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OFFISIELLE KOERANT

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PROCLAMATION

(Approved by the State President on 31 January 1985)
Administrator-General for the Territory of South West Africa
Administrator-General for the Territory of South West Africa
by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 31 January 1985)

No. AG. 10 Friday 22 March 1985

AMENDMENT OF THE INCOME TAX ACT, 1981 (ACT 24 OF 1981)

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

W.A. VAN NIEKERK
Administrator-General
Windhoek, 6 March 1985

SCHEDULE

Amendment of section 1 of Act 24 of 1981

1. (1) Section 1 of the Income Tax Act, 1981 (hereinafter referred to as the "Act"), is hereby amended by the substitution for the definition of "married person" of the following definition:

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PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 31 Januarie 1985)

Nr. AG. 10 Friday 22 Maart 1985

WYSIGING VAN DIE INKOMSTEBELASTINGWET, 1981 (WET 24 VAN 1981)

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

W.A. VAN NIEKERK
Administrator-general
Windhoek, 6 Maart 1985

BYLAE

Wysiging van artikel 1 van Wet 24 van 1981

1. (1) Artikel 1 van die Inkomstebelastingwet, 1981 (hieronder die "Wet" genoem), word hierby gewysig deur die omskrywing van "getroude persoon" deur die volgende omskrywing te vervang:

"(xvii) 'married person' means any person who during any portion of the period in respect of which any assessment is made, was married or was a widower or widow but does not include any person who, although married, was during the whole of such period separated from his spouse under a judicial order or written agreement; (xxiv)".

(2) Subsection (1) shall take effect as from the commencement of the years of assessment ending on or after 28 February 1986.

Amendment of section 6 of Act 24 of 1981, as amended by section 1 of Act 12 of 1982

2. (1) Section 6 of the Act is hereby amended by the addition to paragraph (d) of subsection (2) of the following proviso:

"Provided that there shall be added to the amount of the tax determined in accordance with this paragraph, a surcharge equal to ten per cent of the said amount;".

(2) Subsection (1) shall be deemed to have come into operation from the beginning of the financial year of a company ending on or after 1 January 1984.

Amendment of section 7 of Act 24 of 1981

3. Section 7 of the Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) Subject to the provisions of subsection (5), there shall, for the purposes of this section in respect of any taxpayer who is a natural person, be allowed by way of income rebate the amount of R1 000 if, during any part of the year of assessment, such taxpayer was the owner of a house, or of a flat bought in terms of the Sectional Titles Act, 1971 (Act 66 of 1971), situated in the territory in an area under the control of a local authority, and such house or flat served as such taxpayer's normal, permanent abode during any part of the year of assessment."

Amendment of section 15 of Act 24 of 1981

4. Section 15 of the Act is hereby amended by the addition of the following subsections:

"(xxiv) 'getroude persoon' iemand wat gedurende enige gedeelte van die tydperk ten opsigte waarvan 'n aanslag gedoen word getroud was of 'n wewenaar of weduwee was, maar sluit nie 'n persoon in nie wat, alhoewel getroud, gedurende daardie hele tydperk van sy eggenoot ingevolge 'n geregtelike bevel of skriftelike ooreenkoms van tafel en bed geskei was; (xvii)".

(2) Subartikel (1) tree in werking vanaf die begin van die jare van aanslag wat op of na 28 Februarie 1986 eindig.

Wysiging van artikel 6 van Wet 24 van 1981, soos gewysig deur artikel 1 van Wet 12 van 1982

2. (1) Artikel 6 van die Wet word hierby gewysig deur die volgende voorbehoudsbepaling by paragraaf (d) van subartikel (2) te voeg:

"Met dien verstande dat daar by die bedrag van die belasting ooreenkomstig hierdie paragraaf bepaal, 'n toeslag gelyk aan tien persent van beoelde bedrag gevoeg word;".

(2) Subartikel (1) word geag in werking te getree het van die begin van die boekjaar van 'n maatskappy wat op of na 1 Januarie 1984 eindig.

