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19 January 2022

No. 45787

THE PRESIDENCY

No. 770 **19 January 2022**

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

Act No. 20 of 2021: Taxation Laws Amendment Act, 2021

DIE PRESIDENSIE

No. 770 **19 Januarie 2022**

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

Wet No. 20 van 2021: Wysigingswet op Belastingwette, 2021

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

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 14 January 2022)

ACT

To amend the Transfer Duty Act, 1949, so as to amend a provision; to amend the Estate Duty Act, 1955, so as to amend certain provisions; to amend the Income Tax Act, 1962, so as to amend certain definitions; to amend certain provisions; to make new provision; to amend certain Schedules; and to replace a Schedule; to amend the Customs and Excise Act, 1964, so as to make provision for continuations; to amend the Value-Added Tax Act, 1991, so as to amend certain provisions; to make new provision, and to amend a Schedule; to amend the Securities Transfer Tax Act, 2007, so as to amend certain provisions; to amend the Employment Tax Incentive Act, 2013, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2013, so as to amend certain effective dates; to amend the Carbon Tax Act, 2019, so as to amend certain provisions; and to amend a Schedule; to amend the Taxation Laws Amendment Act, 2019, so as to amend a certain effective date; to amend the Disaster Management Tax Relief Act, 2020, so as to amend the long title; to amend the Preamble; and to amend certain provisions; to amend the Taxation Laws Amendment Act, 2020, 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 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, section 12 of Act 80 of 1959, section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972, section 3 of Act 66 of 1973, section 5 of Act 88 of 1974, section 77 of Act 54 of 1976, section 2 of Act 95 of 1978, section 6 of Act 106 of 1980, section 2 of Act 99 of 1981, section 2 of Act 118 of 1984, section 3 of Act 81 of 1985, section 3 of Act 86 of 1987, section 4 of Act 87 of 1988, section 36 of Act 9 of 1989, section 1 of Act 69 of 1989, section 79 of Act 89 of 1991, section 6 of Act 120 of 1992, section 4 of Act 136 of 1992, section 5 of Act 97 of 1993, section 2 of Act 37 of 1995, section 4 of Act 126 of 1998, section 3 of Act 32 of 1999, section 3 of Act 30 of 2000, section 2 of Act 5 of 2001, section 8 of Act 60 of 2001, section 3 of Act 30 of 2002, section 4 of Act 74 of 2002, section 3 of Act 45 of 2003, section 2 of Act 16 of 2004, section 2 of Act 32 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 14 Januarie 2022)

WET

Tot wysiging van die Wet op Hereregte, 1949, ten einde 'n bepaling te wysig; tot wysiging van die Boedelbelastingwet, 1955, ten einde sekere bepalings te wysig; tot wysiging van die Inkomstebelastingwet, 1962, ten einde sekere woordomskravings te wysig; sekere bepalings te wysig; 'n nuwe bepaling te verorden; sekere Bylaes te wysig; en 'n Bylae te vervang; tot wysiging van die Doeane- en Aksynswet, 1964, om voorsiening te maak vir voortsettings; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde sekere bepalings te wysig; 'n nuwe bepaling te verorden; en 'n Bylae te wysig; tot wysiging van die Wet op Belasting op Oordrag van Sekuriteite, 2007, ten einde sekere bepalings te wysig; tot wysiging van die "Employment Tax Incentive Act, 2013", ten einde sekere bepalings te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2013, ten einde sekere inwerkingtreddingsdatums te wysig; tot wysiging van die Wet op Koolstofbelasting, 2019, ten einde sekere bepalings te wysig; en 'n Bylae te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2019, ten einde sekere inwerkingstredingsdatum te wysig; tot wysiging van die Wet op Rampbestuurbelastingverligting, 2020, ten einde die lang titel te wysig; die Aanhef te wysig; en sekere bepalings te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2020, ten einde sekere bepalings te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 9 van Wet 40 van 1949, soos gewysig deur artikel 3 van Wet 31 van 1953, artikel 12 van Wet 80 van 1959, artikel 3 van Wet 70 van 1963, artikel 3 van Wet 77 van 1964, artikel 1 van Wet 81 van 1965, artikel 7 van Wet 103 van 1969, artikel 2 van Wet 89 van 1972, artikel 3 van Wet 66 van 1973, artikel 5 van Wet 88 van 1974, artikel 77 van Wet 54 van 1976, artikel 2 van Wet 95 van 1978, artikel 6 van Wet 106 van 1980, artikel 2 van Wet 99 van 1981, artikel 2 van Wet 118 van 1984, artikel 3 van Wet 81 van 1985, artikel 3 van Wet 86 van 1987, artikel 4 van Wet 87 van 1988, artikel 36 van Wet 9 van 1989, artikel 1 van Wet 69 van 1989, artikel 79 van Wet 89 van 1991, artikel 6 van Wet 120 van 1992, artikel 4 van Wet 136 van 1992, artikel 5 van Wet 97 van 1993, artikel 2 van Wet 37 van 1995, artikel 4 van Wet 126 van 1998, artikel 3 van Wet 32 van 1999, artikel 3 van Wet 30 van 2000, artikel 2 van Wet 5 van 2001, artikel 8 van Wet 60 van 2001, artikel 3 van Wet

2004, section 2 of Act 31 of 2005, section 16 of Act 9 of 2006, section 1 of Act 20 of 2006, section 2 of Act 35 of 2007, section 1 of Act 60 of 2008, section 3 of Act 17 of 2009, section 3 of Act 7 of 2010, section 5 of Act 24 of 2011, section 1 of Act 22 of 2012 and section 2 of Act 31 of 2013

1. Section 9 of the Transfer Duty Act, 1949, is hereby amended by the substitution in subsection (1)(l) for subparagraph (iv) of the following subparagraph: 5

“(iv) a transaction which would have constituted a transaction or distribution contemplated in subparagraphs (i) to (iii) regardless of whether that [person] company acquired that property as a capital asset or as trading stock.”. 10

Amendment of section 5 of Act 45 of 1955, as amended by section 3 of Act 59 of 1957, section 4 of Act 65 of 1960, section 10 of Act 71 of 1961, section 10 of Act 77 of 1964, section 4 of Act 81 of 1965, section 2 of Act 56 of 1966, section 7 of Act 114 of 1977, section 7 of Act 81 of 1985, section 12 of Act 87 of 1988, section 2 of Act 136 of 1991, section 9 of Act 97 of 1993, section 1 of Act 19 of 2001 and section 12 of Act 60 of 2001 15

2. Section 5 of the Estate Duty Act, 1955, is hereby amended by the substitution in subsection (1)(d)*bis* for the words preceding the proviso of the following words:

“in the case of any annuity to which the provisions of section 3(3)(a) [or (a)*bis*] apply, an amount equal to the value of the annuity capitalized at twelve per cent[.] over the expectation of life of the annuitant, or if the annuity is payable for a lesser period than the life of the annuitant, over such lesser period.”. 20

Amendment of section 13 of Act 45 of 1955, as amended by section 7 of Act 92 of 1971 and section 14 of Act 87 of 1988

3. Section 13 of the Estate Duty Act, 1955, is hereby amended by the substitution for subsection (1) of the following subsection: 25

“(1) Every executor who is required to pay duty in respect of any property referred to in paragraph (a)(i), or in the proviso to paragraph (b)(i) [or (b)(iA)], or in paragraph (b)(ii), of section 11, shall be entitled to recover from the person liable therefor the duty attributable to such property.”. 30

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 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 35
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30 van 2002, artikel 4 van Wet 74 van 2002, artikel 3 van Wet 45 van 2003, artikel 2 van Wet 16 van 2004, artikel 2 van Wet 32 van 2004, artikel 2 van Wet 31 van 2005, artikel 16 van Wet 9 van 2006, artikel 1 van Wet 20 van 2006, artikel 2 van Wet 35 van 2007, artikel 1 van Wet 60 van 2008, artikel 3 van Wet 17 van 2009, artikel 3 van Wet 7 van 2010, artikel 5 van Wet 24 van 2011, artikel 1 van Wet 22 van 2012 en artikel 2 van Wet 31 van 2013 5

1. Artikel 9 van die Wet op Hereregte, 1949, word hierby gewysig deur in subartikel (1)(l) subparagraaf (iv) deur die volgende subparagraaf te vervang:

“(iv) ’n transaksie wat ’n transaksie of uitkering in subparagraaf (i) tot (iii) bedoel sou uitmaak, ongeag of daardie [persoon] maatskappy daardie eiendom as ’n kapitale bate of as handelsvoorraad verkry het.” 10

Wysiging van artikel 5 van Wet 45 van 1955, soos gewysig deur artikel 3 van Wet 59 van 1957, artikel 4 van Wet 65 van 1960, artikel 10 van Wet 71 van 1961, artikel 10 van Wet 77 van 1964, artikel 4 van Wet 81 van 1965, artikel 2 van Wet 56 van 1966, artikel 7 van Wet 114 van 1977, artikel 7 van Wet 81 van 1985, artikel 12 van Wet 87 van 1988, artikel 2 van Wet 136 van 1991, artikel 9 van Wet 97 van 1993, artikel 1 van Wet 19 van 2001 en artikel 12 van Wet 60 van 2001 15

2. Artikel 5 van die Boedelbelastingwet, 1955, word hierby gewysig deur in subartikel (1)(d)bis die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 20

“in die geval van enige jaargeld waarop die bepalings van artikel 3(3)(a) [of (a)bis] van toepassing is, ’n bedrag gelyk aan die waarde van die jaargeld gekapitaliseer teen twaalf persent oor die lewensverwagting van die jaargeldtrekker, of indien die jaargeld betaalbaar is vir ’n korter tydperk as die lewe van die jaargeldtrekker, oor sodanige korter tydperk:” 25

Wysiging van artikel 13 van Wet 45 van 1955, soos gewysig deur artikel 7 van Wet 92 van 1971 en artikel 14 van Wet 87 van 1988

3. Artikel 13 van die Boedelbelastingwet, 1955, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke eksekuteur wat verplig is om belasting te betaal ten opsigte van ’n eiendom bedoel in paragraaf (a)(i), of in die voorbehoudsbepaling tot paragraaf (b)(i) [of (b)(iA)], of in paragraaf (b)(ii), van artikel 11, is geregtig om die belasting toeskryfbaar aan sodanige eiendom te verhaal van die persoon wat daarvoor aanspreeklik is.” 30

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, Goewermenskennisgewing 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, Goewermenskennisgewing 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, Goewermenskennisgewing 1503 van 1998, artikel 10 van Wet 53 van 1999, artikel 13 van Wet 30 van 2000, artikel 2 van Wet 59 van 2000, artikel 5 van Wet 5 van 2001, artikel 3 van Wet 19 van 2001, artikel 17 van Wet 60 van 2001, artikel 9 van Wet 30 van 2002, artikel 6 van Wet 74 van 2002, artikel 33 van Wet 12 van 2003, 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 35

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, section 4 of Act 31 of 2013, section 1 of Act 43 of 2014, section 3 of Act 25 of 2015, section 5 of Act 15 of 2016, section 2 of Act 17 of 2017, section 1 of Act 23 of 2018, section 34 of Act 34 of 2019 and section 2 of Act 23 of 2020

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

(a) by the substitution in paragraph (e) of the definition of “company” for subparagraph (iii) of the following subparagraph: 10

“(iii) portfolio of a collective investment scheme in property that qualifies as a REIT as defined in the listing requirements of an exchange, as defined in section 1 of the Financial Markets Act and licensed under section 9 of that Act, where those listing requirements have been approved in consultation with the [Minister] Director-General of the National Treasury and published by the [Prudential Authority] appropriate authority, as [defined] contemplated in section 1 of the Financial Markets Act, in terms of section 11 of that Act or by the Financial Sector Conduct Authority; or”;

(b) by the substitution in the definition of “connected person” for the words in paragraph (d)(iv) preceding item (aa) of the following words: 20

“any person, other than a company as defined in section 1 of the Companies Act that [individually or jointly] alone or together with any connected person in relation to that person, holds, directly or indirectly, at least 20 per cent of—”;

(c) by the addition to the definition of “contributed tax capital” of the following further proviso: 25

“: Provided further—

(i) that an amount transferred by a company as contemplated in paragraph (a) or (b) must not comprise a transfer of contributed tax capital unless all holders of shares in that class participate in the transfer in the same manner and are actually allocated an amount of contributed tax capital based on their proportional shareholding within that class of shares; and 30

(ii) that no regard must be had to paragraph (i) of this further proviso if the amount transferred constitutes an acquisition by the company of its own securities by way of general repurchase of securities, as contemplated in subparagraph (b) of paragraph 5.67(B) of section 5 of the JSE Limited Listings Requirements, where that acquisition complies with any applicable requirements prescribed by paragraphs 5.68 and 5.72 to 5.81 of section 5 of the JSE Limited Listings Requirements or a general repurchase of securities as contemplated in the listings requirements of any other exchange licensed under the Financial Markets Act, which requirements are substantially the same as the requirements prescribed by the JSE Limited Listings Requirements, where that acquisition complies with the applicable requirements of that exchange;”;

(d) by the addition in the proviso to paragraph (c) of the definition of “gross income” of the following paragraph: 45

“(vii) the provisions of this paragraph shall not apply in respect of any amount received by or accrued to or for the benefit of any person in respect of long service as defined in paragraph 5(4) of the Seventh Schedule, to the extent that the aggregate value of an amount determined under this paragraph together with all amounts determined under paragraphs 5(2)(b), 6(4)(d) and 10(2)(e) of the Seventh Schedule do not exceed R5 000;”;

(e) by the insertion after the definition of “linked unit” of the following definition: 55

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, artikel 4 van Wet 31 van 2013, artikel 1 van Wet 43 van 2014, artikel 3 van Wet 25 van 2015, artikel 5 van Wet 15 van 2016, artikel 2 van Wet 17 van 2017, artikel 1 van Wet 23 van 2018, artikel 34 van Wet 34 van 2019 en artikel 2 van Wet 23 van 2020

4. (1) Artikel 1(1) van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur 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 die noteringsvereistes van ’n beurs, soos omskryf in artikel 1 van die ‘Financial Markets Act’ en gelisensieer kragtens artikel 9 van daardie Wet, waar daardie noteringsvereistes goedgekeur is in oorleg met die [Minister] Direkteur-generaal van die Nasionale Tesourie en gepubliseer deur die [‘Prudential Authority’, (Voorsorgowerheid)] gepaste owerheid soos [omskryf] beoog in artikel 1 van die ‘Financial Markets Act’, ingevolge artikel 11 van daardie Wet of deur die ‘Financial Sector Conduct Authority’; of”;
- (b) deur in paragraaf (d)(iv) van die omskrywing van “verbonde persoon” die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:
- “enige persoon, behalwe ’n maatskappy soos omskryf in artikel 1 van die Maatskappywet wat [afsonderlik of gesamentlik] alleen of tesame met ’n verbonde persoon met betrekking tot daardie persoon, regstreeks of onregstreeks, ten minste 20 persent van—”;
- (c) deur in die omskrywing van “toegevoegde belastingkapitaal” die volgende verdere voorbehoudsbepaling by te voeg:
- “: Met dien verstande voorts—
- (i) dat ’n bedrag oorgedra deur ’n maatskappy soos beoog in paragraaf (a) of (b) nie ’n oordrag van toegevoegde belastingkapitaal moet uitmaak nie tensy alle houers van aandele in daardie klas op dieselfde wyse aan die oordrag deelneem en ’n bedrag aan toegevoegde belastingkapitaal werklik aan hulle toegewys word gebaseer op hul proporsionele aandeelhouding binne daardie klas van aandele; en
- (ii) dat paragraaf (i) van hierdie verdere voorbehoudsbepaling nie in ag geneem word nie indien die bedrag wat oorgedra word ’n verkryging uitmaak deur die maatskappy van sy eie sekuriteite deur middel van algemene heraankoop van sekuriteite, soos beoog in subparagraaf (b) van paragraaf 5.67(B) van artikel 5 van die ‘JSE Limited Listings Requirements’, waar daardie verkryging aan enige toepaslike vereistes voorgeskryf deur paragrawe 5.68 en 5.72 tot 5.81 van artikel 5 van die ‘JSE Limited Listings Requirements’ voldoen of ’n algemene heraankoop van sekuriteite soos beoog in die noteringsvereistes van enige ander beurs gelisensieer kragtens die ‘Financial Markets Act’, welke vereistes wesenlik dieselfde is as die vereistes voorgeskryf deur die ‘JSE Limited Listings Requirements’, waar daardie verkryging aan die toepaslike vereistes van daardie beurs voldoen;”;
- (d) deur by paragraaf (c) van die voorbehoudsbepaling tot die omskrywing van “bruto inkomste” die volgende paragraaf te voeg:
- “(vii) die bepalings van hierdie paragraaf is nie van toepassing nie ten opsigte van enige bedrag ontvang deur of toegeval aan of tot voordeel van enige persoon ten opsigte van langdurige diens soos in paragraaf 5(4) van die Sewende Bylae omskryf, namate die totale waarde van ’n bedrag bepaal kragtens hierdie paragraaf tesame met alle bedrae bepaal kragtens paragrawe 5(2)(b), 6(4)(d) en 10(2)(e) van die Sewende Bylae nie R5 000 oorskry nie;”;
- (e) deur na die omskrywing van “lewende annuïteit” die volgende omskrywing in te voeg:

- “**liquidation and distribution account**” means the account required to be submitted by an executor to a Master in accordance with section 35 of the Administration of Estates Act, 1965 (Act No. 66 of 1965);”;
- (f) by the substitution in paragraph (ii) of the proviso to the definition of “pension fund” for subparagraph (dd) of the following subparagraph: 5
- “(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), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the total value does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund or a retirement annuity fund: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account— 10
- (A) in the case of a person who was a member of a provident fund or provident preservation fund and who was 55 years of age or older on 1 March 2021— 15
- (AA) any amount contributed to a provident fund or transferred to a provident preservation fund prior to, on and after 1 March 2021 of which that person was a member on 1 March 2021; 20
- (BB) with the addition of any other amount credited to the member’s individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; and 25
- (CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in item (a) or amounts credited contemplated in subitem (b); 30
- (B) in any other case of a person who was a member of a provident fund or provident preservation fund on 1 March 2021— 35
- (AA) any amount contributed to a provident fund or transferred to a provident preservation fund prior to 1 March 2021; 35
- (BB) with the addition of any other amount credited to the member’s individual account or minimum individual reserve of the provident fund or provident preservation fund as a result of the value of the member’s individual account or minimum individual reserve on 1 March 2021; and 40
- (CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in item (AA) or amounts credited contemplated in subitem (BB), 45
- reduced proportionally by an amount permitted in terms of the Pension Funds Act to be deducted from the member’s individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; 50
- Provided further that in the case where the remaining balance is utilised to provide or purchase more than one annuity, the amount utilised to provide or purchase each annuity must exceed R165 000;”;
- (g) by the substitution in paragraph (a) of the proviso to the definition of “pension preservation fund” for subparagraph (v) of the following subparagraph: 55
- “(v) former members of a pension fund [or], pension preservation fund, provident fund or provident preservation fund who have elected to have a lump sum benefit contemplated in paragraph 2(1)(c) of the Second Schedule transferred to this pension preservation fund and

- “**‘likwidasië- en distribusierekening’** die rekening wat ooreenkomstig artikel 35 van die Boedelwet, 1965 (Wet No. 66 van 1965), deur ’n eksekuteur aan ’n Meester voorgelê moet word;”;
- (f) deur in paragraaf (ii) van die voorbehoudsbepaling tot die omskrywing van “pensioenfondse” subparagraaf (dd) deur die volgende subparagraaf te vervang: 5
- “(dd) dat hoogstens een-derde van die totale waarde van die uitreebelang deur ’n enkele betaling vervang kan word en dat die restant in die vorm van ’n annuïteit (met inbegrip van ’n lewende annuïteit), ’n kombinasie van annuïteite (met inbegrip van ’n kombinasie van metodes om die annuïteit te betaal) of ’n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie [of], waar die werknemer oorlede is of waar die werknemer kies om die uitreebelang oor te dra na ’n pensioenbewaringsfonds of ’n uitredingannuïteitsfonds: Met dien verstande dat by die bepaling van die waarde van die uitreebelang word ’n bedrag bereken as volg nie in berekening gebring nie—
- (A) in die geval van ’n persoon wat ’n lid van ’n voorsorgfonds of voorsorgbewaringsfonds was en wat 55 jaar of ouer was op 1 Maart 2021— 20
- (AA) enige bedrag bygedra tot ’n voorsorgfonds of oorgedra aan ’n voorsorgbewaringsfonds voor, op en na 1 Maart 2021 waarvan daardie persoon op 1 Maart 2021 ’n lid was; 25
- (BB) met die toevoeging van enige ander bedrag gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op en na 1 Maart 2021; en 30
- (CC) enige fondsopbrengs, soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in item (a) of bedrae gekrediteer beoog in subitem (b);
- (B) in enige ander geval van ’n persoon wat ’n lid van ’n voorsorgfonds of voorsorgbewaringsfonds was op 1 Maart 2021— 35
- (AA) enige bedrag bygedra tot ’n voorsorgfonds of oorgedra aan ’n voorsorgbewaringsfonds voor 1 Maart 2021;
- (BB) met die toevoeging van enige ander bedrag gekrediteer aan die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds as gevolg van die waarde van die lid se individuele rekening of minimum individuele reserwe op 1 Maart 2021; en 40
- (CC) enige fondsopbrengs, soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in item (AA) of bedrae gekrediteer beoog in subitem (BB), proporsioneel verminder deur ’n bedrag toegelaat ingevolge die Wet op Pensioenfondse om afgetrek te word van die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op en na 1 Maart 2021; 50
- Met dien verstande voorts dat in die geval waar die oorblywende balans aangewend word om meer as een annuïteit te voorsien of te koop, die bedrag aangewend om elke annuïteit te voorsien of te koop R165 000 moet oorskry;”;
- (g) deur in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van “pensioenbewaringsfondse” subparagraaf (v) deur die volgende subparagraaf te vervang: 55
- “(v) voormalige lede van ’n pensioenfonds [of], pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds wat gekies het om ’n enkelbedragvoordeel beoog in paragraaf 2(1)(c) van die Tweede Bylae oor te dra na hierdie pensioenbewaringsfondse en wat 60

who made the election while they were members of that other fund;”;

- (h) by the substitution in the proviso to the definition of “pension preservation fund” for paragraph (e) 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), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the total value does not exceed R165 000 [or], where the member is deceased or where the member elects to transfer the retirement interest to a pension preservation fund, a provident preservation fund or a retirement annuity fund: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account—

