparagraph (i) of the following subparagraph:

"(i) in terms of which an amalgamated company which is a foreign company disposes of all of its assets (other than assets it elects to use to settle any debts incurred by it in the ordinary course of its trade and other than assets required to satisfy any reasonably anticipated liabilities to any sphere of government of any country and costs of administration relating to the liquidation or winding-up) to a resultant company which is a resident, by means of an amalgamation, conversion or merger;".

Amendment of section 46 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 54 of Act 45 of 2003, section 36 of Act 32 of 2004, section 42 of Act 31 of 2005, section 36 of Act 8 of 2007, section 57 of Act 35 of 2007, section 29 of Act 3 of 2008, section 52 of Act 60 of 2008, section 65 of Act 7 of 2010, section 71 of Act 24 of 2011, section 78 of Act 22 of 2012 and section 95 of Act 31 of 2013

58. Section 46 of the Income Tax Act, 1962, is hereby amended by the addition after subsection (5A) of the following subsection:

"(6A) This section does not apply in respect of an unbundling transaction where the unbundling company is a REIT or a controlled company as defined in section 25BB.".

Amendment of section 47 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 55 of Act 45 of 2003, section 37 of Act 32 of 2004, section 43 of Act 31 of 2005, section 31 of Act 20 of 2006, section 37 of Act 8 of 2007, section 58 of Act 35 of 2007, section 31 of Act 3 of 2008, section 53 of Act 60 of 2008, section 50 of Act 17 of 2009, section 66 of Act 7 of 2010, section 72 of Act 24 of 2011, section 79 of Act 22 of 2012 and section 96 of Act 31 of 2013

59. Section 47 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the definition of "liquidation transaction" of the following paragraph:

"*(a)* in terms of which any company (hereinafter referred to as the 'liquidating company') which is a resident disposes of all of its assets (other than assets it elects to use to settle any debts incurred by it in the ordinary course of its trade) to its shareholders in anticipation of or in the course of the liquidation, winding up or deregistration of that company and other than assets required to

"(i) is **[subartikels (2) en (3)]** subartikel (2) nie van toepassing nie op die deel van die ekwiteitsaandeel aldus oor beskik wat op daardie vergoeding betrekking het; en".

Wysiging van artikel 44 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 52 van Wet 45 van 2003, artikel 40 van Wet 31 van 2005, artikel 34 van Wet 8 van 2007, artikel 55 van Wet 35 van 2007, artikel 27 van Wet 3 van 2008, artikels 50 en 129 van Wet 60 van 2008, artikel 49 van Wet 17 van 2009, artikel 63 van Wet 7 van 2010, artikel 69 van Wet 24 van 2011, artikel 76 van Wet 22 van 2012 en artikel 93 van Wet 31 van 2013

57. Artikel 44 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in paragraaf *(a)* van die omskrywing van "amalgamasietransaksie" subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(i) ingevolge waarvan enige maatskappy (hierna die 'geamalgameerde maatskappy' genoem) wat 'n inwoner is oor al sy bates (behalwe bates wat dit na keuse wil aanwend ter delging van skulde in die gewone loop van besigheid aangegaan en behalwe bates benodig om enige redelike verwagte verpligting teenoor enige vlak van regering van enige land en koste van administrasie wat met die likwidasie verband hou, te delg) aan 'n ander maatskappy (hierna die 'gevolglike maatskappy' genoem) wat 'n inwoner is, by wyse van 'n amalgamasie, omskepping of samesmelting beskik"; en

(b) deur in subartikel (1) in paragraaf *(a)* van die omskrywing "amalgamasietransaksie" subparagraaf (i) deur die volgende subparagraaf te vervang:

"(i) ingevolge waarvan 'n geamalgameerde maatskappy wat 'n buitelandse maatskappy is, oor al sy bates (behalwe bates wat dit na keuse wil aanwend ter delging van skulde in die gewone loop van besigheid aangegaan en behalwe bates benodig om enige redelike verwagte verpligting teenoor enige vlak van regering van enige land en koste van administrasie wat met die likwidasie verband hou, te delg) aan 'n gevolglike maatskappy wat 'n inwoner is, by wyse van 'n amalgamasie, omskepping of samesmelting beskik;".

Wysiging van artikel 46 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 54 van Wet 45 van 2003, artikel 36 van Wet 32 van 2004, artikel 42 van Wet 31 van 2005, artikel 36 van Wet 8 van 2007, artikel 57 van Wet 35 van 2007, artikel 29 van Wet 3 van 2008, artikel 52 van Wet 60 van 2008, artikel 65 van Wet 7 van 2010, artikel 71 van Wet 24 van 2011, artikel 78 van Wet 22 van 2012 en artikel 95 van Wet 31 van 2013

58. Artikel 46 van die Inkomstebelastingwet, 1962, word hierby gewysig deur na subartikel (5A) die volgende artikel by te voeg:

"(6A) Hierdie artikel is nie van toepassing ten opsigte van 'n ontbondelingstransaksie waar die ontbondelingsmaatskappy 'n EIT of 'n beheerde maatskappy soos omskryf in artikel 25BB, is nie.".

Wysiging van artikel 47 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002, en gewysig deur artikel 55 van Wet 45 van 2003, artikel 37 van Wet 32 van 2004, artikel 43 van Wet 31 van 2005, artikel 31 van Wet 20 van 2006, artikel 37 van Wet 8 van 2007, artikel 58 van Wet 35 van 2007, artikel 31 van Wet 3 van 2008, artikel 53 van Wet 60 van 2008, artikel 50 van Wet 17 van 2009, artikel 66 van Wet 7 van 2010, artikel 72 van Wet 24 van 2011, artikel 79 van Wet 22 van 2012 en artikel 96 van Wet 31 van 2013

59. Artikel 47 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) paragraaf *(a)* in die omskrywing van "likwidasietransaksie" deur die volgende paragraaf te vervang:

"*(a)* ingevolge waarvan 'n maatskappy (hierna die 'likwiderende maatskappy' genoem) wat 'n inwoner is oor al sy bates (behalwe bates wat dit na keuse wil aanwend ter delging van skulde in die gewone loop van besigheid aangegaan en behalwe bates benodig om enige redelike verwagte verpligting teenoor enige vlak van regering van enige land en koste van administrasie wat met die

satisfy any reasonably anticipated liabilities to any sphere of government of any country and costs of administration relating to the liquidation or winding up, but only to the extent to which those assets are so disposed of to another company (hereinafter referred to as the 'holding company') which is a resident and which on the date of that disposal forms part of the same group of companies as the liquidating company; or''.

Substitution of section 49D of Act 58 of 1962, as inserted by section 80 of Act 22 of 2012

60. (1) The following section is hereby substituted for section 49D of the Income Tax Act, 1962:

''**Exemption from withholding tax on royalties**

49D. A foreign person is exempt from the royalties if—

(a) that foreign person is a natural person who was physically present in the Republic for a period exceeding 183 days in aggregate during the twelve-month period preceding the date on which the royalty is paid; or

(b) the property in respect of which that royalty is paid is effectively connected with a permanent establishment of that foreign person in the Republic if that foreign person is registered as a taxpayer for the purposes of this Act; or

(c) that royalty is paid by a headquarter company in respect of the granting of the use or right of use of or permission to use intellectual property as defined in section 23I to which section 31 does not apply as a result of the exclusions contained in section 31(5)*(c)* or *(d)*.''.

(2) Subsection (1) is deemed to have come into operation on 1 July 2013 and applies in respect of royalties that are paid or that become due and payable on or after that date and in respect of which an exemption under section 49D has not been granted.

Amendment of section 49E of Act 58 of 1962, as inserted by section 12 of Act 21 of 2012

61. (1) Section 49E of the Income Tax Act, 1962, is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

''(1) Subject to subsections (2) and (3), any person making payment of any **[royalty]** amount of royalties to or for the benefit of a foreign person must withhold an amount **[as contemplated in section 49B]** of withholding tax on royalties from that payment.

(2) A person must not withhold any amount from any payment contemplated in subsection (1)—

(a) to the extent that the royalty is exempt from the withholding tax on royalties in terms of section 49D*(c)*; or

(b) if the foreign person to or for the benefit of which that payment is to be made has—

[*(a)*] (i) by a date determined by the person making the payment; or

[*(b)*] (ii) if the person making the payment did not determine a date as contemplated in **[paragraph *(a)*]** subparagraph (i), by the date of the payment, submitted to the person making the payment a declaration in such form as may be prescribed by the Commissioner that the foreign person is, in terms of section 49D*(a)* or *(b)*, exempt from the withholding tax on royalties in respect of that payment.''.

(2) Subsection (1) is deemed to have come into operation on 1 July 2013 and applies in respect of royalties that are paid or that become due and payable on or after that date and in respect of which withholding tax on royalties has not been withheld under section 49E.

likwidasie verband hou, te delg) aan sy aandeelhouers beskik in afwagting van of in die loop van die likwidasie of deregistrasie van daardie maatskappy, maar slegs tot die mate waarin daar oor daardie bates so beskik word aan 'n ander maatskappy (hierna die ‚houermaatskappy" genoem) wat 'n inwoner is en wat op die datum van daardie beskikking deel van dieselfde groep van maatskappye as daardie likwiderende maatskappy vorm; of".

Vervanging van artikel 49D van Wet 58 van 1962, soos ingevoeg deur artikel 80 van Wet 22 van 2012

60. (1) Artikel 49D van die Inkomstebelastingwet, 1962, word hierby deur die volgende artikel vervang:

"**Vrystelling van terughoudingsbelasting op tantième**

49D. 'n Buitelandse persoon word vrygestel van die tantième indien—

(a) daardie buitelandse persoon 'n natuurlike persoon is wat fisies in die Republiek teenwoordig was vir 'n tydperk wat in totaal 183 dae oorskry gedurende die tydperk van twaalf maande wat die datum voorafgaan waarop die tantième betaal word; of

(b) die eiendom ten opsigte waarvan daardie tantième betaal word effektief verbind is met 'n permanente saak van daardie buitelandse persoon in die Republiek indien daardie buitelandse persoon geregistreer is as 'n belastingpligtige vir die doeleindes van hierdie Wet; of

(c) daardie tantième betaal word deur 'n hoofkwartiermaatskappy ten opsigte van die toestaan van die gebruik, reg van gebruik of toestemming tot gebruik van immateriële goedere soos omskryf in artikel 23I waarop artikel 31 nie van toepassing is nie as gevolg van die uitsluitings vervat in artikel 31(5)*(c)* of *(d)*.".

(2) Subartikel (1) word geag op 1 Julie 2013 in werking te getree het en is van toepassing ten opsigte van tantième wat op of na daardie datum betaal word of verskuldig en betaalbaar word en ten opsigte waarvan 'n vrystelling kragtens artikel 49D nie toegestaan is nie.

Wysiging van artikel 49E van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 21 van 2012

61. (1) Artikel 49E van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

"(1) Behoudens subartikels (2) en (3) moet enige persoon wat 'n betaling maak van 'n bedrag van tantième aan of ten behoewe van 'n buitelandse persoon 'n bedrag **[gelyk aan 15 persent van die bedrag van daardie]** van terughoudingsbelasting op tantième van daardie betaling terughou.

(2) 'n Persoon moet nie enige bedrag van enige betaling beoog in subartikel (1) terughou nie—

(a) namate daardie tantième vrygestel is van die terughoudingsbelasting op tantième kragtens artikel 49D*(c)*; of

(b) indien die buitelandse persoon aan of ten behoewe waarvan daardie betaling gemaak staan te word—

[*(a)*] (i) teen 'n datum bepaal deur die persoon wat die betaling maak; of

[*(b)*] (ii) indien die persoon wat die betaling maak nie 'n datum bepaal het soos beoog in **[paragraaf *(a)*]** subparagraaf (i) nie, teen die datum van die betaling, aan die persoon wat die betaling maak 'n verklaring voorgelê het in die vorm deur die Kommissaris voorgeskryf dat die buitelandse persoon, ingevolge artikel 49D, vrygestel is van die terughoudingsbelasting op tantième ten opsigte van daardie betaling.".

(2) Subartikel (1) word geag op 1 Julie 2013 in werking te getree het en is van toepassing ten opsigte van tantième wat betaal word of wat verskuldig en betaalbaar word op of na daardie datum en ten opsigte waarvan terughoudingsbelasting op tantième nie teruggehou is kragtens artikel 49E nie.

Amendment of section 49F of Act 58 of 1962, as inserted by section 12 of Act 21 of 2012

62. (1) Section 49F of the Income Tax Act, 1962, is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) If, in terms of section 49C, a foreign person is liable for any amount of withholding tax on royalties in respect of any **[royalty]** amount of royalties that is paid to or for the benefit of the foreign person, that foreign person must pay that amount of withholding tax by the last day of the month following the month during which the royalty is paid, unless the tax has been paid by any other person.

(2) Any person that withholds any withholding tax on royalties in terms of section 49E must submit a return and pay the tax to the Commissioner by the last day of the month following the month during which the royalty is paid.".

(2) Subsection (1) is comes into operation on 1 January 2015 and applies in respect of royalties that are paid or that become due and payable on or after the date on which this Act comes into operation.

Insertion of section 49H in Act 58 of 1962

63. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 49G:

"**Currency of payments made to Commissioner**

49H. If an amount withheld by a person in terms of section 49E(1) is denominated in any currency other than the currency of the Republic, the amount so withheld must, for the purposes of determining the amount to be paid to the Commissioner in terms of section 49F(2), be translated to the currency of the Republic at the spot rate on the date on which the amount was so withheld.".

(2) Subsection (1) is deemed to have come into operation on 1 July 2013 and applies in respect of royalties that are paid or that become due and payable on or after the date on which this Act comes into operation.

Amendment of section 50A of Act 58 of 1962, as inserted by section 98 of Act 31 of 2013

64. Section 50A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the definition of "bank" of the following paragraph:

"*(a)* any bank or branch as defined in section 1 of the Banks Act respectively;".

Amendment of section 50E of Act 58 of 1962, as inserted by section 98 of Act 31 of 2013

65. (1) Section 50E of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to subsections (2) and (3), any person who makes payment of any amount of interest to or for the benefit of a foreign person must withhold an amount of withholding tax on interest calculated at the rate contemplated in section 50B(1) from that payment.".

(2) Subsection (1) comes into operation on 1 January 2015 and applies in respect of interest that is paid or that becomes due and payable on or after that date.

Amendment of section 51A of Act 58 of 1962, as inserted by section 99 of Act 31 of 2013

66. (1) Section 51A of the Income Tax Act, 1962, is hereby amended by the substitution for the definition of "service fees" of the following definition:

Wysiging van artikel 49F van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 21 van 2012

62. (1) Artikel 49F van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

"(1) Indien, ingevolge artikel 49C, 'n buitelandse persoon aanspreeklik is vir enige bedrag van terughoudingsbelasting op tantième ten opsigte van enige bedrag van tantième wat betaal word aan of ten behoewe van die buitelandse persoon, moet daardie buitelandse persoon daardie bedrag van terughoudingsbelasting betaal teen die laaste dag van die maand wat volg op die maand waartydens die tantième betaal is, tensy die belasting deur enige ander persoon betaal is.

(2) Enige persoon wat enige terughoudingsbelasting op tantième ingevolge artikel 49E, terughou, moet 'n opgawe indien en die belasting aan die Kommissaris betaal teen die laaste dag van die maand wat volg op die maand waartydens die tantième betaal word.".

(2) Subartikel (1) word geag op 1 Julie 2013 in werking te getree het en is van toepassing ten opsigte van tantième wat betaal word of wat verskuldig en betaalbaar word op of na die datum waarop hierdie Wet in werking tree.

Invoeging van artikel 49H in Wet 58 van 1962

63. (1) Die volgende artikel word hierby na artikel 49G in die Inkomstebelastingwet, 1962, ingevoeg:

"**Geldeenheid van betalings aan die Kommissaris gemaak**

49H. Indien enige bedrag wat teruggehou word deur 'n persoon kragtens artikel 49E(1) in enige geldeenheid behalwe die geldeenheid van die Republiek aangedui is, moet die bedrag aldus teruggehou, vir die doeleindes van die vasstelling van die bedrag om aan die Kommissaris betaal te word ingevolge artikel 49F(2), omgereken word na die geldeenheid van die Republiek teen die kontantkoers op die datum waarop daardie bedrag aldus teruggehou is.".

(2) Subartikel (1) word geag op 1 Julie 2013 in werking te getree het en is van toepassing ten opsigte van tantième wat betaal word of wat verskuldig en betaalbaar word op of na die datum waarop hierdie Wet in werking tree.

Wysiging van artikel 50A van Wet 58 van 1962, soos ingevoeg deur artikel 98 van Wet 31 van 2013

64. (1) Artikel 50A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die omskrywing van "bank" deur die volgende omskrywing te vervang:

"*(a)* enige bank of tak soos onderskeidelik omskryf in artikel 1 van die Bankwet;".

Wysiging van artikel 50E van Wet 58 van 1962, soos ingevoeg deur artikel 98 van Wet 31 van 2013

65. (1) Artikel 50E van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Behoudens subartikels (2) en (3) moet enige persoon wat betaling maak van enige bedrag van rente aan of ten behoewe van 'n buitelandse persoon 'n bedrag van terughoudingsbelasting op rente bereken teen die koers beoog in artikel 50B(1) van daardie betaling terughou.".

(2) Subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van rente wat betaal is of wat verskuldig en betaalbaar word voor of na daardie datum.

Wysiging van artikel 51A van Wet 58 van 1962, soos ingevoeg deur artikel 99 van Wet 31 van 2013

66. (1) Die Engelse teks van artikel 51A van die Inkomstebelastingwet, 1962, word hierby gewysig deur die omskrywing van "service fees" te vervang deur die volgende omskrywing:

" **'service fees'** means any amount that is received or **[accrued]** accrues in respect of technical services, managerial services and consultancy services but does not include services incidental to the imparting of or the undertaking to impart any scientific, technical, industrial or commercial knowledge or information, or the rendering of or the undertaking to render any assistance or service in connection with the application or utilisation of such knowledge or information.".

(2) Subsection (1) comes into operation on 1 January 2016 and applies in respect of service fees that are paid or become due and payable on or after that date.