Wysiging van artikel 7 van Wet 24 van 1981

3. Artikel 7 van die wet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Behoudens die bepalings van subartikel (5) word daar vir die doeleindes van hierdie artikel ten opsigte van 'n belastingpligtige wat 'n natuurlike persoon is die bedrag van R1 000 by wyse van inkomstekorting toegelaat indien sodanige belastingpligtige gedurende enige gedeelte van die jaar van aanslag die eienaar was van 'n woonhuis, of van 'n woonstel gekoop ingevolge die Wet op Deeltitels, 1971 (Wet 66 van 1971), geleë in die gebied in 'n gebied onder beheer van 'n plaaslike bestuur, en sodanige huis of woonstel as sodanige belastingpligtige se normale, vaste woonplek gedien het gedurende enige gedeelte van die jaar van aanslag."

Wysiging van artikel 15 van Wet 24 van 1981

4. Artikel 15 van die Wet word hierby gewysig deur die volgende subartikels by te voeg:

"(5) Any amount received or accrued by way of annuity in terms of the rules of any retirement annuity fund in respect of which any contribution was allowed as a deduction under the provisions of section 17 in determining the taxable income derived by any person, shall be deemed to have been received or accrued to such person from a source within the territory, irrespective of where payment of such amount is made and irrespective of where the funds from which payment is made are situate.

(6) Any amount received by or accrued to any person who is ordinarily resident in the territory or in the case of a company is a domestic company, under or upon the surrender or disposal of any policy of insurance, shall be deemed to have been received or accrued from a source within the territory if any premium in respect of such policy had been allowed as a deduction under the provisions of section 17."

Amendment of section 16 of Act 24 of 1981

5. Section 16 of the Act is hereby amended -

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

"(d) the receipts and accruals (including receipts or accruals from investments) of any temporary building society, pension fund, provident fund, retirement annuity fund or benefit fund, or of any institution which in the opinion of the Secretary is a mutual savings bank, a mutual loan association, a fidelity or indemnity fund, a trade union, a chamber of commerce or industries (or an association of such chambers), a local publicity association or a non-proprietary stock exchange;"

(b) by the deletion of paragraph (h) of the said subsection (1); and

(c) by the substitution in paragraph (o) of the said subsection (1) -

(i) for the expression "twenty thousand rand" of the expression "thirty thousand rand"; and

(ii) in the Afrikaans text for the word "huiwelik" of the word "huwelik".

"(5) 'n Bedrag by wyse van 'n jaargeld ontvang of toegeval ingevolge die reëls van 'n uitredingannuiteitsfonds ten opsigte waarvan enige bydrae ingevolge die bepalings van artikel 17 as 'n afstrekking by die vasstelling van die belasbare inkomste deur 'n persoon verkry toegelaat is, word geag ontvang te gewees het deur of toe te geval het aan sodanige persoon uit 'n bron in die gebied, ongeag waar betaling van daardie bedrag geskied en ongeag waar die fondse waaruit betaling geskied hul bevind.

(6) 'n Bedrag wat ontvang is deur of toegeval het aan iemand wat gewoonlik in die gebied woonagtig is of, in die geval van 'n maatskappy, 'n binnelandse maatskappy is, kragtens of by aankoop van of beskikking oor 'n assuransiepolis, word geag uit 'n bron in die gebied ontvang te gewees het of toe te geval het indien enige premie ten opsigte van so 'n polis as 'n afstrekking ingevolge die bepalings van artikel 17 toegestaan is."

Wysiging van artikel 16 van Wet 24 van 1981

5. Artikel 16 van die Wet word hierby gewysig -

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

"(d) die ontvangste en toevallings (met begrip van ontvangste en toevallings uit beleggings) van 'n tydelike bouvereniging, pensioenfonds, voorsorgfonds, uitredingannuiteitsfonds of bystandsfonds, of van 'n inrigting wat volgens die Sekretaris se oordeel 'n onderlinge spaarbank, 'n onderlinge leningsvereniging, 'n getrouheids- of vrywaringsfonds, 'n vakvereniging, 'n sake- of nywerheidskamer (of 'n vereniging van sulke kamers), 'n plaaslike publisiteitsvereniging of 'n nieiendoomseffekteurs is;"

(b) deur paragraaf (h) van genoemde subartikel (1) te skrap; en

(c) deur in paragraaf (o) van genoemde subartikel (1) -

(i) die uitdrukking "twintigduisend rand" deur die uitdrukking "dertigduisend rand" te vervang; en

(ii) die woord "huiwelik" deur die woord "huwelik" te vervang.