- (a) in the case of a person who was a member of a provident fund or provident preservation fund and who was 55 years of age or older on 1 March 2021—
- (i) any amount contributed to a provident fund or transferred to a provident preservation fund prior to, on and after 1 March 2021 of which that person was a member on 1 March 2021;
 - (ii) with the addition of any other amount credited to the member’s individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; and
 - (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or
- (b) in any other case of a person who was a member of a provident fund or a provident preservation fund on 1 March 2021—
- (i) any amount contributed to a provident fund or transferred to a provident preservation fund prior to 1 March 2021;
 - (ii) with the addition of any other amounts credited to the member’s individual account or minimum individual reserve of the provident fund or provident preservation fund as a result of the value of the member’s individual account or minimum individual reserve on 1 March 2021; and
 - (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii),

reduced proportionally by an amount permitted to be deducted in terms of the Pension Funds Act from the member’s individual account or minimum individual reserve of the provident fund or the provident preservation fund prior to, on or after 1 March 2021; Provided further that in the case where the remaining balance is utilised to provide or purchase more than one annuity, the amount utilised to provide or purchase each annuity must exceed R165 000;”;

- (i) by the substitution in paragraph (ii) of the proviso to the definition of “provident 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), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the total value does not

- die keuse gemaak het terwyl hulle lede van daardie ander fonds was;”;
- (h) deur in die voorbehoudsbepaling tot die omskrywing van “pensioenbewaringsfonds” paragraaf (e) deur die volgende paragraaf te vervang:
- “(e) dat hoogstens een-derde van die totale waarde van die uitreebelang deur ’n enkele betaling vervang kan word en dat die restant in die vorm van ’n annuïteit (met inbegrip van ’n lewende annuïteit), ’n kombinasie van annuïteite (met inbegrip van ’n kombinasie van metodes om die annuïteit te betaal) of ’n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie [**of**], waar die werknemer oorlede is of waar die lid kies om die uitreebelang na ’n pensioenbewaringsfonds, ’n voorsorgbewaringsfonds of ’n uitredingannuïteitsfonds oor te dra: Met dien verstande dat by die bepaling van die waarde van die uitreebelang word ’n bedrag as volg bereken nie in berekening gebring nie—
- (a) in die geval van ’n persoon wat ’n lid van ’n voorsorgfonds of voorsorgbewaringsfonds was en wat 55 jaar of ouer was op 1 Maart 2021—
- (i) enige bedrag tot ’n voorsorgfonds bygedra of oorgedra na ’n voorsorgbewaringsfonds voor, op of na 1 Maart 2021 waarvan daardie persoon op 1 Maart 2021 ’n lid was;
- (ii) met die toevoeging van enige ander bedrag gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds voor, op en na 1 Maart 2021; en
- (iii) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; of
- (b) in enige ander geval van ’n persoon wat ’n lid van ’n voorsorgfonds of voorsorgbewaringsfonds op 1 Maart 2021 was—
- (i) enige bedrag voor 1 Maart 2021 aan ’n voorsorgfonds bygedra of oorgedra na ’n voorsorgbewaringsfonds;
- (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds as gevolg van die waarde van die lid se individuele rekening of minimum individuele reserwes op 1 Maart 2021; en
- (iii) enige fondsofbrenge, soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog,
- proporsioneel verminder deur enige bedrae toegelaat ingevolge die Wet op Pensioenfondse om afgetrek te word van die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op of na 1 Maart 2021;
- Met dien verstande voorts dat in die geval waar die oorblywende saldo aangewend word om meer as een annuïteit te voorsien of te koop die bedrag wat aangewend word om elke annuïteit te voorsien of te koop R165 000 moet oorskry;”;
- (i) deur in paragraaf (ii) van die voorbehoudsbepaling tot die omskrywing van “voorsorgfonds” subparagraaf (dd) deur die volgende subparagraaf te vervang:
- “(dd) dat hoogstens een-derde van die totale waarde van die uitreebelang deur ’n enkele betaling vervang kan word en dat die restant in die vorm van ’n annuïteit (met inbegrip van ’n lewende annuïteit), ’n kombinasie van annuïteite (met inbegrip van ’n kombinasie van metodes om die annuïteit te betaal) of ’n kombinasie van tipes van annuïteite betaal moet word, behalwe

exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund, provident preservation fund or a retirement annuity fund: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account— 5

(a) in the case of a person who is or was a member of a provident fund or provident preservation fund and who is or was 55 years of age or older on 1 March 2021— 10

(AA) any amount contributed to a provident fund or transferred to provident preservation fund prior to, on and after 1 March 2021 of which that person is or was a member on 1 March 2021;

(BB) with the addition of any other amount credited to the member's individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; and 15

(CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in item (AA) or amounts credited contemplated in sub-item (BB); or 20

(b) in any other case of a person who is or was a member of a provident fund or provident preservation fund on 1 March 2021—

(AA) any amount contributed to a provident fund or transferred to a provident preservation fund prior to 1 March 2021; 25

(BB) with the addition of any other amounts credited to the member's individual account or minimum individual reserve of the provident fund or provident preservation fund as a result of the value of the member's individual account or minimum individual reserve on 1 March 2021; and 30

(CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in item (AA) or amounts credited contemplated in sub-item (BB), 35

reduced proportionally by an amount permitted in terms of the Pension Funds Act to be deducted from the member's individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; Provided further that in the case where the remaining balance is utilised to provide or purchase more than one annuity, the amount utilised to provide or purchase each annuity must exceed R165 000; 45

(j) by the substitution in paragraph (a) of the proviso to the definition of "provident preservation fund" for subparagraph (v) of the following subparagraph: 50

"(v) former members of a pension fund [or], pension preservation fund, provident fund or provident preservation fund who have elected to have a lump sum benefit contemplated in paragraph 2(1)(c) of the Second Schedule transferred to this provident preservation fund and who made the election while they were members of that other fund; or"; 55

(k) by the substitution in the proviso to the definition of "provident preservation fund" for paragraph (e) of the following paragraph: 55

"(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), a combination of annuities (including a combination of 60

waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie [of], waar die werknemer oorlede is of waar die werknemer kies om die aftreebelang oor te dra na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of uittreding-annuïteitsfonds: Met dien verstande dat by die bepaling van die waarde van die uittreebelang, 'n bedrag soos volg bepaal nie in berekening gebring word nie—

- (a) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is of was en wat 55 jaar of ouer is of was op 1 Maart 2021—
- (AA) enige bedrag tot 'n voorsorgfonds bygedra of na 'n voorsorgbewaringsfonds oorgedra voor, op en na 1 Maart 2021 waarvan daardie persoon voor, op of na 1 Maart 2021 'n lid is of was;
- (BB) met die toevoeging van enige ander bedrag gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op of na 1 Maart 2021; en
- (CC) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in item (AA) of bedrae gekrediteer soos in subitem (BB) beoog; of
- (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds is of was op 1 Maart 2021—
- (AA) enige bedrag tot 'n voorsorgfonds bygedra of na 'n voorsorgbewaringsfonds oorgedra voor 1 Maart 2021;
- (BB) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds as gevolg van die waarde van die lid se individuele rekening of minimum individuele reserwe op 1 Maart 2021; en
- (CC) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes of oordragte beoog in item (AA) of bedrae gekrediteer soos in item (BB) beoog, proporsioneel verminder deur enige bedrae toegelaat ingevolge die Wet op Pensioenfondse om afgetrek te word van die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op of na 1 Maart 2021; Met dien verstande voorts dat in die geval waar die oorblywende saldo aangewend word om meer as een annuïteit te voorsien of te koop die bedrag gebruik om elke annuïteit te voorsien of te koop R165 000 moet oorskry;";
- (j) deur in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van "voorsorgbewaringsfonds" subparagraaf (v) deur die volgende subparagraaf te vervang:
- “(v) voormalige lede van 'n pensioenfonds [of], pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds wat gekies het om 'n enkelbedragvoordeel beoog in paragraaf 2(1)(c) van die Tweede Bylae oor te dra na hierdie pensioenbewaringsfonds en wat die keuse gemaak het terwyl hulle lede van daardie ander fonds was; of”;
- (k) deur in die voorbehoudsbepaling tot die omskrywing van “voorsorgbewaringsfonds” paragraaf (e) deur die volgende paragraaf te vervang:
- “(e) dat hoogstens een-derde van die totale waarde van die uittreebelang deur 'n enkele betaling vervang kan word en dat die restant in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van

methods of paying the annuity) or a combination of types of annuities except where two-thirds of the total value does not exceed R165 000 [or], where the member is deceased or where the member elects to transfer the retirement interest to a pension preservation fund, a provident preservation fund or a retirement annuity fund: 5
 Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account:

(a) in the case of a person who is or was a member of a provident fund or provident preservation fund and who is or was 55 years of age or older on 1 March 2021— 10

(i) any amount contributed to a provident fund or transferred to a provident preservation fund prior to, on and after 1 March 2021 of which that person is or was a member on 1 March 2021; 15

(ii) with the addition of any other amount credited to the member's individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; and 20

(iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); 25

(b) in any other case of a person who is or was a member of a provident fund or provident preservation fund on 1 March 2021— 25

(i) any amount contributed to a provident fund or transferred to a provident preservation fund prior to 1 March 2021; 30

(ii) with the addition of any other amounts credited to the member's individual account or minimum individual reserve of the provident fund or provident preservation fund as a result of the value of the member's individual account or minimum individual reserve on 1 March 2021; and 35

(iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), 40

reduced proportionally by an amount permitted in terms of the Pension Funds Act to be deducted from the member's individual account or minimum individual reserve of the provident fund or provident preservation fund prior to, on and after 1 March 2021; 45

Provided further that in the case where the remaining balance is utilised to provide or purchase more than one annuity, the amount utilised to provide or purchase each annuity must exceed R165 000;”; 45

(l) by the substitution in paragraph (b)(ii) of the proviso to the definition of “retirement annuity fund” for the words preceding the proviso to that paragraph of the following words: 50

“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), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the total value does not exceed R165 000 or where the member is deceased.”; and 55

(m) by the addition to paragraph (b)(ii) of the proviso to the definition of “retirement annuity fund” of the following further proviso:

metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie [of], waar die werknemer oorlede is of waar die lid kies om die uitreebelang na 'n pensioenbewaringsfonds, 'n voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds oor te dra: Met dien verstande dat by die bepaling van die waarde van die uitreebelang word 'n bedrag as volg bereken nie in berekening gebring nie—

- (a) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds is of was en wat 55 jaar of ouer is of was op 1 Maart 2021—
- (i) enige bedrag tot 'n voorsorgfonds bygedra of oorgedra na 'n voorsorgbewaringsfonds voor, op of na 1 Maart 2021 waarvan daardie persoon op 1 Maart 2021 'n lid is of was; 15
 - (ii) met die toevoeging van enige ander bedrag gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op en na 1 Maart 2021; en 20
 - (iii) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; 25
- (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds op 1 Maart 2021 is of was—
- (i) enige bedrag voor 1 Maart 2021 aan 'n voorsorgfonds bygedra of oorgedra na 'n voorsorgbewaringsfonds; 30
 - (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds as gevolg van die waarde van die lid se individuele rekening of minimum individuele reserwes op 1 Maart 2021; en 35
 - (iii) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, 40
- proporsioneel verminder deur enige bedrae toegelaat ingevolge die Wet op Pensioenfondse om afgetrek te word van die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds of voorsorgbewaringsfonds voor, op en na 1 Maart 2021; 45
- Met dien verstande voorts dat in die geval waar die oorblywende saldo aangewend word om meer as een annuïteit te voorsien of te koop die bedrag aangewend om elke annuïteit te voorsien of te koop R165 000 moet oorskry;”;
- (l) deur in paragraaf (b)(ii) van die voorbehoudsbepaling tot die omskrywing van “uittredingannuïteitsfonds” die woorde wat die voorbehoudsbepaling tot daardie paragraaf voorafgaan deur die volgende woorde te vervang: 50
- “dat hoogstens een-derde van die totale waarde van die uitreebelang deur 'n enkele betaling vervang kan word en dat die restant in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes annuïteite) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is;”;
- (m) deur by paragraaf (b)(ii) van die voorbehoudsbepaling tot die omskrywing van “uittredingannuïteitsfonds” die volgende verdere voorbehoudsbepaling te voeg: 60

“: Provided further that in the case where the remaining balance is utilised to provide or purchase more than one annuity, the amount utilised to provide or purchase each annuity must exceed R165 000;”.

- (2) Paragraph (c) of subsection (1) comes into operation on 1 January 2023.
- (3) Paragraph (d) of subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date. 5
- (4) Paragraph (e) of subsection (1) comes into operation on 1 March 2022 and applies in respect of liquidation and distribution accounts finalised on or after that date.
- (5) Paragraphs (f), (i), (l) and (m) of subsection (1) come into operation on 1 March 2022 and apply in respect of annuities purchased on or after that date. 10
- (6) Paragraphs (g), (h), (j) and (k) of subsection (1) come into operation on 1 March 2022 and apply in respect of years of assessment commencing on or after that date.

Amendment of section 7C of Act 58 of 1962, as inserted by section 12 of Act 15 of 2016 and amended by section 5 of Act 17 of 2017, section 9 of Act 23 of 2018, section 4 of Act 34 of 2019 and section 3 of Act 23 of 2020 15

5. Section 7C of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
- “(b) at the instance of [that] a natural person, a company in relation to which that person is a connected person in terms of paragraph (d)(iv) of the definition of connected person;” and 20
- (b) by the substitution in subsection (5)(d) for subparagraph (i) of the following subparagraph:
- “(i) the natural person referred to in subsection (1)(a) or (b) or the spouse of that person used that asset as a primary residence as contemplated in paragraph (b) of the definition of ‘primary residence’ in paragraph 44 of the Eighth Schedule throughout the period during that year of assessment during which that trust or company held that asset; and” 25

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 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, section 9 of Act 31 of 2013, section 5 of Act 42 of 2014, section 5 of Act 43 of 2014, section 8 of Act 25 of 2015, section 8 of Act 17 of 2017, section 6 of Act 34 of 2019 and section 4 of Act 23 of 2020 30
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6. Section 8 of the Income Tax Act, 1962, is hereby amended by the substitution in the proviso to subsection (4)(a) for paragraph (iii) of the following paragraph: 50

- “(iii) previously taken into account as an amount that is deemed to have been recovered or recouped in terms of section 19(4), (5) [or] (6) or (6A).”.

“: Met dien verstande voorts dat in die geval waar die oorblywende saldo aangewend word om meer as een annuïteit te voorsien of te koop die bedrag aangewend om elke annuïteit te voorsien of te koop R165 000 moet oorskry;”.

- (2) Paragraaf (c) van subartikel (1) tree op 1 Januarie 2023 in werking. 5
- (3) Paragraaf (d) van subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (4) Paragraaf (e) van subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van likwidasië- en distribusierekenings op of na daardie datum gefinaliseer. 10
- (5) Paragrafe (f), (i), (l) en (m) van subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van annuïteite op of na daardie datum gekoop.
- (6) Paragrafe (g), (h), (j) en (k) van subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 7C van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 15 van 2016 en gewysig deur artikel 5 van Wet 17 van 2017, artikel 9 van Wet 23 van 2018, artikel 4 van Wet 34 van 2019 en artikel 3 van Wet 23 van 2020 15

5. Artikel 7C van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang: 20
- “(b) op versoek van [**daardie**] ’n natuurlike persoon, ’n maatskappy in verband waarmee daardie persoon ’n verbonde persoon ingevolgt paragraaf (d)(iv) van die omskrywing van verbonde persoon is;”; en
- (b) deur in subartikel (5)(d) subparagraaf (i) deur die volgende subparagraaf te vervang: 25
- “(i) die natuurlike persoon in subartikel (1)(a) of (b) bedoel of die gade van daardie persoon daardie bate deurgaans tydens die periode gedurende daardie jaar van aanslag waartydens daardie trust of maatskappy daardie bate gehou het, gebruik het as ’n primêre woning soos [**omskryf**] beoog in paragraaf (b) van die omskrywing van ‘primêre woning’ in paragraaf 44 van die Agtste Bylae; en”.

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, 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, artikel 9 van Wet 31 van 2013, artikel 5 van Wet 42 van 2014, artikel 5 van Wet 43 van 2014, artikel 8 van Wet 25 van 2015, artikel 8 van Wet 17 van 2017, artikel 6 van Wet 34 van 2019 en artikel 4 van Wet 23 van 2020 35

6. Artikel 8 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in die voorbehoudsbepaling tot subartikel (4)(a) paragraaf (iii) deur die volgende paragraaf te vervang: 55
- “(iii) tevore in berekening gebring is as ’n bedrag ingevolgt artikel 19(4), (5) [**of**], (6) of (6A) verhaal of vergoed.”.

Amendment of section 8E of Act 58 of 1962, as inserted by section 6 of Act 70 of 1989 and amended by section 19 of Act 45 of 2003, section 9 of Act 32 of 2004, section 7 of Act 8 of 2007, section 13 of Act 7 of 2010, section 20 of Act 24 of 2011, section 10 of Act 22 of 2012, section 14 of Act 15 of 2016, section 12 of Act 23 of 2018 and section 8 of Act 34 of 2019

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7. Section 8E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph (e) of the definition of “hybrid equity instrument” of the following paragraph:

“(e) any equity instrument, other than an equity instrument contemplated in paragraph (d), if that equity instrument is subject to a right or arrangement that would have constituted a right or [security] arrangement contemplated in paragraph (a), (b) or (c) had that right or arrangement applied in respect of the share with reference to which the value of that equity instrument is directly or indirectly determined;”.

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Amendment of section 8F of Act 58 of 1962, as substituted by section 12 of Act 31 of 2013 and amended by section 8 of Act 43 of 2014, section 9 of Act 25 of 2015, section 16 of Act 15 of 2016, section 11 of Act 17 of 2017 and section 14 of Act 23 of 2018

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

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“(2) Any amount that is incurred by a company or accrues to a person in respect of interest on or after the date that [the] an instrument becomes a hybrid debt instrument is—

- (a) deemed to be a dividend *in specie* in respect of a share that is declared and paid by that company to the person to whom that amount accrued on the last day of the year of assessment of that company during which it was incurred; [and]
- (b) not deductible; and
- (c) deemed to be a dividend *in specie* in respect of a share that accrues to that person on the date contemplated in paragraph (a).”.

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(2) Subsection (1) comes into operation on the date on which the Taxation Laws Amendment Act, 2021, is promulgated and applies in respect of amounts incurred or accrued on or after that date.

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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, section 9 of Act 43 of 2014, section 10 of Act 25 of 2015, section 17 of Act 15 of 2016, section 12 of Act 17 of 2017 and section 15 of Act 23 of 2018

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

- “(2) Any amount that is incurred by a company or accrues to a person in respect of interest on or after the date that the interest becomes hybrid interest is—
- (a) deemed to be a dividend *in specie* in respect of a share that is declared and paid by that company to the person to whom that amount accrued on the last day of the year of assessment of that company during which it was incurred; [and]
 - (b) not deductible; and
 - (c) deemed to be a dividend *in specie* in respect of a share that accrues to that person on the date contemplated in paragraph (a).”.

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(2) Subsection (1) comes into operation on the date on which the Taxation Laws Amendment Act, 2021, is promulgated and applies in respect of amounts incurred or accrued on or after that date.

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,

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Wysiging van artikel 8E van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 70 van 1989 en gewysig deur artikel 19 van Wet 45 van 2003, artikel 9 van Wet 32 van 2004, artikel 7 van Wet 8 van 2007, artikel 13 van Wet 7 van 2010, artikel 20 van Wet 24 van 2011, artikel 10 van Wet 22 van 2012, artikel 14 van Wet 15 van 2016, artikel 12 van Wet 23 van 2018 en artikel 8 van Wet 34 van 2019

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7. Artikel 8E van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) paragraaf (e) van die omskrywing van “hibriede ekwiteitsinstrument” deur die volgende paragraaf te vervang:

“(e) enige ekwiteitsinstrument, buiten ’n ekwiteitsinstrument beoog in paragraaf (d), indien daardie ekwiteitsinstrument onderworpe is aan ’n reg of reëling wat ’n reg of [sekuriteitsooreenkoms] reëling beoog in paragraaf (a), (b) of (c) sou uitmaak indien daardie reg of [ooreenkoms] reëling van toepassing was ten opsigte van die aandeel met betrekking waartoe die waarde van daardie ekwiteitsinstrument bepaal is;”.

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Wysiging van artikel 8F van Wet 58 van 1962, soos vervang deur artikel 12 van Wet 31 van 2013 en gewysig deur artikel 8 van Wet 43 van 2014, artikel 9 van Wet 25 van 2015, artikel 16 van Wet 15 van 2016, artikel 11 van Wet 17 van 2017 en artikel 14 van Wet 23 van 2018

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8. (1) Artikel 8F van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

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“(2) Enige bedrag wat deur ’n maatskappy aangegaan word of ’n persoon toeval ten opsigte van rente op of na die datum waarop [die skuldinstrument] ’n instrument ’n hibriede skuldinstrument word—

(a) word geag ’n dividend *in specie* op die laaste dag van die jaar van aanslag van daardie maatskappy waarin dit aangegaan is deur die maatskappy verklaar en betaal te wees; [en]

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(b) is nie aftrekbaar nie; en

(c) word geag ’n dividend *in specie* te wees ten opsigte van ’n aandeel wat daardie persoon toeval op die datum in paragraaf (a) beoog.”.

(2) Subartikel (1) tree in werking op die datum waarop die Wysigingswet op Belastingwette, 2021, gepromulgeer word en is van toepassing ten opsigte van bedrae op of na daardie datum aangegaan of toegeval.

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Wysiging van artikel 8FA van Wet 58 van 1962, soos ingevoeg deur artikel 14 van Wet 31 van 2013 en gewysig deur artikel 15 van daardie Wet, artikel 9 van Wet 43 van 2014, artikel 10 van Wet 25 van 2015, artikel 17 van Wet 15 van 2016, artikel 12 van Wet 17 van 2017 en artikel 15 van Wet 23 van 2018

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

“(2) Enige bedrag wat deur ’n maatskappy aangegaan word of ’n persoon toeval ten opsigte van rente op of na die datum waarop die rente hibriede rente word—

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(a) word geag ’n dividend *in specie* op die laaste dag van die jaar van aanslag van daardie maatskappy waarin dit aangegaan is deur die maatskappy verklaar en betaal te wees; [en]

(b) is nie aftrekbaar nie; en

(c) word geag ’n dividend *in specie* te wees ten opsigte van ’n aandeel wat daardie persoon toeval op die datum in paragraaf (a) beoog.”.

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(2) Subartikel (1) tree in werking op die datum waarop die Wysigingswet op Belastingwette, 2021, gepromulgeer word en is van toepassing ten opsigte van bedrae op of na daardie datum aangegaan of toegeval.