Amendment of section 56 of Act 58 of 1962, as amended by section 18 of Act 90 of 1964, section 25 of Act 55 of 1966, section 33 of Act 89 of 1969, section 38 of Act 85 of 1974, section 21 of Act 113 of 1977, section 13 of Act 101 of 1978, section 23 of Act 96 of 1981, section 31 of Act 94 of 1983, section 4 of Act 30 of 1984, section 28 of Act 121 of 1984, section 18 of Act 96 of 1985, section 21 of Act 85 of 1987, section 26 of Act 90 of 1988, section 28 of Act 141 of 1992, section 32 of Act 113 of 1993, section 18 of Act 36 of 1996, section 39 of Act 30 of 1998, section 38 of Act 30 of 2000, section 41 of Act 59 of 2000, section 45 of Act 60 of 2001, section 24 of Act 30 of 2002, section 35 of Act 74 of 2002, section 56 of Act 45 of 2003, section 38 of Act 32 of 2004, section 45 of Act 31 of 2005, section 27 of Act 9 of 2006, section 38 of Act 8 of 2007 and section 67 of Act 7 of 2010

67. (1) Section 56 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph *(h)* of the following paragraph:

"*(h)* by or to any person (including any sphere of government) referred to in section 10(1)*(a)*, *(c*A*)*, *(c*E*)*, *(c*N*)*, *(c*O*)*, *(c*Q*)*, *(d)* or *(e)*;".

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of donations made on or after that date.

Repeal of Part VII of Chapter II of Act 58 of 1962

68. (1) Part VII of Chapter II of the Income Tax Act, 1962, is hereby repealed.

(2) Subsection (1) comes into operation on 1 April 2017.

Amendment of section 64EB of Act 58 of 1962, as inserted by section 85 of Act 22 of 2012 and amended by section 103 of Act 31 of 2013

69. (1) Section 64EB of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (2)*(a)* for subparagraph (ii) of the following subparagraph:

"(ii) the government of the Republic in the national, provincial or local sphere;";

(b) by the deletion in subsection (2)*(a)* of the word "or" at the end of subparagraph (xii), insertion of that word at the end of subparagraph (xiii) and addition of the following subparagraph:

"(xiv) a small business funding entity as contemplated in section 10(1)(cQ)."; and

(c) by the substitution in subsection (2) for the words following paragraph *(b)* of the following words:

"any amount paid by that person to that other person not exceeding that dividend in respect of that borrowed share is deemed to be a dividend paid by that person for the benefit of that other person.".

(2) Subsection (1) is deemed to have come into operation on 4 July 2013 and applies in respect of amounts paid on or after that date.

Amendment of section 64F of Act 58 of 1962, as substituted by section 53 of Act 17 of 2009 and amended by sections 72 and 148 of Act 7 of 2010, section 78 of Act 24 of 2011, section 86 of Act 22 of 2012 and section 104 of Act 31 of 2013

70. (1) Section 64F of the Income Tax Act, 1962, is hereby amended—

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

" **'service fees'** means any amount that is received or **[accrued]** accrues in respect of technical services, managerial services and consultancy services but does not include services incidental to the imparting of or the undertaking to impart any scientific, technical, industrial or commercial knowledge or information, or therendering of or the undertaking to render any assistance or service in connection with the application or utilisation of such knowledge or information.".

(2) Subartikel (1) tree in werking op 1 Januarie 2016 en is van toepassing ten opsigte van diensfooie wat betaal word of verskuldig en betaalbaar word op of na daardie datum.

Wysiging van artikel 56 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 90 van 1964, artikel 25 van Wet 55 van 1966, artikel 33 van Wet 89 van 1969, artikel 38 van Wet 85 van 1974, artikel 21 van Wet 113 van 1977, artikel 13 van Wet 101 van 1978, artikel 23 van Wet 96 van 1981, artikel 31 van Wet 94 van 1983, artikel 4 van Wet 30 van 1984, artikel 28 van Wet 121 van 1984, artikel 18 van Wet 96 van 1985, artikel 21 van Wet 85 van 1987, artikel 26 van Wet 90 van 1988, artikel 28 van Wet 141 van 1992, artikel 32 van Wet 113 van 1993, artikel 18 van Wet 36 van 1996, artikel 39 van Wet 30 van 1998, artikel 38 van Wet 30 van 2000, artikel 41 van Wet 59 van 2000, artikel 45 van Wet 60 van 2001, artikel 24 van Wet 30 van 2002, artikel 35 van Wet 74 van 2002, artikel 56 van Wet 45 van 2003, artikel 38 van Wet 32 van 2004, artikel 45 van Wet 31 van 2005, artikel 27 van Wet 9 van 2006, artikel 38 van Wet 8 van 2007 en artikel 67 van Wet 7 van 2010

67. (1) Artikel 56 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) paragraaf *(h)* deur die volgende paragraaf te vervang:

"*(h)* deur of aan enige persoon (insluitende enige sfeer van regering) in artikel 10(1)*(a)*, *(c*A*)*, *(c*E*)*, *(c*N*)*, *(c*O*)*, *(c*Q*)*, *(d)* of *(e)* bedoel;".

(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing op skenkings gemaak op of na daardie datum.

Herroeping van Deel VII van Hoofstuk II van Wet 58 van 1962

68. (1) Deel VII van Hoofstuk II van die Inkomstebelastingwet, 1962, word hierby herroep.

(2) Subartikel (1) tree in werking op 1 April 2017.

Wysiging van artikel 64EB van Wet 58 van 1962, soos ingevoeg deur artikel 85 van Wet 22 van 2012 en gewysig deur artikel 103 van Wet 31 van 2013

69. (1) Artikel 64EB van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (2)*(a)* subparagraaf (ii) deur die volgende subparagraaf te vervang:

"(ii) die regering van die Republiek in die nasionale, provinsiale of plaaslike sfeer;";

(b) deur in subartikel (2)*(a)* die woord "of" aan die einde van subparagraaf (xii) te skrap, daardie woord aan die einde van subparagraaf (xiii) in te voeg en die volgende subparagraaf by te voeg:

"(xiv) 'n kleinsake befondsingsentiteit soos beoog in artikel 10(1)*(c*Q*)*."; en

(c) deur in subartikel (2) die woorde wat paragraaf *(b)* volg deur die volgende woorde te vervang:

"enige bedrag betaal deur daardie persoon aan daardie ander persoon wat nie daardie dividend te bowe gaan nie ten opsigte van daardie geleende aandeel word geag 'n dividend te wees betaal deur daardie persoon ten bate van daardie ander persoon.".

(2) Subartikel (1) word geag op 4 Julie 2013 in werking te getree het en is van toepassing ten opsigte van bedrae op of na daardie datum betaal.

Wysiging van artikel 64F van Wet 58 van 1962, soos vervang deur artikel 53 van Wet 17 van 2009 en gewysig deur artikels 72 en 148 van Wet 7 van 2010, artikel 78 Wet 24 van 2011, artikel 86 van Wet 22 van 2012 en artikel 104 van Wet 31 van 2013

70. (1) Artikel 64F van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

"*(b)* the government of the Republic in the national, provincial or local sphere;";

(b) by the insertion after paragraph *(h)* of the following paragraph:

"*(i)* a small business funding entity as contemplated in section 10(1)*(c*Q*)*;"; and

(c) by the deletion in subsection (1) of the word "or" at the end of paragraph *(m)*, insertion of that word at the end of paragraph *(n)* and addition of the following paragraph:

"*(o)* a natural person in respect of a dividend paid in respect of a tax free investment as contemplated in section 12T(1).".

(2) Paragraph *(b)* of subsection (1) comes into operation on 1 March 2015.

(3) Paragraph *(c)* of subsection (1) comes into operation on 1 March 2015 and applies in respect of dividends paid on or after that date.

Amendment of paragraph 4 of Second Schedule to Act 58 of 1962, as amended by section 20 of Act 72 of 1963, section 24 of Act 90 of 1964, section 36 of Act 21 of 1995, section 41 of Act 3 of 2008, section 63 of Act 60 of 2008, section 60 of Act 17 of 2009, section 83 of Act 7 of 2010, section 91 of Act 24 of 2011 and section 97 of Act 22 of 2012

71. (1) Paragraph 4 of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the deletion in subparagraph (1) of item *(d)*.

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of paragraph 9 of Sixth Schedule to Act 58 of 1962, as inserted by section 71 of Act 60 of 2008

72. (1) Paragraph 9 of the Sixth Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of subparagraph (3).

(2) Subsection (1) comes into operation on 1 January 2016 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 1 of Seventh Schedule to Act 58 of 1962, as amended by section 26 of Act 96 of 1985, section 33 of Act 65 of 1986, section 28 of Act 85 of 1987, section 24 of Act 70 of 1989, section 55 of Act 101 of 1990, section 49 of Act 129 of 1991, section 35 of Act 141 of 1992, section 52 of Act 113 of 1993, section 30 of Act 21 of 1994, section 40 of Act 36 of 1996, section 54 of Act 30 of 2000, section 59 of Act 59 of 2000, section 62 of Act 74 of 2002, section 47 of Act 3 of 2008, section 90 of Act 7 of 2010, section 101 of Act 24 of 2011 and section 117 of Act 31 of 2013

73. (1) Paragraph 1 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of the definitions of "defined benefit component", "defined contribution component" and "retirement funding income".

(2) Subsection (1) comes into operation on 1 March 2016.

Amendment of paragraph 5 of Seventh Schedule to Act 58 of 1962, as amended by section 28 of Act 96 of 1985, section 57 of Act 101 of 1990, by section 31 of Act 21 of 1994, section 46 of Act 21 of 1995, section 35 of Act 30 of 2002 and section 119 of Act 31 of 2013

74. (1) Paragraph 5 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (3A) for the word "and" at the end of item *(b)* of the word "or".

(2) Subsection (1) is deemed to have come into operation on 1 March 2014 and applies in respect of immovable property acquired on or after that date.

Amendment of paragraph 7 of Seventh Schedule to Act 58 of 1962, as added by section 46 of Act 121 of 1984 and amended by section 30 of Act 96 of 1985, section 10 of Act 108 of 1986, Government Notice 956 of 11 May 1988, section 44 of Act 90 of 1988, Government Notice R.715 of 14 April 1989, section 25 of Act 70 of 1989, Government Notice R.764 of 29 March 1990, section 58 of Act 101 of 1990, section 50 of Act 129 of 1991, section 36 of Act 141 of 1992, section 32 of Act 21 of 1994, section 47 of Act 21 of 1995, section 50 of Act 28 of 1997, section 45 of Act 53 of 1999,

“*(b)* die regering van die Republiek in die nasionale, provinsiale of plaaslike sfeer;”;

(b) deur na paragraaf *(h)* die volgende paragraaf in te voeg:

“*(i)* ’n kleinsake befondsingsentiteit soos beoog in artikel 10(1)*(c*Q*)*;”; en

(c) deur in subartikel (1) die woord “of” aan die einde van paragraaf *(m)* te skrap, daardie woord aan die einde van paragraaf *(n)* in te voeg en die volgende paragraaf by te voeg:

“*(o)* ’n natuurlike persoon ten opsigte van ’n dividend betaal ten opsigte van ’n belastingvrye belegging soos beoog in artikel 12T(1).”.

(2) Paragraaf *(b)* van subartikel (1) tree in werking op 1 Maart 2015.

(3) Paragraaf *(c)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van dividende betaal op of na daardie datum.

Wysiging van paragraaf 4 van Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 20 van Wet 72 van 1963, artikel 24 van Wet 90 van 1964, artikel 36 van Wet 21 van 1995, artikel 41 van Wet 3 van 2008, artikel 63 van Wet 60 van 2008, artikel 60 van Wet 17 van 2009, artikel 83 van Wet 7 van 2010, artikel 91 van Wet 24 van 2011 en artikel 97 van Wet 22 van 2012

71. (1) Paragraaf 4 van die Tweede Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1) item *(d)* te skrap.

(2) Subartikel (1) tree in werking op 1 Maart 2015.

Wysiging van paragraaf 9 van Sesde Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 71 van Wet 60 van 2008

72. (1) Paragraaf 9 van die Sesde Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (3) te skrap.

(2) Subartikel (1) tree in werking op 1 Januarie 2016 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 1 van Sewende Bylae tot Wet 58 van 1962, soos gewysig deur artikel 26 van Wet 96 van 1985, artikel 33 van Wet 65 van 1986, artikel 28 van Wet 85 van 1987, artikel 24 van Wet 70 van 1989, artikel 55 van Wet 101 van 1990, artikel 49 van Wet 129 van 1991, artikel 35 van Wet 141 van 1992, artikel 52 van Wet 113 van 1993, artikel 30 van Wet 21 van 1994, artikel 40 van Wet 36 van 1996, artikel 54 van Wet 30 van 2000, artikel 59 van Wet 59 van 2000, artikel 62 van Wet 74 van 2002, artikel 47 van Wet 3 van 2008, artikel 90 van Wet 7 van 2010, artikel 101 van Wet 24 van 2011 en artikel 117 van Wet 31 van 2013

73. (1) Paragraaf 1 van die Sewende Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur die omskrywings van “omskrewe bydrae komponent”, “omskrewe voordeel komponent” en “uittredingfunderingsinkomste” te skrap.

(2) Subartikel (1) tree in werking op 1 Maart 2016.

Wysiging van paragraaf 5 van Sewende Bylae tot Wet 58 van 1962, soos gewysig deur artikel 28 van Wet 96 van 1985, artikel 57 van Wet 101 van 1990, deur artikel 31 van Wet 21 van 1994, artikel 46 van Wet 21 van 1995 en artikel 35 van Wet 30 van 2002 en artikel 119 van Wet 31 van 2013

74. (1) Paragraaf 5 van die Sewende Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3A) die woord “en” aan die einde van item *(b)* met die woord “of” te vervang.

(2) Subartikel (1) word geag op 1 Maart 2014 in werking te getree het en is van toepassing ten opsigte van onroerende eiendom verkry op of na daardie datum.

Wysiging van paragraaf 7 van Sewende Bylae tot Wet 58 van 1962, soos bygevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 30 van Wet 96 van 1985, artikel 10 van Wet 108 van 1986, Goewermentskennisgewing 956 van 11 Mei 1988, artikel 44 van Wet 90 van 1988, Goewermentskennisgewing R.715 van 14 April 1989, artikel 25 van Wet 70 van 1989, Goewermentskennisgewing R.764 van 29 Maart 1990, artikel 58 van Wet 101 van 1990, artikel 50 van Wet 129 van 1991,

section 56 of Act 31 of 2005, section 91 of Act 7 of 2010, section 103 of Act 24 of 2011 and section 101 of Act 22 of 2012

75. (1) Paragraph 7 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended—

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

“*(a)* where such motor vehicle (not being a vehicle in respect of which paragraph *(b)*(ii) of this definition applies) was acquired by the employer **[under a bona fide agreement of sale or exchange concluded by parties acting at arm’s length]**, the **[original cost]** retail market value thereof **[to the employer]** as determined by the Minister by regulation (excluding any finance charge or interest payable by the employer in respect of the employer’s acquisition thereof); or”; and

(b) by the substitution for item *(c)* of the following item:

“*(c)* in any other case, the retail market value, as determined by the Minister by regulation, of such motor vehicle at the time when the employer first obtained the vehicle or right of use thereof or manufactured the vehicle:”.

(2) Paragraph *(a)* of subsection (1) comes into operation on 1 March 2015 and applies in respect of vehicles acquired on or after that date.

(3) Paragraph *(b)* of subsection (1) comes into operation on 1 March 2015 and applies in respect of vehicles acquired or manufactured on or after that date.

Amendment of paragraph 9 of Seventh Schedule to Act 58 of 1962, as amended by section 31 of Act 96 of 1985, section 34 of Act 65 of 1986, section 29 of Act 85 of 1987, section 59 of Act 101 of 1990, section 53 of Act 113 of 1993, section 33 of Act 21 of 1994, section 51 of Act 28 of 1997, section 55 of Act 30 of 1998, section 55 of Act 30 of 2000, section 57 of Act 31 of 2005, section 29 of Act 9 of 2006, section 2 of Act 8 of 2007, section 68 of Act 35 of 2007, sections 1 and 48 of Act 3 of 2008, section 65 of Act 17 of 2009, section 104 of Act 24 of 2011, section 7 of Act 13 of 2012 and section 121 of Act 31 of 2013

76. (1) Paragraph 9 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (3) for the words preceding the formula of the following words:

“Subject to the provisions of subparagraph (3A), (3C) and (4), the rental value to be placed on such accommodation **[(other than accommodation referred to in subparagraph (4))]** for any year of assessment shall be **[the greater of—**

***(a)*]** an amount determined in accordance with the formula”;

(b) by the substitution of the end of subparagraph (3)*(a)* for the expression “; or” of a full stop;

(c) by the deletion in subparagraph (3) of item *(b)*; and

(d) by the insertion after subparagraph (3B) of the following subparagraph:

“(3C) Where the employer or associated institution in relation to the employer supplies accommodation, obtained in terms of a transaction at arm’s length with a person that is not a connected person in relation to that employer or associated institution and the full ownership does not vest in the employer or associated institution, the value to be placed on such accommodation shall be the lower of—

(a) the amount determined in accordance with subparagraph (3); and

(b) the amount of the expenditure incurred in respect of that accommodation by that employer or associated institution.”.

(2) Subsection (1) comes into operation on 1 March 2015 and applies in respect of years of assessment commencing on or after that date.

artikel 36 van Wet 141 van 1992, artikel 32 van Wet 21 van 1994, artikel 47 van Wet 21 van 1995, artikel 50 van Wet 28 van 1997, artikel 45 van Wet 53 van 1999 en artikel 56 van Wet 31 van 2005, artikel 91 van Wet 7 van 2010, artikel 103 van Wet 24 van 2011 en artikel 101 van Wet 22 van 2012

75. (1) Paragraaf 7 van die Sewende Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf (1) subparagraaf *(a)* deur die volgende subparagraaf te vervang:

"*(a)* waar bedoelde motorvoertuig (synde nie 'n motorvoertuig ten opsigte waarvan paragraaf *(b)*(ii) van hierdie omskrywing van toepassing is nie) deur die werkgewer verkry is **[ingevolge 'n bona fide-verkoop- of ruilooreenkoms gesluit tussen partye wat die uiterste voorwaardes beding]**, die **[oorspronklike koste]** kleinhandel-markwaarde daarvan **[vir die werkgewer se verkryging daarvan)]** (behalwe enige finansieringskoste of rente deur die werkgewer betaalbaar ten opsigte van die werkgewer se verkryging daarvan) soos deur die Minister by Regulasie bepaal; of"; en

(b) deur item *(c)* deur die volgende item te vervang:

"*(c)* in enige ander geval, die **[markwaarde]** kleinhandel-markwaarde soos bepaal deur die Minister by Regulasie van bedoelde motorvoertuig op die tydstip toe die werkgewer vir die eerste maal die voertuig of die reg van gebruik daarvan verkry of die voertuig vervaardig het.".

(2) Paragraaf *(a)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van voertuie verkry op of na daardie datum.

(3) Paragraaf *(b)* van subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van voertuie vervaardig op of na daardie datum.