Amendment of section 17 of Act 24 of 1981, as amended by section 2 of Act 12 of 1982

6. Section 17 of the Act is hereby amended -

(a) by the addition to paragraph (f) of the following proviso:

"Provided that no allowance shall be made under this paragraph -

(i) where any allowance in respect of such costs has already been granted under paragraph (h);

(ii) in respect of buildings used or to be used by the taxpayer for the making available of housing or housing facilities to employees or, where the taxpayer is a company, to employees or directors or officials of such company;";

(b) by the substitution in subparagraph (i) of paragraph (n) for the expression "two thousand rand" of the expression "three thousand rand"; and

(c) by the substitution in paragraph (q) for the words preceding the proviso of the following words:

"So much of the total current contributions to any retirement annuity fund or funds made by any person as a member of such fund or funds during a year of assessment during which such person has carried on any trade as does not exceed four thousand rand in the case of the taxpayer or, where the taxpayer is entitled to a deduction under paragraph (n), the amount by which the amount of the deduction under the said paragraph is less than four thousand rand.".

Amendment of section 20 of Act 24 of 1981

7. Section 20 of the Act is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) Subject to the provisions of subsection (6), income received by or accrued to any person by way of a dividend on shares in any permanent building society shall, notwithstanding the definition of "dividend" in section 1, be deemed for the purposes of this section to be in-

Wysiging van artikel 17 van Wet 24 van 1981, soos gewysig deur artikel 2 van Wet 12 van 1982

6. Artikel 17 van die Wet word hierby gewysig -

(a) deur die volgende voorbehoudsbepaling by paragraaf (f) te voeg:

"Met dien verstande dat geen vermindering ingevolge hierdie paragraaf toegestaan word nie -

(i) waar 'n vermindering ten opsigte van sodanige koste reeds ingevolge paragraaf (h) toegestaan is;

(ii) ten opsigte van geboue wat deur die belastingpligtige gebruik word of gebruik staan te word vir beskikbaarstelling van wonings of woongreriewe aan werknemers of, waar die belastingpligtige 'n maatskappy is, aan werknemers of direkteure of beampies van daardie maatskappy;";

(b) deur in subparagraph (i) van paragraaf (n) die uitdrukking "tweeduisend rand" deur die uitdrukking "drieduisend rand" te vervang; en

(c) deur in paragraaf (q) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"soveel van die totale lopende bydraes aan 'n uittredingannuïtiesfonds of -fondse wat deur 'n persoon as 'n lid van daardie fonds of fondse gemaak word gedurende 'n jaar van aanslag waarin so 'n persoon 'n bedryf beoefen het, as wat nie meer bedra nie as vierduisend rand in die geval van die belastingpligtige of, waar die belastingpligtige op 'n af trekking ingevolge paragraaf (n) geregtig is, die bedrag waarmee die af trekking ingevolge daardie paragraaf minder is as vierduisend rand.".

Wysiging van artikel 20 van Wet 24 van 1981

7. Artikel 20 van die Wet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Behoudens die bepalings van subartikel (6) word inkomste wat deur 'n persoon ontvang word of wat aan hom toeval by wyse van 'n dividend op aandele in 'n permanente bouvereniging, ondanks die omskrywing van "dividend" in artikel (1), by die toepassing van

come derived by such person in the form of dividends.”.

Insertion of section 25A in Act 24 of 1981

8. (1) The following section is hereby inserted in the Act after section 25:

"Gains or losses on foreign exchange transactions."

25A. (1) Where any taxpayer has on or after 1 March 1981 paid any amount owed by him in respect of any loan or advance in a foreign currency or of any debt incurred in a foreign currency and in paying such amount, has realized a gain or sustained a loss, such gain shall in the determination of the taxpayer's taxable income be included in the taxpayer's income or such loss shall in the said determination be deducted from the taxpayer's income, if such loan or advance was utilized or such debt was incurred by the taxpayer for the purpose of incurring or financing expenditure incurred by the taxpayer or, where the taxpayer is a company, by an associated company in relation to the taxpayer, in order to produce income derived by the taxpayer or associated company, as the case may be, from carrying on any business undertaking in the territory.