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, artikels 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

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section 19 of Act 31 of 2013, section 12 of Act 43 of 2014, section 13 of Act 25 of 2015, section 20 of Act 15 of 2016, section 15 of Act 17 of 2017, section 18 of Act 23 of 2018, section 10 of Act 34 of 2019 and section 6 of Act 23 of 2020

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

(a) by the substitution in subsection (2A) for subparagraph (iv) of paragraph (d) of the proviso of the following subparagraph: 5

“(iv) ‘D’ represents, in respect of dividends contemplated in symbol ‘C’, an amount equal to **[the amount deducted in respect of any dividend paid by that controlled foreign company for the purposes of the dividends tax contemplated in Part VIII of this chapter, which amount constitutes] the aggregate of—** 10

(aa) 100 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 20 per cent;

(bb) 75 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 15 per cent; 15

~~[(bb)]~~(cc) 50 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 10 per cent;

~~[(cc)]~~(dd) 40 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 8 per cent;

~~[(dd)]~~(ee) 37.5 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 7.5 per cent; 20

[or] and

~~[(ee)]~~(ff) 25 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 5 per cent;”;

(b) by the substitution in subsection (9)(f)(bb) for item (A) of the following item: 25
“(A) excluded from the application of this section in terms of this paragraph or section 10B(2)(a), (b) **[or]**, (c) **or** (d);”;

(c) by the substitution in subsection (9A)(a)(i) for item (aa) of the following item: 30
“(aa) that controlled foreign company purchased those goods **[within] for delivery in** the country of residence of that controlled foreign company from any person who is not a connected person in relation to that controlled foreign company;”;

(d) by the substitution in subsection (9A)(a)(i) for item (dd) of the following item: 35
“(dd) that controlled foreign company purchases the same or similar goods mainly **[within] for delivery in** the country of residence of that controlled foreign company from persons who are not connected persons in relation to that controlled foreign company;”.

(2) Paragraph (a) is deemed to have come into operation on 1 January 2021 and applies in respect of dividends received by or accrued to any controlled foreign company on or after that date. 40

(3) Paragraphs (c) and (d) of subsection (1) come into operation on 1 January 2022 and apply in respect of years of assessment commencing 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, section 13 of Act 43 of 2014, section 21 of Act 15 of 2016 and section 7 of Act 23 of 2020 45

11. (1) Section 9H of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (5) for paragraph (b) of the following paragraph:

“(b) the capital gain or capital loss determined in respect of a disposal contemplated in paragraph (a) is **wholly or partly** disregarded in terms of paragraph 64B of the Eighth Schedule; and”.

2010, artikel 25 van Wet 24 van 2011, artikels 14 en 156 van Wet 22 van 2012, artikel 19 van Wet 31 van 2013, artikel 12 van Wet 43 van 2014, artikel 13 van Wet 25 van 2015, artikel 20 van Wet 15 van 2016, artikel 15 van Wet 17 van 2017, artikel 18 van Wet 23 van 2018, artikel 10 van Wet 34 van 2019 en artikel 6 van Wet 23 van 2020

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

(a) deur in subartikel (2A) subparagraaf (iv) van paragraaf (d) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:

“(iv) ‘D’, ten opsigte van dividende beoog in simbool ‘C’, [die] ’n bedrag voorstel gelykstaande aan die [bedrag afgetrek ten opsigte van enige dividend betaal deur daardie buitelandse beheerde maatskappy by die toepassing van die dividendbelasting beoog in Deel VIII van hierdie hoofstuk welke bedrag uit] totaal van—

(aa) 100 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 20 persent [bestaan];

(bb) 75 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 15 persent;

[(bb)](cc) 50 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 10 persent [bestaan];

[(cc)](dd) 40 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 8 persent [bestaan];

[(dd)](ee) 37.5 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 7.5 persent [bestaan]; [of] en

[(ee)](ff) 25 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 5 persent [bestaan];”;

(b) deur in subartikel (9)(f)(bb) item (A) deur die volgende item te vervang:

“(A) van die toepassing van hierdie artikel uitgesluit was ingevolge hierdie paragraaf of artikel 10B(2)(a), (b) [of], (c) of (d); of”;

(c) deur in subartikel (9A)(a)(i) item (aa) deur die volgende item te vervang:

“(aa) daardie beheerde buitelandse maatskappy daardie goed [binne] vir lewering in die land van verblyf van die beheerde buitelandse maatskappy aangekoop het van ’n persoon wat nie ’n verbonde persoon met betrekking tot daardie beheerde buitelandse maatskappy is nie;”;

(d) deur in subartikel (9A)(a)(i) item (dd) deur die volgende item te vervang:

“(dd) daardie beheerde buitelandse maatskappy dieselfde of soortgelyke goed aankoop hoofsaaklik [binne] vir lewering in die land van inwoning van daardie beheerde buitelandse maatskappy van persone wat nie verbonde persone met betrekking tot daardie beheerde buitelandse maatskappy is nie;”.

(2) Paragraaf (a) word geag op 1 Januarie 2021 in werking te getree het en is van toepassing ten opsigte van dividende op of na daardie datum ontvang deur of toegeval aan enige beheerde buitelandse maatskappy.

(3) Paragrafe (c) en (d) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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, artikel 13 van Wet 43 van 2014, artikel 21 van Wet 15 van 2016 en artikel 7 van Wet 23 van 2020

11. (1) Artikel 9H van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (5) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) die kapitaalwins of kapitaalverlies bepaal ten opsigte van ’n beskikking beoog in paragraaf (a) in geheel of gedeeltelik buite rekening gelaat word ingevolge paragraaf 64B van die Agtste Bylae; en”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2021 and applies in respect of disposals on or after that date.

Amendment of section 12DA of Act 58 of 1962, as inserted by section 24 of Act 35 of 2007 and amended by section 22 of Act 60 of 2008, section 34 of Act 31 of 2013, section 25 of Act 17 of 2017 and section 15 of Act 23 of 2020

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

“(1) There shall be allowed to be deducted from the income of the taxpayer an allowance, in respect of rolling stock brought into use by the taxpayer on or before 28 February 2022, in the carrying on of a trade [**during any year of assessment ending on or before 28 February 2022**], in respect of the cost actually incurred by the taxpayer in respect of the acquisition or improvement of any rolling stock which is owned by the taxpayer, or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph (a) of the definition of ‘instalment credit agreement’ in section 1 of the Value-Added Tax Act and is used directly by the taxpayer wholly or mainly for the transportation of persons, goods or things to the extent that such rolling stock is used in the production of that taxpayer’s income.”.

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Amendment of section 12F of Act 58 of 1962, as inserted by section 12 of Act 19 of 2001 and amended by section 26 of Act 35 of 2007, section 24 of Act 60 of 2008, section 22 of Act 17 of 2009 and section 16 of Act 23 of 2020

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13. Section 12F of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for the words following paragraph (b) of the following words:

“there shall be allowed to be deducted an allowance, in respect of an asset brought into use by the taxpayer on or before 28 February 2022, in the carrying on of a trade [**during any year of assessment ending on or before 28 February 2022**], in respect of the cost actually incurred by the taxpayer in respect of the acquisition (including the construction, erection or installation) of such asset to the extent that such asset is used in the production of the taxpayer’s income.”.

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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, section 27 of Act 22 of 2012, section 21 of Act 43 of 2014 and section 30 of Act 15 of 2016

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14. (1) Section 12H of the Income Tax Act, 1962 is hereby amended by the substitution in subsection (1) in the definition of “registered learnership agreement” for paragraph (b) of the following paragraph:

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“(b) entered into between a learner and an employer before 1 April [**2022**] 2024;”.

(2) Subsection (1) comes into operation on 1 April 2022 and applies in respect of learnership agreements entered into 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, section 271 of Act 28 of 2011, section 28 of Act 22 of 2012, section 22 of Act 43 of 2014, section 151 of Act 43 of 2014, section 22 of Act 25 of 2015, section 31 of Act 15 of 2016 and section 27 of Act 17 of 2017

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15. (1) Section 12I of the Income Tax Act, 1962, is hereby amended by the insertion in subsection (19) after paragraph (a) of the following paragraph:

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“(aA) may, if application is made to the adjudication committee, after taking into account the recommendations of the adjudication committee in respect of that application, extend the periods contemplated in—

(2) Subartikel (1) word geag op 1 Januarie 2021 in werking te getree het en is van toepassing ten opsigte van beskikkings op of na daardie datum.

Wysiging van artikel 12DA van Wet 58 van 1962, soos ingevoeg deur artikel 24 van Wet 35 van 2007 en gewysig deur artikel 22 van Wet 60 van 2008, artikel 34 van Wet 31 van 2013, artikel 25 van Wet 17 van 2017 en artikel 15 van Wet 23 van 2020 5

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

“(1) Daar word as ’n aftrekking van die inkomste van ’n belastingpligtige toegelaat ’n vermindering, ten opsigte van ’n spoorvoertuig voor of op 28 Februarie 2022 in gebruik gebring deur die belastingpligtige in die voortsetting van bedryf [tydens enige jaar van aanslag wat eindig voor of op 28 Februarie 2022], ten opsigte van die onkoste werklik deur die belastingpligtige aangegaan ten opsigte van die verkryging of verbetering van enige spoorvoertuig deur die belastingpligtige besit of as koper deur die belastingpligtige ingevolge ’n ooreenkoms beoog in paragraaf (a) van die omskrywing van ‘paaient-kredietooreenkoms’ in artikel 1 van die Wet op Belasting op Toegevoegde Waarde verkry, en direk deur die belastingpligtige in geheel of gedeeltelik vir die vervoer van persone, goedere of dinge gebruik word, in die mate wat daardie spoorvoertuig gebruik word in die voortbrenging van daardie belastingpligtige se inkomste.”. 10 15

Wysiging van artikel 12F van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 19 van 2001 en gewysig deur artikel 26 van Wet 35 van 2007, artikel 24 van Wet 60 van 2008, artikel 22 van Wet 17 van 2009 en artikel 16 van Wet 23 van 2020 20

13. Artikel 12F van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang: 25

“word ’n vermindering, ten opsigte van ’n bate voor of op 28 Februarie 2022 deur die belastingpligtige in gebruik gebring in die voortsetting van ’n bedryf [tydens enige jaar van aanslag wat eindig voor of op 28 Februarie 2022], ten opsigte van die koste werklik deur die belastingpligtige aangegaan ten opsigte van die verkryging (waarby ingesluit die konstruksie, oprigting of installing) van bedoelde bate as ’n aftrekking toegelaat in die mate wat daardie bate in die voortbrenging van die belastingpligtige se inkomste gebruik word.”. 30

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, artikel 27 van Wet 22 van 2012, artikel 21 van Wet 43 van 2014 en artikel 30 van Wet 15 van 2016 35

14. (1) Artikel 12H van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) in die omskrywing van “geregisteerde leerlingooreenkoms” paragraaf (b) deur die volgende paragraaf te vervang:

“(b) voor 1 April [2022] 2024 tussen ’n leerling en ’n werkgewer aangegaan is;”. 40

(2) Subartikel (1) tree op 1 April 2022 in werking en is van toepassing ten opsigte van leerlingooreenkoms op of na daardie datum aangegaan.

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, artikel 271 van Wet 28 van 2011, artikel 28 van Wet 22 van 2012, artikel 22 van Wet 43 van 2014, artikel 151 van Wet 43 van 2014, artikel 22 van Wet 25 van 2015, artikel 31 van Wet 15 van 2016 en artikel 27 van Wet 17 van 2017 45

15. (1) Artikel 12I van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (19) na paragraaf (a) die volgende paragraaf in te voeg: 50

“(aA) kan, indien by die beoordelingskomitee aansoek gedoen word, na inagneming van die aanbevelings van die beoordelingskomitee ten opsigte van daardie aansoek, die tydperke beoog in—

- (i) paragraph (b) of the definition of ‘compliance period’ in subsection (1);
and
(ii) subsections (2), (6)(b) and (7)(c),
by a period not exceeding two years, in addition to the extension of periods contemplated in paragraph (a), if it is shown that the fundamental reason for non-compliance was the COVID-19 pandemic or any circumstances arising therefrom;”

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(2) Subsection (1) is deemed to have come into operation on 1 January 2020.

Amendment of section 13quat of Act 58 of 1962, as inserted by section 33 of Act 45 of 2003 and amended by section 12 of Act 16 of 2004, section 19 of Act 32 of 2004, section 23 of Act 31 of 2005, section 16 of Act 8 of 2007, section 5 of Act 4 of 2008, section 29 of Act 60 of 2008, sections 29 and 106 of Act 17 of 2009, section 33 of Act 7 of 2010, section 41 of Act 24 of 2011, section 34 of Act 22 of 2012, section 48 of Act 31 of 2013, section 32 of Act 25 of 2015, section 38 of Act 15 of 2016 section 34 of Act 23 of 2018 and section 20 of Act 23 of 2020

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16. (1) Section 13quat of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (5) for paragraph (c) of the following paragraph:

“(c) which is brought into use by the taxpayer after 31 March [2021] 2023.”

(2) Subsection (1) is deemed to have come into operation on 1 April 2021 and applies in respect of any building, part thereof or improvement that is brought into use on or after that date.

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Amendment of section 19 of Act 58 of 1962, as substituted by section 32 of Act 17 of 2017 and amended by section 36 of Act 23 of 2018

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

- (a) by the substitution in subsection (1) for the full stop at the end of the definition of “group of companies” of the expression “; and”;
(b) by the substitution in subsection (8)(b) for the words following subparagraph (ii) of the following words:
“in respect of which donations tax is payable; [or]”; and
(c) by the substitution in subsection (8)(f) for item (ii) of the following item:

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“(ii) does not consist of or represent an amount owed by that person in respect of any interest as defined in section 24J incurred by that person during any year of assessment.”

(2) Paragraph (c) of subsection (1) comes into operation on 1 January 2022 and applies in respect of years of assessment commencing on or after that date.

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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, section 54 of Act 31 of 2013, section 31 of Act 43 of 2014 and section 39 of Act 15 of 2016

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

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- “(a) (i) that is a company, any balance of assessed loss incurred by that person in any previous year which has been carried forward from the preceding year of assessment, to the extent that the amount of such set-off does not exceed the higher of R1 million and 80 per cent of the

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- (i) paragraaf (b) van die omskrywing van ‘voldoeningstydperk’ in subartikel (1); en
- (ii) subartikels (2), (6)(b) en (7)(c), met ’n tydperk van hoogstens twee jaar verleng, bykomend tot die verlenging van tydperke in paragraaf (a) beoog, indien bewys word dat die grondliggende rede vir nie-voldoening die COVID-19 pandemie of enige omstandighede wat daaruit voortspruit, was;”.

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(2) Subartikel (1) word geag op 1 Januarie 2020 in werking te getree het.

Wysiging van artikel 13^{quat} van Wet 58 van 1962, soos ingevoeg deur artikel 33 van Wet 45 van 2003 en gewysig deur artikel 12 van Wet 16 van 2004, artikel 19 van Wet 32 van 2004, artikel 23 van Wet 31 van 2005, artikel 16 van Wet 8 van 2007, artikel 5 van Wet 4 van 2008, artikel 29 van Wet 60 van 2008, artikels 29 en 106 van Wet 17 van 2009, artikel 33 van Wet 7 van 2010, artikel 41 van Wet 24 van 2011, artikel 34 van Wet 22 van 2012, artikel 48 van Wet 31 van 2013, artikel 32 van Wet 25 van 2015, artikel 38 van Wet 15 van 2016, artikel 34 van Wet 23 van 2018 en artikel 20 van Wet 23 van 2020

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16. (1) Artikel 13^{quat} van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (5) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) wat na 31 Maart [2021] 2023 deur die belastingpligtige in gebruik geneem word.”.

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(2) Subartikel (1) word geag op 1 April 2021 in werking te getree het en is van toepassing op enige gebou, deel daarvan en verbetering daartoe wat op of na daardie datum in gebruik geneem is.

Wysiging van artikel 19 van Wet 58 van 1962, soos vervang deur artikel 32 van Wet 17 van 2017 en gewysig deur artikel 36 van Wet 23 van 2018

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

(a) deur in die Engelse teks in subartikel (1) die punt aan die einde van die omskrywing van “group of companies” deur die uitdrukking “; and” te vervang;

(b) deur in subartikel (8)(b) die woorde wat op subparagraaf (ii) volg deur die volgende woorde te vervang:

“ ten opsigte waarvan belasting op geskenke betaalbaar is; [of]”; en

(c) deur in subartikel (8)(f) item (ii) deur die volgende item te vervang:

“(ii) nie bestaan uit of ’n bedrag verteenwoordig verskuldig deur daardie persoon ten opsigte van enige rente soos omskryf in artikel 24J aangegaan deur daardie persoon tydens enige jaar van aanslag nie.”.

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(2) Paragraaf (c) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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, artikel 54 van Wet 31 van 2013, artikel 31 van Wet 43 van 2014 en artikel 39 van Wet 15 van 2016

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

“(a) (i) wat ’n maatskappy is, enige balans van ’n vasgestelde verlies deur daardie persoon in ’n vorige jaar gely wat van die vorige jaar van aanslag oorgebring is, namate die bedrag wat aldus in vergelyking gebring word nie die meeste van R1 miljoen en 80 persent van die

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amount of taxable income determined before taking into account the application of this provision;

- (ii) that is not a company, any balance of assessed loss incurred by that person in any previous year which has been carried forward from the preceding year of assessment: 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 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) comes into operation on the date on which the rate of tax in respect of the taxable income of a company is first reduced after announcement by the Minister of Finance in the annual National Budget and applies in respect of years of assessment commencing on or after that date.

Amendment of section 23M of Act 58 of 1962, as inserted by section 16 of Act 31 of 2013 and amended by section 37 of Act 43 of 2014, section 41 of Act 15 of 2016, section 39 of Act 17 of 2017, section 41 of Act 23 of 2018 and section 28 of Act 34 of 2019

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

- (a) by the substitution in subsection (1) for the definition of “adjusted taxable income” of the following definition:

“**‘adjusted taxable income’** means taxable income calculated before applying this section—

- (a) reduced by—

- (i) any amount of interest received or accrued that forms part of taxable income;
- (ii) any amount included in the income of a person as contemplated in section 9D(2);
- (iii) any amount recovered or recouped in respect of an allowance contemplated in this Act in respect of a capital asset as defined in section 19; and

- (b) with the addition of—

- (i) any amount of interest incurred that has been allowed as a deduction from income;
- (ii) any amount allowed as a deduction in terms of this Act in respect of a capital asset as defined in section 19 for purposes other than the determination of any capital gain or capital loss; **[and]**
- (iii) any assessed loss or balance of assessed loss allowed to be set off against income in terms of section 20, before applying this section; and
- (iv) any qualifying distribution as defined in section 25BB that is deductible under subsection (2) of that section;”;

- (b) by the deletion in subsection (1) of the definition of “average repo rate”;

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

“**‘controlling relationship’** means a relationship where—

- (a) a person, whether alone or together with any one or more persons that are connected persons in relation to that person; or

- (b) persons that are connected persons in relation to that person, directly or indirectly hold at least 50 per cent of the equity shares or can exercise at least 50 per cent of the voting rights or participation rights, in a company;”;

- (d) by the insertion after the definition of “controlling relationship” of the following definition:

bedrag van belasbare inkomste bepaal voordat die toepassing van hierdie bepaling in aanmerking geneem is, oorskry nie;

- (ii) wat nie 'n maatskappy is nie, enige balans van 'n vasgestelde verlies deur daardie persoon in 'n vorige jaar gely wat van die vorige jaar van aanslag oorgebring is: 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 '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) tree in werking op die datum waarop die skaal van belasting ten opsigte van die belasbare inkomste van 'n maatskappy eerste verminder word na aankondiging deur die Minister van Finansies tydens die jaarlikse Nasionale Begroting en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 23M van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 31 van 2013 en gewysig deur artikel 37 van Wet 43 van 2014, artikel 41 van Wet 15 van 2016, artikel 39 van Wet 17 van 2017, artikel 41 van Wet 23 van 2018 en artikel 28 van Wet 34 van 2019

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

- (a) deur in subartikel (1) die omskrywing van “aangepaste belasbare inkomste” deur die volgende omskrywing te vervang:

“**‘aangepaste belasbare inkomste’** belasbare inkomste bereken voor toepassing van hierdie artikel—

(a) verminder deur—

- (i) enige bedrag van rente ontvang of toegeval wat deel vorm van belasbare inkomste;
- (ii) enige bedrag ingesluit by die inkomste van 'n persoon soos in artikel 9D(2) beoog;
- (iii) enige bedrag verhaal of vergoed ten opsigte van 'n toelae beoog in hierdie Wet ten opsigte van 'n kapitaalbate soos in artikel 19 omskryf; en

(b) met die byvoeging van—

- (i) enige bedrag van rente aangegaan wat toegelaat was as 'n aftrekking van inkomste;
- (ii) enige bedrag toegelaat as 'n aftrekking ingevolge hierdie Wet ten opsigte van 'n kapitaalbate soos in artikel 19 omskryf vir ander doeleindes as die bepaling van enige kapitaalwinst of kapitaalverlies; [en]
- (iii) enige vasgestelde verlies of balans van 'n vasgestelde verlies toegelaat om verreken te word teen inkomste ingevolge artikel 20 voor die toepassing van hierdie artikel; en

(iv) enige kwalifiserende uitkering soos omskryf in artikel 25BB wat kragtens subartikel (2) van daardie artikel aftrekbaar is;”;

- (b) deur in subartikel (1) die omskrywing van “gemiddelde repokoers” te skrap;

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

“**‘beherende verhouding’** 'n verhouding waar—

- (a) 'n persoon, hetsy alleen of tesame met een of meer ander persone wat verbonde persone met betrekking tot daardie persoon is; of
- (b) persone wat verbonde persone met betrekking tot daardie persoon is,

direk of indirek ten minste 50 persent van die ekwiteitsaandeel in 'n maatskappy hou of ten minste 50 persent van die stemregte of deelnemende regte in 'n maatskappy kan uitoefen;”;

- (d) deur voor die omskrywing van “skuldenaar” die volgende omskrywing in te voeg:

- “**debt**” includes any amount in respect of which interest is determined or incurred, and such amount must be regarded as owed, but does not include a tax debt as defined in section 1(1) of the Tax Administration Act;”;
- (e) by the substitution for the definition of “debtor” of the following definition: 5
 “**debtor**” means a [**debtor who is**] person that incurs an amount of interest and—
 (a) [**a person that**] is a resident; or
 (b) [**any other person who**] in the case of a person that is not a resident [**that has a permanent establishment in the Republic in respect of any debt claim**], owes a debt that is effectively connected with [**that**] a permanent establishment of that person in the Republic;”;
- (f) by the substitution in subsection (1) for the definition of “interest” of the following definition: 10
 “**interest**” means interest as defined in section 24J, and includes— 15
 (a) amounts incurred or accrued under any ‘interest rate agreement’ as defined in section 24K(1);
 (b) any finance cost element recognised for purposes of IFRS in respect of any lease arrangement that constitutes a finance lease as defined in IFRS16; 20
 (c) amounts taken into account in determining taxable income in terms of section 24I(3) and (10A); and
 (d) any amount deemed to be interest under section 24JA, but excludes any amount that is deemed to be a dividend *in specie* as contemplated in sections 8F and 8FA;”;
- (g) by the insertion in subsection (1) after the definition of “lending institution” of the following definition: 25
 “**participation rights**” means—
 (a) the right to participate in all or part of the benefits of the rights (other than voting rights) attaching to a share, or any interest of a similar nature, in a company; or
 (b) in the case where no person has any right in that company as contemplated in paragraph (a) or no such rights can be determined for any person, the right to exercise any voting rights in that company;”;
- (h) by the deletion in subsection (1) of the definition of “repo rate”; 30
 (i) by the deletion in subsection (2) of the word “or” at the end of paragraph (a), the substitution for the comma at the end of paragraph (b) of the expression “;” and the addition of the following paragraphs: 35
 “(c) a creditor that is not in a controlling relationship with that debtor, if that creditor forms part of the same group of companies as that debtor if the expression ‘at least 70 per cent of the equity shares in’ in paragraphs (a) and (b) of the definition of ‘group of companies’ in section 1 were replaced by the expression ‘more than 50 per cent of the equity shares or voting rights in’; or 40
 (d) a creditor that is in a controlling relationship with that debtor, if that creditor, directly or indirectly through another creditor that is in a controlling relationship with that creditor, obtained the funding for the debt advanced to the debtor from a person that is in a controlling relationship with that creditor or that other creditor;”;
- (j) by the substitution in subsection (2) for the words preceding subparagraph (i) of the following words: 45
 “and the amount of interest so incurred or related interest is not during that year of assessment—”;
- (k) by the substitution in subsection (2)(i) for item (aa) of the following item: 50
 “(aa) subject to tax in the hands of the person, creditor or other creditor referred to in paragraphs (a), (b), (c) and (d), to which the interest or related interest accrues; or”;

- “**‘skuld’** sluit in enige bedrag ten opsigte waarvan rente bepaal of aangegaan word, en sodanige bedrag moet as verskuldig beskou word, maar sluit nie in ’n belastingskuld soos in artikel 1(1) van die Wet op Belastingadministrasie omskryf nie;”;
- (e) deur die omskrywing van “skuldenaar” deur die volgende omskrywing te vervang: 5
- “**‘skuldenaar’** ’n [skuldenaar wat] persoon wat ’n bedrag aan rente aangaan en—
- (a) [’n persoon is wat] ’n inwoner is; of
- (b) [enige ander persoon is wat] in die geval van ’n persoon wat nie ’n inwoner is nie [wat ’n permanente saak in die Republiek het ten opsigte van ’n skuld eis], ’n skuld verskuldig is wat effektief verbind is met [daardie] ’n permanente saak van daardie persoon in die Republiek;”;
- (f) deur in subartikel (1) die omskrywing van “rente” deur die volgende omskrywing te vervang: 15
- “**‘rente’** rente soos in artikel 24J omskryf, en ook—
- (a) bedrae aangegaan of toegeval kragtens enige ‘rentekoers-ooreenkoms’ soos in artikel 24K(1) omskryf;
- (b) enige element van finansieringskoste erken vir doeleindes van IFRS ten opsigte van enige huurreëling wat ’n ‘finance lease’ uitmaak soos in IFRS16 omskryf;
- (c) bedrae by die bepaling van belasbare inkomste ingevolge artikel 24I(3) en (10A) in aanmerking geneem; en
- (d) enige bedrag kragtens artikel 24JA geag rente te wees, 20
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maar nie ook ’n bedrag wat geag word ’n dividend *in specie* soos beoog in artikels 8F en 8FA te wees nie;”;
- (g) deur in subartikel (1) na die omskrywing van “beherende verhouding” die volgende omskrywing in te voeg: 30
- “**‘deelnemende regte’**—
- (a) die reg om deel te neem aan al of ’n gedeelte van die voordele van die regte (buiten stemregte) verbonde aan ’n aandeel, of enige belang van ’n soortgelyke aard, in ’n maatskappy; of
- (b) in die geval waar geen persoon enige reg in daardie maatskappy het soos in paragraaf (a) beoog nie of geen sodanige regte vir enige persoon bepaal kan word nie, die reg om enige stemregte in daardie maatskappy uit te oefen;”;
- (h) deur in subartikel (1) die omskrywing van “repokoers” te skrap;
- (i) deur in subartikel (2) die woord “of” aan die einde van paragraaf (a) te skrap, die komma aan die einde van paragraaf (b) deur die uitdrukking “;” te vervang en die volgende paragrawe by te voeg: 40
- “(c) ’n krediteur wat nie in ’n beherende verhouding met daardie skuldenaar is nie, indien daardie krediteur deel van dieselfde groep van maatskappye as daardie skuldenaar uitmaak indien die uitdrukking ‘minstens 70 persent van die ekwiteitsaandeel in’ in paragrafe (a) en (b) van die omskrywing van ‘groep van maatskappye’ in artikel 1 deur die uitdrukking ‘meer as 50 persent van die ekwiteitsaandeel of stemregte in’ vervang word; of
- (d) ’n krediteur wat in ’n beherende verhouding met daardie skuldenaar is, indien daardie krediteur, regstreeks of onregstreeks deur ’n ander krediteur wat in ’n beherende verhouding met daardie krediteur is, die befondsing vir die skuld aan die skuldenaar voorgeskiet verkry het van ’n persoon wat in ’n beherende verhouding met daardie krediteur of daardie ander krediteur is;”;
- (j) deur in subartikel (2) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 55
- “en die bedrag van rente of verwante rente aldus aangegaan nie gedurende daardie jaar van aanslag—”;
- (k) deur in subartikel (2)(i) item (aa) deur die volgende item te vervang: 60
- “(aa) aan belasting onderhewig is nie in die hande van die persoon, krediteur of ander krediteur bedoel in paragrafe (a), (b), (c) en (d), waaraan die rente of verwante rente toeval; of”;

- (l) by the addition to subsection (2) after the words following paragraph (ii) of the following proviso:

“: Provided that where any amount of interest incurred or related interest is not included in the income of the person referred to in paragraph (i)(aa), the amount of interest to be regarded as not subject to tax as contemplated in paragraph (i)(aa) will be determined in accordance with the formula:

$$A = B \times \frac{(C-D)}{C}$$

in which formula—

- (i) ‘A’ represents the amount to be determined;
 (ii) ‘B’ represents the aggregate of any amount of interest incurred or paid in respect to which the provisions of Part IVB of this Chapter are or will be applicable;
 (iii) ‘C’ represents the number 15; and
 (iv) ‘D’ represents the rate at which withholding tax on interest has been or will be levied on such amount of interest under the provisions of Part IVB of this Chapter, multiplied by the number 100.”;

- (m) by the substitution for subsection (3) of the following subsection:

“(3) The amount of interest allowed to be deducted in respect of all debts owed as contemplated in subsection (2), in respect of any year of assessment must not exceed the sum of—

- (a) the amount of interest received by or accrued to the debtor; and
 (b) an amount determined by multiplying the adjusted taxable income of that debtor for that year of assessment by [a percentage 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] 0,3,
 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

- (n) by the addition after subsection (6) of the following subsection:

“(7) For purposes of this section any exchange difference deducted from the income of a person as contemplated in section 24(3) or (10A) is deemed to have been incurred by the person.”.

- (2) Subsection (1) comes into operation on the date on which the rate of tax in respect of the taxable income of a company is first reduced after announcement by the Minister of Finance in the annual National Budget and applies in respect of years of assessment commencing on or after that date.

Amendment of section 25 of Act 58 of 1962, as substituted by section 48 of Act 25 of 2015 and amended by section 47 of Act 15 of 2016 and section 47 of Act 23 of 2018

20. (1) Section 25 of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (3) of the word “and” at the end of paragraph (a), the substitution for the full stop at the end of paragraph (b) of the expression “; and” and by the addition of the following paragraph:

- (l) deur by subartikel (2) na die woorde wat op subparagraaf (ii) volg die volgende voorbehoudsbepaling te voeg:
- “: Met dien verstande dat waar enige bedrag van rente aangegaan of verwante rente nie by die inkomste van die persoon bedoel in subparagraaf (i)(aa) ingesluit word nie, die bedrag van rente wat as nie onderhewig aan belasting beskou moet word soos beoog in subparagraaf (i)(aa) bepaal moet word ooreenkomstig die formule:
- $$A = B \times \frac{(C-D)}{C}$$
- in welke formule—
- (i) ‘A’ die bedrag wat bepaal moet word, voorstel;
- (ii) ‘B’ die totaal van enige bedrag van rente aangegaan of toegeval ten opsigte waarvan die bepalings van Deel IVB van hierdie Hoofstuk van toepassing is of sal wees, voorstel;
- (iii) ‘C’ die getal 15 voorstel; en
- (iv) ‘D’ die koers voorstel waarteen terughoudingsbelasting op rente gehef is of sal word op sodanige bedrag van rente kragtens die bepalings van Deel IVB van hierdie Hoofstuk, vermenigvuldig deur die getal 100.”;
- (m) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die bedrag van rente toegelaat om afgetrek te word ten opsigte van alle skulde verskuldig soos beoog in subartikel (2) ten opsigte van enige jaar van aanslag mag nie die som van—
- (a) die bedrag van rente ontvang deur of toegeval aan die skuldenaar; en
- (b) ’n bedrag bepaal deur die aangepaste belasbare inkomste van daardie skuldenaar vir daardie jaar van aanslag te vermenigvuldig met [’n persentasie wat 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] 0,3, 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 wat nie ingevolge artikel 23N toegelaat word om afgetrek te word [ingevolge artikel 23N] nie.” en
- (n) deur na subartikel (6) die volgende subartikel by te voeg:
- “(7) By die toepassing van hierdie artikel word enige wisselkoersverskil wat van die inkomste van ’n persoon afgetrek word soos in artikel 24I(3) of (10A) beoog, geag deur die persoon aangegaan te gewees het.”
- (2) Subartikel (1) tree in werking op die datum waarop die skaal van belasting ten opsigte van die belasbare inkomste van ’n maatskappy eers verminder word na aankondiging deur die Minister van Finansies in die jaarlikse Nasionale Begroting en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- Wysiging van artikel 25 van Wet 58 van 1962, soos vervang deur artikel 48 van Wet 25 van 2015 en gewysig deur artikel 47 van Wet 15 van 2016 en artikel 47 van Wet 23 van 2018**

20. (1) Artikel 25 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3) die woord “en” aan die einde van paragraaf (a) te skrap, die punt aan die einde van paragraaf (b) deur die uitdrukking “; en” te vervang en die volgende paragraaf by te voeg:

“(c) that deceased estate must be treated as having disposed of that asset on the earlier of the date on which that asset is disposed of or on which the liquidation and distribution account becomes final.”.

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of liquidation and distribution accounts finalised on or after that date.

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Amendment of section 28 of Act 58 of 1962, as amended by section 17 of Act 90 of 1962, section 22 of Act 55 of 1966, section 24 of Act 89 of 1969, section 21 of Act 88 of 1971, section 19 of Act 65 of 1973, section 19 of Act 91 of 1982, section 22 of Act 94 of 1983, section 17 of Act 65 of 1986, section 23 of Act 90 of 1988, section 13 of Act 70 of 1989, section 25 of Act 101 of 1990, section 29 of Act 129 of 1991, section 24 of Act 113 of 1993, section 19 of Act 21 of 1994, section 33 of Act 30 of 2000, section 42 of Act 35 of 2007, section 40 of Act 60 of 2008, section 40 of Act 17 of 2009, section 51 of Act 7 of 2010, section 61 of Act 22 of 2012, section 76 of Act 31 of 2013, section 52 of Act 25 of 2015, section 49 of Act 15 of 2016, section 50 of Act 23 of 2018 and section 33 of Act 34 of 2019

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21. (1) Section 28 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the definition of “short-term insurer” of the following paragraph:

“(a) [a short-term insurer as defined in the Short-term Insurance Act] a company that is licensed under the Insurance Act and is conducting non-life insurance business as defined in that Act;”;

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(b) by the insertion after subsection (3A) of the following subsection:

“(3B)(a) Where a person transfers short-term insurance policies as part of any short-term insurance business to another short-term insurer carrying on or to be carrying on short-term insurance business, that person may for purposes of section 11(a) deduct an amount equal to liabilities on investment contracts relating to short-term insurance business and amounts of insurance liabilities relating to premiums and claims transferred to the other short-term insurer.

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(b) An amount contemplated in paragraph (a) must be included in the income of the short-term insurer to which the liabilities were transferred as described in paragraph (a).”;

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

“(4) The total of all amounts deducted from the income of a short-term insurer in respect of a year of assessment in terms of [subsection] subsections (3) and (3A) shall be included in the income of that short-term insurer in the following year of assessment.”.

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(2) Paragraphs (b) and (c) of subsection (1) come into operation on 1 January 2022 and apply in respect of years of assessment ending 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, section 77 of Act 31 of 2013, section 47 of Act 43 of 2014, section 53 of Act 25 of 2015, section 50 of Act 15 of 2016, section 46 of Act 17 of 2017, section 51 of Act 23 of 2018, section 34 of Act 34 of 2019 and section 30 of Act 23 of 2020

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22. Section 29A of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) for the definition of “insurer” of the following definition:

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“ ‘insurer’ means [any long-term insurer as defined in section 1 of the Long-term Insurance Act] a company that is licensed under the Insurance Act and is conducting life insurance business as defined in that Act, other than a foreign reinsurer conducting insurance business

“(c) word daardie bestorwe boedel geag om oor daardie bate te beskik het op die vroegste van die datum waarop oor daardie bate beskik word of waarop die likwidasië- en distribusierekening finaal word.”

(2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van likwidasië- en distribusierekenings op of na daardie datum gefinaliseer.

Wysiging van artikel 28 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 90 van 1962, artikel 22 van Wet 55 van 1966, artikel 24 van Wet 89 van 1969, artikel 21 van Wet 88 van 1971, artikel 19 van Wet 65 van 1973, artikel 19 van Wet 91 van 1982, artikel 22 van Wet 94 van 1983, artikel 17 van Wet 65 van 1986, artikel 23 van Wet 90 van 1988, artikel 13 van Wet 70 van 1989, artikel 25 van Wet 101 van 1990, artikel 29 van Wet 129 van 1991, artikel 24 van Wet 113 van 1993, artikel 19 van Wet 21 van 1994, artikel 33 van Wet 30 van 2000, artikel 42 van Wet 35 van 2007, artikel 40 van Wet 60 van 2008, artikel 40 van Wet 17 van 2009, artikel 51 van Wet 7 van 2010, artikel 61 van Wet 22 van 2012, artikel 76 van Wet 31 van 2013, artikel 52 van Wet 25 of van 2015, artikel 49 van Wet 15 van 2016, artikel 50 van Wet 23 van 2018 en artikel 33 van Wet 34 van 2019

21. (1) Artikel 28 van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“(a) [**n korttermynversekeraar soos omskryf in die Korttermynversekeringswet**] ’n maatskappy wat kragtens die Versekeringswet gelisensieer is en wat nieliewensversekeringsbesigheid soos omskryf in daardie Wet bedryf;”;

(b) deur na subartikel (3A) die volgende subartikel in te voeg:

“(3B) (a) Waar ’n persoon korttermynversekeringspolisie oordra as deel van ’n korttermynversekeringsbesigheid aan ’n ander korttermynversekeraar wat korttermynbesigheid bedryf of staan te bedryf, mag daardie persoon by die toepassing van artikel 11(a) ’n bedrag gelyk aan laste op beleggingskontrakte wat verband hou met korttermynversekeringsbesigheid en bedrae van versekeringslaste wat verband hou met premies en eise aan die ander korttermynversekeraar oorgedra, aftrek.

(b) ’n Bedrag beoog in paragraaf (a) moet ingesluit word by die inkomste van die korttermynversekeraar waaraan die laste oorgedra is soos in paragraaf (a) beskryf.”; en

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

“(4) Die totaal van alle bedrae afgetrek van die inkomste van ’n korttermynversekeraar ten opsigte van ’n jaar van aanslag ingevolge [**subartikel**] subartikels (3) en (3A) word in die volgende jaar van aanslag by die inkomste van daardie korttermynversekeraar ingesluit.”.

(2) Paragrafe (b) en (c) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte jare van aanslag wat op of na daardie datum eindig.

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, artikel 77 van Wet 31 van 2013, artikel 47 van Wet 43 van 2014, artikel 53 van Wet 25 van 2015, artikel 50 van Wet 15 van 2016, artikel 46 van Wet 17 van 2017, artikel 51 van Wet 23 van 2018, artikel 34 van Wet 34 van 2019 en artikel 30 van Wet 23 van 2020

22. Artikel 29A van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“**‘versekeraar’** ’n [**langtermynversekeraar soos in artikel 1 van die Langtermynversekeringswet omskryf**] maatskappy wat gelisensieer is kragtens die Versekeringswet en wat lewensversekeringsbesigheid soos omskryf in daardie Wet bedryf, buiten ’n buitelandse herversekeraar wat

- through a branch in the Republic in terms of section 6 of [the Insurance] that Act;” and
- (b) by the substitution in the formula in subsection (11)(a)(ii)(bb) for subitem (D)(DD) of the following subitem:
- “(DD) the [difference] aggregate amount of the differences between the market value as defined in section 29B and the expenditure incurred in respect of [any asset held] all assets allocated to the fund at the end of the year of assessment, reduced by the amount determined in terms of this [subparagraph] subitem for the immediately preceding year of assessment: Provided that if the resultant aggregate amount is negative the amount shall be deemed to be nil; and”.

Substitution of section 40CA of Act 58 of 1962

23. (1) The Income Tax Act, 1962, is hereby amended by the substitution for section 40CA of the following section: 15

“Acquisitions of assets in exchange for shares

- 40CA.** Where a company acquires any asset, as defined in paragraph 1 of the Eighth Schedule—
- (a) from any person in exchange for shares issued by that company, that company must be deemed to have actually incurred an amount of expenditure in respect of the acquisition of that asset which is equal to the sum of—
- (i) the market value of the shares immediately after the acquisition; and
 - (ii) any deemed capital gain determined in terms of section 24BA(3)(a) in respect of the acquisition of that asset; or
- (b) in terms of an asset-for-share transaction as contemplated in section 42, a substitutive share-for-share transaction as contemplated in section 43 or an amalgamation transaction as contemplated in section 44 in respect of which a deemed capital gain is determined in terms of section 24BA(3)(a) in respect of the acquisition of that asset—
- (i) by that company; or
 - (ii) by any person that acquired that asset from that company in terms of any transaction contemplated in Part III of Chapter II, that company or that other person must be deemed, in addition to the amount of expenditure for which the asset is deemed to have been acquired by that company or that other person as a result of the application of sections 42(2)(b), 43(2)(b) or 44(2)(a)(ii)(aa), to have incurred an amount of expenditure equal to that deemed capital gain on the date of that asset-for-share transaction, substitutive share-for-share transaction or amalgamation transaction.”.

- (2) Subsection (1) comes into operation on 1 January 2022 and applies in respect of any acquisition of an asset 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 8 of 2007, section 52 of Act 35 of 2007, section 25 of Act 3 of 2008, section 48 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, section 90 of Act 31 of 2013, section 54 of Act 43 of 2014, section 61 of Act 25 of 2015, section 54 of Act 15 of 2016, section 50 of Act 17 of 2017, section 54 of Act 23 of 2018 and section 39 of Act 34 of 2019 45

24. Section 41 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

- ingevolge artikel 6 van [die Versekeringswet] daardie Wet besigheid deur 'n tak in die Republiek bedryf;"; en
- (b) deur in die formule in subartikel (11)(a)(ii)(bb) subitem (D)(DD) deur die volgende subitem te vervang:
- “(DD) die [verskil] totale bedrag van die verskille tussen die markwaarde soos omskryf in artikel 29B en die uitgawes aangegaan ten opsigte van [enige bate gehou] alle bates toegewys aan die fonds aan die einde van die jaar van aanslag, verminder deur die bedrag bepaal ingevolge hierdie [subparagraaf] subitem vir die onmiddellik voorafgaande jaar van aanslag: Met dien verstande dat indien die gevolglike totale bedrag negatief is, die bedrag geag word nul te wees; en[;]”.

Vervanging van artikel 40CA van Wet 58 van 1962

23. (1) Die Inkomstebelastingwet, 1962, word hierby gewysig deur artikel 40CA deur die volgende artikel te vervang:

“Verkrygings van bates in ruil vir aandele

40CA. Waar 'n maatskappy 'n bate, soos omskryf in paragraaf 1 van die Agtste Bylae, verkry—

- (a) van 'n persoon in ruil vir aandele uitgereik deur daardie maatskappy, word daardie maatskappy geag werklik 'n bedrag van uitgawes aan te gegaan het ten opsigte van die verkryging van daardie bate wat gelyk is aan die som van—
- (i) die markwaarde van die aandele onmiddellik na die verkryging; en
- (ii) enige geagte kapitaalwins bepaal ingevolge artikel 24BA(3)(a) ten opsigte van die verkryging van daardie bate; of
- (b) ingevolge 'n bate-vir-aandeel-transaksie soos beoog in artikel 42, 'n vervangende aandeel-vir-aandeel-transaksie soos beoog in artikel 43 of 'n amalgamasietransaksie soos beoog in artikel 44 ten opsigte waarvan 'n geagte kapitaalwins ingevolge artikel 24BA(3)(a) bepaal word ten opsigte van die verkryging van daardie bate—
- (i) deur daardie maatskappy; of
- (ii) deur enige persoon wat daardie bate van daardie maatskappy verkry het ingevolge enige transaksie beoog in Deel III van Hoofstuk II,
- word daardie maatskappy of daardie ander persoon geag, bykomend tot die bedrag van uitgawe waarteen die bate geag word deur daardie maatskappy of daardie ander persoon verkry te gewees het as gevolg van die toepassing van artikels 42(2)(b), 43(2)(b) of 44(2)(a)(ii)(aa), 'n bedrag aan uitgawes gelykstaande aan daardie geagte kapitaalwins op die datum van daardie bate-vir-aandeel-transaksie, vervangende aandeel-vir-aandeel-transaksie of amalgamasietransaksie aan te gegaan het.”.

- (2) Subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van enige verkryging van 'n bate op of na daardie datum.