Wysiging van paragraaf 9 van Sewende Bylae tot Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 96 van 1985, artikel 34 van Wet 65 van 1986, artikel 29 van Wet 85 van 1987, artikel 59 van Wet 101 van 1990, artikel 53 van Wet 113 van 1993, artikel 33 van Wet 21 van 1994, artikel 51 van Wet 28 van 1997, artikel 55 van Wet 30 van 1998, artikel 55 van Wet 30 van 2000, artikel 57 van Wet 31 van 2005, artikel 29 van Wet 9 van 2006, artikel 2 van Wet 8 van 2007, artikel 68 van Wet 35 van 2007, artikels 1 en 48 van Wet 3 van 2008, artikel 65 van Wet 17 van 2009, artikel 104 van Wet 24 van 2011, artikel 7 van Wet 13 van 2012 en artikel 121 van Wet 31 van 2013

76. (1) Paragraaf 9 van die Sewende Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf (3) die woorde wat die formule voorafgaan deur die volgende woorde te vervang:

"Behoudens die bepalings van subparagraaf (3A), (3C) en (4), is die huurwaarde wat op bedoelde huisvesting **[(behalwe huisvesting in subparagraaf (4) bedoel)]** vir 'n jaar van aanslag geplaas moet word**[, die grootste van—**

(*a*)] 'n bedrag vasgestel ooreenkomstig die formule";

(b) deur aan die einde van paragraaf (3)*(a)* die uitdrukking "; of" met 'n punt te vervang;

(c) deur in subparagraaf (3) item *(b)* te skrap; en

(d) deur na subparagraaf (3B) die volgende subparagraaf in te voeg:

"(3C) Waar die werkgewer of verwante inrigting met betrekking tot die werkgewer verblyf voorsien, verkry ingevolge 'n transaksie op uiterste voorwaardes met 'n persoon wat nie 'n verbonde persoon is met betrekking tot daardie werkgewer of verwante inrigting nie en die volle eienaarskap nie in die werkgewer of verwante inrigting vestig nie, is die waarde om op daardie verblyf geplaas te word die laere van—

(a) die bedrag bepaal ooreenkomstig subparagraaf (3); en

(b) die bedrag van die uitgawes aangegaan ten opsigte van daardie verblyf deur daardie werkgewer of verwante inrigting.".

(2) Subartikel (1) tree in werking op 1 Maart 2015 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Substitution of paragraph 12D of Seventh Schedule to Act 58 of 1962, as inserted by section 125 of Act 31 of 2013

77. (1) The following paragraph is hereby substituted for paragraph 12D of the Seventh Schedule to the Income Tax Act, 1962:

"**VALUATION OF CONTRIBUTIONS MADE BY EMPLOYERS TO CERTAIN RETIREMENT FUNDS**

12D. (1) For the purposes of this paragraph—

'benefit' in relation to an employee that is a member of a pension fund, provident fund or retirement annuity fund, means any amount payable to that member or a dependant or nominee of that member by that fund in terms of the rules of the fund;

'contribution certificate' means the certificate contemplated in subparagraph (4);

'defined benefit component' means a benefit or part of a benefit receivable from a pension fund, provident fund or retirement annuity fund by a member of that fund or a dependant or nominee of that member other than a defined contribution component or underpin component of a fund;

'defined contribution component' means a benefit or part of a benefit receivable from a pension fund, provident fund or retirement annuity fund—

(a) where the interest of each member in the fund in respect of that benefit has a value equal to the value of—
- (i) the contributions paid by the member and by the employer in terms of the rules of the fund that determine the rates of both their contributions at a fixed rate;
- (ii) less such expenses as the board of that fund determines should be deducted from the contributions paid;
- (iii) plus any amount credited to the member's individual account upon—
  - (A) the commencement of the member's membership of the fund;
  - (B) the conversion of the component of the fund to which the member belongs from a defined benefit component to a defined contribution component; or
  - (C) the amalgamation of that fund with any other fund, if any, other than amounts taken into account in terms of subparagraph (iv);
- (iv) plus any other amounts lawfully permitted, credited to or debited from the member's individual account, if any,

as increased or decreased by fund return; or

(b) which consists of a risk benefit provided by the fund directly or indirectly for the benefit of a member of the fund if the risk benefit is provided solely by means of a policy of insurance;

'fund member category' in relation to members of a pension fund, provident fund or retirement annuity fund, means any group of members in respect of whom, in terms of the rules of the fund—

(a) the employers of those members and those members must respectively make a contribution to that fund in an amount in respect of retirement funding income at the same fixed rate; and

(b) the determination of the value of the benefits of the members referred to in paragraph *(a)* and the determination of the entitlement of those members to those benefits are made according to the same method;

'fund member category factor' means the fund member category factor contemplated in subparagraph (4);

'fund return', in relation to—

(a) the assets of a fund, means any income (received or accrued) and capital gains and losses (realised or unrealised) earned on the assets of the fund, net of expenses and tax charges, associated with the acquisition, holding or disposal of assets; or

Vervanging van paragraaf 12D van Sewende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 125 van Wet 31 van 2013

77. (1) Die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf 12D deur die volgende paragraaf te vervang:

"**WAARDASIE VAN BYDRAES DEUR WERKGEWERS TOT SEKERE AFTREEFONDSE GEMAAK**

12D. (1) By die toepassing van hierdie paragraaf, beteken—

'bydraesertifikaat' die sertifikaat beoog in subparagraaf (4);

'fondslid kategorie' met betrekking tot die lede van 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds, enige groep van lede ten opsigte van wie, ingevolge die reëls van die fonds—

(a) die werkgewers van daardie lede en daardie lede onderskeidelik 'n bydrae moet maak aan daardie fonds in 'n bedrag ten opsigte van uittredingfunderingsinkomste in dieselfde vaste koers; en

(b) die bepaling van die waarde van die voordele van die lede bedoel in paragraaf *(a)* en die bepaling van die aanspraak van daardie lede op daardie voordele word gemaak volgens dieselfde metode;

'fondslid kategoriefaktor' die fondslid kategoriefaktor beoog in subparagraaf (4);

'lid' met betrekking tot 'n pensioenfonds, voorsorgsfonds of uittreding-annuïteitsfonds, enige lid of voormalige lid van daardie fonds maar sluit nie 'n lid of voormalige lid of persoon in wat al die voordele wat aan hulle verskuldig mag wees vanaf die fonds ontvang het en wie se lidmaatskap daarna opgesê is in ooreenstemming met die reëls van die fonds;

'fondsopbrengs', in verband met—

(a) die bates van 'n fonds, beteken enige inkomste (ontvang of toegeval) en kapitaalwinste en -verliese (verwesenlik of onverwesenlik) verdien op die bates van die fonds, netto van uitgawes en belastingtariewe wat met die verkryging, hou van of beskikking oor bates gepaard gaan; of

(b) enige gedeelte van die bates van 'n fonds as die bates apart onderskei kan word, beteken enige inkomste (ontvang of toegeval) en kapitaalwinste en -verliese (verwesenlik of onverwesenlik) op daardie bates verdien, netto van uitgawes en belastingtariewe wat met die verkryging, hou van of beskikking oor bates gepaard gaan; of

(c) die bates van 'n fonds, namate daardie bates uit langtermynpolisse bestaan wat

'fondslidpolisse' is soos omskryf in Deel 5 van die Regulasies kragtens die Wet op Langtermynversekering beteken die "groeikoers (soos in daardie Regulasies omskryf) van toepassing op daardie polisse, soos vasgestel ooreenkomstig daardie Regulasies;

'omskrewe bydraekomponent' 'n komponent of deel van 'n komponent ontvangbaar van 'n pensioenfonds, voorsorgsfonds of uittreding-annuïteitsfonds—

(a) waar die belang van elke lid in die fonds ten opsigte van daardie voordeel 'n waarde het gelykstaande aan die waarde van—

(i) die bydraes deur die lid en deur die werkgewer betaal ingevolge die reëls van die fonds wat die koerse van beide hul bydraes teen 'n vaste koers bepaal;

(ii) verminder deur die uitgawes wat die raad van daardie fonds bepaal van die betaalde bydraes afgetrek moet word;

(iii) plus enige bedrag gekrediteer aan die lid se individuele rekening by—

(A) die inwerkingtreding van die lid se lidmaatskap van die fonds;

(B) die omskepping van die komponent van die fonds waaraan die lid behoort van 'n omskrewe voor-deelkomponent tot 'n omskrewe bydraekomponent; of

(C) die amalgamasie van daardie fonds met enige ander fonds, as daar is, buiten bedrae in berekening gebring ingevolge subparagraaf (iv);

(b) any portion of the assets of a fund if the assets are separately identifiable, means any income (received or accrued) and capital gains and losses (realised or unrealised) earned on those assets, net of expenses and tax charges associated with the acquisition, holding or disposal of assets; or

(c) the assets of a fund, to the extent that those assets consist of long-term policies which are ''fund member policies'' as defined in Part 5 of the Regulations under the Long-term Insurance Act means the ''growth rate'' (as defined in those Regulations) applicable to those policies, as determined in accordance with those Regulations;

'member' means in relation to a pension, provident or retirement annuity fund, any member or former member of that fund but does not include any member or former member or person who has received all the benefits which may be due to them from the fund and whose membership has thereafter been terminated in accordance with rules of the fund;

'retirement-funding income' means—

(a) in relation to any employee or the holder of an office (including a member of a body of persons whether or not established by or in terms of any law) who in respect of his or her employment derives any income constituting remuneration as defined in paragraph 1 of the Fourth Schedule and who is a member of or, as an employee, contributes to a pension fund or provident fund established for the benefit of employees of the employer from whom such income is derived, that part of the employee's said income as is taken into account in the determination of the contributions made by the employer for the benefit of the employee to such pension fund or provident fund in terms of the rules of the fund; or

(b) in relation to a partner in a partnership (other than a partner contemplated in paragraph *(a)*) that part of the partner's income from the partnership in the form of the partner's share of profits as is taken into account in the determination of the contributions made by the partnership for the benefit of the partner to a pension fund or provident fund in terms of the rules of the fund: Provided that for the purposes of this definition a partner in a partnership must be deemed to be an employee of the partnership and a partnership must be deemed to be the employer of the partners in that partnership;

'risk benefit' means a benefit payable by the fund in respect of the death or permanent disablement of a member to that member or to a dependant or nominee of that member; and

'underpin component' means a benefit receivable from a pension fund, provident fund or retirement annuity fund the value of which benefit, in terms of the rules of the fund, is the greater of the amount of a defined contribution component or a defined benefit component other than a risk benefit.

(2) The cash equivalent of the value of the benefit contemplated in paragraph 2*(l)*, where the benefits payable to members in respect of a fund member category of a pension, provident or retirement annuity fund consists solely of defined contribution components, is the value of the amount contributed by the employer for the benefit of an employee who is a member of that fund.

(3) Where the benefits payable to members in respect of a fund member category of a pension, provident or retirement annuity fund consists of components other than only defined contribution components, the cash equivalent of the value of the benefit contemplated in paragraph 2*(l)* is an amount that must be determined in accordance with the formula

$$X = (A \times B) - C$$

in which formula—

(a) 'X' represents the amount to be determined;

(b) 'A' represents the fund member category factor in respect of the fund member category of which the employee is a member;

(c) 'B' represents the amount of the retirement funding employment income of the employee;

(d) 'C' represents the sum of the amounts contributed by the employee to the fund in terms of the rules of the fund, excluding any additional

(iv) plus enige ander bedrae regtens toegelaat, gekrediteer aan of gedebiteer van die lid se individuele rekening, as daar is, soos vermeerder of verminder deur fondsopbrengs;

'omskrewe voordeelkomponent' 'n komponent of deel van 'n komponent ontvangbaar van 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds buiten 'n omskrewe bydraekomponent of onderstutkomponent van 'n fonds;

'onderstutkomponent' 'n voordeel ontvangbaar vanaf 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds waarvan die waarde van die voordeel, ingevolge die reëls van die fonds, die grotere van die bedrag is van 'n omskrewe bydraekomponent of 'n omskrewe voordeelkomponent anders as 'n risikovoordeel;

'risikovoordeel' 'n voordeel betaalbaar deur die fonds ten opsigte van die dood of permanente ongeskiktheid van 'n lid aan daardie lid of 'n afhanklike of genomineerde van daardie lid;

'uittredingfunderingsinkomste'—

(a) met betrekking tot enige werknemer of die bekleder van 'n amp (met inbegrip van 'n lid van 'n liggaam van persone, hetsy by of ingevolge 'n wet ingestel of nie) wat ten opsigte van sy of haar diens enige inkomste verkry wat vergoeding daarstel soos omskryf in paragraaf 1 van die Vierde Bylae en wat 'n lid is van of as 'n werknemer bydra tot 'n pensioenfonds of voorsorgsfonds ingestel ten voordele van werknemers van die werkgewer van wie bedoelde inkomste verkry word, daardie gedeelte van die werknemer se bedoelde inkomste wat in berekening gebring is by die vasstelling van die bydraes wat deur die werkgewer ten behoewe van die werknemer aan bedoelde pensioenfonds of voorsorgsfonds ingevolge die reëls van die fonds gemaak word; of

(b) met betrekking tot 'n vennoot in 'n vennootskap (buiten 'n vennoot beoog in paragraaf *(a)*) die gedeelte van die vennoot se inkomste uit die vennootskap in die vorm van die vennoot se winsgedeelte wat in berekening gebring word by die vasstelling van die bydraes wat deur die vennootskap ten behoewe van die vennoot aan 'n pensioenfonds of voorsorgsfonds ingevolge die reëls van die fonds gemaak word: Met dien verstande dat by die toepassing van hierdie omskrywing 'n vennoot in 'n vennootskap geag moet word 'n werknemer van die vennootskap te wees en 'n vennootskap geag moet word die werkgewer van die vennote in daardie vennootskap te wees; en

'voordeel' met betrekking tot 'n werknemer wat 'n lid is van 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds, enige bedrag betaalbaar aan daardie lid of 'n afhanklike of genomineerde van daardie lid deur daardie fonds ingevolge die reëls van daardie fonds.

(2) Die kontantekwivalent van die waarde van die voordeel beoog in paragraaf 2*(l)*, waar 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds slegs uit omskrewe bydraekomponente bestaan, is die waarde van die bedrag bygedra deur die werkgewer ten bate van 'n werknemer wat 'n lid is van daardie fonds.

(3) Waar die voordele betaalbaar aan lede ten opsigte van 'n fondslidkategorie van 'n pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds uit komponente buiten slegs omskrewe bydraekomponente bestaan, is die kontantekwivalent van die waarde van die voordeel beoog in paragraaf 2*(l)* 'n bedrag wat bereken word ooreenkomstig die formule

$$X = (A \times B) - C$$

in welke formule—

(a) 'X' die bedrag voorstel wat bepaal moet word;

(b) 'A' die fondslidkategoriefaktor ten opsigte van die fondslidkategorie waarvan die werknemer 'n lid is voorstel;

(c) 'B' die bedrag uittredingfunderingsinkomste van die werknemer;

(d) 'C' die totaal van die bedrae bygedra deur die werknemer ingevolge die reëls van die fonds, uitsluitende enige bykomstige vrywillige bydraes tot die fonds bygedra, en terugkoop, ten opsigte van daardie jaar van aanslag.

(4) Die raad van 'n fonds moet aan die werkgewer van die werknemers

voluntary contributions contributed to the fund by the employee, and buyback, in respect of that year of assessment.

(4) The board of a fund must provide to the employer of the employees who are members of a fund a contribution certificate in respect of the benefit contemplated in subparagraph (3)—

(a) no later than one month before the commencement of the year of assessment in respect of which the contribution certificate is issued: Provided that the board of the fund must not provide a contribution certificate in respect of any year of assessment in respect of which those benefits remain unaltered subsequent to the issue of that contribution certificate; or

(b) where the rules of the fund are amended and those amendments or for any reason affect the value of or entitlement to any benefit payable to a member of that fund or a dependant or nominee of that member, the contribution certificate must be supplied to the employer no later than one month after the day on which those amendments become effective.

(5) The Minister must make regulations prescribing—

(a) the manner in which a fund must determine all fund member category factors; and

(b) the information that the contribution certificate contemplated in subparagraph (4) must contain.

(6) No value must be placed in terms of this paragraph on the taxable benefit derived from any contribution made by an employer to a fund—

(a) for the benefit of a member of that fund who has retired from that fund; or

(b) in respect of the dependants or nominees of a deceased member of that fund.''.

(2) Subsection (1) comes into operation on 1 March 2016.

Amendment of paragraph 1 of Eighth Schedule to Act 58 of 1962, as amended by section 65 of Act 60 of 2001, section 63 of Act 74 of 2002, section 90 of Act 45 of 2003, section 25 of Act 16 of 2004, section 51 of Act 32 of 2004, section 63 of Act 31 of 2005, section 49 of Act 3 of 2008 and section 102 of Act 22 of 2012

78. (1) Paragraph 1 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for paragraph *(a)* of the definition of ''recognised exchange'' of the following paragraph:

''*(a)* an exchange licensed under the **[Securities Services Act, 2004]** Financial Markets Act; or''.

(2) Subsection (1) is deemed to have come into operation on 3 June 2013.

Amendment of paragraph 10 of Eight Schedule to Act 58 of 1962, as amended by section 66 of Act 74 of 2002, section 9 of Act 13 of 2012 and section 105 of Act 22 of 2012

79. (1) Paragraph 10 of the Eighth Schedule to the Income Tax Act, is hereby amended—

(a) by the deletion in subparagraph *(b)* of the word ''and'' at the end of item (ii);

(b) by the substitution in subparagraph *(b)* at the end of item (iii) for the word ''or'' of the word ''and''; and

(c) by the addition in subparagraph *(b)* of the following item:

''(iv) risk policy fund, 66,6 per cent; or''.

(2) Subsection (1) comes into operation on 1 January 2016.

Amendment of paragraph 11 of Eighth Schedule to Act 58 of 1962, as amended by section 71 of Act 60 of 2001, section 67 of Act 74 of 2002, section 92 of Act 45 of 2003, section 55 of Act 32 of 2004, section 66 of Act 31 of 2005, section 44 of Act 20 of 2006, section 74 of Act 60 of 2008, section 106 of Act 22 of 2012 and section 126 of Act 31 of 2013

80. Paragraph 11 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (2) at the end of item *(l)* for the full stop of a semi-colon; and

wat lede van die fonds is ’n bydraesertifikaat voorsien ten opsigte van die voordeel beoog in subparagraaf (3)—

(a) nie later as een maand voor die aanvang van die jaar van aanslag ten opsigte waarvan die bydraesertifikaat uitgereik word: Met dien verstande dat die raad van die fonds nie ’n bydraesertifikaat moet voorsien ten opsigte van enige jaar van aanslag ten opsigte waarvan daardie voordele ongewysig bly nadat daardie bydraesertifikaat uitgereik is; of

(b) waar die reëls van die fonds gewysig word en daardie wysigings of vir enige rede die waarde van of aanspraak op enige voordeel betaalbaar aan ’n lid van daardie fonds of ’n afhanklike of genomineerde van daardie lid beïnvloed, moet ’n bydraesertifikaat aan die werkgewer voorsien word nie later nie as een maand voor die dag waarop daardie wysigings in werking tree.