(2) Such gain or loss shall be deemed to be the difference between the equivalent in the currency of the territory of the amount referred to in subsection (1), when the loan or advance in question was utilized or the debt was incurred by the taxpayer as aforesaid, and the equivalent amount in the currency of the territory actually required to pay the said amount, and such gain or loss shall be deemed to have been realized or sustained at the time when the said amount was paid: Provided that where, subsequent to the date on which the loan or advance was utilized or the debt was incurred, any change in foreign currency rates occurred in consequence of which the

hierdie artikel geag inkomste te wees wat deur daardie persoon in die vorm van dividende verkry is.”.

Invoeging van artikel 25A in Wet 24 van 1981

8. (1) Die volgende artikel word hierby in die Wet na artikel 25 ingevoeg:

"Winst of verlies op transaksies met buitelandse valuta."

25A. (1) Waar 'n belastingpligtige op of na 1 Maart 1981 'n bedrag deur hom verskuldig ten opsigte van 'n lening of voorskot in buitelandse valuta of van 'n skuld deur hom aangegaan in buitelandse valuta betaal het en by die betaling van bedoelde bedrag 'n wins gemaak het of 'n verlies gely het word, by die vasstelling van die belastingpligtige se belasbare inkomste, daardie wins by die belastingpligtige se inkomste ingesluit of word, by bedoelde vasstelling, daardie verlies van die belastingpligtige se inkomste afgetrek, indien bedoelde lening of voorskot deur die belastingpligtige aangewend is of bedoelde skuld deur die belastingpligtige aangegaan is met die doel om uitgawes aan te gaan of te finansier wat deur die belastingpligtige of, waar die belastingpligtige 'n maatskappy is, deur 'n verwante maatskappy met betrekking tot die belastingpligtige aangegaan is ten einde inkomste wat deur die belastingpligtige of verwante maatskappy, al na die geval, uit die beoefening in die gebied van 'n besigheidsonderneming verkry is, voort te bring.

(2) Bedoelde wins of verlies word geag die verskil te wees tussen die ekwivalent in valuta van die gebied van die bedrag in subartikel (1) gemeld toe die betrokke lening of voorskot deur die belastingpligtige aldus aangewend is of toe die skuld aldus deur die belastingpligtige aangegaan is, en die ekwivalente bedrag in die valuta van die gebied wat inderdaad nodig was om die bedoelde bedrag te betaal, en bedoelde wins of verlies word geag gemaak of gely te gewees het op die tydstip toe die bedoelde bedrag betaal is: Met dien verstande dat waar, nadie datum waarop die lening of voorskot aangewend is of die skuld aangegaan is, 'n verandering in

difference between the value of the said amount (or a portion thereof) on the said date and the value thereof when the change in foreign currency rates occurred was taken into account for normal tax purposes, the amount so taken into account shall be suitably accounted for for the purposes of determining the said gain or loss.

(3) Any gain realized or any loss sustained by reason of a change in foreign currency exchange rates shall, to the extent that such gain is required to be included in the taxpayer's income under any other provision of this Act or to the extent that such loss is allowable as a deduction from the taxpayer's income under any other provision of this Act, not be included in or be allowed as a deduction from the taxpayer's income under this section, as the case may be.

(4) There shall be included in the taxpayer's income for any year of assessment so much of any loss allowed to be deducted from his income under this section as has been recovered or recouped by him during such year, whether the loss was incurred in that year or in any previous year of assessment.

(5) Where any taxpayer has obtained and utilized any loan or advance in a foreign currency for the purpose of repaying any amount owed by him in respect of a loan or advance in foreign currency utilized for a purpose contemplated in subsection (1) or of any debt incurred by him for such a purpose, the loan or advance so obtained shall, to the extent that it does not exceed the said amount, be deemed for the purposes of this section to have been utilized by the taxpayer for the said purpose.

(6) (a) Any loss sustained upon the repayment of the amount referred to in subsection (5) shall not be allowed as a

die wisselkoerse met betrekking tot buitelandse valuta plaasgevind het as gevolg waarvan die verskil tussen die waarde van bedoelde bedrag (of 'n gedeelte daarvan) op die bedoelde datum en die waarde daarvan toe die verandering in buitelandse valutakoerse plaasgevind het, vir normale belastingdoeleindes in aanmerking geneem is, die bedrag aldus in aanmerking geneem paslik in berekening gebring word ten einde bedoelde wins of verlies vas te stel.