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 32 en 103 van Wet 8 van 2007, artikel 52 van Wet 35 van 2007, artikel 25 van Wet 3 van 2008, artikel 48 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, artikel 90 van Wet 31 van 2013, artikel 54 van Wet 43 van 2014, artikel 61 van Wet 25 van 2015, artikel 54 van Wet 15 van 2016, artikel 50 van Wet 17 van 2017, artikel 54 van Wet 23 van 2018 en artikel 39 van Wet 34 van 2019

24. Artikel 41 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) The provisions of this Part must, subject to subsection (3), apply in respect of an asset-for-share transaction, a substitutive share-for-share transaction, an amalgamation transaction, an intra-group transaction, an unbundling transaction and a liquidation distribution as contemplated in sections 42, 43, 44, 45, 46 and 47, respectively, notwithstanding any provision to the contrary contained in the Act, other than sections 24BA, 24I, 25BB (5), 40CA(b) and 103, Part IIA of Chapter III and paragraph 11(1)(g) of the Eighth Schedule and any adjusted gain on transfer or redemption of an instrument, as defined in section 24J (1) and any adjusted loss on transfer or redemption of an instrument as defined in section 24J(1).”

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, section 91 of Act 31 of 2013, section 55 of Act 43 of 2014, section 62 of Act 25 of 2015, section 51 of Act 17 of 2017, section 55 of Act 23 of 2018 and section 40 of Act 34 of 2019

25. (1) Section 42 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in the definition of “asset-for-share transaction” in paragraph (i) of the proviso to paragraph (a)(ii) for subparagraph (B) of the following subparagraph:

“(B) at least 25 per cent of the equity shares of that listed company or portfolio if no person other than that other company holds an equal or greater [amount] number of equity shares in the listed company or portfolio; or”;

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

“(bb) at least 25 per cent of the equity shares of that listed company or portfolio if no person other than that other company holds an equal or greater [amount] number of equity shares in the listed company or portfolio;”;

(c) by the substitution in subsection (3A) in paragraph (i) of the proviso for subparagraph (B) of the following subparagraph:

“(B) at least 25 per cent of the equity shares of that listed company or portfolio if no person other than that other company holds an equal or greater [amount] number of equity shares in the listed company or portfolio; or”;

(d) by the substitution in subsection (8) for paragraphs (A) and (B) of the following paragraphs:

“(A) where that equity share is held as a capital asset, as [an amount received or accrued] a return of capital in respect of that equity share that accrues to that person [in respect of] immediately before the disposal by that person of that equity share; or

(B) where that equity share is held as trading stock, as an amount to be included in that person’s income [for the year of assessment during which] immediately before that equity share is disposed of by that person.”.

(2) Paragraph (d) of subsection (1) comes into operation on 1 January 2022 and applies in respect of disposals of shares on or after that date.

Amendment of section 45 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 53 of Act 45 of 2003, section 35 of Act 32 of 2004, section 41 of Act 31 of 2005, section 35 of Act 8 of 2007, section 56 of Act 35 of 2007, section 28 of Act 3 of 2008, section 51 of Act 60 of 2008, section 64 of Act 7 of 2010,

“(2) Die bepalings van hierdie Deel moet, behoudens subartikel (3), toegepas word ten opsigte van ’n bate-vir-aandeel-transaksie, ’n vervangende aandeel-vir-aandeel-transaksie, ’n amalgamasietransaksie, ’n intragroeptransaksie, ’n ontbondelingstransaksie en ’n likwidasië-uitkering soos onderskeidelik beoog in artikels 42, 43, 44, 45, 46 en 47, ondanks enige andersluidende bepaling vervat in hierdie Wet, behalwe artikels 24BA, 24I, 25BB(5), 40CA(b) en 103, Deel IIA van Hoofstuk III en paragraaf 11(1)(g) van die Agtste Bylae en enige aangepaste wins by oordrag of aflossing van ’n instrument, soos omskryf in artikel 24J(1) en enige aangepaste verlies by oordrag of aflossing van ’n instrument soos omskryf in artikel 24J(1).”.

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, artikel 91 van Wet 31 van 2013, artikel 55 van Wet 43 van 2014, artikel 62 van Wet 25 van 2015, artikel 51 van Wet 17 van 2017, artikel 55 van Wet 23 van 2018 en artikel 40 van Wet 34 van 2019

25. (1) Artikel 42 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van “bate-vir-aandeel-transaksie” in paragraaf (i) van die voorbehoudsbepaling tot paragraaf (a)(ii) subparagraaf (B) deur die volgende subparagraaf te vervang:

“(B) minstens 25 persent van die ekwiteitsaandeel van daardie genoteerde maatskappy of portefeulje hou indien geen persoon buiten daardie ander maatskappy ’n gelykstaande of groter **[bedrag aan] getal** ekwiteitsaandeel in die genoteerde maatskappy of portefeulje hou nie; of”;

(b) deur in subartikel (2) in die voorbehoudsbepaling tot paragraaf (b) paragraaf (bb) deur die volgende paragraaf te vervang:

“(bb) minstens 25 persent van die ekwiteitsaandeel van daardie genoteerde maatskappy of portefeulje hou indien geen persoon buiten daardie ander maatskappy ’n gelykstaande of groter **[bedrag aan] getal** ekwiteitsaandeel in die genoteerde maatskappy of portefeulje hou nie;”;

(c) deur in subartikel (3A) in paragraaf (i) van die voorbehoudsbepaling subparagraaf (B) deur die volgende subparagraaf te vervang:

“(B) minstens 25 persent van die ekwiteitsaandeel van daardie genoteerde maatskappy of portefeulje hou indien geen persoon buiten daardie ander maatskappy ’n gelyke of groter **[bedrag aan] getal** ekwiteitsaandeel in die genoteerde maatskappy of portefeulje hou nie; of”;

(d) deur in subartikel (8) paragraaf (A) en (B) deur die volgende paragraaf te vervang:

“(A) waar daardie ekwiteitsaandeel as ’n kapitaalbate gehou word, hanteer as **[’n bedrag ontvang of toegeval] ’n opbrengs op kapitaal** ten opsigte van daardie ekwiteitsaandeel wat daardie persoon toeval **[ten opsigte van] onmiddellik voor** die beskikking deur daardie persoon oor daardie ekwiteitsaandeel; of
(B) indien daardie ekwiteitsaandeel as handelsvoorraad gehou word, hanteer as ’n bedrag wat in daardie persoon se inkomste ingesluit moet word **[vir die jaar van aanslag waartydens] onmiddellik voor** oor daardie ekwiteitsaandeel deur daardie persoon beskik word.”.

(2) Paragraaf (d) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van beskikkings oor aandeel of na daardie datum.

Wysiging van artikel 45 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 53 van Wet 45 van 2003, artikel 35 van Wet 32 van 2004, artikel 41 van Wet 31 van 2005, artikel 35 van Wet 8 van 2007, artikel 56 van Wet 35 van 2007, artikel 28 van Wet 3 van 2008, artikel 51 van Wet 60 van 2008,

section 70 of Act 24 of 2011, section 77 of Act 22 of 2012, section 94 of Act 31 of 2013, section 64 of Act 25 of 2015, section 53 of Act 17 of 2017, section 57 of Act 23 of 2018, section 42 of Act 34 of 2019 and section 33 of Act 23 of 2020

26. (1) Section 45 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subsection (3B) of the following subsection: 5

“(3B) (a) This subsection applies where a debt or share is issued or used for purposes of directly or indirectly facilitating or funding the acquisition of an asset that is acquired as contemplated in subsection (3A), and subsequent to that acquisition—

- (i) the transferee company and the transferor company cease in terms of subsection (4), or are deemed to have ceased in terms of subsection (4B), to form part of any group of companies as contemplated in subsection (4); 10
- (ii) the transferee company and the transferor company still form part of the same group of companies on the sixth anniversary of that acquisition; or 15
- (iii) the transferee company disposes of an asset as contemplated in subsection (5). 20

(b) Where the holder of a debt or a holder of a share acquired that debt or share as a result of the issue or use of a debt or share as contemplated in paragraph (a), the holder of that debt or the holder of that share must, on the day on which the circumstances contemplated in paragraphs (a)(i) or (a)(ii) occur or the transferee company disposes of an asset as contemplated in paragraph (a)(iii), be deemed to have incurred expenditure— 25

- (i) in respect of a debt, in an amount equal to the face value of that debt immediately after the acquisition of an asset as contemplated in paragraph (a) less any amount, other than an amount of interest or an amount previously taken into account as interest, that was received by or accrued to that holder in respect of that debt and was applied by that holder as settlement of the amount outstanding in respect of that debt; or 30
- (ii) in respect of a share, in an amount equal to the price at which that share was subscribed for by that holder of that share less any amount, other than an amount that constitutes a dividend or an amount previously taken into account as a dividend, that was received by or accrued to that holder in respect of that share if that amount so taken into account was previously applied in reduction of the amount of expenditure incurred in respect of the acquisition of that share: 35 40

Provided that in the case where the transferee company disposes of an asset as contemplated in paragraph (a)(iii), the determination of any expenditure deemed to have been incurred shall be limited to the extent to which a debt or share facilitated the funding of the acquisition of an asset in respect of which the provisions of subsection (5) are applied.”; 45
and

(b) by the addition to subsection (5) of the following further proviso: 50

“: Provided further that no regard must be had to the provisions of this subsection in the instance that—

- (a) a capital gain is determined in respect of the disposal of an asset where a capital loss would have been determined had that asset been disposed of at the beginning of that period of 18 months; or 50
- (b) a capital loss is determined in respect of the disposal of an asset where a capital gain would have been determined had that asset been disposed of at the beginning of that period of 18 months”. 55

artikel 64 van Wet 7 van 2010, artikel 70 van Wet 24 van 2011, artikel 77 van Wet 22 van 2012, artikel 94 van Wet 31 van 2013, artikel 64 van Wet 25 van 2015, artikel 53 van Wet 17 van 2017, artikel 57 van Wet 23 van 2018, artikel 42 van Wet 34 van 2019 en artikel 33 van Wet 23 van 2020

26. (1) Artikel 45 van die Inkomstebelastingwet, 1962, word hierby gewysig— 5
- (a) deur subartikel (3B) deur die volgende subartikel te vervang:
- “(3B) (a) Hierdie subartikel is van toepassing waar ’n skuld of aandeel uitgereik of gebruik is met die doel om regstreeks of onregstreeks die verkryging te fasiliteer of te befonds van ’n bate wat verkry word soos beoog in subartikel (3A), en na daardie verkryging— 10
- (i) hou die oordragnemende maatskappy en die oordraggewende maatskappy op ingevolge subartikel (4), of word geag om op te gehou het ingevolge subartikel (4B), om deel van enige groep van maatskappye te wees soos in subartikel (4) beoog; 15
- (ii) maak die oordragnemende maatskappy en die oordraggewende maatskappy steeds op die sesde verjaring van daardie verkryging deel van dieselfde groep van maatskappye uit; of 15
- (iii) beskik die oordragnemende maatskappy oor ’n bate soos in subartikel (5) beoog. 20
- (b) Waar die houer van ’n skuld of ’n houer van ’n aandeel daardie skuld of aandeel verkry het as gevolg van die uitreiking of gebruik van ’n skuld of aandeel soos in paragraaf (a) beoog, moet die houer van daardie skuld of die houer van daardie aandeel, op die dag waarop die omstandighede beoog in paragraaf (a)(i) of (a)(ii) plaasvind of die oordragnemende maatskappy beskik oor ’n bate soos in paragraaf (a)(iii) beoog, geag word uitgawes aan te gegaan het— 25
- (i) ten opsigte van ’n skuld, in ’n bedrag gelykstaande aan die sigwaarde van daardie skuld onmiddellik na die verkryging van ’n bate soos in paragraaf (a) beoog minus enige bedrag, buiten ’n bedrag van rente of ’n bedrag voorheen as rente in berekening gebring, wat ontvang is deur of toegeval het aan daardie houer ten opsigte van daardie skuld en aangewend is deur daardie houer as delging van die bedrag uitstaande ten opsigte van daardie skuld; of 30
- (ii) ten opsigte van ’n aandeel, in ’n bedrag gelykstaande aan die prys waarteen vir daardie aandeel deur daardie houer van daardie aandeel ingeteken is minus enige bedrag, buiten ’n bedrag wat ’n dividend uitmaak of ’n bedrag voorheen as ’n dividend in berekening gebring, wat ontvang is deur of toegeval het aan daardie houer ten opsigte van daardie aandeel indien daardie bedrag aldus in berekening gebring voorheen ter vermindering van die bedrag van uitgawes aangegaan ten opsigte van die verkryging van daardie aandeel aangewend is: 35
- Met dien verstande dat in die geval waar die oordragnemende maatskappy oor ’n bate beskik soos in paragraaf (a)(iii) beoog, die bepaling van enige uitgawe geag aangegaan te gewees het, beperk moet word in die mate waartoe ’n skuld of aandeel die befondsing van die verkryging van ’n bate ten opsigte waarvan die bepalings van subartikel (5) toegepas word, gefasiliteer het.”; en 45
- (b) deur by subartikel (5) die volgende verdere voorbehoudsbepaling by te voeg: 50
- “: Met dien verstande voorts dat die bepalings van hierdie subartikel nie in aanmerking geneem moet word nie in die geval waar—
- (a) ’n kapitaalwins bepaal word ten opsigte van die beskikking oor ’n bate waar ’n kapitaalverlies bepaal sou gewees het indien aan die begin van daardie tydperk van 18 maande oor daardie bate beskik is; of 55
- (b) ’n kapitaalverlies bepaal word ten opsigte van die beskikking oor ’n bate waar ’n kapitaalwins bepaal sou gewees het indien aan die begin van daardie tydperk van 18 maande oor daardie bate beskik sou gewees het”.

(2) Paragraph (a) of subsection (1) comes into operation on 1 January 2022 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 2022 and applies in respect of the disposal of any asset on or after that date.

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, section 95 of Act 31 of 2013, section 58 of Act 43 of 2014, section 65 of Act 25 of 2015, section 54 of Act 17 of 2017 and section 34 of Act 23 of 2020

27. (1) Section 46 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3)(b) for the definition of “expenditure” of the following definition:

“‘**expenditure**’ means in relation to unbundled shares acquired as—

- (i) trading stock, the amount taken into account prior to the unbundling transaction in respect of the unbundling shares for the purposes of section 11(a) or 22(1) or (2); **[and]**
- (ii) capital assets, the expenditure incurred prior to the unbundling transaction in respect of the unbundling shares that is allowable in terms of paragraph 20 of the Eighth Schedule; and
- (iii) the amount which bears to the tax paid by the unbundling company of any equity share in respect of which this section does not apply as contemplated in subsection (7) the same ratio as the number of equity shares held by a shareholder that acquires unbundled shares in terms of an unbundling transaction in an unbundling company bears to the number of all the issued equity shares in that unbundling company immediately before that unbundling transaction.”

(2) Subsection (1) comes into operation on 1 January 2022 and applies in respect of the allocation of expenditure to unbundled shares acquired on or after that date.

Amendment of section 46A of Act 58 of 1962, as inserted by section 30 of Act 3 of 2008

28. (1) Section 46A of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding any other provision of this Act, if a taxpayer acquires a share in an unbundled company from an unbundling company in terms of an unbundling transaction defined in section 46 and a share in that unbundling company was within a period of two years preceding the acquisition held by a person who was a connected person in relation to the taxpayer at any time during that period, and any amount received by or accrued to that person in respect of the disposal of the share at any time during that period would not have been subject to normal tax or would not have been taken into account for purposes of determining the net income, as defined in section 9D, of that person, the expenditure incurred by the taxpayer in respect of any share held in that company as a result of that unbundling transaction shall not for purposes of this Act exceed an amount determined in accordance with subsection (2).”

(2) Subsection (1) comes into operation on 1 January 2022 and applies in respect of the allocation of expenditure to unbundled shares acquired on or after that date.

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,

(2) Paragraaf (a) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(3) Paragraaf (b) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van die beskikking oor enige bate op of na daardie datum.

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, artikel 95 van Wet 31 van 2013, artikel 58 van Wet 43 van 2014, artikel 65 van Wet 25 van 2015, artikel 54 van Wet 17 van 2017 en artikel 34 van Wet 23 van 2020

27. (1) Artikel 46 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3)(b) die omskrywing van “onkoste” deur die volgende omskrywing te vervang:

“ ‘onkoste’ met betrekking tot ontbondelde aandele as—

- (i) handelsvoorraad verkry, die bedrag voor die ontbondelingstransaksie in berekening gebring ten opsigte van die ontbondelende aandele vir doeleindes van artikel 11(a) of 22(1) of (2); [en]
- (ii) kapitaalbate verkry, die onkoste aangegaan voor die ontbondelingstransaksie ten opsigte van die ontbondelende aandele wat kragtens paragraaf 20 van die Agtste Bylae toelaatbaar is; en
- (iii) die bedrag wat tot die belasting betaal deur die ontbondelende maatskappy van enige ekwiteitsaandeel ten opsigte waarvan hierdie artikel nie van toepassing is nie soos in subartikel (7) beoog in dieselfde verhouding staan as die verhouding waarin die getal ekwiteitsaandele gehou deur ’n aandeelhouer wat ontbondelde aandele ingevolge ’n ontbondelingstransaksie in ’n ontbondelende maatskappy verkry tot die getal van al die ekwiteitsaandele in daardie ontbondelende maatskappy uitgegee onmiddellik voor daardie ontbondelingstransaksie staan;”.

(2) Subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van die toekenning van onkoste aan ontbondelde aandele op of na daardie datum verkry.

Wysiging van artikel 46A van Wet 58 van 1962, soos ingevoeg deur artikel 30 van Wet 3 van 2008

28. (1) Artikel 46A van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ondanks enige ander bepaling van hierdie Wet, indien ’n belastingbetaler ’n aandeel verkry in ’n ontbondelde maatskappy vanaf ’n ontbondelingsmaatskappy ingevolge ’n ontbondelingstransaksie omskryf in artikel 46 en ’n aandeel in daardie ontbondelingsmaatskappy is binne ’n tydperk van twee jaar voor die verkryging gehou deur ’n persoon wat ’n verbonde persoon was met betrekking tot die belastingbetaler op enige tydperk gedurende daardie tydperk, en enige bedrag ontvang deur of toegeval aan daardie persoon ten opsigte van die beskikking oor die aandeel op enige tydperk gedurende daardie tydperk nie aan normale belasting onderhewig sou gewees het nie of nie in berekening gebring sou gewees het nie met die doel om die netto inkomste, soos in artikel 9D omskryf, van daardie persoon te bepaal, mag die uitgawe aangegaan deur die belastingbetaler ten opsigte van enige aandeel gehou in daardie maatskappy as gevolg van daardie ontbondelingstransaksie nie by die toepassing van hierdie Wet ’n bedrag bepaal ooreenkomstig subartikel (2) te bowe gaan nie.”.

(2) Subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van die toekenning van uitgawes aan ontbondelde aandele op of na daardie datum verkry.

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

section 79 of Act 22 of 2012, section 96 of Act 31 of 2013, section 59 of Act 43 of 2014, section 66 of Act 25 of 2015, section 55 of Act 17 of 2017, section 58 of Act 23 of 2018 and section 43 of Act 34 of 2019

29. Section 47 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4)(a) for the words preceding subparagraph (i) of the following words: 5
 “that [assets] asset, other than an asset contemplated in section 25BB(5) constitutes a capital asset [in the hands of] for that holding company—”.

Amendment of section 49E of Act 58 of 1962, as inserted by section 12 of Act 21 of 2012 and amended by section 61 of Act 43 of 2014, section 69 of Act 25 of 2015 and section 3 of Act 33 of 2019 10

30. (1) Section 49E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(b) for subparagraph (i) of the following subparagraph:
 “(i) 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) or an agreement for the avoidance of double taxation, exempt from the withholding tax on royalties in respect of that payment; and” 15

(2) Subsection (1) comes into operation on 1 January 2022 and applies in respect of royalties paid on or after that date.

Amendment of section 50A of Act 58 of 1962, as inserted by section 98 of Act 31 of 2013 and amended by section 64 of Act 43 of 2014 and section 70 of Act 25 of 2015 20

31. (1) Section 50A of the Income Tax Act, 1962, is hereby amended—
 (a) by the deletion of the numeral “(1)”; and
 (b) by the substitution for the definition of “interest” of the following definition:
 “ ‘**interest**’ means interest as contemplated in paragraph (a) or (b) of the definition of ‘interest’ in section 24J(1), but does not include an amount of interest that is deemed to be a dividend *in specie* in terms of section 8F(2) or 8FA(2);” 25

(2) Paragraph (b) of subsection (1) comes into operation on 1 January 2022 and applies in respect of amounts paid on or after that date.

Insertion of section 57B in Act 58 of 1962 30

32. (1) The Income Tax Act, 1962, is hereby amended by the insertion after section 57A of the following section:

“Disposal of the right to receive an asset which would otherwise have been acquired in consequence of services rendered or to be rendered

57B. (1) This section applies where— 35

- (a) a person (‘the employee’) has agreed to render services to another person (‘the employer’);
- (b) the whole or part of the compensation for those services is to be paid by the employer in the form of an asset as defined in paragraph 1 of the Eighth Schedule; and 40
- (c) prior to the employee becoming entitled to that asset, that employee disposes of the right to the asset to another person.

(2) For purposes of this Act, where subsection (1) applies—

- (a) that disposal must be disregarded and that employee must be treated as having acquired that asset on the date that it would otherwise have been received by or accrued to him or her for an amount of expenditure equal to the amount included in that employee’s gross income under 45

Wet 7 van 2010, artikel 72 van Wet 24 van 2011, artikel 79 van Wet 22 van 2012, artikel 96 van Wet 31 van 2013, artikel 59 van Wet 43 van 2014, artikel 66 van Wet 25 van 2015, artikel 55 van Wet 17 van 2017, artikel 58 van Wet 23 van 2018 en artikel 43 van Wet 34 van 2019

29. Artikel 47 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 5

“daardie bate buiten ’n bate beoog in artikel 25BB(5) ’n kapitaalbate [in die hande van] vir daardie houermaatskappy daarstel—”.

Wysiging van artikel 49E van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 21 van 2012 en gewysig deur artikel 61 van Wet 43 van 2014, artikel 69 van Wet 25 van 2015 en artikel 3 van Wet 33 van 2019 10

30. (1) Artikel 49E van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(b) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) ’n verklaring voorgele het in die vorm deur die Kommissaris voorgeskryf dat die buitelandse persoon, ingevolge artikel 49D(a) of (b) of ’n ooreenkoms vir die vermyding van dubbele belasting, vrygestel is van die terughoudingsbelasting op tantième van daardie betaling; en”.