(5) Die Minister moet regulasies maak wat—

(a) die wyse voorskryf waarop die fonds die fondskategoriefaktor moet vasstel en;

(b) die inligting voorskryf wat die bydraesertifikaat beoog in subartikel (4) moet bevat.

(6) Geen waarde moet ingevolge hierdie paragraaf op die belasbare voordeel verkry van enige bydrae deur ’n werkgewer aan ’n fonds gemaak geplaas word nie—

(a) vir die voordeel van ’n lid wat afgetree het van daardie fonds; of

(b) ten opsigte van die afhanklikes of genomineerdes van ’n afgestorwe lid van daardie fonds.”.

(2) Subartikel (1) tree in werking op 1 Maart 2016.

Wysiging van paragraaf 1 van Agtste Bylae tot Wet 58 van 1962, soos gewysig deur artikel 65 van Wet 60 van 2001, artikel 63 van Wet 74 van 2002, artikel 90 van Wet 45 van 2003, artikel 25 van Wet 16 van 2004, artikel 51 van Wet 32 van 2004, artikel 63 van Wet 31 van 2005, artikel 49 van Wet 3 van 2008 en artikel 102 van Wet 22 van 2012

78. (1) Paragraaf 1 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in die omskrywing van “recognised exchange” paragraaf *(a)* deur die volgende paragraaf te vervang:

“*(a)* ’n beurs gelisensieer kragtens die **[‘Securities Services Act, 2004’]** Financial Markets Act; of”.

(2) Subartikel (1) word geag op 3 Junie 2013 in werking te getree het.

Wysiging van paragraaf 10 van Agtste Bylae tot Wet 58 van 1962, soos gewysig deur artikel 66 van Wet 74 van 2002, artikel 9 van Wet 13 van 2012 en artikel 105 van Wet 22 van 2012

79. (1) Paragraaf 10 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf *(b)* die word “en” aan die einde van item (ii) te skrap;

(b) deur in subparagraaf *(b)* aan die einde van item (iii) die word “of” deur die word “en” te vervang; en

(c) deur in subparagraaf *(b)* die volgende item by te voeg:

“(iv) risikopolis, 66,6 persent; of”.

(2) Subartikel (1) tree in werking op 1 Januarie 2016.

Wysiging van paragraaf 11 van Agtste Bylae tot Wet 58 van 1962, soos gewysig deur artikel 71 van Wet 60 van 2001, artikel 67 van Wet 74 van 2002, artikel 92 van Wet 45 van 2003, artikel 55 van Wet 32 van 2004, artikel 66 van Wet 31 van 2005, artikel 44 van Wet 20 van 2006, artikel 74 van Wet 60 van 2008, artikel 106 van Wet 22 van 2012 en artikel 126 van Wet 31 van 2013

80. Paragraaf 11 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf (2) aan die einde van item *(l)* die punt met ’n kommapunt te vervang; en

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

"*(m)* by a person where that person exchanges a qualifying equity share for another qualifying equity share as contemplated in section 8B(2).".

Amendment of paragraph 12 of Eighth Schedule to Act 58 of 1962, as amended by section 72 of Act 60 of 2001, section 68 of Act 74 of 2002, section 93 of Act 45 of 2003, section 56 of Act 32 of 2004, section 67 of Act 31 of 2005, section 71 of Act 35 of 2007, section 50 of Act 3 of 2008, section 75 of Act 60 of 2008, section 94 of Act 7 of 2010 and section 108 of Act 24 of 2011

81. Paragraph 12 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

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

"(1) **[Unless subparagraph (4) applies, where]** Where an event described in subparagraph (2) occurs, a person must, subject to paragraph 24, be treated for the purposes of this Schedule as having disposed of an asset described in subparagraph (2) for an amount received or accrued equal to the market value of the asset at the time of the event and to have immediately reacquired the asset at an expenditure equal to that market value, which expenditure must be treated as an amount of expenditure actually incurred **[and paid]** for the purposes of paragraph 20(1)*(a)*.";

(b) by the substitution in subparagraph (2)*(a)* for items (i) and (ii) of the following items, respectively:

"(i) that commences to be a resident; or

(ii) that is a foreign company that commences to be a controlled foreign company**[; or]**,"; and

(c) by the deletion in subparagraph (2)*(a)* of subitem (iii).

Amendment of paragraph 12A of Eighth Schedule to Act 58 of 1962, as inserted by section 108 of Act 22 of 2012 and amended by section 127 of Act 31 of 2013

82. (1) Paragraph 12A of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (1) for the words preceding the definition of "allowance asset" of the following words:

"For the purposes of this **[section]** paragraph—";

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

"(4) Where—

(a) a debt owed by a person is reduced as contemplated in subparagraph (2); and

(b) the amount of that debt was used as contemplated in item *(a)* of that subparagraph to fund expenditure incurred in the acquisition, creation or improvement of an asset (other than an allowance asset) that is—

(i) held by that person at the time of the reduction of the debt, and subparagraph (3) has been applied to reduce any expenditure in respect of that asset to the full extent of that expenditure; or

(ii) no longer held by that person at the time of the reduction of that debt,

the reduction amount in respect of that debt, less any amount that has been applied to reduce any amount of expenditure as contemplated in subparagraph (3), must be applied to reduce any assessed capital loss of that person for the year of assessment in which the reduction takes place.".

(2) Subsection (1) is deemed to have come into operation on 1 January 2013 and applies in respect of years of assessment commencing on or after that date.

(b) deur in subparagraaf (2) die volgende item by te voeg:

"*(m)* deur 'n persoon waar daardie persoon 'n kwalifiserende ekwiteitsaandeel ruil vir 'n ander kwalifiserende ekwiteitsaandeel soos beoog in artikel 8B(2).".

Wysiging van paragraaf 12 van Agtste Bylae tot Wet 58 van 1962, soos gewysig deur artikel 72 van Wet 60 van 2001, artikel 68 van Wet 74 van 2002, artikel 93 van Wet 45 van 2003, artikel 56 van Wet 32 van 2004, artikel 67 van Wet 31 van 2005, artikel 71 van Wet 35 van 2007, artikel 50 van Wet 3 van 2008, artikel 75 van Wet 60 van 2008, artikel 94 van Wet 7 van 2010 en artikel 108 van Wet 24 van 2011

81. Paragraaf 12 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subparagraaf (1) deur die volgende subparagraaf te vervang:

"(1) **[Tensy subparagraaf (4) van toepassing is waar]** Waar 'n gebeurtenis beskryf in subparagraaf (2) plaasvind, word 'n persoon behoudens paragraaf 24 by die toepassing van hierdie Bylae geag te beskik het oor 'n bate in subparagraaf 2 beskryf vir 'n bedrag ontvang of toegeval gelyk aan die markwaarde van die bate op die tydstip van die gebeurtenis en onmiddellik die bate teen 'n koste gelyk aan daardie markwaarde herverkry het, welke koste by die toepassing van paragraaf 20(1)*(a)* geag word 'n bedrag van koste werklik aangegaan **[en betaal]** te wees.";

(b) deur in subparagraaf (2)*(a)* items (i) en (ii) onderskeidelik deur die volgende items te vervang:

"(i) wat begin om 'n inwoner te wees; of

(ii) wat 'n buitelandse maatskappy is wat begin om 'n beheerde buitelandse maatskappy te wees**[; of]**,"; en

(c) deur in subparagraaf (2)*(a)* subitem (iii) te skrap.

Wysiging van paragraaf 12A van Agtste Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 108 van Wet 22 van 2012 en gewysig deur artikel 127 van Wet 31 van 2013

82. (1) Paragraaf 12A van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) die woord wat die omskrywing van "afskryfbare bate" voorafgaan deur die volgende woorde te vervang:

"By die toepassing van hierdie **[artikel]** paragraaf— beteken";

(b) deur subparagraaf (4) deur die volgende subparagraaf te vervang:

"(4) Waar—

(a) 'n skuld verskuldig deur 'n persoon verminder word soos beoog in subparagraaf (2); en

(b) die bedrag van daardie skuld gebruik is soos beoog in item *(a)* van daardie subparagraaf om uitgawes te befonds wat aangegaan is in die verkryging, skepping of verbetering van 'n bate (buiten 'n afskryfbare bate) wat—

(i) gehou word deur daardie persoon op die tydstip van die vermindering van die skuld, en subparagraaf (3) is toegepas om enige uitgawes ten opsigte van daardie bate te verminder tot die volle bedrag van daardie uitgawes; of

(ii) nie meer deur daardie persoon gehou word nie op die tydstip van die vermindering van daardie skuld,

word die verminderingsbedrag ten opsigte van daardie skuld, minus enige bedrag wat toegepas is om enige bedrag van uitgawes te verminder soos beoog in subparagraaf (3), toegepas om enige aangeslane kapitaalverlies van daardie persoon te verminder vir die jaar van aanslag waarin die vermindering plaasvind.".

(2) Subartikel (1) word geag op 1 Januarie 2013 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Amendment of paragraph 15 of Eighth Schedule to Act 58 of 1962, as amended by section 73 of Act 60 of 2001

83. Paragraph 15 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph *(e)* for item (ii) of the following item:

"(ii) share in a share block company, as defined in section 1 of the Share Blocks Control Act**[, 1980 (Act No. 59 of 1980)]**,".

Amendment of paragraph 20 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 26 of Act 19 of 2001, section 75 of Act 60 of 2001, section 71 of Act 74 of 2002, section 95 of Act 45 of 2003, section 58 of Act 32 of 2004, section 68 of Act 31 of 2005, section 45 of Act 20 of 2006, section 60 of Act 8 of 2007, section 73 of Act 35 of 2007, section 52 of Act 3 of 2008, section 77 of Act 60 of 2008, section 95 of Act 7 of 2010, section 110 of Act 24 of 2011, section 111 of Act 22 of 2012 and section 130 of Act 31 of 2013

84. (1) Paragraph 20 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1)*(h)* for subitem (vi) of the following subitem:

"(vi) **[subject to paragraph 12(5),]** an asset which was acquired on or after the valuation date by a person from a person who at the time of that acquisition was not a resident **[by way of a disposal contemplated in paragraph 38(1)]** by means of a donation or for a consideration not measurable in money or where the person acquiring the asset is a connected person in relation to the person that is not a resident, for a consideration which does not reflect an arm's length price, the market value of that asset on the date of its acquisition".

(2) Subsection (1) comes into operation on the date of promulgation of this Act and applies in respect of acquisitions during any year of assessment ending on or after that date.

Amendment of paragraph 29 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 81 of Act 60 of 2001, section 38 of Act 30 of 2002, section 76 of Act 74 of 2002, section 47 of Act 20 of 2006, section 61 of Act 8 of 2007 and section 96 of Act 7 of 2010

85. Paragraph 29 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (2A) for the words following subitem (iii) of the following words:

"the Commissioner must, after consultation with the recognised exchange and the Financial Services Board **[established in terms of the Financial Services Board Act, 1990 (Act No. 97 of 1990)]**, determine the market value of that financial instrument having regard to the value of the financial instrument, circumstances surrounding the suspension of that financial instrument or reasons for the increase in the value of that financial instrument.".

Amendment of paragraph 31 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 83 of Act 60 of 2001, section 78 of Act 74 of 2002, section 49 of Act 20 of 2006, section 62 of Act 8 of 2007, section 97 of Act 7 of 2010 and section 131 of Act 31 of 2013

86. Paragraph 31 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (1)*(f)* for subitem (i) of the following subitem:

"(i) the value of that property determined as contemplated in paragraph *(b)* of the definition of 'fair market value' in section 1 of the Estate Duty Act**[, 1955 (Act No. 45 of 1955)]**; or"; and

(b) by the substitution in subparagraph (2)*(b)* for subitem (i) of the following subitem:

"(i) in the case of a natural person, must be determined in accordance with the provisions applicable in determining the expectation of life of a person for estate duty purposes, as contemplated in the regulations issued in terms of section 29 of the Estate Duty Act**[, 1955, (Act No. 45 of 1955)]**; and".

Wysiging van paragraaf 15 van Agtste Bylae tot Wet 58 van 1962, soos gewysig deur artikel 73 van Wet 60 van 2001

83. Paragraaf 15 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf *(e)* item (ii) deur die volgende item te vervang:

"(ii) aandele in 'n aandeleblokmaatskappy, soos omskryf in artikel 1 van die Wet op die Beheer van Aandeleblokke**[, 1980 (Wet No. 59 van 1980)]**,".

Wysiging van paragraaf 20 van Agtste Bylae tot Wet 58 van 1962, soos gewysig deur artikel 26 van Wet 19 van 2001, artikel 75 van Wet 60 van 2001, artikel 71 van Wet 74 van 2002, artikel 95 van Wet 45 van 2003, artikel 58 van Wet 32 van 2004, artikel 68 van Wet 31 van 2005, artikel 45 van Wet 20 van 2006, artikel 60 van Wet 8 van 2007, artikel 73 van Wet 35 van 2007, artikel 52 van Wet 3 van 2008, artikel 77 van Wet 60 van 2008, artikel 95 van Wet 7 van 2010, artikel 110 van Wet 24 van 2011, artikel 111 van Wet 22 van 2012 en artikel 130 van Wet 31 van 2013

84. (1) Paragraaf 20 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig, deur in subparagraaf (1)*(h)* subitem (vi) deur die volgende subitem te vervang:

"(vi) **[behoudens paragraaf 12(5),]** 'n bate wat op of na die waardasiedatum **[by wyse van 'n beskikking beoog in paragraaf 38(1)]** verkry is deur 'n persoon van 'n persoon wat ten tye van daardie verkryging nie 'n inwoner was nie, by wyse van 'n skenking of teen vergoeding wat nie in geld meetbaar is nie of aan 'n persoon waar die persoon wat die bate verkry 'n verbonde persoon is met betrekking tot daardie persoon wat nie 'n inwoner is nie, teen vergoeding wat nie onder uiterste voorwaardes in 'n ope mark beding is nie, die markwaarde van daardie bate op die datum van sy verkryging:".

(2) Subartikel (1) tree in werking op die datum van promulgasie van hierdie Wet en is van toepassing ten opsigte van verkrygings gedurende enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van paragraaf 29 van Agtste Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001, gewysig deur artikel 81 van Wet 60 van 2001, artikel 38 van Wet 30 van 2002, artikel 76 van Wet 74 van 2002, artikel 47 van Wet 20 van 2006, artikel 61 van Wet 8 van 2007 en artikel 96 van Wet 7 van 2010

85. Paragraaf 29 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (2A) die woorde wat subitem (iii) volg deur die volgende woorde te vervang:

"moet die Kommissaris, na oorlegpleging met die erkende beurs en die Raad op Finansiële Dienste **[ingestel kragtens die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990)]**, die markwaarde van daardie finansiële instrument bepaal met inagneming van die waarde van die finansiële instrument, omstandighede rondom die opskorting van daardie finansiële instrument of redes vir die toename in waarde van daardie finansiële instrument.".

Wysiging van paragraaf 31 van Agtste Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 83 van Wet 60 van 2001, artikel 78 van Wet 74 van 2002, artikel 49 van Wet 20 van 2006, artikel 62 van Wet 8 van 2007, artikel 97 van Wet 7 van 2010 en artikel 131 van Wet 31 van 2013

86. Paragraaf 31 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf (1)*(f)* subitem (i) deur die volgende subitem te vervang:

"(i) die waarde van die eiendom vasgestel soos in paragraaf *(b)* van die omskrywing van 'billike markwaarde' in artikel 1 van die Boedelbelastingwet**[, 1955 (Wet No. 45 van 1955),]** beoog; of"; en

(b) deur in subparagraaf (2)*(b)* subitem (i) deur die volgende subitem te vervang:

"(i) in die geval van 'n natuurlike persoon, bepaal ingevolge die bepalings van toepassing by die berekening van die lewensverwagting van 'n persoon vir doeleindes van boedelbelasting, soos in die regulasies ingevolge artikel 29 van die Boedelbelastingwet**[, 1955 (Wet No. 45 van 1955),]** uitgereik, bedoel; en".

Amendment of paragraph 41 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 83 of Act 74 of 2002

87. Paragraph 41 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1) for item *(a)* of the following item:

"*(a)* the tax determined in terms of this Act, which relates to the taxable capital gain of a deceased person, exceeds 50 per cent of the net value of the estate determined for purposes of the Estate Duty Act**[, 1955 (Act No. 45 of 1955)]**, before taking into account the amount of that tax so determined; and".

Amendment of paragraph 43 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 91 of Act 60 of 2001, section 84 of Act 74 of 2002, section 101 of Act 45 of 2003, section 75 of Act 31 of 2005, section 51 of Act 20 of 2006, section 76 of Act 35 of 2007, section 100 of Act 7 of 2010, section 111 of Act 24 of 2011, section 117 of Act 22 of 2012 and section 136 of Act 31 of 2013

88. (1) Paragraph 43 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraph (5) of the following subparagraph:

"(5) Where a person is treated as having derived an amount of proceeds from the disposal of any asset and the **[base cost of]** <u>expenditure incurred to acquire</u> that asset is determined in any foreign currency—

(a) the amount of those proceeds must be treated as being denominated in the currency of the **[base cost]** <u>expenditure incurred to acquire that asset</u>; and

(b) the **[base cost of the person acquiring]** <u>expenditure incurred by that person to acquire</u> that asset must for purposes of paragraphs 12, 38 and 40 be treated as being denominated in that currency."; and

(b) by the substitution for subparagraph (6) of the following subparagraph:

"(6) Where a person has adopted the market value as the valuation date value of any asset contemplated in this paragraph, that market value must be determined in the currency of <u>the</u> expenditure **[of]** <u>incurred to acquire</u> that asset and translated to the local currency by applying the spot rate on valuation date.".

(2) Subsection (1) comes into operation on 1 January 2015.

Amendment of paragraph 44 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 92 of Act 60 of 2001

89. Paragraph 44 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in the definition of "an interest" for paragraph *(b)* of the following paragraph:

"*(b)* a share owned directly in a share block company as defined in the Share Blocks Control Act**[, 1980 (Act No. 59 of 1980)]** or a share or interest in a similar entity which is not a resident; or".