(3) Enige wins of verlies gely weens 'n verandering in buitelandse valutakoerse word, vir sover dat bedoelde wins ingevolge enige ander bepaling van hierdie Wet by die belastingpligtige se inkomste ingesluit moet word of vir sover dat bedoelde verlies ingevolge enige ander bepaling van hierdie Wet as 'n aftrekking van die belastingpligtige se inkomste toelaatbaar is, nie ingesluit by of toegelaat as 'n aftrekking van die belastingpligtige se inkomste ingevolge hierdie artikel nie, al na die geval.

(4) By die belastingpligtige se inkomste vir enige jaar van aanslag word ingerekken soveel van enige verlies wat ingevolge hierdie artikel as 'n aftrekking van sy inkomste toegelaat is, as wat in bedoelde jaar deur hom verhaal of vergoed is, hetsy die verlies in bedoelde jaar of 'n vorige jaar van aanslag gely is.

(5) Waar 'n belastingpligtige 'n lening of voorskot in buitelandse valuta verkry en aangewend het ten einde 'n bedrag deur hom verskuldig ten opsigte van 'n lening of voorskot in buitelandse valuta wat aangewend is vir 'n doel in subartikel (1) beoog, of 'n skuld deur hom aangegaan vir bedoelde doel, terug te betaal, word die lening of voorskot aldus verkry vir sover dat dit nie bedoelde bedrag oorskry nie, by die toepassing van hierdie artikel geag deur die belastingpligtige vir bedoelde doel aangewend te gewees het.

(6) (a) 'n Verlies gely by die terugbetaling van 'n in subartikel (5) bedoelde bedrag, word nie ingevolge die bepalings

deduction from the taxpayer's income under the provisions of subsection (1) unless the Secretary is satisfied that in obtaining the loan or advance which was obtained, as contemplated in subsection (5), the obtaining of the loan or advance was not arranged solely or mainly for the purpose of benefiting by a deduction from income: Provided that the Secretary may authorize that such loss be carried forward to a subsequent year of assessment in order to be dealt with in such manner and in such circumstances as the Secretary may direct.

- (b) Any decision of the Secretary in the exercise of his discretion under paragraph (a) shall be subject to objection and appeal.

(7) There shall be allowed as a deduction from the income of any taxpayer who has obtained foreign currency under a forward exchange contract and has utilized such currency for a purpose contemplated in subsection (1), any premium or other consideration paid by him under such contract for the purpose of obtaining such currency and which is not deductible from his income under any other provision of this Act.

(8) For the purposes of this section -

"associated company", in relation to another company, means a company which, in the opinion of the Secretary, is associated with such other company by reason of the fact that both companies are managed or controlled directly or indirectly by substantially the same persons;

"forward exchange contract" means any agreement with an authorized dealer in foreign currencies in the territory, where currency of the territory is ex-

van subartikel (1) as 'n af trekking van die belastingpligtige se inkomste toegelaat nie tensy die Sekretaris oortuig is dat met die verkryging van die lening of voorskot wat verkry is soos in subartikel (5) beoog, die verkryging van die lening of voorskot nie gereel is uitsluitlik of hoofsaaklik ten einde voordeel te trek uit 'n af trekking van inkomste nie: Met dien verstaande dat die Sekretaris kan magtig dat bedoelde verlies na 'n daaropvolgende jaar van aanslag oorgedra word om op sodanige wyse en in sodanige omstandighede mee gehandel te word as wat die Sekretaris gelas.

- (b) 'n Beslissing van die Sekretaris by die uitvoering van sy diskresie ingevolge paragraaf (a) is aan beswaar en appèl onderhewig.

(7) Daar word as 'n af trekking van die inkomste van 'n belastingpligtige wat buitelandse valuta ingevolge 'n termynvalutakontrak bekom het en wat bedoelde valuta aangewend het vir 'n doel in subartikel (1) beoog, toegelaat 'n premie of ander vergoeding ingevolge bedoelde kontrak deur hom betaal ten einde bedoelde valuta te bekom en wat nie ingevolge 'n ander bepaling van hierdie Wet van sy inkomste af trekbaar is nie.