(2) Subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van tantième op of na daardie datum betaal. 20

Wysiging van artikel 50A van Wet 58 van 1962, soos ingevoeg deur artikel 98 van Wet 31 van 2013 en gewysig deur artikel 64 van Wet 43 van 2014 en artikel 70 van Wet 25 van 2015

31. (1) Artikel 50A van die Inkomstebelastingwet, 1962, word hierby gewysig— 25

(a) deur die nommer “(1)” te skrap; en

(b) deur die omskrywing van “rente” deur die volgende omskrywing te vervang: “**‘rente’** rente soos beoog in paragraaf (a) of (b) van die omskrywing van ‘rente’ in artikel 24J(1), maar nie ook ’n bedrag aan rente wat ingevolge artikel 8F(2) of 8FA(2) geag word ’n dividend in specie te wees nie;”.

(2) Paragraaf (b) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van bedrae op of na daardie datum betaal. 30

Invoeging van artikel 57B in Wet 58 van 1962

32. (1) Die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende artikel na artikel 57A in te voeg: 35

“Beskikking oor die reg om ’n bate te ontvang wat andersins verkry sou gewees het ten gevolge van dienste gelewer of gelewer te word

57B. (1) Hierdie artikel is van toepassing waar—

(a) ’n persoon (‘die werknemer’) ooreengekom het om dienste aan ’n ander persoon (‘die werkgewer’) te lewer; 40

(b) die volle of ’n gedeelte van die vergoeding vir daardie dienste betaal staan te word deur die werkgewer in die vorm van ’n bate soos omskryf in paragraaf 1 van die Agtste Bylae; en

(c) voordat die werknemer geregtig word op daardie bate, daardie werknemer oor die reg op die bate aan ’n ander persoon beskik. 45

(2) By die toepassing van hierdie Wet, waar subartikel (1) van toepassing is—

(a) moet daardie beskikking buite rekening gelaat word en moet daardie werknemer behandel word asof die werknemer daardie bate verkry het op die datum waarop dit andersins deur hom of haar ontvang sou gewees het of aan hom of haar sou toegeval het vir ’n bedrag van uitgawe gelykstaande aan die bedrag kragtens paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (c) of kragtens paragraaf (i) van 50

paragraph (ii) of the proviso to paragraph (c) or under paragraph (i) of the definition of ‘gross income’; and
 (b) that employee must be treated as having disposed of that asset to that other person by way of donation for an amount received or accrued equal to the expenditure contemplated in subsection (2)(a), and that other person must be deemed to have acquired that asset for expenditure equal to that same amount.”

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of the disposal of the right to receive an asset on or after that date.

Amendment of section 64G of Act 58 of 1962, as substituted by section 53 of Act 17 of 2009 and amended by section 73 of Act 7 of 2010, section 80 of Act 24 of 2011, section 88 of Act 22 of 2012, section 106 of Act 31 of 2013, section 7 of Act 33 of 2019 and section 45 of Act 34 of 2019

33. (1) Section 64G of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(a) for subparagraph (i) of the following subparagraph:

“(i) a declaration by the beneficial owner in such form as may be prescribed by the Commissioner that the dividend is exempt from the dividends tax in terms of section 64F or an agreement for the avoidance of double taxation; and”.

(2) Subsection (1) comes into operation on 1 January 2022 and applies in respect of dividends paid on or after that date.

Amendment of section 64H of Act 58 of 1962, as substituted by section 53 of Act 17 of 2009 and amended by section 74 of Act 7 of 2010, section 81 of Act 24 of 2011, section 89 of Act 22 of 2012, section 107 of Act 31 of 2013, section 8 of Act 33 of 2019 and section 46 of Act 34 of 2019

34. (1) Section 64H of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(a) for subparagraph (i) of the following subsection:

“(i) a declaration by the beneficial owner in such form as may be prescribed by the Commissioner that the dividend is exempt from the dividends tax in terms of section 64F or an agreement for the avoidance of double taxation, or that the payment is made to a vesting trust of which the sole beneficiary is another regulated intermediary; and”.

(2) Subsection (1) comes into operation on 1 January 2022 and applies in respect of dividends paid on or after that date.

Amendment of paragraph 6A of Second Schedule to Act 58 of 1962, as inserted by section 65 of Act 17 of 2017 and amended by section 66 of Act 23 of 2018 and section 42 of Act 23 of 2020

35. (1) Paragraph 6A of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of the word “or” at the end of subparagraph (a), the substitution for the full stop after subparagraph (b) of the expression “; or” and the addition of the following subparagraph:

“(c) pension preservation or provident preservation fund into another pension preservation or provident preservation fund or a retirement annuity fund.”.

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 1 of Fourth Schedule to Act 58 of 1962, as amended by section 22 of Act 72 of 1963, section 44 of Act 89 of 1969, section 24 of Act 52 of 1970, section 37 of Act 88 of 1971, section 47 of Act 85 of 1974, section 6 of Act 30 of 1984, section 38 of Act 121 of 1984, section 20 of Act 70 of 1989, section 44 of Act 101 of 1990, section 44 of Act 129 of 1991, section 33 of Act 141 of 1992, section 48 of Act 113 of 1993, section 16 of Act 140 of 1993, section 37 of Act 21 of 1995, section 34 of Act 36 of 1996, section 44 of Act 28 of 1997, section 52 of Act 30 of 1998, section 52 of Act 30 of 2000, section 53 of Act 59 of 2000, section 19 of Act 19 of 2001, section 32 of Act 30 of 2002, section 46 of Act 32 of 2004, section 49 of Act 31 of 2005, section 28 of Act 9 of 2006, section 39 of Act 20 of 2006, section 54 of Act 8 of 2007, section 64 of Act 35 of 2007, section 43 of Act 3 of 2008, section 66 of Act 60 of 2008, section 17 of Act 18 of 2009, section 18 of Act 8 of 2010, section 93 of Act 24 of 2011, section

- die omskrywing van 'bruto inkomste' by daardie werknemer se bruto inkomste ingesluit; en
- (b) moet daardie werknemer behandel word asof die werknemer oor daardie bate beskik het aan daardie ander persoon by wyse van skenking vir 'n bedrag ontvang of toegeval gelykstaande aan die uitgawe beoog in subartikel (2)(a), en daardie ander persoon moet geag word daardie bate vir uitgawe gelykstaande aan daardie selfde bedrag te verkry het.”
- (2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van die beskikking oor die reg om 'n bate te ontvang op of na daardie datum.

Wysiging van artikel 64G van Wet 58 van 1962, soos vervang deur artikel 53 van Wet 17 van 2009 en gewysig deur artikel 73 van Wet 7 van 2010, artikel 80 van Wet 24 van 2011, artikel 88 van Wet 22 van 2012, artikel 106 van Wet 31 van 2013, artikel 7 van Wet 33 van 2019 en artikel 45 van Wet 34 van 2019

33. (1) Artikel 64G van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(a) subparagraaf (i) deur die volgende subparagraaf te vervang:
- “(i) 'n verklaring voorgelê het deur die uiteindelik geregtigde in die vorm deur die Kommissaris voorgeskryf dat die dividend ingevolge artikel 64F of 'n ooreenkoms vir die vermyding van dubbele belasting van die dividendbelasting vrygestel is; en”.
- (2) Subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van dividende op of na daardie datum betaal.

Wysiging van artikel 64H van Wet 58 van 1962, soos vervang deur artikel 53 van Wet 17 van 2009 en gewysig deur artikel 74 van Wet 7 van 2010, artikel 81 van Wet 24 van 2011, artikel 89 van Wet 22 van 2012, artikel 107 van Wet 31 van 2013, artikel 8 van Wet 33 van 2019 en artikel 46 van Wet 34 van 2019

34. (1) Artikel 64H van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(a) subparagraaf (i) deur die volgende subparagraaf te vervang:
- “(i) 'n verklaring voorgelê het deur die uiteindelik geregtigde in die vorm deur die Kommissaris voorgeskryf dat die dividend ingevolge artikel 64F of 'n ooreenkoms vir die vermyding van dubbele belasting van die dividendbelasting vrygestel is, of dat die betaling gemaak word aan 'n vestigingstrust waarvan die enigste begunstigde 'n ander gereguleerde tussenganger is; en”.
- (2) Subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van dividende op of na daardie datum betaal.

Wysiging van paragraaf 6A van Tweede Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 65 van Wet 17 van 2017 en gewysig deur artikel 66 van Wet 23 van 2018 en artikel 42 van Wet 23 van 2020

35. (1) Paragraaf 6A van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die woord “of” na subparagraaf (a) te skrap, die punt aan die einde van subparagraaf (b) deur die uitdrukking “; of” te vervang en die volgende subparagraaf by te voeg:
- “(c) pensioenbewaringsfonds of voorsorgbewaringsfonds in 'n ander pensioenbewaringsfonds of voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds.”.
- (2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 1 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 72 van 1963, artikel 44 van Wet 89 van 1969, artikel 24 van Wet 52 van 1970, artikel 37 van Wet 88 van 1971, artikel 47 van Wet 85 van 1974, artikel 6 van Wet 30 van 1984, artikel 38 van Wet 121 van 1984, artikel 20 van Wet 70 van 1989, artikel 44 van Wet 101 van 1990, artikel 44 van Wet 129 van 1991, artikel 33 van Wet 141 van 1992, artikel 48 van Wet 113 van 1993, artikel 16 van Wet 140 van 1993, artikel 37 van Wet 21 van 1995, artikel 34 van Wet 36 van 1996, artikel 44 van Wet 28 van 1997, artikel 52 van Wet 30 van 2000, artikel 53 van Wet 59 van 2000, artikel 19 van Wet 19 van 2001, artikel 32 van Wet 30 van 2002, artikel 46 van Wet 32 van 2004, artikel 49 van Wet 31 van 2005, artikel 28 van Wet 9 van 2006, artikel

271, read with paragraph 77 of Schedule 1 to Act 28 of 2011, section 7 of Act 44 of 2014, section 6 of Act 23 of 2015, section 5 of Act 16 of 2016, section 8 of Act 13 of 2017, section 4 of Act 22 of 2018 and section 6 of Act 24 of 2020

36. Paragraph 1 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in the definition of “remuneration” for the first proviso to paragraph (ii) of the exclusion of the following proviso: 5

“: Provided that for the purposes of this paragraph a person shall **[not]** be deemed not to carry on a trade independently as aforesaid if the services are required to be performed mainly at the premises of the person by whom such amount is paid or payable or of the person to whom such services were or are to be rendered and the person who rendered or will render the services is subject to the control or supervision of any other person as to the manner in which his or her duties are performed or to be performed or as to his or her hours of work”.

Amendment of paragraph 2 of Fourth Schedule to Act 58 of 1962, as inserted by section 19 of Act 6 of 1963 and amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 30 of Act 103 of 1976, section 28 of Act 113 of 1977, section 29 of Act 104 of 1980, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 45 of Act 101 of 1990, section 45 of Act 129 of 1991, section 38 of Act 21 of 1995, section 45 of Act 28 of 1997, section 53 of Act 30 of 2000, section 54 of Act 59 of 2000, section 20 of Act 19 of 2001, section 21 of Act 16 of 2004, section 50 of Act 31 of 2005, section 40 of Act 20 of 2006, section 55 of Act 8 of 2007, section 65 of Act 35 of 2007, section 18 of Act 18 of 2009, section 94 of Act 24 of 2011, section 19 of Act 21 of 2012, section 13 of Act 26 of 2013, section 8 of Act 39 of 2013, section 68 of Act 44 of 2014, section 6 of Act 16 of 2016, section 66 of Act 17 of 2017, section 67 of Act 23 of 2018 and section 51 of Act 34 of 2019 15 20 25

37. (1) Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (2B) of the following subparagraph:

“(2B) Notwithstanding the provisions of subparagraph (1), a person that pays an annuity and is a pension fund, pension preservation fund, provident fund, provident preservation fund, retirement annuity fund or **[a person that pays an annuity amount as defined in section 10A(1)]** is licensed as an insurer under the Insurance Act shall, when deducting or withholding employees’ tax in respect of any year of assessment, **[disregard the amounts contemplated in section 6]** apply the fixed tax rate that the Commissioner directs must be used in determining the amount of employees’ tax to be withheld **[if the Commissioner, pursuant to an application made by that person, issues a directive that the amount must be disregarded]**, where the person to whom that annuity **[amount]** is paid receives an amount of remuneration from more than one employer.”.

(2) Subsection (1) comes into operation on 1 March 2022. 40

Amendment of paragraph 5 of Fourth Schedule to Act 58 of 1962, as amended by section 19 of Act 18 of 2009, section 271 of Act 28 of 2011 and section 7 of Act 23 of 2015

38. Paragraph 5 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection: 45

“(1) Subject to the provisions of subparagraph (6), if an employer is personally liable for the payment of employees’ tax under Chapter 10 of the Tax Administration Act, the employer shall pay that amount to the Commissioner not later than the date on which payment should have been made if the employees’ tax had in fact been deducted or withheld in terms of paragraph 2.”. 50

39 van Wet 20 van 2006, artikel 54 van Wet 8 van 2007, artikel 64 van Wet 35 van 2007, artikel 43 van Wet 3 van 2008, artikel 66 van Wet 60 van 2008, artikel 17 van Wet 18 van 2009, artikel 18 van Wet 8 van 2010, artikel 93 van Wet 24 van 2011, artikel 271, saamgelees met paragraaf 77 van Bylae 1 by Wet 28 van 2011, artikel 7 van Wet 44 van 2014, artikel 6 van Wet 23 van 2015, artikel 5 van Wet 16 van 2016, artikel 8 van Wet 13 van 2017, artikel 4 van Wet 22 van 2018 en artikel 6 van Wet 24 van 2020 5

36. Paragraaf 1 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in die omskrywing van “besoldiging” die eerste voorbehoudsbepaling tot paragraaf (ii) van die uitsluiting deur die volgende voorbehoudsbepaling te vervang: 10
 “: Met dien verstande dat by die toepassing van hierdie paragraaf iemand [nie] geag word nie ’n bedryf onafhanklik soos voormeld te beoefen nie indien daar vereis word dat die dienste hoofsaaklik gelewer word by die perseel van die persoon deur wie bedoelde bedrag betaal of betaalbaar is of van die persoon aan wie bedoelde dienste gelewer is of sal word en die persoon deur wie die dienste gelewer is of sal word onderworpe is aan die beheer of toesig van iemand anders met betrekking tot die wyse waarop sy of haar pligte uitgevoer word of uitgevoer moet word of met betrekking tot sy of haar werksure”.

Wysiging van paragraaf 2 van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 30 van Wet 103 van 1976, artikel 28 van Wet 113 van 1977, artikel 29 van Wet 104 van 1980, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 45 van Wet 101 van 1990, artikel 45 van Wet 129 van 1991, artikel 38 van Wet 21 van 1995, artikel 45 van Wet 28 van 1997, artikel 53 van Wet 30 van 2000, artikel 54 van Wet 59 van 2000, artikel 20 van Wet 19 van 2001, artikel 21 van Wet 16 van 2004, artikel 50 van Wet 31 van 2005, artikel 40 van Wet 20 van 2006, artikel 55 van Wet 8 van 2007, artikel 65 van Wet 35 van 2007, artikel 18 van Wet 18 van 2009, artikel 94 van Wet 24 van 2011, artikel 19 van Wet 21 van 2012, artikel 13 van Wet 26 van 2013, artikel 8 van Wet 39 van 2013, artikel 68 van Wet 44 van 2014, artikel 6 van Wet 16 van 2016, artikel 66 van Wet 17 van 2017, artikel 67 van Wet 23 van 2018 en artikel 51 van Wet 34 van 2019 20 25 30

37. (1) Paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (2B) deur die volgende subparagraaf te vervang: 35
 “(2B) Ondanks die bepalings van subparagraaf (1), moet ’n persoon wat ’n annuïteit betaal en ’n pensioenfonds, pensioenbewaringsfonds, voorsorgs fonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds is of [’n persoon wat ’n annuïteitbedrag betaal soos omskryf in artikel 10A(1)] as ’n versekeraar kragtens die Versekeringswet gelisensieer is, by die aftrekking of terughouding van werknemersbelasting ten opsigte van enige jaar van aanslag, [die bedrae in artikel 6 verontagsaam] by die bepaling van die bedrag van werknemersbelasting wat teruggehou moet word, die vaste belastingkoers toepas [indien] wat die Kommissaris[, op grond van ’n aansoek gemaak deur daardie persoon, ’n voorskrif uitreik dat die bedrag verontagsaam moet word] bepaal gebruik moet word, waar die persoon aan wie daardie [annuïteitbedrag] annuïteit betaal word ’n bedrag vergoeding van meer as een werkgewer ontvang.” 40 45
 (2) Subartikel (1) tree op 1 Maart 2022 in werking.

Wysiging van paragraaf 5 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 19 van Wet 18 of 2009, artikel 271 van Wet 28 van 2011 en artikel 7 van Wet 23 van 2015 50

38. Paragraaf 5 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in die Engelse teks subartikel (1) deur die volgende subartikel te vervang: 55
 “(1) Subject to the provisions of subparagraph (6), if an employer is personally liable for the payment of employees’ tax under Chapter 10 of the Tax Administration Act, the employer shall pay that amount to the Commissioner not later than the date on which payment should have been made if the employees’ tax had in fact been deducted or withheld in terms of paragraph 2.”

Amendment of paragraph 6 of Fourth Schedule to Act 58 of 1962, as amended by section 83 of Act 45 of 2003, section 18 of Act 34 of 2004 and section 271 of Act 28 of 2011

39. Paragraph 6 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (1) of the following subparagraph: 5
 “(1) If an employer fails to pay any amount of employees’ tax for which [he or her] the employer is liable within the period allowable for payment thereof in terms of paragraph 2 SARS must in accordance with Chapter 15 of the Tax Administration Act, impose a penalty equal to ten per cent of such amount.”

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, section 31 of Act 21 of 1994, section 46 of Act 21 of 1995, section 35 of Act 30 of 2002, section 2 of Act 8 of 2007, section 1 of Act 3 of 2008, section 119 of Act 31 of 2013, section 74 of Act 43 of 2014 and section 43 of Act 23 of 2020 10

40. (1) Paragraph 5 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for paragraph (b) of the further proviso to subparagraph (2) of the following paragraph: 15

“(b) any asset is given by an employer to an employee for long service, such value to be placed thereon shall be reduced by the lesser of the cost to the employer of all such assets so given to the employee during the year of assessment and R5000: Provided that the aggregate value of an amount reduced under this paragraph together with all amounts determined under paragraphs 6(4)(d) and 10(2)(e) of this Schedule and paragraph (vii) of the proviso to paragraph (c) of the definition of ‘gross income’ in section 1 does not exceed R5 000.” 20

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date. 25

Amendment of paragraph 6 of Seventh Schedule to Act 58 of 1962, as amended by section 29 of Act 96 of 1985, section 72 of Act 60 of 2008, section 95 of Act 25 of 2015 and section 68 of Act 17 of 2017

41. (1) Paragraph 6(4) of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of the word “or” after item (bA), the substitution for the full stop at the end of item (c) of the expression “; or” and the addition after item (c) of the following item: 30

“(d) such use is granted by an employer to an employee for long service as defined in paragraph 5(4) to the extent that it does not exceed R5 000: Provided that the aggregate value of an amount determined under this paragraph together with amounts determined under paragraph (vii) of the proviso to paragraph (c) of the definition of ‘gross income’ in section 1 and paragraphs 5(2)(b) and 10(2)(e) of the Seventh Schedule does not exceed R5 000.” 35

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date. 40

Amendment of paragraph 10 of Seventh Schedule to Act 58 of 1962, as amended by section 36 of Act 30 of 2002, section 58 of Act 31 of 2005, section 30 of Act 9 of 2006, section 69 of Act 35 of 2007 and section 73 of Act 60 of 2008

42. (1) Paragraph 10(2) of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of the word “or” after item (c), the substitution for the full stop after item (d) of the expression “; or” and the addition of the following item: 45

“(e) any services granted by an employer to an employee for long service as defined in paragraph 5(4) to the extent that it does not exceed R5 000: Provided that the aggregate value of an amount determined under this paragraph together with all amounts determined under paragraph (vii) of the 50

Wysiging van paragraaf 6 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 83 van Wet 45 van 2003, artikel 18 van Wet 34 van 2004 en artikel 271 van Wet 28 van 2011

39. Paragraaf 6 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (1) deur die volgende subparagraaf te vervang: 5
 “(1) Indien ’n werkgewer versuim om ’n bedrag aan werknemersbelasting waarvoor [hy] die werkgewer aanspreeklik is te betaal binne die tydperk ingevolge paragraaf 2 vir die betaling daarvan toegelaat, moet SAID ooreenkomstig Hoofstuk 15 van die Wet op Belastingadministrasie, ’n boete gelyk aan tien persent van bedoelde bedrag oplê.”. 10

Wysiging van paragraaf 5 van Sewende Bylae by Wet 58 van 1962, soos gewysig deur artikel 28 van Wet 96 van 1985, artikel 57 van Wet 101 van 1990, artikel 31 van Wet 21 van 1994, artikel 46 van Wet 21 van 1995, artikel 35 van Wet 30 van 2002, artikel 2 van Wet 8 van 2007, artikel 1 van Wet 3 van 2008, artikel 119 van Wet 31 van 2013, artikel 74 van Wet 43 van 2014 en artikel 43 van Wet 23 van 2020 15

40. (1) Paragraaf 5 van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (b) van die verdere voorbehoudsbepaling tot subartikel (2) deur die volgende paragraaf te vervang:
 “(b) ’n bate deur ’n werkgewer aan ’n werknemer vir langdurige diens gegee word, bedoelde waarde wat daarop geplaas word, verminder word met die minste 20 van die koste vir die werkgewer van alle bedoelde bates aldus aan die werknemer gegee gedurende die jaar van aanslag en R5 000: Met dien verstande dat die totale waarde van ’n bedrag kragtens hierdie paragraaf verminder tesame met alle bedrae kragtens paragrawe 6(4)(d) en 10(2)(e) van hierdie Bylae en paragraaf (vii) van die voorbehoudsbepaling tot paragraaf (c) 25 van die omskrywing van ‘bruto inkomste’ in artikel 1 bepaal nie R5 000 oorskry nie.”.