Insertion of paragraph 63B in Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001

90. (1) The Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the insertion after paragraph 63A of the following paragraph:

"**Small business funding entities**

63B. (1) A small business funding entity approved by the Commissioner in terms of section 30C must disregard any capital gain or capital loss determined in respect of the disposal of an asset if—

Wysiging van paragraaf 41 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 83 van Wet 74 van 2002

87. Paragraaf 41 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1) item *(a)* deur die volgende item te vervang:

"*(a)* die belasting kragtens hierdie Wet vasgestel, wat verband hou met die belasbare kapitaalwins van 'n oorlede persoon, 50 persent van die netto waarde van die boedel vasgestel vir doeleindes van die Boedelbelastingwet**[, 1955 (Wet No. 45 van 1955),]** te bowe gaan, voor die bedrag van daardie belasting aldus vasgestel in berekening gebring is; en".

Wysiging van paragraaf 43 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 91 van Wet 60 van 2001, artikel 84 van Wet 74 van 2002, artikel 101 van Wet 45 van 2003, artikel 75 van Wet 31 van 2005, artikel 51 van Wet 20 van 2006, artikel 76 van Wet 35 van 2007, artikel 100 van Wet 7 van 2010, artikel 111 van Wet 24 van 2011, artikel 117 van Wet 22 van 2012 en artikel 136 van Wet 31 van 2013

88. (1) Paragraaf 43 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hier by gewysig—

(a) deur subparagraaf (5) deur die volgende subparagraaf te vervang:

"(5) Waar 'n persoon geag word 'n bedrag van opbrengs te verkry het uit die beskikking oor 'n bate en die **[basiskoste van daardie]** bedrag van die uitgawes aangegaan om daardie bate te verkry in enige buitelandse geldeenheid aangedui is—

(a) word die bedrag van daardie opbrengs geag in daardie geldeenheid van die **[basiskoste]** uitgawes aangegaan om daardie bate te verkry aangedui te wees; en

(b) word die **[basiskoste van die persoon wat daardie bate verkry,]** uitgawes aangegaan om daardie bate te verkry by die toepassing van paragrawe 12, 38 en 40 geag in daardie geldeenheid aangedui te wees."; en

(b) deur subparagraaf (6) deur die volgende subparagraaf te vervang:

"(6) Waar 'n persoon die markwaarde as die waardasiedatum waarde van 'n bate in hierdie paragraaf bedoel aangeneem het, moet daardie markwaarde vasgestel word in die geldeenheid van die onkoste **[van]** aangegaan om daardie bate te verkry en moet na die plaaslike geldeenheid omgeskakel deur die kontantkoers op waardasiedatum toe te pas.".

(2) Subartikel (1) tree in werking op 1 Januarie 2015.

Wysiging van paragraaf 44 van Agtste Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 92 van Wet 60 van 2001

89. Paragraaf 44 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in die omskrywing van " 'n belang" paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* 'n aandeel direk besit in 'n aandeleblokmaatskappy soos omskryf in die Wet op die Beheer van Aandeleblokke**[, 1980 (Wet No. 59 van 1980),]** of 'n aandeel in 'n soortgelyke entiteit wat nie 'n inwoner is nie; of".

Invoeging van paragraaf 63B in Agtste Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001

90. (1) Die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende na paragraaf 63A paragraaf in te voeg:

"**Kleinsake befondsingsentiteite**

63B. (1) 'n Kleinsake befondsingsentiteit ingevolge artikel 30C deur die Kommissaris goedgekeur moet enige kapitaalwins of kapitaalverlies bepaal ten opsigte van 'n beskikking oor 'n bate verontagsaam, waar—

(a) that small business funding entity did not use that asset in carrying on any business undertaking or trading activity; or

(b) substantially the whole of the use of that asset by that small business funding entity was directed at—

(i) a purpose other than carrying on a business undertaking or trading activity; or

(ii) carrying on a business undertaking or trading activity contemplated in section 10(1)*(c*Q*)*(ii)*(aa)*, *(bb)* or *(cc)*.''.

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of paragraph 67B of Eighth Schedule to Act 58 of 1962, as substituted by section 129 of Act 22 of 2012

91. Paragraph 67B of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the deletion in subparagraph (1) of the definition of ''Share Blocks Control Act''.

Amendment of paragraph 77 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 122 of Act 24 of 2011 and section 149 of Act 31 of 2013

92. Paragraph 77 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for the heading of the following heading:

''**Distribution in liquidation or deregistration received by [shareholder] holders of shares**''.

Amendment of paragraph 8 of Tenth Schedule to Act 58 of 1962, as substituted by section 89 of Act 35 of 2007 and amended by section 125 of Act 24 of 2011 and section 160 of Act 31 of 2013

93. (1) Paragraph 8 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended by the addition to subparagraph (1) of the following item:

''*(c)* If an oil and gas company jointly holds with another oil and gas company an exploration right, as defined in section 1 of the Mineral and Petroleum Resources Development Act, and any one of those oil and gas companies has concluded an agreement as contemplated in subparagraph (1) in respect of that right, all of the fiscal stability rights in terms of that agreement relating to that exploration apply in respect of both of those companies.''.

(2) Subsection (1) comes into operation on 1 April 2015.

Continuation of certain amendments of Schedules to Act 91 of 1964

94. Every amendment or withdrawal of or insertion in Schedules No. 1 to 6, 8 and 10 to the Customs and Excise Act, 1964, made under section 48, 49, 56, 56A, 57, 60 or 75(15) of that Act during the period 1 September 2013 up to and including 30 September 2014, shall not lapse by virtue of section 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) or 75(16) of that Act.

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 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, section 164 of Act 45 of 2003, section 43 of Act 16 of 2004, section 92 of Act 32 of 2004, section 8 of Act 10 of 2005, section 101 of Act 31 of 2005, section 40 of Act 9 of 2006, section 77 of Act

(a) die gebruik van daardie bate vanaf waardasiedatum deur daardie kleinsake befondsingsentiteit nie gerig was op enige besigheidsonderneming of handelsaktiwiteite nie; of

(b) wesenlik die geheel van die gebruik van daardie bate op en na waardasiedatum deur daardie kleinsake befondsingsentiteit gerig is op—

(i) 'n doelstelling anders as die beoefening van 'n besigheidsonderneming of handelsaktiwiteit; of

(ii) die beoefening van 'n besigheidsonderneming of handelsaktiwiteit in artikel 10(1)*(c*Q*)*(ii)*(aa)*, *(bb)* of *(cc)* beoog.".

(2) Subartikel (1) tree in werking op 1 Maart 2015.

Wysiging van paragraaf 67B van Agtste Bylae tot Wet 58 van 1962, soos vervang deur artikel 129 van Wet 22 van 2012

91. Paragraaf 67B van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1) die omskrywing van "Wet op die Beheer van Aandeleblokmaatskappye" te skrap.

Wysiging van paragraaf 77 van Agtste Bylae tot Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 122 van Wet 24 van 2011 en artikel 149 van Wet 31 van 2013

92. Paragraaf 77 van die Agtste Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur die opskrif deur die volgende opskrif te vervang:

"**Uitkerings in likwidasie of deregistrasie deur [aandeelhouer] houers van aandele ontvang**".

Wysiging van paragraaf 8 van Tiende Bylae tot Wet 58 van 1962, soos vervang deur artikel 89 van Wet 35 van 2007 en gewysig deur artikel 125 van Wet 24 van 2011 artikel 160 van Wet 31 van 2013

93. (1) Paragraaf 8 van die Tiende Bylae tot die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) na item *(b)* die volgende item by te voeg:

"*(c)* Indien 'n olie en gas maatskappy tesame met 'n ander olie en gas maatskappy 'n 'exploration right', soos omskryf in artikel 1 van die 'Mineral and Petroleum Resources Development Act' hou, en enige van daardie olie en gas maatskappye het 'n ooreenkoms aangegaan soos bedoel in subparagraaf (1) ten opsigte van daardie reg, is al die fiskale stabiliteitsregte ingevolge daardie ooreenkoms wat betrekking het op daardie ontginning van toepassing ten opsigte van beide daardie maatskappye.".

(2) Subartikel (1) tree in werking op 1 April 2015.

Voortduring van sekere wysigings van Bylaes tot Wet 91 van 1964

94. Geen wysiging aan of intrekking van of invoeging in Bylae No. 1 tot 6, 8 en 10 by die Doeane- en Aksynswet, 1964, wat aangebring is kragtens artikel 48, 49, 56, 56A, 57, 60 of 75(15) van daardie Wet gedurende die tydperk 1 September 2013 tot en met en insluitende 30 September 2014, verval uit hoofde van artikel 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) of 75(16) van daardie Wet nie.

Wysiging van artikel 1 van Wet 89 van 1991, soos gewysig deur artikel 21 van Wet 136 van 1991, paragraaf 1 van Goewermentskennisgewing 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, artikel 164 van Wet 45 van 2003, artikel 43 van Wet 16 van 2004, artikel 92 van Wet 32 van 2004, artikel 8 van Wet 10 van 2005, artikel 101 van Wet 31 van 2005, artikel 40 van Wet 9 van 2006, artikel 77 van Wet 20 van 2006, artikels 81 en 108 van Wet 8 van 2007, artikel 104 van Wet 35 van

20 of 2006, sections 81 and 108 of Act 8 of 2007, section 104 of Act 35 of 2007, section 68 of Act 3 of 2008, section 104 of Act 60 of 2008, section 33 of Act 18 of 2009, section 119 of Act 7 of 2010, section 26 of Act 8 of 2010, section 129 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 108 of Schedule 1 to that Act, section 145 of Act 22 of 2012 and section 165 of Act 31 of 2013

95. (1) Section 1 of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), is hereby amended—

(a) by the substitution in subsection (1) in the definition of ''enterprise'' for subparagraph *(b)*(vi) of the following subparagraph:

''(vi) the supply of electronic services by a person from a place in an export country**[—]**, where at least two of the following circumstances are present:

(aa) **[to a]** The recipient of those electronic services **[that]** is a resident of the Republic; **[or]**

(bb) **[where]** any payment to that person in respect of such electronic services originates from a bank registered or authorised in terms of the Banks Act, 1990 (Act No. 94 of 1990);

(cc) the recipient of those electronic services has a business address, residential address or postal address in the Republic:''; and

(b) by the substitution in subsection (1) in the definition of ''second hand goods'' for paragraph (ii) of the following paragraph:

''(ii) gold, gold coins contemplated in section 11(1)*(k)* and goods containing gold;''.

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 11 of Act 89 of 1991, as amended by section 27 of Act 136 of 1991, 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, section 169 of Act 45 of 2003, section 46 of Act 16 of 2004, section 98 of Act 32 of 2004, section 21 of Act 9 of 2005, section 105 of Act 31 of 2005, section 44 of Act 9 of 2006, section 81 of Act 20 of 2006, section 105 of Act 35 of 2007, section 29 of Act 36 of 2007, Government Notice R.1024 in *Government Gazette* 32664 of 30 October 2009, section 134 of Act 24 of 2011 and section 169 of Act 31 of 2013

96. (1) Section 11 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the deletion in subsection (1) of paragraph *(g)*; and

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

''Where, but for this section, a supply of services, other than services contemplated in section 11(2)*(k)* that are electronic services, would be charged with tax at the rate referred to in section 7(1), such supply of services shall, subject to compliance with subsection (3) of this section, be charged with tax at the rate of zero per cent where—''.

(2) Paragraph *(a)* of subsection (1) comes into operation on a date determined by the Minister by notice in the *Gazette* which notice may not be published earlier than 12 months after the promulgation of this Act.

(3) Paragraph *(b)* of subsection (1) comes into operation on 1 April 2015.

2007, artikel 68 van Wet 3 van 2008, artikel 104 van Wet 60 van 2008, artikel 33 van Wet 18 van 2009, artikel 119 van Wet 7 van 2010, artikel 26 van Wet 8 van 2010, artikel 129 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 196 van Bylae 1 by daardie Wet, artikel 145 van Wet 22 van 2012 en artikel 165 van Wet 31 van 2013

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

(a) deur in subartikel (1) in die omskrywing van ''onderneming'' subparagraaf *(b)*(vi) deur die volgende paragraaf te vervang:

''(vi) die lewering van elektroniese dienste deur 'n persoon vanaf 'n plek in 'n uitvoerland**[—]** ,waar ten minste twee van die volgende omstandighede teenwoordig is—

(aa) **[aan 'n]** Die ontvanger van daardie elektroniese dienste **[wat]** is 'n inwoner van die Republiek **[is]**; **[of]**

(bb) **[waar]** enige betaling aan daardie persoon ten opsigte van sodanige elektroniese dienste ontstaan van 'n bank geregistreer of gemagtig ingevolge die Bankwet, 1990 (Wet No. 94 van 1990);

(cc) die ontvanger van daardie elektroniese dienste het 'n besigheidsadres, woonadres of posadres in die Republiek:''; en

(b) deur in subartikel (1) in die omskrywing van ''tweedehandse goed'' paragraaf (ii) deur die volgende paragraaf te vervang:

''(ii) goud, goudmuntstukke beoog in artikel 11(1)*(k)* en goedere wat goud bevat;''.

(2) Subartikel (1) tree in werking op 1 April 2015.

Wysiging van artikel 11 van Wet 89 van 1991, soos gewysig deur artikel 27 van Wet 136 van 1991, 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, artikel 169 van Wet 45 van 2003, artikel 46 van Wet 16 van 2004, artikel 98 van Wet 32 van 2004, artikel 21 van Wet 9 van 2005, artikel 105 van Wet 31 van 2005, artikel 44 van Wet 9 van 2006, artikel 81 van Wet 20 van 2006, artikel 105 van Wet 35 van 2007, artikel 29 van Wet 36 van 2007, Goewermentskennisgewing R.1024 in Staatskoerant 32664 van 30 Oktober 2009, artikel 134 van Wet 24 van 2011 en artikel 169 van Wet 31 van 2013

96. (1) Artikel 11 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) deur in subartikel (1) paragraaf *(g)* te skrap; en

(b) deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

''Waar, by ontstentenis van hierdie artikel, 'n lewering van dienste aan belasting teen die koers bedoel in artikel 7(1) onderworpe sou wees, buiten dienste beoog in artikel 11(2)*(k)* wat elektroniese dienste is, mits subartikel (3) van hierdie artikel nagekom word, daardie lewering van dienste aan belasting teen die koers van nul persent onderworpe, waar—''.

(2) Paragraaf *(a)* van subartikel (1) tree in werking op 'n datum bepaal deur die Minister deur kennisgewing in die Staatskoerant welke kennisgewing nie vroeër as 12 maande na die promulgasie van hierdie Wet gepubliseer mag word nie.

(3) Paragraaf *(b)* van subartikel (1) tree in werking op 1 April 2015.

Amendment of section 12 of Act 89 of 1991, as amended by section 18 of Act 136 of 1992, section 14 of Act 20 of 1994, section 22 of Act 37 of 1996, section 69 of Act 19 of 2001 section 154 of Act 60 of 2001, section 117 of Act 74 of 2002, section 99 of Act 32 of 2004, section 45 of Act 9 of 2006, section 82 of Act 20 of 2006, section 109 of Act 60 of 2008, section 147 of Act 22 of 2012 and section 170 of Act 31 of 2013

97. (1) Section 12 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for paragraph *(l)* of the following paragraph:

"*(l)* the supply of any goods or services by a bargaining council that is established in terms of section 27 of the Labour Relations Act, 1995 (Act No. 66 of 1995), to any of its members **[to the extent that the consideration for such supply consists of membership contributions]** in terms of section 28(1) of that Act;".

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 16 of Act 89 of 1991, as amended by section 30 of Act 136 of 1991, section 21 of Act 136 of 1992, section 30 of Act 97 of 1993, section 16 of Act 20 of 1994, section 23 of Act 37 of 1996, section 32 of Act 27 of 1997, section 91 of Act 30 of 1998, section 87 of Act 53 of 1999, section 71 of Act 19 of 2001, section 156 of Act 60 of 2001, section 172 of Act 45 of 2003, section 107 of Act 31 of 2005, section 47 of Act 9 of 2006, section 83 of Act 20 of 2006, section 83 of Act 8 of 2007, section 106 of Act 35 of 2007, section 30 of Act 36 of 2007, section 29 of Act 8 of 2010, section 137 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 115 of Schedule 1 to that Act, section 148 of Act 22 of 2012 and section 173 of Act 31 of 2013

98. (1) Section 16 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subsection (3)*(a)* for subparagraph (iii) of the following subparagraph:

"(iii) charged in terms of section 7(1)*(b)* in respect of goods imported into the Republic by the vendor and **[paid]** released in terms of the Customs and Excise Act during that tax period;"; and

(b) by the substitution in subsection (3)*(b)* for subparagraph (ii) of the following subparagraph:

"(ii) charged in terms of section 7(1)*(b)* in respect of goods imported into the Republic by the vendor and released in terms of the Customs and Excise Act or in terms of section 7(3)*(a)* in respect of goods subject to excise duty or environmental levy as contemplated in that section and paid by the vendor during **[the]** that tax period;".

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 20 of Act 89 of 1991, as amended by 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, section 175 of Act 45 of 2003, section 47 of Act 16 of 2004, section 104 of Act 32 of 2004, section 38 of Act 21 of 2006, section 14 of Act 9 of 2007, section 1 of Act 3 of 2008, section 35 of Act 18 of 2009, section 30 of Act 8 of 2010, section 29 of Act 21 of 2012 and section 176 of Act 31 of 2013

99. (1) Section 20 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for subsection (5B) of the following subsection:

"(5B) Notwithstanding any other provision of this Act, if the supply by a vendor relates to any enterprise contemplated in paragraph *(b)*(vi) of the definition of 'enterprise' in section 1, the vendor shall be required to provide a tax invoice **[as contemplated in subsection (5)]** containing such particulars as must be prescribed by the Minister by regulation.".

(2) Subsection (1) comes into operation on 1 April 2015.

Wysiging van artikel 12 van Wet 89 van 1991, soos gewysig deur artikel 18 van Wet 136 van 1992, artikel 14 van Wet 20 van 1994, artikel 22 van Wet 37 van 1996, artikel 69 van Wet 19 van 2001, artikel 154 van Wet 60 van 2001, artikel 117 van Wet 74 van 2002, artikel 99 van Wet 32 van 2004, artikel 45 van Wet 9 van 2006, artikel 82 van Wet 20 van 2006, artikel 109 van Wet 60 van 2008, artikel 147 van Wet 22 van 2012 en artikel 170 van Wet 31 van 2013

97. (1) Artikel 12 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur paragraaf *(l)* deur die volgende paragraaf te vervang:

"*(l)* die lewering van enige goed of dienste deur 'n bedingingsraad wat opgerig is ingevolge artikel 27 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), aan enige van sy lede **[namate die vergoeding vir sodanige lewering uit lidmaatskapbydraes bestaan]** ingevolge paragraaf 28(1) van daardie Wet;".

(2) Subartikel (1) tree in werking op 1 April 2015.