(8) By die toepassing van hierdie artikel beteken -

"verwante maatskappy", met betrekking tot 'n ander maatskappy, 'n maatskappy wat volgens die Sekretaris se oordeel aan bedoelde ander maatskappy verbond is vanweë die feit dat albei maatskappye regstreeks of onregstreeks in hoofsaak deur dieselfde persone bestuur of beheer word;

"termynvalutakontrak" 'n ooreenkoms met 'n gemagtigde handelaar in buitelandse valutas in die gebied, waarvolgens valuta van die gebied op 'n toekomstige

changed for a foreign currency at some future date at a specified rate of exchange.”.

datum teen ’n bepaalde wisselkoers vir buitelandse valuta geruil word.”.

(2) Subsection (1) shall be deemed to have come into operation -

- (a) in the case of any person other than a company, on 1 March 1981;
- (b) in the case of any company, from the beginning of the first financial year of such company ending on or after 1 March 1982.

Amendment of section 45 of Act 24 of 1981

9. (1) Section 45 of the Act is hereby amended by the substitution for the expression “twelve and one-half per cent” of the expression “fifteen per cent”.

(2) Subsection (1) shall be deemed to have come into operation on 1 September 1984.

Amendment of section 56 of Act 24 of 1981

10. Section 56 of the Act is hereby amended -

(a) by -

- (i) the substitution in paragraph (a) of subsection (1) for the expression “sixty days” of the expression “ninety days”; and
- (ii) the deletion in the proviso to the said paragraph (a) of the words “who has not previously furnished returns;”; and

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

“(3) Any such person failing to furnish such returns shall subject to the proviso to subsection (1)(a), not be relieved from any penalty by reason only of his having received no notice to furnish the same or of the prescribed form not having been delivered to him, but the Secretary may, if he deems it advisable, cause forms to be delivered or sent by post to any person.”.

(2) Subartikel (1) word geag in werking te getree het -

- (a) in die geval van ’n ander persoon as ’n maatskappy, op 1 Maart 1981;
- (b) in die geval van ’n maatskappy, vanaf die begin van die eerste boekjaar van die maatskappy wat op of na 1 Maart 1982 geëindig het.

Wysiging van artikel 45 van Wet 24 van 1981

9. (1) Artikel 45 van die Wet word hierby gewysig deur die uitdrukking “twaalf en ’n half persent” deur die uitdrukking “vyftien persent” te vervang.

(2) Subartikel (1) word geag op 1 September 1984 in werking te getree het.

Wysiging van artikel 56 van Wet 24 van 1981

10. Artikel 56 van die Wet word hierby gewysig -

(a) deur -

(i) in paragraaf (a) van subartikel (1) die uitdrukking “sestig dae” deur die uitdrukking “negentig dae” te vervang; en

(ii) in die voorbehoudsbepaling by genoemde paragraaf (a) die woorde “wat nog nie vantevore opgawes verstrek het nie” te skrap; en

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

“(3) So ’n persoon wat in gebreke bly om bedoelde opgawes te verstrek, is, behoudens die voorbehoudsbepaling by subartikel (1)(a), nie van straf onthef slegs omdat hy geen kennisgewing ontvang het om die opgawe te verstrek of omdat die voorgeskrewe vorm nie aan hom afgelewer is nie, maar die Sekretaris kan, as hy dit raadsaam ag, vorms aan ’n persoon laat aflewer of deur die pos aan hom laat stuur.”.

Amendment of section 78 of Act 24 of 1981

11. (1) Section 78 of the Act is hereby amended -

- (a) by the substitution for the expression "seven and a half per cent" of the expression "fifteen per cent"; and
- (b) by the addition of the following proviso:

"Provided that where such date falls before 1 March 1985 the interest payable for the period from such date to 28 February 1985 shall be calculated at the rate of seven and a half per cent."

(2) Subsection (1) shall come into operation on 1 March 1985.

Amendment of section 79 of Act 24 of 1981

12. (1) Section 79 of the Act is hereby amended -

- (a) by the substitution in subsection (2) for the expression "seven and a half per cent" of the expression "fifteen per cent"; and
- (b) by the substitution for the proviso to the said subsection (2) of the following proviso:

"Provided that if the date for payment or the date on which the tax has become payable, as the case may be, falls before 1 March 1985 and the said interest is chargeable or is in part chargeable in respect of any completed month commencing before 1 March 1985 the interest payable in respect of such completed month and any earlier completed month or months shall be the amount of interest which would have been payable by the taxpayer in terms of this subsection before its amendment by the Income Tax Amendment Proclamation, 1985, if the unpaid amount of such tax had been paid on the day after the end of the only or the latest of such completed months."