(2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 6 van Sewende Bylae by Wet 58 van 1962, soos gewysig deur artikel 29 van Wet 96 van 1985, artikel 72 van Wet 60 van 2008, artikel 95 van Wet 25 van 2015 en artikel 68 van Wet 17 van 2017 30

41. (1) Paragraaf 6(4) van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die woord “of” aan die einde van item (bA) te skrap, die punt aan die einde van item (c) deur die uitdrukking “; of” te vervang en deur na item (c) die volgende item by te voeg: 35

“(d) bedoelde gebruik toegestaan word deur ’n werkgewer aan ’n werknemer vir langdurige diens soos omskryf in paragraaf 5(4) namate dit nie R5 000 oorskry nie: Met dien verstande dat die totale waarde van ’n bedrag kragtens hierdie paragraaf bepaal tesame met bedrae kragtens paragraaf (vii) van die voorbehoudsbepaling tot paragraaf (c) van die omskrywing van ‘bruto inkomste’ in artikel 1 en paragrawe 5(2)(b) en 10(2)(e) van die Sewende Bylae bepaal nie R5 000 oorskry nie.”. 40

(2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin. 45

Wysiging van paragraaf 10 van Sewende Bylae by Wet 58 van 1962, soos gewysig deur artikel 36 van Wet 30 van 2002, artikel 58 van Wet 31 van 2005, artikel 30 van Wet 9 van 2006, artikel 69 van Wet 35 van 2007 en artikel 73 van Wet 60 van 2008

42. (1) Paragraaf 10(2) van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die woord “of” aan die einde van item (c) te skrap, die punt aan die einde van item (d) deur die uitdrukking “; of” te vervang en die volgende item by te voeg: 50

“(e) enige dienste toegestaan deur ’n werkgewer aan ’n werknemer vir langdurige diens soos omskryf in paragraaf 5(4) namate dit nie R5 000 oorskry nie: Met dien verstande dat die totale waarde van ’n bedrag kragtens hierdie paragraaf 55 bepaal tesame met alle bedrae kragtens paragraaf (vii) van die

proviso to paragraph (c) of the definition of 'gross income' in section 1 and paragraphs 5(2)(b) and 6(4)(d) of the Seventh Schedule does not exceed R5 000."

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date.

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Amendment of paragraph 12D of Seventh Schedule to Act 58 of 1962, as substituted by section 77 of Act 43 of 2014 and amended by section 101 of Act 25 of 2015, section 69 of Act 15 of 2016, section 69 of Act 17 of 2017 and section 71 of Act 23 of 2018

43. (1) Paragraph 12D(1) of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in the definition of "defined contribution component" for paragraph (b) of the following paragraph:

"(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 or a risk benefit policy;" and

(b) by the deletion of the word "and" at the end of the definition of "risk benefit" and the insertion of the following definition:

"'risk benefit policy' means a policy under which the risk benefit provided by the fund directly or indirectly for the benefit of a member of the fund is provided by means other than a policy of insurance;"

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 12A of Eighth Schedule to Act 58 of 1962, as substituted by section 70 of Act 17 of 2017 and amended by section 77 of Act 23 of 2018, section 54 of Act 34 of 2019 and section 47 of Act 23 of 2020

44. (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 full stop at the end of the definition of "group of companies" of the expression "; and";

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

"(b) the amount of that debt is owed by that person in respect of, or was used by that person to fund, directly or indirectly, any expenditure, other than expenditure in respect of trading stock[,] in respect of which a deduction or allowance was granted in terms of this Act.";

(c) by the substitution in paragraph (b) of the proviso to subparagraph (6)(e) for subparagraph (iii) of the following subparagraph:

"(iii) does anything to invalidate any step contemplated in subparagraph [(A)] (i), with the result that the company is or will not be liquidated, wound up, deregistered or finally terminate its existence;" and

(d) by the substitution in subparagraph (6)(g) for subitem (ii) of the following subitem:

"(ii) does not consist of or represent an amount owed by that person in respect of any interest as defined in section 24J incurred by that person during any year of assessment."

(2) Paragraph (d) of subsection (1) comes into operation on 1 January 2022 and applies in respect of years of assessment commencing on or after that date.

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Amendment of paragraph 48 of Eighth Schedule to Act 58 of 1962

45. The Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for paragraph 48 of the following paragraph:

voorbehoudsbepaling tot paragraaf (c) van die omskrywing van 'bruto inkomste' in artikel 1 en paragrawe 5(2)(b) en 6(4)(d) van die Sewende Bylae bepaal nie R5 000 oorskry nie.”

(2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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Wysiging van paragraaf 12D van Sewende Bylae by Wet 58 van 1962, soos vervang deur artikel 77 van Wet 43 van 2014 en gewysig deur artikel 101 van Wet 25 van 2015, artikel 69 van Wet 15 van 2016, artikel 69 van Wet 17 van 2017 en artikel 71 van Wet 23 van 2018

43. (1) Paragraaf 12D(1) van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in die omskrywing van “omskrewe bydraekomponent” paragraaf (b) deur die volgende paragraaf te vervang:

“(b) wat bestaan uit ’n risikoordeel voorsien deur die fonds regstreeks of onregstreeks ten behoeve van ’n lid van die fonds indien die risikoordeel deur middel van ’n versekeringspolis of ’n risikoordeelpolis voorsien word;” en

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(b) deur na die omskrywing van “risikoordeel” die volgende omskrywing in te voeg:

“ ‘**risikoordeelpolis**’ ’n polis ingevolge waarvan die risikoordeel wat regstreeks of onregstreeks deur die fonds ten behoeve van ’n lid van die fonds voorsien word, op ’n ander wyse as ’n versekeringspolis voorsien word;”.

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(2) Subartikel (1) tree op 1 Maart 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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Wysiging van paragraaf 12A van Agtste Bylae by Wet 58 van 1962, soos vervang deur artikel 70 van Wet 17 van 2017 en gewysig deur artikel 77 van Wet 23 van 2018, artikel 54 van Wet 34 van 2019 en artikel 47 van Wet 23 van 2020

44. (1) Paragraaf 12A van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

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(a) deur in subparagraaf (1) in die Engelse teks die punt aan die einde van die omskrywing van “group of companies” deur die uitdrukking “; and” te vervang;

(b) deur in subparagraaf (2) item (b) deur die volgende item te vervang:

“(b) die bedrag van daardie skuld deur daardie persoon verskuldig is [deur daardie persoon] ten opsigte van, of deur daardie persoon aangewend is, direk of indirek, om enige uitgawes [aangegaan] te befonds, behalwe uitgawes ten opsigte van handelsvoorraad [te befonds] ten opsigte waarvan ’n aftrekking of toelae ingevolge hierdie Wet toegestaan is.”;

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(c) deur in paragraaf (b) van die voorbehoudsbepaling tot subparagraaf (6)(e) subparagraaf (iii) deur die volgende subparagraaf te vervang:

“(iii) enigiets doen om enige stap beoog in subparagraaf [(A)] (i) ongeldig te maak, met die gevolg dat die maatskappy nie gelikwieder of gederegistreer is of sal word nie of sy bestaan finaal beëindig is of sal word nie;” en

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(d) deur in subparagraaf (6)(g) subitem (ii) deur die volgende subitem te vervang:

“(ii) nie bestaan uit of ’n bedrag verteenwoordig verskuldig deur daardie persoon ten opsigte van enige rente soos omskryf in artikel 24J aangegaan deur daardie persoon tydens enige jaar van aanslag nie.”.

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(2) Paragraaf (d) van subartikel (1) tree op 1 Januarie 2022 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 48 van Agtste Bylae by Wet 58 van 1962

45. Die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf 48 deur die volgende paragraaf te vervang:

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“48. A natural person or a beneficiary of a special trust or a spouse of that person or beneficiary must for purposes of paragraph 47 be treated as having been ordinarily resident in a residence for a continuous period (not exceeding two years), if that natural person, beneficiary or spouse did not reside in that residence during that period for any of the following reasons—

- (a) at the time the residence was [that person’s] the primary residence of that natural person or special trust it had been offered for sale and vacated due to the acquisition or intended acquisition of a new primary residence;
- (b) that residence was being erected on land acquired for that purpose in order to be used as [that person’s] the primary residence of that natural person or special trust;
- (c) the residence had been accidentally rendered uninhabitable; or
- (d) the death of that natural person, beneficiary or spouse.”

Amendment of paragraph 49 of Eighth Schedule to Act 58 of 1962, as amended by section 95 of Act 60 of 2001 and section 74 of Act 15 of 2016

46. Paragraph 49 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (b) of the following subparagraph:

“(b) where that natural person [or], a beneficiary of that special trust or a spouse of that natural person or beneficiary used the residence referred to in subparagraph (a) or a part thereof for the purposes of carrying on a trade for any portion of the period on or after the valuation date during which that person or special trust held that interest.”

Substitution of Eleventh Schedule to Act 58 of 1962, as added by section 140 of Act 22 of 2012, amended by section 161 of Act 31 of 2013 and substituted by section 125 of Act 25 of 2015 and section 56 of Act 23 of 2020

47. (1) The following Schedule is hereby substituted for the Eleventh Schedule to the Income Tax Act, 1962:

“ELEVENTH SCHEDULE

GOVERNMENT GRANTS EXEMPT FROM NORMAL TAX

(Section 12P)

1. Agro-Processing Support Scheme received or accrued from the Department of Trade, Industry and Competition;
2. Aquaculture Development and Enhancement Programme received or accrued from the Department of Trade, Industry and Competition;
3. Automotive Production and Development Programme received or accrued from the International Trade Administration Commission of South Africa;
4. Automotive Investment Scheme received or accrued from the Department of Trade, Industry and Competition;
5. Black Business Supplier Development Programme received or accrued from the Department of Small Business Development;
6. Black Industrialists Scheme received or accrued from the Department of Trade, Industry and Competition;
7. Business Process Services received or accrued from the Department of Trade, Industry and Competition;
8. Business Viability Programme received or accrued from the Department of Small Business Development;
9. Capital Projects Feasibility Programme received or accrued from the Department of Trade, Industry and Competition;
10. Capital Restructuring Grant received or accrued from the Department of Human Settlements;
11. Clothing and Textiles Competitiveness Programme received or accrued from the Industrial Development Corporation;
12. Cluster Development Programme received or accrued from the Department of Trade, Industry and Competition;

- “48. ’n Natuurlike persoon of ’n begunstigde van ’n spesiale trust of ’n gade van daardie persoon of begunstigde moet by die toepassing van paragraaf 47 geag word gewoonlik woonagtig te gewees het in ’n woning vir ’n aaneenlopende tydperk (wat nie twee jaar oorskry nie), indien daardie natuurlike persoon, begunstigde of gade nie in daardie woning gedurende daardie tydperk gewoon het nie vir enige van die volgende redes—
- (a) op die tydstip waarop die woning **[daardie persoon se] die primêre woning van daardie natuurlike persoon of spesiale trust** was, was dit te koop aangebied en ontruim weens die verkryging of voorgenome verkryging van ’n nuwe primêre woning;
 - (b) daardie woning is opgerig op grond wat vir daardie doel verkry is ten einde gebruik te word as **[daardie persoon se] die primêre woning van daardie natuurlike persoon of spesiale trust**;
 - (c) die woning is weens ’n ongeluk onbewoonbaar gemaak; of
 - (d) die dood van daardie natuurlike persoon, begunstigde of gade.”.

Wysiging van paragraaf 49 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 95 van Wet 60 van 2001 en artikel 74 van Wet 15 van 2016

46. Paragraaf 49 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (b) deur die volgende subparagraaf te vervang:
- “(b) waar daardie natuurlike persoon [of], ’n begunstigde van daardie spesiale trust of ’n gade van daardie natuurlike persoon of begunstigde die woning in subparagraaf (a) bedoel of ’n gedeelte daarvan vir enige gedeelte van die tydperk op of na die waardasiedatum waartydens daardie persoon of spesiale trust daardie belang gehou het gebruik het vir doeleindes om ’n bedryf te beoefen.”.

Vervanging van Elfde Bylae by Wet 58 van 1962, soos bygevoeg deur artikel 140 van Wet 22 van 2012, gewysig deur artikel 161 van Wet 31 van 2013 en vervang deur artikel 125 van Wet 25 van 2015 en artikel 56 van Wet 23 van 2020

47. (1) Die Elfde Bylae by die Inkomstebelastingwet, 1962, word hierby deur die volgende Bylae vervang:

“ELFDE BYLAE

STAATSTOEKENINGS VRYGESTEL VAN NORMALE BELASTING

(Artikel 12P)

1. ‘Agro-Processing Support Scheme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;
2. ‘Aquaculture Development and Enhancement Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;
3. ‘Automotive Production and Development Programme’ ontvang of toegeval van die ‘International Trade Administration Commission of South Africa’;
4. ‘Automotive Investment Scheme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;
5. ‘Black Business Supplier Development Programme’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling;
6. ‘Black Industrialists Scheme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;
7. ‘Business Process Services’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;
8. ‘Business Viability Programme’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling;
9. ‘Capital Projects Feasibility Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;
10. ‘Capital Restructuring Grant’ ontvang of toegeval van die Departement van Menslike Nedersettings;
11. ‘Clothing and Textiles Competitiveness Programme’ ontvang of toegeval van die Nywerheidsontwikkelingskorporasie;
12. ‘Cluster Development Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging;

- | | | |
|-----|---|----|
| 13. | Comprehensive Agricultural Support Programme received or accrued from the Department of Agriculture; | |
| 14. | Co-operative Incentive Scheme received or accrued from the Department of Small Business Development; | |
| 15. | Critical Infrastructure Programme received or accrued from the Department of Trade, Industry and Competition; | 5 |
| 16. | Eastern Cape Jobs Stimulus Fund received or accrued from the Department of Economic Development, Environmental Affairs and Tourism of the Eastern Cape; | |
| 17. | Enterprise Incubation Programme received or accrued from the Department of Small Business Development; | 10 |
| 18. | Enterprise Investment Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 19. | Equity Fund received or accrued from the Department of Science and Technology; | 15 |
| 20. | Export Marketing and Investment Assistance received or accrued from the Department of Trade, Industry and Competition; | |
| 21. | Film Production Incentive received or accrued from the Department of Trade, Industry and Competition; | |
| 22. | Food Fortification Grant received or accrued from the Department of Health; | 20 |
| 23. | Green Technology Incentive Programme received or accrued from the Department of Tourism; | |
| 24. | Idea Development Fund received or accrued from the Department of Science and Technology; | |
| 25. | Incubation Support Programme received or accrued from the Department of Trade, Industry and Competition; | 25 |
| 26. | Industrial Development Zone Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 27. | Industry Matching Fund received or accrued from the Department of Science and Technology; | 30 |
| 28. | Integrated National Electrification Programme Grant: Non-grid electrification service providers received or accrued from the Department of Energy; | |
| 29. | Integrated National Electrification Programme: Electricity connection to households received or accrued from the Department of Energy; | |
| 30. | Interest Make-Up Programme received or accrued from the Department of Trade, Industry and Competition; | 35 |
| 31. | Jobs Fund received or accrued from the National Treasury; | |
| 32. | Manufacturing Competitiveness Enhancement Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 33. | Sector Specific Assistance Scheme received or accrued from the Department of Trade, Industry and Competition; | 40 |
| 34. | Shared Economic Infrastructure Facility received or accrued from the Department of Small Business Development; | |
| 35. | Small Enterprise Manufacturing Support Programme received or accrued from the Department of Small Business Development; | 45 |
| 36. | Small, Medium Enterprise Development Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 37. | Small/Medium Manufacturing Development Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 38. | South African Research Chairs Initiative received or accrued from the Department of Science and Technology; | 50 |
| 39. | Strategic Partnership Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 40. | Support Programme for Industrial Innovation received or accrued from the Department of Trade, Industry and Competition; | 55 |
| 41. | Taxi Recapitalisation Programme received or accrued from the Department of Transport; | |
| 42. | Technology Development Fund received or accrued from the Department of Science and Technology; | |
| 43. | Technology and Human Resources for Industry Programme received or accrued from the Department of Trade, Industry and Competition; | 60 |
| 44. | The Blended Finance Facility received or accrued from the Department of Small Business Development; | |

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|-----|--|----|
| 13. | 'Comprehensive Agricultural Support Programme' ontvang of toegeval van die Departement van Landbou; | |
| 14. | 'Co-operative Incentive Scheme' ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | |
| 15. | 'Critical Infrastructure Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 5 |
| 16. | 'Eastern Cape Jobs Stimulus Fund' ontvang of toegeval van die Departement van Ekonomiese Ontwikkeling, Omgewingsake en Toerisme van die Oos-Kaap; | |
| 17. | 'Enterprise Incubation Programme' ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | 10 |
| 18. | 'Enterprise Investment Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 19. | 'Equity Fund' ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | |
| 20. | 'Export Marketing and Investment Assistance' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 15 |
| 21. | 'Film Production Incentive' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 22. | 'Food Fortification Grant' ontvang of toegeval van die Departement van Gesondheid; | 20 |
| 23. | 'Green Technology Incentive Programme' ontvang of toegeval van die Departement van Toerisme; | |
| 24. | 'Idea Development Fund' ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | |
| 25. | 'Incubation Support Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 25 |
| 26. | 'Industrial Development Zone Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 27. | 'Industry Matching Fund' ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | 30 |
| 28. | 'Integrated National Electrification Programme Grant: Non-grid electrification service providers' ontvang of toegeval van die Departement van Energie; | |
| 29. | 'Integrated National Electrification Programme: Electricity connection to households' ontvang of toegeval van die Departement van Energie; | |
| 30. | 'Interest Make-Up Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 35 |
| 31. | 'Jobs Fund' ontvang of toegeval van die Nasionale Tesourie; | |
| 32. | 'Manufacturing Competitiveness Enhancement Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 33. | 'Sector Specific Assistance Scheme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 40 |
| 34. | 'Shared Economic Infrastructure Facility' ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | |
| 35. | 'Small Enterprise Manufacturing Support Programme' ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | 45 |
| 36. | 'Small, Medium Enterprise Development Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 37. | 'Small/Medium Manufacturing Development Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 38. | 'South African Research Chairs Initiative' ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | 50 |
| 39. | 'Strategic Partnership Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 40. | 'Support Programme for Industrial Innovation' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 55 |
| 41. | 'Taxi Recapitalisation Programme' ontvang of toegeval van die Departement van Vervoer; | |
| 42. | 'Technology Development Fund' ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | |
| 43. | 'Technology and Human Resources for Industry Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 60 |
| 44. | 'The Blended Finance Facility' ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | |

45. The COVID-19 Emergency Fund received or accrued from the Department of Small Business Development;
46. The Small Business and Innovation Fund received or accrued from the Department of Small Business Development;
47. Township and Rural Entrepreneurship Programme (TREP) received or accrued from the Department of Small Business Development; 5
48. Transfers to the South African National Taxi Council received or accrued from the Department of Transport;
49. Transfers to the University of Pretoria, University of KwaZulu-Natal and University of Stellenbosch received or accrued from the Department of Transport; 10
50. Youth Technology Innovation Fund received or accrued from the Department of Science and Technology.”.
- (2) Subsection (1) is, in respect of any grant, deemed to have come into operation on the date on which that grant was awarded to the recipient thereof and applies in respect of any amount received or accrued in respect of that grant on or after that date. 15

Continuation of certain amendments of Schedules to Act 91 of 1964 and Act 89 of 1991

48. 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 October 2020 up to and including 31 October 2021, 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 and in Schedule No. 1 to the Value-Added Tax Act, 1991, made under section 74(3)(a) of that Act during the period 1 October 2020 up to and including 31 October 2021, shall not lapse by virtue of section 74(3)(b) of that Act. 25

Amendment of section 2 of Act 89 of 1991, as amended by section 22 of Act 136 of 1991, paragraph 2 of Government Notice 2695 of 8 November 1991, section 13 of Act 136 of 1992, section 10 of Act 20 of 1994, section 19 of Act 37 of 1996, section 24 of Act 27 of 1997, section 87 of Act 30 of 1998, section 82 of Act 53 of 1999, section 149 of Act 60 of 2001, section 115 of Act 74 of 2002, section 44 of Act 16 of 2004, section 93 of Act 32 of 2004, section 41 of Act 9 of 2006, section 78 of Act 20 of 2006, section 105 of Act 60 of 2008, section 130 of Act 24 of 2011, section 90 of Act 23 of 2018 and section 67 of Act 34 of 2019 30

49. Section 2 of the Value-Added Tax Act, 1991, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (i) of the following paragraph: 35
- “(i) the provision, or transfer of ownership, of a **[long-term] life** insurance policy, the provision or transfer of ownership of reinsurance in respect of any such policy: Provided that such an activity shall not be deemed to be a financial service to the extent that it includes the management of a superannuation scheme;” 40
- (b) by the substitution in subsection (2) for the definition of “long-term insurance policy” of the following definition:
- “(v) ‘**[long-term] life insurance policy**’ means any policy of insurance issued in the ordinary course of carrying on **[long-term insurance business] a life insurance business** as defined in section 1(1) of the **[Long-term] Insurance Act, [1998 (Act No. 52 of 1998)] 2017 (Act No. 18 of 2017)**;” and 45
- (c) by the substitution in subsection (3) for paragraph (a) of the following paragraph: 50
- “(a) A **[long-term] life** insurance policy or any other policy of insurance;”.

45. ‘The COVID-19 Emergency Fund’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling;
46. ‘The Small Business and Innovation Fund’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling;
47. ‘Township and Rural Entrepreneurship Programme (TREP)’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; 5
48. ‘Transfers to the South African National Taxi Council’ ontvang of toegeval van die Departement van Vervoer;
49. ‘Transfers to the University of Pretoria, University of KwaZulu-Natal and University of Stellenbosch’ ontvang of toegeval van die Departement van Vervoer; 10
50. ‘Youth Technology Innovation Fund’ ontvang of toegeval van die Departement van Wetenskap en Tegnologie.’’.
- (2) Subartikel (1) word, ten opsigte van enige staatstoekenning, geag in werking te getree het op die datum waarop daardie staatstoekenning toegeken is aan die ontvanger daarvan en is van toepassing ten opsigte van enige bedrag ontvang of toegeval ten opsigte van daardie staatstoekenning op of na daardie datum. 15

Voortdoring van sekere wysigings van Bylaes by Wet 91 van 1964 en Wet 89 van 1991

48. Geen wysiging aan of intrekking van of invoeging in Bylaes 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 Oktober 2020 tot en met 31 Oktober 2021, verval uit hoofde van artikel 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) of 75(16) van daardie Wet nie en in Bylae No. 1 by die Wet op Belasting op Toegevoegde Waarde, 1991, wat aangebring is kragtens artikel 74(3)(a) van daardie Wet gedurende die tydperk 1 Oktober 2020 tot en met 31 Oktober 2021, verval uit hoofde van artikel 74(3)(b) van daardie Wet nie. 20 25

Wysiging van artikel 2 van Wet 89 van 1991, soos gewysig deur artikel 22 van Wet 136 van 1991, paragraaf 2 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 13 van Wet 136 van 1992, artikel 10 van Wet 20 van 1994, artikel 19 van Wet 37 van 1996, artikel 24 van Wet 27 van 1997, artikel 87 van Wet 30 van 1998, artikel 82 van Wet 53 van 1999, artikel 149 van Wet 60 van 2001, artikel 115 van Wet 74 van 2002, artikel 44 van Wet 16 van 2004, artikel 93 van Wet 32 van 2004, artikel 41 van Wet 9 van 2006, artikel 78 van Wet 20 van 2006, artikel 105 van Wet 60 van 2008, artikel 130 van Wet 24 van 2011, artikel 90 van Wet 23 van 2018 en artikel 67 van Wet 34 van 2019 30 35

49. Artikel 2 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (i) deur die volgende paragraaf te vervang: 40
 “(i) die verskaffing van, of die oordrag van eiendomsreg in, ’n [langtermynversekeringspolis] lewensversekeringspolis of die verskaffing van herversekering ten opsigte van so ’n polis: Met dien verstande dat so ’n aktiwiteit nie geag word ’n finansiële diens te wees nie in die mate wat dit die bestuur van ’n aftreeskema insluit;” 45
- (b) deur in subartikel (2) die omskrywing van “langtermynversekeringspolis” deur die volgende omskrywing te vervang: 50
 “(v) [‘langtermynversekeringspolis enige versekeringspolis wat uitgereik word in die gewone loop van die dryf van langtermynversekeringsbesigheid] ‘lewensversekeringspolis’ ’n lewensversekeringspolis soos in artikel 1(1) van die [Langtermynversekeringswet, 1998 (Wet No. 52 van 1998)] Versekeringswet, 2017 (Wet No. 18 van 2017), omskryf;” 50
- (c) deur in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang: 55
 “(a) ’n [langtermynversekeringspolis] Lewensversekeringspolis of enige ander versekeringspolis;”.