Wysiging van artikel 16 van Wet 89 van 1991, soos gewysig deur artikel 30 van Wet 136 van 1991, artikel 21 van Wet 136 van 1992, artikel 30 van Wet 97 van 1993, artikel 16 van Wet 20 van 1994, artikel 23 van Wet 37 van 1996, artikel 32 van Wet 27 van 1997, artikel 91 van Wet 30 van 1998, artikel 87 van Wet 53 van 1999, artikel 71 van Wet 19 van 2001, artikel 156 van Wet 60 van 2001, artikel 172 van Wet 45 van 2003, artikel 107 van Wet 31 van 2005, artikel 47 van Wet 9 van 2006, artikel 83 van Wet 20 van 2006, artikel 83 van Wet 8 van 2007, artikel 106 van Wet 35 van 2007, artikel 30 van Wet 36 van 2007, artikel 29 van Wet 8 van 2010, artikel 137 van Wet 24 van 2011, artikel 148 van Wet 22 van 2012 en artikel 173 van Wet 31 van 2013

98. (1) Artikel 16 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) deur in subartikel (3)*(a)* subparagraaf (iii) deur die volgende subparagraaf te vervang:

"(iii) wat gehef is ingevolge artikel 7(1)*(b)* ten opsigte van goed wat deur die ondernemer in die Republiek ingevoer is en gedurende daardie belastingtydperk **[betaal is]** vrygestel ingevolge die Doeane- en Aksynswet;"; en

(b) deur in subartikel (3)*(b)* subparagraaf (ii) deur die volgende paragraaf te vervang:

"(ii) wat gehef is ingevolge artikel 7(1)*(b)* ten opsigte van goed in die Republiek ingevoer deur die ondernemer vrygestel ingevolge die Doeane- en Aksynswet of ingevolge artikel 7(3)*(a)* ten opsigte van goed onderworpe aan aksynsreg of omgewingsheffing soos in daardie artikel beoog en deur die ondernemer gedurende **[die]** daardie belastingtydperk betaal;".

(2) Subartikel (1) tree in werking op 1 April 2015.

Wysiging van artikel 20 van Wet 89 van 1991, soos gewysig deur 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, artikel 175 van Wet 45 van 2003, artikel 47 van Wet 16 van 2004, artikel 104 van Wet 32 van 2004, artikel 38 van Wet 21 van 2006, artikel 14 van Wet 9 van 2007, artikel 1 van Wet 3 van 2008, artikel 35 van Wet 18 van 2009, artikel 30 van Wet 8 van 2010, artikel 29 van Wet 21 van 2012 en artikel 176 van Wet 31 van 2013

99. (1) Artikel 20 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur subartikel (5B) deur die volgende subartikel te vervang:

"(5B) Ondanks enige ander bepaling van hierdie Wet, indien die lewering deur 'n ondernemer betrekking het op enige onderneming beoog in paragraaf *(b)*(vi) van die omskrywing van ,onderneming" in artikel 1 word die ondernemer verplig om 'n belastingfaktuur te verskaf **[soos in subartikel (5) beoog]** wat sodanige besonderhede bevat soos deur die Minister by Regulasie voorgeskryf.".

(2) Subartikel (1) tree in werking op 1 April 2015.

Repeal of section 40A of Act 89 of 1991

100. Section 40A of the Value-Added Tax Act, 1991, is hereby repealed.

Repeal of section 40B of Act 89 of 1991

101. Section 40B of the Value-Added Tax Act, 1991, is hereby repealed.

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, section 100 of Act 53 of 1999 and section 51 of Act 16 of 2004

102. (1) Section 54 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the addition to subsection (1) of the following further proviso:

"<u>: Provided further that where an agent issues a tax invoice on behalf of a principal, such tax invoice must be issued within 21 days of the date of that supply by that agent</u>."; and

(b) by the substitution in subsection (3) for the words following paragraph *(b)* of the following words and subparagraphs:

"the agent shall maintain sufficient records to enable the name<u>,</u> **[and]** address and VAT registration number of the principal to be ascertained<u>,</u> and in respect of all—

<u>(i)</u> 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 <u>by means of a statement</u> 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; <u>or</u>

<u>(ii) goods imported by the agent on behalf of the principal, the agent shall notify the principal in writing by means of a statement within 21 days of the end of the calendar month during which the goods were imported of the full and proper description of the goods, the quantity or volume of the goods, the value of the goods imported and the amount of tax paid on importation of the goods, together with the receipt number of the payment of such tax</u>.".

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 65 of Act 89 of 1991, as amended by section 37 of Act 136 of 1992 and section 174 of Act 60 of 2001

103. (1) Section 65 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for paragraph (iii) of the proviso of the following paragraph:

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

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 67 of Act 89 of 1991, as amended by section 43 of Act 136 of 1991, section 38 of Act 136 of 1992 and section 30 of Act 37 of 1996

104. (1) Section 67 of the Value-Added Tax Act, 1991, is hereby amended—

Herroeping van artikel 40A van Wet 89 van 1991

100. Artikel 40A van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby herroep.

Herroeping van artikel 40B van Wet 89 van 1991

101. Artikel 40B van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby herroep.

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, artikel 100 van Wet 53 van 1999 en artikel 51 van Wet 16 van 2004

102. (1) Artikel 54 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) deur in subartikel (1) die volgende verdere voorbehoudsbepaling by te voeg:
"<u>: Met dien verstande dat waar 'n agent 'n belastingfaktuur namens 'n prinsipaal uitreik, moet so 'n faktuur uitgereik word binne 21 dae van die datum van daardie lewering deur daardie agent.</u>"; en

(b) deur in subartikel (3) die woorde wat op paragraaf *(b)* volg deur die volgende woorde en subparagrawe 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—

(i) lewerings gemaak op of na 1 Januarie 2000 aan of deur die agent namens die 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 deur middel van 'n staat in kennis stel; of

(ii) goedere ingevoer deur die agent namens die prinsipaal, moet die agent die prinsipaal binne 21 dae na die einde van die kalendermaand waarin die goedere ingevoer is skriftelik in kennis stel deur middel van 'n staat van die volledige en behoorlike beskrywing van die goedere, die hoeveelheid of volume van die goedere, die waarde van die goedere ingevoer en die bedrag belasting betaal by die invordering van die goedere, tesame met die kwitansienommer van die betaling van sodanige belasting.".

(2) Subartikel (1) tree in werking op 1 April 2015.

Wysiging van artikel 65 van Wet 89 van 1991, soos gewysig deur artikel 37 van Wet 136 van 1992 en artikel 174 van Wet 60 van 2001

103. (1) Artikel 65 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (iii) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

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

(2) Subartikel (1) tree in werking op 1 April 2015.

Wysiging van artikel 67 van Wet 89 van 1991, soos gewysig deur artikel 43 van Wet 136 van 1991, artikel 38 van Wet 136 van 1992 en artikel 30 van Wet 37 van 1996

104. (1) Artikel 67 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) Whenever the value-added tax is imposed for the first time in terms of this Act or the rate of tax applicable under section 7(1) is increased in respect of any supply of goods or services in relation to which any agreement was entered into by the acceptance of an offer made before the tax was imposed for the first time in terms of this Act or the rate of tax applicable under section 7(1) was increased, as the case may be, the vendor may, unless agreed to the contrary in any agreement in writing and notwithstanding anything to the contrary contained in any law, recover from the recipient, as an addition to the amounts payable by the recipient to the vendor, a sum equal to any amount payable by the vendor by way of the said tax or increase, as the case may be, and any amount so recoverable by the vendor shall, whether it is recovered or not, be accounted for by the vendor under the provisions of this Act as part of the consideration in respect of the said supply.

(2) Whenever the value-added tax is withdrawn or the rate of tax applicable under section 7(1) is decreased in respect of any supply of goods or services in relation to which any agreement was entered into by the acceptance of an offer made before the tax was withdrawn or the rate of tax applicable under section 7(1) was decreased, as the case may be, the vendor shall, unless agreed to the contrary in any agreement in writing and notwithstanding anything to the contrary contained in any law, reduce the amount payable to **[him]** the vendor by the recipient by way of any consideration in which the amount of such tax was included, by a sum equal to the amount of the tax withdrawn or the amount by which the rate of tax applicable under section 7(1) was decreased, as the case may be."; and

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

"Whenever the value-added tax is imposed for the first time in terms of this Act or withdrawn or the rate of tax applicable under section 7(1) is increased**[, or withdrawn]** or decreased, as the case may be, in respect of any supply of goods or services subject to any fee, charge or other amount (whether it is a fixed, maximum or minimum fee, charge or other amount) prescribed by, or determined pursuant to, any Act or by any regulation or measure having the force of law, that fee, charge or other amount may be increased or shall be decreased, as the case may be, by the amount of tax or additional tax charged or chargeable or the amount of tax no longer charged or chargeable, as the case may be: Provided that this subsection shall not apply to any fee, charge or other amount if such fee, charge or other amount has been altered in any Act, regulation or measure prescribing or determining such fee, charge or other amount to take account of any imposition **[, increase, decrease]** of tax for the first time in terms of this Act or withdrawal of such tax or increase or decrease in the rate of tax applicable under section 7(1)".

(2) Subsection (1) comes into operation on 1 April 2015.

Amendment of section 74 of Act 89 of 1991, as amended by section 188 of Act 45 of 2003

105. (1) Section 74 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) *(a)* Whenever the Minister amends any **[Schedule]** Customs Tariff or Excise Tariff under any provision of the Customs **[and]** Duty Act or the Excise

(a) deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

"(1) Wanneer die belasting op toegevoegde waarde gehef word vir die eerste keer ingevolge hierdie Wet of die belastingkoers van toepassing kragtens artikel 7(1) vermeerder word ten opsigte van 'n lewering van goed of dienste met betrekking waartoe 'n ooreenkoms aangegaan is deur die aanname van 'n aanbod gemaak voordat die belasting vir die eerste keer ingevolge hierdie Wet gehef of die belastingkoers kragtens artikel 7(1) van toepassing vermeerder was, na gelang van die geval, kan die ondernemer, tensy anders in 'n skriftelike kontrak ooreengekom en ondanks andersluidende bepalings van die een of ander wet, op die ontvanger, as 'n byvoeging by die bedrae betaalbaar deur die ontvanger aan die ondernemer, 'n som verhaal gelyk aan 'n bedrag deur die ondernemer betaalbaar by wyse van genoemde belasting of vermeerdering, na gelang van die geval, en enige bedrag aldus verhaalbaar deur die ondernemer moet, hetsy dit verhaal is al dan nie, deur die ondernemer in berekening gebring word ingevolge die bepalings van hierdie Wet as deel van die vergoeding ten opsigte van genoemde lewering.

(2) Wanneer die belasting op toegevoegde waarde ingetrek of die belastingkoers van toepassing kragtens artikel 7(1) verminder word ten opsigte van 'n lewering van goed of dienste met betrekking waartoe 'n ooreenkoms aangegaan is deur die aanname van 'n aanbod gemaak voordat die belasting ingetrek of die belastingkoers van toepassing kragtens artikel 7(1) verminder was, na gelang van die geval, moet die ondernemer, tensy anders in 'n skriftelike kontrak ooreengekom en ondanks andersluidende bepalings van die een of ander wet, die bedrag wat aan **[hom]** die ondernemer deur die ontvanger betaalbaar is by wyse van vergoeding waarby die bedrag van bedoelde belasting ingesluit is, verminder met 'n som gelyk aan die bedrag van die belasting wat ingetrek is of die bedrag waarmee die **[belasting]** belastingkoers van toepassing kragtens artikel 7(1) verminder is, na gelang van die geval."; en

(b) deur in subartikel (3) die woorde wat die tweede voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"Wanneer die belasting op toegevoegde waarde vir die eerste keer ingevolge hierdie Wet gehef of ingetrek word of die belastingkoers van toepassing kragtens artikel 7(1) vermeerder word**[, of ingetrek]** of verminder word, na gelang van die geval, ten opsigte van enige lewering van goed of dienste wat onderhewig is aan enige geld, vordering of ander bedrag (hetsy dit 'n vasgestelde, maksimum of minimum geld, vordering of ander bedrag is) wat voorgeskryf word deur of vasgestel word kragtens enige Wet of deur enige regulasie of maatreël wat regskrag het, mag daardie geld, vordering of ander bedrag vermeerder word of moet dit verminder word, na gelang van die geval, met die bedrag van belasting of addisionele belasting wat gehef word of hefbaar is of die bedrag aan belasting wat nie meer gehef word of hefbaar is nie, na gelang van die geval: Met dien verstande dat hierdie subartikel nie van toepassing is nie op enige geld, vordering of ander bedrag indien daardie geld, vordering of ander bedrag in enige Wet, regulasie of maatreël wat daardie geld, vordering of ander bedrag voorskryf of vasstel, verander is om enige heffing**[, vermeerdering, vermindering]** van belasting vir die eerste keer ingevolge hierdie Wet of intrekking van bedoelde belasting of vermeerdering, of vermindering in die belastingkoers van toepassing kragtens artikel 7(1) in berekening te bring".

(2) Subartikel tree in werking op 1 April 2015.

Wysiging van artikel 74 van Wet 89 van 1991, soos gewysig deur artikel 188 van Wet 45 van 2003

105. (1) Artikel 74 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) *(a)* Wanneer ookal die Minister enige **[Bylae]** Doeanetarief of Aksynstarief wysig kragtens enige bepalings van die **[Doeane en]** Doeanewet of die

Duty Act**[, 1964 (Act No. 91 of 1964),]** by notice in the *Gazette* and it is necessary to amend in consequence thereof Schedule 1 of this Act, the Minister, may by like notice amend the said Schedule 1.

(b) The provisions of section **[48(6)]** 14 of the Customs **[and]** Duty Act or section 48(6) of the Excise Duty Act**[, 1964]**, shall apply *mutatis mutandis* in respect of any amendment by the Minister under this subsection.''.

(2) Subsection (1) comes into operation on the date on which the Customs Control Act, 2014, takes effect.

Substitution of section 86A of Act 89 of 1991, as inserted by section 176 of Act 60 of 2001

106. (1) The following section is hereby substituted for section 86A of the Value-Added Tax Act, 1991:

''**Provisions relating to [industrial development zones] IDZs**

86A. Where a provision of the Customs **[and Excise]** Control Act, **[or]** the Manufacturing Development Act, 1993 (Act No. 187 of 1993), or the Special Economic Zones Act, or a regulation made thereunder governing the administration of **[industrial development zones]** IDZs or SEZs including a matter relating to the liability for or levying of value-added tax or a refund thereof or a supply of goods or services subject to tax at the zero-rate is inconsistent or in conflict with a provision of this Act, the provision of this Act will prevail.''.

(2) Subsection (1) comes into operation on the date on which the Customs Control Act, 2014, takes effect.

Amendment of Schedule 1 to Act 89 of 1991, as substituted by section 177 of Act 60 of 2001 and amended by section 58 of Act 30 of 2002, section 121 of Act 74 of 2002, Government Notice R.111 in *Government Gazette* 24274 of 17 January 2003, section 189 of Act 45 of 2003, section 52 of Act 16 of 2004, section 53 of Act 16 of 2004, section 54 of Act 16 of 2004, section 55 of Act 16 of 2004, section 108 of Act 32 of 2004, section 111 of Act 31 of 2005, section 112 of Act 31 of 2005, section 113 of Act 31 of 2005, section 114 of Act 31 of 2005, section 115 of Act 31 of 2005, section 116 of Act 31 of 2005, section 117 of Act 31 of 2005, section 118 of Act 31 of 2005, section 119 of Act 31 of 2005, section 120 of Act 31 of 2005, section 121 of Act 31 of 2005, section 122 of Act 31 of 2005, section 123 of Act 31 of 2005, section 52 of Act 9 of 2006, section 53 of Act 9 of 2006, section 89 of Act 20 of 2006, section 85 of Act 8 of 2007, Government Notice R.958 in *Government Gazette* 30370 of 12 October 2007, section 107 of Act 35 of 2007, Government Notice R.766 in *Government Gazette* 32416 of 24 July 2009, section 143 of Act 24 of 2011 and section 181 of Act 31 of 2013

107. (1) Schedule 1 to the Value-Added Tax Act, 1991, is hereby amended by the substitution in paragraph 7 for subparagraph *(a)* of the following subparagraph:

''*(a)* **[goods and]** foodstuffs set forth in **[Part A and]** Part B of Schedule 2 to this Act, but subject to such conditions as may be prescribed in the said Part; or''.

(2) Subsection (1) comes into operation on a date determined by the Minister by notice in the *Gazette* which notice may not be published earlier than 12 months after the promulgation of this Act.

Aksynswet**[, 1964 (Wet No. 91 van 1964),]** by kennisgewing in die Staatskoerant en dit nodig is as gevolg daarvan Bylae 1 van die Wet te wysig, die Minister mag by soortgelyke kennisgewing die toepaslike Bylae 1 wysig.

(b) Die bepalings van artikel **[48(6)]** 14 van **[Doeane en]** die Doeanewet of die Aksynswet**[, 1964]**, is *mutatis mutandis* van toepassing ten opsigte van enige wysiging deur die Minister kragtens hierdie subartikel.".

(2) Subartikel (1) tree in werking op die datum waarop Wet op Doeanebeheer, 2014, van krag word.

Wysiging van artikel 86A van Wet 89 van 1991, soos gewysig deur artikel 176 van Wet 60 van 2001

106. (1) Artikel 86A van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby deur die volgende artikel vervang:

"**Bepalings met betrekking tot Nywerheidsontwikkelingsones**

86A. Waar 'n bepaling van die **[Doeane- en Aksynswet of]** Wet op Doeanebeheer, die Wet op Vervaardigingsontwikkeling, 1993 (Wet No. 187 van 1993) of die 'Special Economic Zones Act' of 'n regulasie daarkragtens uitgevaardig wat die administrasie van **[Nywerheidsontwikkelingsones]** IDZ's or SEZ's beheer, met inbegrip van 'n aangeleentheid met betrekking tot die aanspreeklikheid vir of die heffing van belasting op toegevoegde waarde of 'n terugbetaling daarvan of 'n lewering van goed of dienste onderworpe aan belasting teen die nulkoers, nie in ooreenstemming of in stryd is met 'n bepaling van hierdie Wet, sal die bepaling van hierdie Wet geld.".

(2) Subartikel (1) tree in werking op die datum waarop Wet op Doeanebeheer, 2014, van krag word.