(2) Subsection (1) shall come into operation on 1 March 1985.

Wysiging van artikel 78 van Wet 24 van 1981

11. (1) Artikel 78 van die Wet word hierby gewysig -

- (a) deur die uitdrukking "sewe-en-'n-half persent" deur die uitdrukking "vyftien persent" te vervang; en
- (b) deur die volgende voorbehoudsbepaling by te voeg:

"Met dien verstande dat waar bedoel datum voor 1 Maart 1985 val, die rente betaalbaar vir die tydperk vanaf daardie datum tot 28 Februarie 1985 teen die koers van sewe-en-'n-half persent per jaar bereken word."

(2) Subartikel (1) tree op 1 Maart 1985 in werking.

Wysiging van artikel 79 van Wet 24 van 1981

12. (1) Artikel 79 van die Wet word hierby gewysig -

- (a) deur in subartikel (2) die uitdrukking "sewe-en-'n-half persent" deur die uitdrukking "vyftien persent" te vervang; en
- (b) deur die voorbehoudsbepaling by genoemde subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat indien die datum vir betaling of die datum waarop die belasting betaalbaar geword het, na gelang van die geval, voor 1 Maart 1985 val en genoemde rente betaalbaar is of gedeeltelik betaalbaar is ten opsigte van 'n volle maand wat voor 1 Maart 1985 begin, is die rente betaalbaar ten opsigte van bedoelde volle maand en enige vroeër volle maand of maande die bedrag aan rente wat deur die belastingpligtige ingevolge hierdie subartikel voor die wysiging daarvan deur die Wysigingsproklamasie op Inkomstbelasting, 1985, betaalbaar sou gewees het indien die onbetaalde bedrag van bedoelde belasting op die dag na die einde van die enigste of laaste bedoelde maande betaal was."

(2) Subartikel (1) tree op 1 Maart 1985 in werking.

Amendment of section 80 of Act 24 of 1981

13. (1) Section 80 of the Act is hereby amended -

- (a) by the substitution in subsection (2) for the expression "seven and a half per cent" of the expression "fifteen per cent"; and
- (b) by the substitution for the proviso to the said subsection (2) of the following proviso:

"provided that where the period during which the amount underpaid remains unpaid commenced before 1 March 1985 the interest payable in respect of that portion of that period ending on 28 February 1985 shall be calculated at the rate of seven and a half per cent per annum."

(2) Subsection (1) shall come into operation on 1 March 1985.

Insertion of section 94A in Act 24 of 1981

14. The following section is hereby inserted in the Act after section 94:

"Treatment of certain small tax farms and refunds."
94A. Notwithstanding any provisions to the contrary in this Act, if in the case of any person (other than a company) -

- (a) whose taxable income for the year of assessment consists entirely of remuneration (as defined in paragraph 1 of Schedule 2) the amount of which does not exceed the amount referred to in the proviso to section 56(1)(a); and
- (b) who was not in terms of section 56(1) required to furnish a return for the assessment of tax in respect of the said year (whether or not he did in fact furnish such a return),

the amount of his liability for normal tax for the said year either exceeds or falls short of the aggregate of the amounts of employees' tax deducted or withheld from the said remuneration under the provisions of Schedule 2, such excess shall not be recover-

Wysiging van artikel 80 van Wet 24 van 1981

13. (1) Artikel 80 van die Wet word hierby gewysig -

(a) deur in subartikel (2) die uitdrukking "sewe-en-'n-half persent" deur die uitdrukking "vyftien persent" te vervang; en

(b) deur die voorbehoudsbepaling by genoemde subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat waar die tydperk waartydens die bedrag te min betaal uitstaande bly voor 1 Maart 1985 'n aanvang geneem het, die rente betaalbaar ten opsigte van daardie gedeelte van die tydperk wat op 28 Februarie 1985 eindig teen die koers van sewe-en-'n-half persent per jaar bereken word."

(2) Subartikel (1) tree op 1 Maart 1985 in werking.

