



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 10380

Regulasiekoerant

Vol. 597

**Pretoria, 6 March
Maart 2015**

No. 38541

*N.B. The Government Printing Works will
not be held responsible for the quality of
"Hard Copies" or "Electronic Files"
submitted for publication purposes*



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

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

No.

Page
No. Gazette
No.**GOVERNMENT NOTICE****National Treasury***Government Notice*

R. 186 Income Tax Act (58/1962): Regulations in terms of Section 12L: On the allowance for energy efficiency savings..... 2 38541

GOVERNMENT NOTICE**NATIONAL TREASURY****No. R. 186****6 March 2015****INCOME TAX ACT, 1962****REGULATIONS IN TERMS OF SECTION 12L OF THE INCOME TAX ACT, 1962,
ON THE ALLOWANCE FOR ENERGY EFFICIENCY SAVINGS**

I, Nhlanhla Musa Nene, Minister of Finance, in terms of section 12L(5) of the Income Tax Act, 1962 (Act No. 58 of 1962), in consultation with the Minister of Energy and the Minister of Trade and Industry, hereby make the regulations as set out in the Schedule hereto.


NHLANHLA MUSA NENE, MP**MINISTER OF FINANCE**

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the regulations published by Government Notice No. R. 971 of 9 December 2013.

Amendment of regulation 6 of the Regulations

2. Regulation 6 of the Regulations is hereby amended—

- (a) by the deletion in subregulation (1) of the definitions of “energy from waste”, “waste heat” and “waste heat recovery”;
- (b) by the insertion in subregulation (1) after the definition of “combined heat and power” of the following definition:

“**energy conversion efficiency**” means the difference between the useful heat and equivalent kilowatt hours of energy output and the equivalent kilowatt hours of input energy expressed as a percentage”; and
- (c) by the substitution for subregulations (2) and (3) respectively of the following subregulations:
 - “(2) A person may not receive the allowance in respect of energy generated from renewable sources other than energy generated from combined heat and power.
 - (3) A person generating energy through a captive power plant may not receive the allowance unless the energy conversion efficiency of the plant is greater than 35 per cent.”.

Amendment of regulation 7 of the Regulations

3. Section 7 of the Regulations is hereby amended—

- (a) by the substitution for the words preceding paragraph (a) of the following words:

“For the purposes of section 12L(4) of the Income Tax Act any credit, allowance, grant, cost recovery agreement or other similar benefit granted by or through—”;
- (b) by the deletion of the word “or” at the end of paragraph (a);

(c) by the substitution for the comma at the end of paragraph (b) of the expression
“; or”; and

(d) by the addition after paragraph (b) and the substitution of the words following
paragraph (b) of the following paragraph and words:

“(c) any power purchase agreement as defined in Electricity Regulations on
New Generation Capacity made by the Minister of Energy under section
35 (4) of the Electricity Regulation Act, 2006 (Act No. 4 of 2006)
published by Government Notice 721 of 5 August 2009 in respect of the
IPP bid programme as defined in those regulations,
for any energy efficiency savings or the sale and purchase of electricity
constitutes a concurrent benefit.”.

Commencement

4. These regulations come into operation on 1 April 2015.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 748 6052, 748 6053, 748 6058

Advertisements: Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211

Subscriptions: Tel: (012) 748 6054, 748 6055, 748 6057

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 748 6052, 748 6053, 748 6058

Advertensies: Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211

Subskripsies: Tel: (012) 748 6054, 748 6055, 748 6057