Wysiging van Bylae 1 tot Wet 89 van 1991, soos vervang deur artikel 177 van Wet 60 van 2001, gewysig deur artikel 58 van Wet 30 van 2002, artikel 121 van Wet 74 van 2002, Goewermentskennisgewing R.111 in *Staatskoerant* 24274 van 17 Januarie 2003, artikel 189 van Wet 45 van 2003, artikel 52 van Wet 16 van 2004, artikel 53 van Wet 16 van 2004, artikel 54 van Wet 16 van 2004, artikel 55 van Wet 16 van 2004, artikel 108 van Wet 32 van 2004, artikel 111 van Wet 31 van 2005, artikel 112 van Wet 31 van 2005, artikel 113 van Wet 31 van 2005, artikel 114 van Wet 31 van 2005, artikel 115 van Wet 31 van 2005, artikel 116 van Wet 31 van 2005, artikel 117 van Wet 31 van 2005, artikel 118 van Wet 31 van 2005, artikel 119 van Wet 31 van 2005, artikel 120 van Wet 31 van 2005, artikel 121 van Wet 31 van 2005, artikel 122 van Wet 31 van 2005, artikel 123 van Wet 31 van 2005, artikel 52 van Wet 9 van 2006, artikel 53 van Wet 9 van 2006, artikel 89 van Wet 20 van 2006, artikel 85 van Wet 8 van 2007, Goewermentskennisgewing R.958 in *Staatskoerant* 30370 van 12 Oktober 2007, artikel 107 van Wet 35 van 2007, Goewermentskennisgewing R.766 in *Staatskoerant* 32416 van 24 Julie 2009 en artikel 143 van Wet 24 van 2011 en artikel 181 van wet 31 van 2013

107. (1) Bylae 1 tot die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in paragraaf 7 subparagraaf *(a)* deur die volgende subparagraaf te vervang:

"*(a)* **[goed en]** voedingsmiddele soos uiteengesit in **[Deel A en]** Deel B van Bylae 2 by hierdie Wet, maar behoudens daardie voorwaardes wat in genoemde Deel voorgeskryf word; of".

(2) Subartikel (1) tree in werking op 'n datum bepaal deur die Minister by kennisgewing in die *Staatskoerant* welke kennisgewing nie vroeër as 12 maande na die promulgasie van hierdie Wet gepubliseer mag word nie.

Amendment of Schedule 2 to Act 89 of 1991, as amended by section 49 of Act 136 of 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, section 73 of Act 19 of 2001, section 56 (1) of Act 16 of 2004 and section 108 of Act 35 of 2007

108. (1) Schedule 2 to the Value-Added Tax Act, 1991, is hereby amended by the repeal of Part A.

(2) Subsection (1) comes into operation on a date determined by the Minister by notice in the *Gazette* which notice may not be published earlier than 12 months after the promulgation of this Act.

Repeal of Act 38 of 1996

109. (1) The Tax on Retirement Funds Act, 1996, is hereby repealed.

(2) Subsection (1) comes into operation on 1 January 2015.

Amendment of section 1 of Act 25 of 2007, as amended by section 145 of Act 24 of 2011 and section 153 of Act 22 of 2012

110. (1) Section 1 of the Securities Transfer Tax Act, 2007, is hereby amended—

(a) by the substitution for the definition of ‘‘exchange’’ of the following definition:

‘‘ **‘exchange’** means an ‘exchange’ as defined in section 1 of the **[Securities Services Act, 2004 (Act No. 36 of 2004),]** Financial Markets Act and licensed under section **[10]** 9 of that Act;’’;

(b) by the substitution for the definition of ‘‘exchange rules’’ of the following definition:

‘‘ **‘exchange rules’** means the exchange rules as defined in section 1 of the **[Securities Services Act, 2004 (Act No. 36 of 2004),]** Financial Markets Act or **[a]** an exchange directive **[issued in accordance with section 11(1)*(c)*]** contemplated in section 17(2)*(z)* of that Act;’’;

(c) by the insertion in subsection (1) after the definition of ‘‘financial instrument’’ of the following definition:

‘‘ **‘Financial Markets Act’** means the Financial Markets Act, 2012 (Act No. 19 of 2012);’’;

(d) by the substitution for the definition of ‘‘member’’ of the following definition:

‘‘ **‘member’** means any person who is an ‘authorised user’ as defined in section 1 of the **[Securities Services Act, 2004 (Act No. 36 of 2004),]** Financial Markets Act providing such security services as the rules of the exchange permit including services in respect of the buying and selling of a listed security;’’; and

(e) by the substitution for the definition of ‘‘participant’’ of the following definition:

‘‘ **‘participant’** means a person that holds in custody and administers a listed security or an interest in a listed security and that has been **[accepted]** authorised in **[terms of]** accordance with section **[34]** 31 of the **[Securities Services Act, 2004 (Act No. 36 of 2004),]** Financial Markets Act by a central securities depository as a participant in that central securities depository;’’.

(2) Subsection (1) is deemed to have come into operation on 3 June 2013.

Amendment of section 139 of Act 24 of 2011

111. (1) Section 139 of the Taxation Laws Amendment Act, 2011, is hereby amended by the substitution for subsection (2) of the following subsection:

‘‘(2) Subsection (1) comes into operation on the date of promulgation of this Act and ceases to apply on 1 January **[2015]** 2018.’’.

(2) Subsection (1) is deemed to have come into operation on 10 January 2012.

Wysiging van Bylae 2 tot Wet 89 van 1991, soos gewysig deur artikel 49 van Wet 136 van 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, artikel 73 van Wet 19 van 2001, artikel 56(1) van Wet 16 van 2004 en artikel 108 van Wet 35 van 2007

108. (1) Bylae 2 tot die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur Deel A ter herroep.

(2) Subartikel (1) tree in werking op 'n datum bepaal deur die Minister by kennisgewing in die *Staatskoerant* welke kennisgewing nie vroeër as 12 maande na die promulgasie van hierdie Wet gepubliseer mag word nie.

Herroeping van Wet 38 van 1996

109. (1) Wet op Belasting op Uittreefondse, 1996, word hierby herroep.

(2) Subartikel (1) tree in werking op 1 Januarie 2015.

Wysiging van artikel 1 van Wet 25 van 2007, soos gewysig deur artikel 145 van Wet 24 van 2011 en artikel 153 van Wet 22 van 2012

110. (1) Artikel 1 van die Wet op Belasting op oordrag van Sekuriteite, 2007, word hierby gewysig—

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

" **'beurs'** 'n 'exchange' soos omskryf in artikel 1 van die **['Securities Services Act, 2004' (Wet No. 36 van 2004),]** 'Financial Markets Act' en kragtens artikel **[10]** 9 van daardie Wet gelisensieer;";

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

" **'beursreëls'** die beursreëls soos omskryf in artikel 1 van die **['Securities Services Act, 2004' (Wet No. 36 van 2004),]** 'Financial Markets Act' of 'n **[voorskrif uitgereik ooreenkomstig artikel (1)*(c)*]** beursvoorskrif beoog in artikel 17(2)*(z)* van daardie Wet;";

(c) deur die omskrywing van "deelnemer" deur die volgende omskrywing te vervang:

" **'deelnemer'** 'n persoon wat 'n genoteerde sekuriteit of 'n belang in 'n genoteerde sekuriteit in bewaring hou en administreer en wat ingevolge artikel **[34]** 31 van die **[Securities Services Act, 2004 (Wet No. 36 van 2004), aanvaar]** 'Financial Markets Act' gemagtig is deur 'n sentrale effektebewaarnemer as 'n deelnemer aan daardie sentrale effektebewaarnemer;";

(d) deur in subartikel (1) na die omskrywing van "finansiële instrument" die volgende omskrywing in te voeg:

" **'Financial Markets Act'** die 'Financial Markets Act, 2012' (Wet No. 19 van 2012);"; en

(e) deur die omskrywing van "lid" deur die volgende omskrywing te vervang:

" **'lid'** 'n persoon wat 'n **'authorised user'** is soos omskryf in artikel 1 van die **['Securities Services Act, 2004' (Wet No. 36 van 2004),]** 'Financial Markets Act' wat die sekuriteitsdienste lewer wat die reëls van die beurs toelaat insluitende dienste ten opsigte van die koop en verkoop van 'n genoteerde sekuriteit;".

(2) Subartikel (1) word geag op 3 Junie 2013 in werking te getree het.

Wysiging van artikel 139 van Wet 24 van 2011

111. (1) Artikel 139 van die Wysigingswet op Belastingwette, 2011 word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op die datum van promulgasie van hierdie Wet en hou op om van toepassing te wees op 1 Januarie **[2015]** 2018.".

(2) Subartikel (1) word geag op 10 Januarie 2012 in werking te getree het.

Amendment of section 1 of Act 26 of 2013

112. (1) Section 1 of the Employment Tax Incentive Act, 2013, is hereby amended by the substitution for the definition of ''monthly remuneration'' of the following definition:

'' **'monthly remuneration'**—

(a) where an employer employs a qualifying employee for more than 160 hours in a month, means the amount paid or payable to the qualifying employee by the employer in respect of **[that]** a month; or

(b) where an employer employs a qualifying employee for **[part of]** less than 160 hours in a month, means **[the]** an amount **[that would have been payable in respect of that month had that employer employed that employee for the entire month]** calculated in terms of section 7(5);''.

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of section 4 of Act 26 of 2013

113. (1) Section 4 of the Employment Tax Incentive Act, 2013, is hereby amended by the substitution in subsection (1)*(b)* for subparagraphs (i) and (ii) of the following subparagraphs, respectively:

''(i) where the employee is employed for more than 160 hours in a month, the amount of R2 000 in respect of a month; or

(ii) where the employee is employed for less than 160 hours in a month, an amount that bears to the amount of R2 000 the same ratio as **[the number of days that the employee worked during that month bears to the number of days that the employee would have worked had the employee been employed for a full month]** 160 hours bears to the number of hours that the employee was employed for by that employer in that month.''.

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of section 5 of Act 26 of 2013

114. (1) Section 5 of the Employment Tax Incentive Act, 2013, is hereby amended by the substitution in subsection (2) for paragraph *(a)* of the following paragraph:

''*(a)* the resolution of a dispute, whether by agreement, order of court or otherwise, reveals that the dismissal of that employee constitutes an automatically unfair dismissal in terms of section **[187*(f)*]** 187(1)*(f)* of the Labour Relations Act; and''.

(2) Subsection (1) is deemed to have come into operation on 1 January 2014.

Amendment of section 6 of Act 26 of 2013

115. (1) Section 6 of the Employment Tax Incentive Act, 2013, is hereby amended—

(a) by the deletion in paragraph *(b)* of the word ''or'' at the end of subparagraph (i), by the insertion in that paragraph of the word ''or'' at the end of subparagraph (ii) and by the addition to that paragraph of the following subparagraph:

''(iii) is in possession of an identity document issued in terms of section 30 of the Refugees Act, 1998 (Act No. 130 of 1998);''; and

(b) by the deletion of the word ''and'' at the end of paragraph *(e)*, the insertion of the expression''; and''; at the end of paragraph *(f)* and the addition of the following subparagraph:

''*(g)* receives remuneration in an amount less than R6 000 in respect of a month.''.

(2) Subsection (1) is deemed to have come into operation on 1 January 2014.

Amendment of section 7 of Act 26 of 2013

116. (1) Section 7 of the Employment Tax Incentive Act, 2013, is hereby amended by the substitution for subsection (5) of the following subsection:

Ku cinciwa ka xiyenge xa 1 xa Nawu wa 26 wa 2013

112. (1) Xiyenge xa 1 xa Nawu wa ku Vuyeriwa hi Xibalo xa Matholelo, 2013, wa cinciwa hi ku siviwa ka nhlamuselo ya "muholo wa n'hweti" ya nhlamuselo leyi landzelaka:

" **'muholo wa n'hweti'**—

(a) laha muthori a tholaka mutirhi loyi a fikelelaka ku hundza tiawara ta 160 eka n'hweti, swi vula ntsengo lowu hakeriwaka kumbe wu faneleke ku hakeriwa muthirhi loyi a fikelelaka hi muothori mayelana na n'hweti **[yoleyo]** n'hweti; kumbe

(b) laha muthori a tholaka mutirhi loyi a fikelelaka **[xiphemu xa]** ehansi ka tiawara ta 160 eka n'hweti, swi vula ntsengo **[lowu nga ta va wu fanele ku va wu hakeriwa mayelana na n'hweti yoleyo loko muthori yoloye a thorile mutirhi yoloye n'hweti hinkwayo]** lowu khalikhuletiwaka hi ku landza xiyenge xa (7)(5);".

(2) Xiyengentsongo xa (1) xi sungula ku tirha hi 1 Nyenyankulu 2015.

Ku cinciwa ka xiyenge xa 4 xa Nawu wa 26 wa 2013

113. (1) Xiyenge xa 4 xa Nawu wa ku Vuyeriwa hi Xibalo xa Matholelo, 2013, xa cinciwa hi ku siviwa ka tindzimanantsongo ta (i) na (ii) eka xiyengentsongo xa (1)*(b)* hi tindzimanantsongo leti landzelaka, hi ku landzelelana ka tona:

"(i) laha mutirhi a thoriweke ku hundza tiawara ta160 eka n'hweti, ntsengo wa R2 000 eka n'hweti; kumbe

(ii) laha mutirhi a thoriweke ehansi ka tiawara ta 160 eka n'hweti, ntsengo lowu nyikaka ntsengo wa R2 000 rhexiyo leyi fanaka tanihi **[nhlayo ya masiku lama mutirhi a ma tirheke eka n'hweti yoleyo ma nyika nhlayo ya masiku lama mutirhi a ta va a ma tirhile loko mutirhi a thoriwile n'hweti leyi heleleke]** 160 wa tiawara ti nyika nhlayo ya tiawara leti mutirhi a thoriweke tona hi muthori yoloye eka n'hweti yoleyo.".

(2) Xiyengentsongo xa (1) xi sungula ku tirha hi 1 Nyenyankulu 2015.

Ku cinciwa ka xiyenge xa 5 xa Nawu wa 26 wa 2013

114. (1) Xiyenge xa 5 xa Nawu wa ku Vuyeriwa hi Xibalo xa Matholelo, 2013, xa cinciwa hi ku siviwa ka ndzimana ya *(a)* eka xiyengentsongo xa (2) ya ndzimana leyi landzelaka:

"*(a)* xintshunxo xa nkwetlembetano, ku nga ha va hi ku twanana, xileriso xa khoto kumbe hi ndlela yin'wana, swi komba leswaku ku hlongoriwa ka mutirhi yoloye xikan'wekan'we swi va ku hlongoriwa hi ndlela yo ka yi nga ri kahle ku ya hi xiyenge xa **[187*(f)*]** 187(1)*(f)* xa *Labour Relations Act*; naswona".

(2) Xiyengentsongo xa(1) xi tekiwa ku va xi sungule ku tirha hi 1 Sunguti 2014.

Ku cinciwa ka xiyenge xa 6 xa Nawu wa 26 wa 2013

115. (1) Xiyenge xa 6 xa Nawu wa ku vuyeriwa hi Xibalo xa Matholelo, 2013, xa cinciwa—

(a) hi ku susiwa ka rito "kumbe" emakumu ka ndzimanantsongo ya (i) eka ndzimana ya *(b)*, hi ku nghenisiwa ka rito "kumbe" eka ndzimana yoleyo emakumu ka ndzimanantsongo ya (ii) na ku tatisiwa ka ndzimanantsongo leyi landzelaka eka ndzimana yoleyo:

"(iii) a ri na tsalwa ra vutitivisi leri nyikiweke hi ku landza xiyenge xa 30 xa *Refugees Act*, 1998 (Nawu wa No. 130 wa 1998);"; na

(b) hi ku susiwa ka rito "na" emakumu ka ndzimana ya *(e)*, ku nghenisiwa ka rito";na"; emakumu ka ndzimana ya *(f)* na ku tatisiwa ka ndzimanantsongo leyi landzelaka:

"*(g)* a kuma muholo wa ntsengo lowu nga ehansi ka R6 000.".

(2) Xiyengentsongo xa (1) xi tekiwa ku va xi sungule ku tirha hi 1 Sunguti 2014.

Ku cinciwa ka xiyenge xa 7 xa Nawu wa 26 wa 2013

116. (1) Xiyenge xa 7 xa Nawu wa ku Vuyeriwa hi Xibalo xa Matholelo, 2013, xa cinciwa hi ku siviwa ka xiyengentsongo xa (5) xa xiyengentsongo lexi landzelaka:

"(5) If an employer employs a qualifying employee for less than 160 hours in a month, the employment tax incentive to be received in respect of that month in respect of that qualifying employee must be an amount that bears to the total amount calculated in terms of subsection (2) or (3) the same ratio as the number of hours that the qualifying employee was employed by that employer in that month bears to the number 160.".

(2) Subsection (1) comes into operation on 1 March 2015.

Amendment of section 9 of Act 26 of 2013

117. (1) Section 9 of the Employment Tax Incentive Act, 2013, is hereby amended by the deletion of subsection (4).

(2) Subsection (1) is deemed to have come into operation on 1 January 2014.

Amendment of section 10 of Act 26 of 2013

118. (1) Section 10 of the Employment Tax Incentive Act, 2013, is hereby amended by the addition of the following subsections:

"(5) Where—

(a) an employer has claimed payment in terms of subsection (1); and

(b) the amount contemplated in subsection (2) was not paid in terms of subsection (4),

that amount must be paid to an employer during any month in the period for which the employer is required to render a return in terms of paragraph 14(3)*(a)* of the Fourth Schedule to the Income Tax Act subsequent to the period contemplated in subsection (1) in the first month during that period in which the employer is not subject to subsection (4).

(6) Where an amount contemplated in subsection (2) is not paid by virtue of subsection (4) and (5) that amount must be deemed to be nil at the end of the period contemplated in subsection (5).".

(2) Subsection (1) is deemed to have come into operation on 1 January 2014.

Amendment of section 4 of Act 31 of 2013

119. (1) Section 4 of the Taxation Laws Amendment Act, 2013, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (*z*E) of the following paragraph:

"*(z*E*)* by the substitution in subsection (1) in paragraph (ii) of the proviso to paragraph *(c)* of the definition of 'pension fund' for subparagraph *(dd)* of the following subparagraph:

'*(dd)* that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed **[R50 000]** R100 000 or where the employee is deceased: Provided that in determining the value of the retirement interest the aggregate of the value of—

(A) any contributions made to a provident fund prior to 1 March 2016;

(B) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2016, any contributions made after 1 March 2016 to the provident fund of which that person is a member on 1 March 2016; and

(C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in items (A) and (B),

must not be taken into account;';"; and

"(5) loko muthori a thola mutirhi loyi a fikelelaka ehansi ka tiawara ta 160 eka n'hweti, ku vuyeriwa hi xibalo xa matholelo swi ta amukeriwa mayelana na n'hweti yoleyo eka mutirhi loyi a fikelelaka swi fanele ku va ntsengo lowu nyikaka ntsengo hinkwawo lowu khalikhuletiweke hi ku landza xiyengentsongo xa (2) kumbe (3) rhexiyo leyi fanaka tanihi nhlayo ya tiawara leti mutirhi loyi a fikelelaka a thoriwile tona hi muthori yoloye eka n'hweti yoleyo ti nyika nhlayo ya 160.".