Invoeging van artikel 94A in Wet 24 van 1981

14. Die volgende artikel word hierby in die Wet na artikel 94 ingevoeg:

"Behandeling van sekere klein belastingerse en terugbetaalings."
94A. Ondanks andersluidende bepalings van hierdie Wet, indien in die geval van 'n persoon (behalwe 'n maatskappy) -

- (a) wie se belasbare inkomste vir die jaar van aanslag geheel en al uit besoldiging (soos in paragraaf 1 van Bylae 2 omskryf) bestaan waarvan die bedrag nie die bedrag in die voorbehoudsbepaling by artikel 56(1)(a) bedoel te bowe gaan nie; en
- (b) wat nie ingevolge artikel 56(1) verplig was om ten opsigte van genoemde jaar van aanslag 'n opgawe vir die aanslag van die belasting te verstrek nie (of hy inderdaad so 'n opgawe verstrek het al dan nie),

sy aanspreeklikheid vir normale belasting vir genoemde jaar die totaal van die bedrae aan werknemersbelasting wat ingevolge die bepalings van Bylae 2 van genoemde besoldiging afgetrek of teruggehou is, of oorskry of tekortskiet, is bedoelde

able by the Secretary from the said person if the amount thereof is less than R10 or such shortfall shall not be refundable by the Secretary to the said person if the amount thereof is less than R2.”.

oorskryding nie deur die Sekretaris op genoemde persoon verhaalbaar nie indien die bedrag daarvan minder is as R10, of is bedoelde tekort nie deur die Sekretaris aan genoemde persoon terugbetaalbaar nie indien die bedrag daarvan minder is as R2.”.

Amendment of Schedule 1 to Act 24 of 1981, as amended by section 3 of Act 12 of 1982

15. (1) Schedule 1 to the Act is hereby amended -

- (a) by the substitution for the first proviso to paragraph 4(2)(a) of the following proviso:

“Provided that in any case in which subitem (ii) is applicable, there shall, notwithstanding anything to the contrary contained in this Act, be included in the income of such farmer for the year of assessment ending on 28 February 1982 an amount equal to one-third of the difference in the value of such livestock as determined in relation to such farmer in terms of subitems (i) and (ii), respectively.”; and

- (b) by the deletion of the second proviso to the said paragraph (a).

(2) Subsection (1) shall be deemed to have come into operation on 1 March 1983.

Amendment of Schedule 2 to Act 24 of 1981

16. Schedule 2 to the Act is hereby amended by the substitution in paragraph 14(3) for the expression “fourteen days” of the expression “thirty days”.

Short title and commencement

17. This Proclamation shall be called the Income Tax Amendment Proclamation, 1985, and save in so far as is otherwise provided therein or the context otherwise indicates, the amendments effected to the Act by this Proclamation shall be deemed to have come into operation as from the commencement of the years of assessment ending on or after 1 January 1985.

Wysiging van Bylae 1 by Wet 24 van 1981, soos gewysig deur artikel 3 van Wet 12 van 1982

15. (1) Bylae 1 by die Wet word hierby gewysig -

- (a) deur die eerste voorbehoudsbepaling by paragraaf 4(2)(a) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat in 'n geval waar subitem (ii) van toepassing is, word daar, ondanks enige andersluidende bepalings van hierdie Wet, by die inkomste van sodanige boer vir die jaar van aanslag eindigende op 28 Februarie 1982 ingesluit 'n bedrag gelyk aan een-derde van die verskil in die waarde van sodanige lewende hawe soos ten opsigte van sodanige boer vasgestel ingevolge, onderskeidelik, subitems (i) en (ii).”; en

- (b) deur die tweede voorbehoudsbepaling by genoemde paragraaf (a) te skrap.

(2) Subartikel (1) word geag in werking te getree het op 1 Maart 1983.

Wysiging van Bylae 2 by Wet 24 van 1981

16. Bylae 2 by die Wet word hierby gewysig deur in paragraaf 14(3) die uitdrukking “veertien dae” deur die uitdrukking “dertig dae” te vervang.

Kort titel en inwerkingtreding

17. Hierdie Proklamasie heet die Wysigingsproklamasie op Inkomstebelasting, 1985, en die wysigings deur hierdie Proklamasie aan die Wet aangebring, word, behalwe vir sover daarin anders bepaal of uit die samehang anders blyk, geag in werking te getree het vanaf die begin van die jare van aanslag wat op of na 1 Januarie 1984 eindig.