(2) Xiyengentsongo xa (1) xi sungula ku tirha hi 1 Nyenyankulu 2015.

Ku cinciwa ka xiyengentsongo xa 9 xa Nawu wa 26 wa 2013

117. (1) Xiyenge xa 9 xa Nawu wa ku vuyeriwa hi Xibalo xa Matholelo, 2013, xa cinicwa hi ku susiwa ka xiyengentsongo xa (4).

(2) Xiyengentsongo xa (1) xi tekiwa ku va xi sungule ku tirha hi 1 Sunguti 2014.

Ku cinciwa ka xiyenge xa 10 xa Nawu wa 26 wa 2013

118. (1) Xiyenge xa 10 xa Nawu wa ku vuyeriwa hi Xibalo xa Matholelo, 2013, xa cinciwa hi ku nghenisiwa ka swiyengentsongo leswi landzelaka:

"(5) Laha—

(a) muthori a nga koxa hakelo hi ku landza xiyengentsongo xa (1); na

(b) ntsengo lowu langutisiweke eka xiyengentsongo xa (2) wu nga hakeriwanga hi ku landza xiyengentsongo xa (4), ntsengo wolowo wu fanele ku hakeriwa muthori eka n'hweti yihi kumbe yihi eka nkarhi lowu muthori a faneleke ku yisa rhithene hi ku landza ndzimana ya 14(3)*(a)* ya Xedulu ya Vumune ya Nawu wa Xibalo xa Muholo ku landza nkarhi lowu langutisiweke eka xiyengentsongo xa (1) eka n'hweti yo sungula eka nkarhi wolowo lowu muthori a nga landzeleliki xiyengentsongo xa (4).

(6) Laha ntsengo lowu langutisiweke eka xiyengentsongo xa (2) wu nga hakeriwiki hikwalaho ka xiyengentsongo xa (4) na (5) ntsengo wolowo wu fanele ku tekiwa ku va wu nga ri nchumu eka ku hela ka nkarhi lowu langutisiweke eka xiyengentsongo xa (5).".

(2) Xiyengentsongo xa (1) xi tekiwa ku va xi sungule ku tirha hi 1 Sunguti 2014.

Wysiging van artikel 4 van Wet 31 van 2013

119. (1) Artikel 4 van die Wysigingswet op Belastingwette, 2013 word hierby gewysig—

(a) deur in subartikel (1) paragraaf *(z*E*)* deur die volgende paragraaf te vervang:

"*(z*E*)* deur in subartikel (1) in paragraaf (ii) van die voorbehoudsbepaling tot paragraaf *(c)* van die omskrywing van "pensioenfonds" subparagraaf *(dd)* deur die volgende subparagraaf te vervang:

'*(dd)* dat hoogstens een-derde van die totale waarde van die **[jaargeld of jaargelde waarop 'n werknemer geregtig word,]** uittreebelang deur 'n enkele betaling vervang kan word en dat die restant in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit) betaal moet word, behalwe waar twee-derdes van die totale waarde nie **[R50 000]** R100 000 te bowe gaan nie of waar die werknemer oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang die totaal van die waarde van—

(A) enige bydraes voor 1 Maart 2016 gemaak aan 'n voorsorgsfonds;

(B) in die geval van 'n persoon wat 'n lid van 'n voorsorgsfonds is en wat op 1 Maart 2016, 55 jaar of ouer is, enige bydraes gemaak na 1 Maart 2016 aan die voorsorgsfonds waarvan daardie persoon op 1 Maart 2016 'n lid is; en

(C) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in items (A) en (B),

nie in berekening gebring moet word nie';"; en

(b) by the substitution for paragraph (*z*J) of the following paragraph:

“*(z*J*)* by the substitution in subsection (1) in the definition of ‘pension preservation fund’ for paragraph *(e)* of the proviso of the following paragraph:

‘*(e)* not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed **[R50 000]** R100 000 or where the member is deceased: Provided that in determining the value of the retirement interest the aggregate of the value of—

(A) any contributions made to a provident fund prior to 1 March 2016;

(B) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2016, any contributions made after 1 March 2016 to the provident fund of which that person is a member on 1 March 2016; and

(C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in items (A) and (B),

must not be taken into account’;”;

(c) by the substitution for paragraph (*z*V) of the following paragraph:

“*(z*V*)* by the addition in subsection (1) to the definition of ‘provident preservation fund’ after paragraph *(d)* of the proviso of the following paragraph:

‘*(e)* that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed R100 000 or where the employee is deceased: Provided that in determining the value of the retirement interest the aggregate of the value of—

(A) any contributions made to a provident fund prior to 1 March 2016;

(B) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2016, any contributions made after 1 March 2016 to the provident fund of which that person is a member on 1 March 2016; and

(C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in items (A) and (B),

must not be taken into account:’;”; and

(d) by the addition after subsection (14) of the following subsection:

“(15) Paragraphs *(z*E*), (z*J*), (z*O*), (z*V*), (zZc) and (zZe)* of subsection (1) come into operation on 1 March 2016.”.

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 5 of Act 31 of 2013

120. (1) Section 5 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subsection (1) comes into operation on 1 March **[2015]** 2016 and applies in respect of contributions made on or after that date.”.

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

(b) deur paragraaf *(z*J*)* deur die volgende paragraaf te vervang:

"*(z*J*)* deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" paragraaf *(e)* van die voorbehoudsbepaling deur die volgende paragraaf te vervang:

'*(e)* hoogstens een-derde van die totale waarde van die uittreebelang in 'n enkele betaling omskep kan word en dat die restant in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit) betaal moet word, behalwe waar twee-derdes van die totale waarde nie **[R50 000]** R100 000 te bowe gaan nie of waar die lid oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang die totaal van die waarde van—

(A) enige bydraes gemaak aan 'n voorsorgsfonds voor 1 Maart 2016;

(B) in die geval van 'n persoon wat 'n lid van 'n voorsorgsfonds is en wat 55 jaar of ouer is op 1 Maart 2016, enige bydraes gemaak na 1 Maart 2016 aan die voorsorgsfonds waarvan daardie persoon op 1 Maart 2016 'n lid is; en

(C) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in items (A) en (B),

nie in berekening gebring moet word nie';"; en

(c) deur paragraaf *(z*V*)* deur die volgende paragraaf te vervang:

"*(z*V*)* deur in subartikel (1) tot die omskrywing van "voorsorgbewaringsfonds" na paragraaf *(d)* van die voorbehoudsbepaling die volgende paragraaf by te voeg:

'*(e)* hoogstens een-derde van die totale waarde van die uittreebelang in 'n enkele betaling omskep kan word en dat die restant in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R100 000 te bowe gaan nie of waar die lid oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang die totaal van die waarde van—

(A) enige bydraes voor 1 Maart 2016 gemaak aan 'n voorsorgsfonds;

(B) in die geval van 'n persoon wat 'n lid van 'n voorsorgsfonds is en wat 55 jaar of ouer is op 1 Maart 2016, enige bydraes gemaak na 1 Maart 2016 aan die voorsorgsfonds waarvan daardie persoon op 1 Maart 2016 'n lid is; en

(C) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in items (A) en (B),

nie in berekening gebring moet word nie:';"; en

(d) deur na subartikel (14) die volgende subartikel by te voeg:

"(15) Paragrawe *(z*E*)*, *(z*J*)*, *(z*O*)*, *(z*V*)*, *(zZc)* en *(zZe)* van subartikel (1) tree in werking op 1 Maart 2016.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 5 van Wet 31 van 2013

120. (1) Artikel 5 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bydraes gemaak gedurende jare van aanslag wat op of na daardie datum begin.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Amendment of section 26 of Act 31 of 2013

121. (1) Section 26 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 March **[2015]** 2016 and applies in respect of contributions made during years of assessment commencing on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 27 of Act 31 of 2013

122. (1) Section 27 of the Taxation Laws Amendment Act, 2013, is hereby amended—

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

"*(k)* by the substitution for paragraph *(k)* of the following paragraph:

'*(k)* any amount contributed during a year of assessment to any pension fund, provident fund or retirement annuity fund in terms of the rules of that fund by a person that is a member of that fund: Provided that—

(i) the total deduction to be allowed in terms of this paragraph must not in the year of assessment exceed the lesser of—

(aa) R350 000; or

(bb) 27,5 per cent of the higher of the person's—

(A) remuneration (other than in respect of any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit) as defined in paragraph 1 of the Fourth Schedule; or

(B) taxable income (other than in respect of any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit) as determined before allowing any deduction under this paragraph;

(ii) any amount so contributed in any previous year of assessment which has been disallowed solely by reason of the fact that it exceeds the amount of the deduction allowable in respect of that year of assessment is deemed to be an amount so contributed in the current year of assessment, except to the extent that the amount so contributed has been—

(aa) allowed as a deduction against income in any year of assessment;

(bb) accounted for under paragraph 5(1)*(a)* or 6(1)*(b)*(i) of the Second Schedule; or

(cc) exempted under section 10C;

(iii) any amount so contributed by an employer of the person for the benefit of the person must, to the extent that the amount has been included in the income of the person as a taxable benefit in terms of the Seventh Schedule, be deemed to have been contributed by the person; and

(iv) for the purposes of this paragraph, a partner in a partnership must be deemed to be an employee of the partnership and a partnership must be deemed to be the employer of the partners in that partnership;';"; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) Paragraphs *(k)*, *(l)* and *(m)* of subsection (1) come into operation on 1 March **[2015]** 2016 and apply in respect of amounts contributed on or after that date.".

(2) Paragraph *(a)* of subsection (1) comes into operation on 1 March 2016.

(3) Paragraph *(b)* of subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 29 of Act 31 of 2013

123. (1) Section 29 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution in subsection (1) for paragraph *(p)* of the following paragraph:

Wysiging van artikel 26 van Wet 31 van 2013

121. (1) Artikel 26 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bydraes gemaak gedurende jare van aanslag wat op of na daardie datum begin.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 27 van Wet 31 van 2013

122. (1) Artikel 27 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig—

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

"*(k)* deur paragraaf *(k)* deur die volgende paragraaf te vervang:

'*(k)* enige bedrag bygedra gedurende 'n jaar van aanslag tot enige pensioenfonds, voorsorgsfonds of uittredingannuïteitsfonds ingevolge die reëls van daardie fonds deur 'n persoon wat 'n lid van daardie fonds is: Met dien verstande dat—

(i) die totale aftrekking ingevolge hierdie paragraaf toegelaat nie in die jaar van aanslag te bowe mag gaan nie die minste van—

(aa) R350 000; of

(bb) 27,5 persent van die hoogste van die persoon se—

(A) besoldiging (buiten ten opsigte van enige uittreefonds-enkelbedragvoordeel, uittreefonds-enkelbedragonttrekkingsvoordeel en skeidingsvoordeel) soos omskryf in paragraaf 1 van die Vierde Bylae; of

(B) belasbare inkomste (buiten ten opsigte van enige uittreefonds-enkelbedragvoordeel, uittreefonds-enkelbedragonttrekkingsvoordeel en skeidingsvoordeel) soos bepaal voordat enige aftrekking kragtens hierdie paragraaf toegelaat word;

(ii) enige bedrag aldus in enige vorige jaar van aanslag bygedra wat nie toegelaat is nie slegs omrede dit die bedrag van die aftrekking toelaatbaar ten opsigte van daardie jaar van aanslag te bowe gaan, geag word 'n bedrag aldus bygedra—

(aa) as 'n aftrekking teen inkomste in enige jaar van aanslag toegelaat;

(bb) kragtens paragraaf 5(1)*(a)* of 6(1)*(b)*(i) van die Tweede Bylae in rekening gebring is; of

(cc) kragtens artikel 10C vrygestel is;

(iii) enige bedrag aldus bygedra deur 'n werkgewer van die persoon ten behoewe van die persoon, namate die bedrag by die inkomste van die persoon as 'n belasbare voordeel ingevolge die Sewende Bylae ingesluit is, geag moet word deur die persoon bygedra te wees; en

(iv) 'n vennoot in 'n vennootskap geag moet word 'n werknemer van die vennootskap te wees en 'n vennootskap geag moet word die werkgewer van die vennote in daardie vennootskap te wees;';"; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Paragrawe *(k)*, *(l)* en *(m)* van subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bedrae op of na daardie datum bygedra.".

(2) Paragraaf *(a)* van subartikel (1) tree in werking op 1 Maart 2016.

(3) Paragraaf *(b)* van subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 29 van Wet 31 van 2013

123. (1) Die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur in artikel 29 paragraaf *(p)* deur die volgende paragraaf te vervang:

"*(p)* by the substitution for subsection (14) of the following subsection:

'(14) **[*(a)*]** Notwithstanding Chapter 6 of the Tax Administration Act, the Commissioner may disclose to the Minister of Science and Technology information in relation to research and development—

(a) as may be required by that Minister for the purposes of submitting a report to Parliament in terms of subsection (17); and

(b) if that information is material in respect of the granting of approval under subsection (9) or a withdrawal of that approval in terms of subsection (10).' ".

(2) Subsection (1) is deemed to have come into operation on 1 January 2014 and applies in respect of expenditure incurred in respect of research and development on or after that date, but before 1 October 2022.

Amendment of section 92 of Act 31 of 2013

124. (1) Section 92 of the Taxation laws Amendment Act, 2013, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Paragraphs *(b)*, *(c)*, *(d)*, *(f)*, *(g)*, *(h)*, *(j)*, *(k)*, *(l)* and *(m)* of subsection (1) are deemed to have come into operation on **[4 July]** 24 October 2013 and apply in respect of transactions entered into on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 4 July 2013.

Amendment of section 98 of Act 31 of 2013

125. Section 98 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on **[1 January 2015]** 1 March 2015 and applies in respect of interest that is paid or that becomes due and payable on or after that date."

Amendment of section 108 of Act 31 of 2013

126. (1) Section 108 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

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

'*(b)* the dividends accrued to that company on or after the effective date—

(i) **[to the extent that]** in respect of which the company received a notification from the person paying the dividend of the amount by which the dividend reduces the STC credit of the company that paid and declared that dividend; and

(ii) if the notification contemplated in subparagraph (i) was received no later than the date that the dividend is paid,'; and".

(2) Subsection (1) is deemed to have come into operation on 1 April 2012.

Amendment of section 112 of Act 31 of 2013

127. (1) Section 112 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) come into operation on 1 March **[2015]** 2016 and applies in respect of amounts received or accrued on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 113 of Act 31 of 2013

128. (1) Section 113 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Paragraphs *(a)* and *(b)* of subsection (1) come into operation on 1 March **[2015]** 2016 and apply in respect of amounts received or accrued on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 117 of Act 31 of 2013

129. (1) Section 117 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"*(p)* deur subartikel (14) deur die volgende subartikel te vervang:

'(14) **[*(a)*]** Ondanks Hoofstuk 6 van die Wet op Belastingadministrasie, kan die Kommissaris aan die Minister van Wetenskap en Tegnologie inligting in verband met navorsing en ontwikkeling openbaar—

(a) soos vereis mag word deur daardie Minister ten einde 'n verslag ingevolge subartikel (17) aan Parlement voor te lê; en

(b) indien daardie inligting tersaaklik is ten opsigte van die verlening van goedkeuring kragtens subartikel (9) of 'n intrekking van daardie goedkeuring ingevolge subartikel (10).' ".

(2) Subartikel (1) word geag op 1 Januarie 2014 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum, maar voor 1 Oktober 2022.

Wysiging van artikel 92 van Wet 31 van 2013

124. (1) Artikel 92 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Paragrawe *(b)*, *(c)*, *(d)*, *(f)*, *(g)*, *(h)*, *(j)*, *(k)*, *(l)* en *(m)* van subartikel (1) word geag op **[4 Julie]** 24 Oktober 2013 in werking te getree het en is van toepassing ten opsigte van transaksies op of na daardie datum aangegaan.".

(2) Subartikel (1) word geag op 4 Julie 2013 in werking te getree het.

Wysiging van artikel 98 van Wet 31 van 2013

125. Artikel 98 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op **[1 Januarie 2015]** 1 Maart 2015 in werking en is van toepassing ten opsigte van rente wat op of na daardie datum betaal word of wat verskuldig en betaalbaar word.".

Wysiging van artikel 108 van Wet 31 van 2013

126. (1) Artikel 108 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(b)* die dividende op of na die intreedatum aan daardie maatskappy toegeval—

(i) **[namate]** ten opsigte waarvan die maatskappy 'n kennisgewing ontvang het van die persoon wat die dividend betaal van die bedrag waarmee die dividend die SBMkrediet verminder van die maatskappy wat daardie dividend betaal en verklaar het; en

(ii) indien die kennisgewing beoog in subparagraaf (i) ontvang is nie later nie as die datum waarop die dividend betaal word.'; en".

(2) Subartikel (1) word geag op 1 April 2012 in werking te getree het.

Wysiging van artikel 112 van Wet 31 van 2013

127. (1) Artikel 112 van die Wysigingswet op Belastingwette, 2013 word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bedrae op of na daardie datum ontvang of toegeval.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 113 van Wet 31 van 2013

128. (1) Artikel 113 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bedrae op of na daardie datum ontvang of toegeval.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 117 van Wet 31 van 2013

129. (1) Artikel 117 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Paragraphs *(a)* and *(c)* of subsection (1) come into operation on 1 March **[2015]** 2016 and apply in respect of contributions made on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 118 of Act 31 of 2013

130. (1) Section 118 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Paragraphs *(c)* and *(d)* of subsection (1) come into operation on 1 March **[2015]** 2016 and apply in respect of contributions made on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 125 of Act 31 of 2013

131. (1) Section 125 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 March **[2015]** 2016 and applies in respect of contributions made on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 171 of Act 31 of 2013

132. Section 171 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 **[April]** January 2014.".

Short title

133. This Act is called the Taxation Laws Amendment Act, 2014.

"(2) Paragrawe *(a)* en *(c)* van subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bydraes op of na daardie datum gemaak.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 118 van Wet 31 van 2013

130. (1) Artikel 118 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Paragrawe *(c)* en *(d)* van subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bydraes op of na daardie datum gemaak.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 125 van Wet 31 van 2013

131. (1) Artikel 125 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Maart **[2015]** 2016 in werking en is van toepassing ten opsigte van bydraes op of na daardie datum gemaak.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 171 van Wet 31 van 2013

132. (1) Artikel 171 van die Wysigingswet op Belastingwette, 2013 word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 **[April]** Januarie 2014 in werking.".

Kort titel

133. Hierdie Wet heet die Wysigingswet op Belastingwette, 2014.