Amendment of section 9 of Act 89 of 1991, as amended by section 25 of Act 136 of 1991, section 25 of Act 97 of 1993, section 21 of Act 46 of 1996, section 26 of Act 27 of 1997, section 167 of Act 45 of 2003, section 96 of Act 32 of 2004, section 103 of Act 31 of 2005, section 172 of Act 34 of 2005, section 28 of Act 36 of 2007, section 27 of Act 8 of 2010, section 167 of Act 39 of 2013, section 130 of Act 25 of 2015 and section 79 of Act 17 of 2017 5

50. (1) Section 9 of the Value-Added Tax Act, 1991, is hereby amended by the insertion after subsection (12) of the following subsection:

“(13) Where any supply of goods or services is deemed to be made as contemplated in section 18D(2) the time of supply shall be deemed to be the tax period in which the agreement for the letting and hiring of the accommodation in a dwelling comes into effect.” 10

(2) Subsection (1) comes into operation on 1 April 2022.

Amendment of section 10 of Act 89 of 1991, as amended by section 26 of Act 136 of 1991, paragraph 5 of Government Notice 2695 of 8 November 1991, section 16 of Act 136 of 1992, section 26 of Act 97 of 1993, section 12 of Act 20 of 1994, section 21 of Act 37 of 1996, section 22 of Act 46 of 1996, section 27 of Act 27 of 1997, section 84 of Act 53 of 1999, section 68 of Act 19 of 2001, section 152 of Act 60 of 2001, section 168 of Act 45 of 2003, section 97 of Act 32 of 2004, section 104 of Act 31 of 2005, section 43 of Act 9 of 2006, section 80 of Act 20 of 2006, section 82 of Act 8 of 2007, section 107 of Act 60 of 2008, section 122 of Act 7 of 2010, section 133 of Act 24 of 2011, section 168 of Act 39 of 2013, section 131 of Act 25 of 2015, section 80 of Act 17 of 2017 and section 63 of Act 23 of 2020 15

51. (1) Section 10 of the Value-Added Tax Act, 1991, is hereby amended by the addition of the following subsection: 25

“(29) Where goods are deemed to be supplied by a vendor in terms of section 18D(2), the supply shall be deemed to be made for a consideration in money equal to the adjusted cost to the vendor of the construction, extension or improvement of such fixed property or portion of such fixed property so supplied.” 30

(2) Subsection (1) comes into operation on 1 April 2022.

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 Gazette 32664 of 30 October 2009, section 134 of Act 24 of 2011, section 169 of Act 31 of 2013, section 96 of Act 43 of 2014, section 132 of Act 25 of 2015, section 81 of Act 17 of 2017, section 54 of Act 34 of 2019 and section 64 of Act 23 of 2020 35

52. (1) Section 11 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (2) for paragraph (y) of the following paragraph: 45

“(y) the services as contemplated in the International Telecommunication Union Regulations contained in the Final Acts of the World Conference on International Telecommunications (Dubai, 2012) and supplied by Telecommunications Service Providers registered in the Republic in terms of the Electronic Communications Act, 2005 (Act No. 36 of 2005), to International Telecommunications Service Providers, [limited to] provided that such services are not supplied to a branch, main business or customer of the International Telecommunications Service Providers situated in the Republic at the time the services are rendered, unless such services are international roaming services.” 50

Wysiging van artikel 9 van Wet 89 van 1991, soos gewysig deur artikel 25 van Wet 136 van 1991, artikel 25 van Wet 97 van 1993, artikel 21 van Wet 46 van 1996, artikel 26 van Wet 27 van 1997, artikel 167 van Wet 45 van 2003, artikel 96 van Wet 32 van 2004, artikel 103 van Wet 31 van 2005, artikel 172 van Wet 34 van 2005, artikel 28 van Wet 36 van 2007, artikel 27 van Wet 8 van 2010, artikel 167 van Wet 39 van 2013, artikel 130 van Wet 25 van 2015 en artikel 79 van Wet 17 van 2017 5

50. (1) Artikel 9 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur na subartikel (12) die volgende artikel te vervang:

“(13) Waar die lewering van enige goed geag word gedoen te wees soos in artikel 18D(2) beoog, word die tyd van lewering geag die belastingtydperk te wees waartydens die ooreenkoms vir die huur en verhuur van die verblyf in ’n woning in werking tree.” 10

(2) Subartikel (1) tree op 1 April 2022 in werking.

Wysiging van artikel 10 van Wet 89 van 1991, soos gewysig deur artikel 26 van Wet 136 van 1991, paragraaf 5 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 16 van Wet 136 van 1992, artikel 26 van Wet 97 van 1993, artikel 12 van Wet 20 van 1994, artikel 21 van Wet 37 van 1996, artikel 22 van Wet 46 van 1996, artikel 27 van Wet 27 van 1997, artikel 84 van Wet 53 van 1999, artikel 68 van Wet 19 van 2001, artikel 152 van Wet 60 van 2001, artikel 168 van Wet 45 van 2003, artikel 97 van Wet 32 van 2004, artikel 104 van Wet 31 van 2005, artikel 43 van Wet 9 van 2006, artikel 80 van Wet 20 van 2006, artikel 82 van Wet 8 van 2007, artikel 107 van Wet 60 van 2008, artikel 122 van Wet 7 van 2010, artikel 133 van Wet 24 van 2011, artikel 168 van Wet 39 van 2013, artikel 131 van Wet 25 van 2015, artikel 80 van Wet 17 van 2017 en artikel 63 van Wet 23 van 2020 15 20

51. (1) Artikel 10 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur die volgende subartikel by te voeg: 25

“(29) Waar goed geag word ingevolge artikel 18D(2) deur ’n ondernemer gelewer te word, word die lewering geag gedoen te word vir ’n vergoeding in geld gelyk aan die aangepaste koste vir die ondernemer van die oprigting, uitbreiding of verbetering van sodanige vaste eiendom of gedeelte van sodanige vaste eiendom aldus gelewer.” 30

(2) Subartikel (1) tree op 1 April 2022 in werking.

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, artikel 169 van Wet 31 van 2013, artikel 96 van Wet 43 van 2014, artikel 132 van Wet 25 van 2015, artikel 81 van Wet 17 van 2017, artikel 54 van Wet 34 van 2019 en artikel 64 van Wet 23 van 2020 35 40 45

52. (1) Artikel 11 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (2) paragraaf (y) deur die volgende paragraaf te vervang:

“(y) die dienste soos beoog in die ‘International Telecommunication Union Regulations’ vervat in die ‘Final Acts’ van die ‘World Conference on International Telecommunications (Dubai, 2012)’ en gelewer deur Telekommunikasie Diensverskaffers geregistreer in die Republiek ingevolge die Wet op Elektroniese Kommunikasie, 2005, (Wet No. 36 van 2005), aan Internasionale Telekommunikasie Diensverskaffers, [beperk tot] op voorwaarde dat sodanige dienste nie gelewer word aan ’n tak, hoofbesigheid of klant van die Internasionale Telekommunikasie Diensverskaffers wat in die Republiek gesetel is op die tydstip wanneer die dienste gelewer word nie, tensy sodanige dienste internasionale swerfdienste is:” 50 55

(2) Subsection (1) comes into operation on 1 January 2022.

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, section 173 of Act 31 of 2013, section 98 of Act 43 of 2014 and section 83 of Act 17 of 2017

53. (1) Section 16 of the Value-Added Tax Act, 1991, is hereby amended by the addition in subsection (3) at the end of paragraph (n) of the expression “;” and of the insertion before the proviso of the following paragraph:

“(o) an amount calculated in accordance with section 10(29);”.

(2) Subsection (1) comes into operation on 1 April 2022.

Insertion of section 18D in Act 89 of 1991

54. (1) The Value-Added Tax Act, 1991, is hereby amended by the insertion of the following section:

“Temporary letting of residential property

18D. (1) For the purposes of this section—

(a) **‘developer’** means a vendor who continuously or regularly constructs, extends or substantially improves fixed property consisting of any dwelling or continuously or regularly constructs, extends or substantially improves parts of that fixed property for the purpose of disposing of that fixed property after the construction, extension or improvement; and

(b) **‘temporarily applied’** means the application of fixed property or a portion of a fixed property in supplying accommodation in a dwelling under an agreement or more than one agreement for letting and hiring thereof which agreement or agreements relate to a combined total period not exceeding 12 months: Provided that ‘temporarily applied’ does not include the application of fixed property in supplying accommodation in a dwelling under an agreement for the letting and hiring thereof where any such agreement is for a fixed period exceeding 12 months, in which case this section will not apply, but the provisions of section 18(1) shall apply.

(2) Notwithstanding the provisions of section 18(1), where goods being supplied consist of fixed property consisting of any dwelling and such fixed property—

(a) is developed by a vendor who is a developer wholly for the purpose of making taxable supplies or is held or applied for that purpose by that vendor; and

(b) is subsequently temporarily applied by that vendor in accordance with section 12(c),

such fixed property shall be deemed to have been supplied by that vendor by way of a taxable supply for the consideration contemplated in section 10(29) and shall take place in accordance with section 9(13).

(3) Where a vendor who is a developer subsequently supplies fixed property contemplated in subsection (2)(b) by way of a sale within the period that the fixed property is temporarily applied, such supply shall be a taxable supply in the course or furtherance of the vendor’s enterprise and shall take place in accordance with section 9(3)(d).

(4) Where fixed property contemplated in subsection (3) is supplied by that vendor, the supply shall be deemed to be made for a consideration as contemplated in section 10(2).

(2) Subartikel (1) tree op 1 Januarie 2022 in werking.

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, artikel 173 van Wet 31 van 2013, artikel 98 van Wet 43 van 2014 en artikel 83 van Wet 17 van 2017

53. (1) Artikel 16 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (3) aan die einde van paragraaf (n) die uitdrukking “;” by te voeg en deur voor die voorbehoudsbepaling die volgende paragraaf in te voeg: “(o) ’n bedrag ooreenkomstig artikel 10(29) bereken.”.

(2) Subartikel (1) tree op 1 April 2022 in werking.

Invoeging van artikel 18D in Wet 89 van 1991

54. (1) Die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur die volgende artikel in te voeg:

“Tydelike verhuring van residensiële eiendom

18D. (1) By die toepassing van hierdie artikel beteken—

(a) **‘ontwikkelaar’** ’n ondernemer wat deurlopend of gereeld vaste eiendom wat bestaan uit ’n woning oprig, uitbrei of wesenlik verbeter of deurlopend of gereeld dele van daardie vaste eiendom oprig, uitbou of wesenlik verbeter met die doel om na die oprigting, uitbreiding of verbetering oor daardie vaste eiendom te beskik; en

(b) **‘tydelik aangewend’** die aanwending van vaste eiendom of ’n gedeelte van ’n vaste eiendom in die lewering van verblyf in ’n woning ingevolge ’n ooreenkoms of meer as een ooreenkoms vir die huur en verhuur daarvan, welke ooreenkoms of ooreenkomste betrekking het op ’n gekombineerde totale tydperk van hoogstens 12 maande: Met dien verstande dat ‘tydelik aangewend’ nie die aanwending van vaste eiendom in die lewering van verblyf in ’n woning ingevolge ’n ooreenkoms vir die huur en verhuur daarvan insluit nie waar enige sodanige ooreenkoms vir ’n vaste tydperk van langer as 12 maande is, in welke geval hierdie artikel nie van toepassing sal wees nie, maar die bepalings van artikel 18(1) sal geld.

(2) Ondanks die bepalings van artikel 18(1), waar goed wat gelewer word bestaan uit vaste eiendom wat uit ’n woning bestaan en sodanige vaste eiendom—

(a) ontwikkel word deur ’n ondernemer wat ’n ontwikkelaar is geheel met die doel om belasbare lewerings te doen of vir daardie doel deur daardie ondernemer gehou of aangewend word; en

(b) vervolgens tydelik deur daardie ondernemer ooreenkomstig artikel 12(c) aangewend word,

word sodanige vaste eiendom geag deur daardie ondernemer gelewer te gewees het deur middel van ’n belasbare lewering vir die vergoeding in artikel 10(29) beoog wat ooreenkomstig artikel 9(13) plaasvind.

(3) Waar ’n ondernemer wat ’n ontwikkelaar is vervolgens vaste eiendom beoog in subartikel (2)(b) deur middel van ’n verkoping lewer binne die tydperk waartydens die vaste eiendom tydelik aangewend word, word sodanige lewering ’n belasbare lewering in die loop of voortsetting van die ondernemer se onderneming en vind dit ooreenkomstig artikel 9(3)(d) plaas.

(4) Waar vaste eiendom beoog in subartikel (3) deur daardie ondernemer gelewer word, word die lewering geag gedoen te word vir ’n vergoeding soos in artikel 10(2) beoog.

- (5) Where fixed property—
- (a) contemplated in subsection (3) is supplied by that vendor within the ‘temporarily applied’ period;
 - (b) is temporarily applied as contemplated in subsection (2)(b) and is no longer applied in supplying accommodation in a dwelling immediately after the expiry of the ‘temporarily applied’ period; or
 - (c) contemplated in the proviso to the definition of ‘temporary applied’ in subsection (1) is subject to the adjustment in section 18(1), the Commissioner shall allow such vendor a deduction in terms of section 16(3)(o), and the deduction so made shall be deemed for the purpose of that section to be input tax.”

(2) Subsection (1) comes into operation on 1 April 2022.

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 of Act 16 of 2004, section 108 of Act 35 of 2007, section 108 of Act 43 of 2014, section 87 of Act 17 of 2017 and section 14 of Act 21 of 2018

55. (1) Schedule 2 to the Value-Added Tax Act, 1991, is hereby amended by the substitution in Part B for Item 2 of the following Item:

“Item 2 Maize meal graded as super maize meal, super fine maize meal, special maize meal, sifted maize meal or unsifted maize meal, not further processed other than by the addition of minerals and vitamins not exceeding one per cent by mass of the final product, solely for the purpose of increasing the nutritional value.”.

(2) Subsection (1) comes into operation on 1 April 2022.

Amendment of section 1 of Act 25 of 2007, as amended by section 145 of Act 24 of 2011, section 153 of Act 22 of 2012, section 110 of Act 43 of 2014, section 137 of Act 25 of 2015, section 90 of Act 15 of 2016, section 90 of Act 17 of 2017, section 76 of Act 34 of 2019 and section 67 of Act 23 of 2020

56. (1) Section 1 of the Securities Transfer Tax Act, 2007, is hereby amended by the substitution in subsection (1) in the definition of “collateral arrangement” for the words following paragraph (e) of the following words:

“but does not include an arrangement where the transferee—

- (i) has not transferred the identical share or bond contemplated in paragraph (b) to the transferor within the period referred to in that paragraph unless such failure to return such identical share or bond is due to an arrangement that is announced and released as a corporate action as contemplated in the JSE Limited Listings Requirements in the SENS (Stock Exchange News Service) as defined in the JSE Limited Listings Requirements or a corporate action as contemplated in the listings requirements of any other exchange, licenced under the Financial Markets Act, that are substantially the same as the requirements prescribed by the JSE Limited Listings Requirements, where that corporate action complies with the applicable requirements of that exchange; or
- (ii) has subsequently transferred the listed share or bond contemplated in paragraph (a), in a manner other than a transfer contemplated in paragraphs (a) to (e), unless the listed share or bond is transferred for purposes of—
 - (aa) a repurchase agreement entered into with the South African Reserve Bank as contemplated in section 10(1)(j) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989);
 - (bb) complying with Regulation 28 of the Pension Funds Act, 1956 (Act No. 24 of 1956); or
 - (cc) securing overnight cash placement in order to comply with the Basel III Supervisory Framework for measuring and controlling large exposures;”.

(2) Subsection (1) comes into operation on 1 January 2023 and applies in respect of any collateral arrangements entered into on or after that date.

- (5) Waar vaste eiendom—
- (a) beoog in subartikel (3) deur daardie ondernemer binne die ‘tydelik aangewende’ tydperk gelewer word;
- (b) tydelik aangewend word soos in subartikel (2)(b) beoog en nie langer aangewend word in die lewering van verblyf in ’n woning onmiddellik na die verval van die ‘tydelik aangewende’ tydperk nie; of 5
- (c) beoog in die voorbehoudsbepaling tot die omskrywing van ‘tydelik aangewend’ in subartikel (1) aan die aanpassing in artikel 18(1) onderhewig is, 10
- moet die Kommissaris ’n aftrekking ingevolge artikel 16(3)(o) aan die ondernemer toestaan, en die aftrekking aldus gedaan word by die toepassing van daardie artikel geag insetbelasting te wees.”
- (2) Subartikel (1) tree op 1 April 2022 in werking.

Wysiging van Bylae 2 by 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 van Wet 16 van 2004, artikel 108 van Wet 35 van 2007, artikel 108 van Wet 43 van 2014, artikel 87 van Wet 17 van 2017 en artikel 14 van Wet 21 van 2018 15

- 55.** (1) Bylae 2 by die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in Deel B Item 2 deur die volgende item te vervang: 20
- “Item 2 Mieliemeel gegradeer as super meliameel, superfyn meliameel, spesiale meliameel, gesifte meliameel of ongesifte meliameel, nie verder geprosesseer anders as deur die toevoeging van minerale en vitamines van hoogstens een persent per massa van die finale produk, 25
- slegs met die doel om die voedingswaarde te verhoog.”
- (2) Subartikel (1) tree op 1 April 2022 in werking.

Wysiging van artikel 1 van Wet 25 van 2007, soos gewysig deur artikel 145 van Wet 24 van 2011, artikel 153 van Wet 22 van 2012, artikel 110 van Wet 43 van 2014, artikel 137 van Wet 25 van 2015, artikel 90 van Wet 15 van 2016, artikel 90 van Wet 17 van 2017, artikel 76 van Wet 34 van 2019 en artikel 67 van Wet 23 van 2020 30

- 56.** (1) Artikel 1 van die Wet op Oordrag van Sekuriteite, 2007, word hierby gewysig deur in subartikel (1) in die omskrywing van “kollaterale reëling” die woorde wat op paragraaf (e) volg deur die volgende woorde te vervang: 35
- “maar sluit nie ’n reëling in waar daardie oordragnemer—
- (i) nie die identiese aandeel of verband beoog in paragraaf (b) aan die oordraggewer teruggelewer het binne die tydperk in daardie paragraaf bedoel nie, tensy bedoelde ingebrekeblywing om bedoelde aandeel of verband terug te lewer te wyte is aan ’n ooreenkoms wat aangekondig en verklaar word as ’n ‘corporate action’ soos beoog in die ‘JSE Limited Listings Requirements’ in die ‘SENS (Stock Exchange News Service)’ soos omskryf in die ‘JSE Limited Listings Requirements’ of ’n korporatiewe handeling soos beoog in die noteringsvereistes van enige ander beurs, kragtens die ‘Financial Markets Act’ gelisensieer, wat wesenlik dieselfde is as die vereistes deur die ‘JSE Limited Listings Requirements’, waar daardie korporatiewe handeling voldoen aan die toepaslike vereistes van daardie beurs; of 40
- (ii) vervolgens die genoteerde aandeel of verband beoog in paragraaf (a) oorgedra het op ’n ander wyse as ’n oordrag beoog in paragraaf (a) tot (e), tensy die genoteerde aandeel of verband oorgedra word— 45
- (aa) vir doeleindes van ’n heraankoopooreenkoms aangegaan met die Suid-Afrikaanse Reserwebank soos beoog in artikel 10(1)(j) van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989); 50
- (bb) ter voldoening aan Regulasie 28 van die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956); of
- (cc) ten einde oornagkontantplasing te verseker ten einde te voldoen aan die Oorsigraamwerk vir meting en beheer van groot blootstellings van Basel III;” 55
- (2) Subartikel (1) tree op 1 Januarie 2023 in werking en is van toepassing ten opsigte van enige kollaterale reëlings op of na daardie datum aangegaan.

Amendment of section 8 of Act 25 of 2007, as amended by section 73 of Act 3 of 2008, section 127 of Act 60 of 2008, section 97 of Act 17 of 2009, section 127 of Act 7 of 2010, section 148 of Act 24 of 2011, section 155 of Act 22 of 2012, section 183 of Act 31 of 2013, section 138 of Act 25 of 2015, section 15 of Act 22 of 2018 and section 68 of Act 23 of 2020

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57. Section 8 of the Securities Transfer Tax Act, 2007, is hereby amended by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) if that security is transferred to a public benefit organisation which is exempt from income tax in terms of section 10(1)(cN) of the Income Tax Act, if the tax thereon would, but for this exemption, be legally payable and borne by that public benefit organisation;”.

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Amendment of section 1 of Act 26 of 2013, as amended by section 112 of Act 43 of 2014, section 93 of Act 15 of 2016, section 101 of Act 23 of 2018, section 78 of Act 34 of 2019 and section 2 of Act 13 of 2020

58. (1) Section 1 of the Employment Tax Incentive Act, 2013, is hereby amended— 15

(a) by the substitution in subsection (1) for the definition of “employee” of the following definition:

“ ‘employee’ means a natural person—

(a) who works for another person and in any other manner directly or indirectly assists in carrying on or conducting the business of that other person; [and] 20

(b) who receives, or is entitled to receive remuneration from that other person; and

(c) who is documented in the records of that other person as envisaged in the record keeping provisions in section 31 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), 25

but does not include an independent contractor;”;

(b) by the substitution in subsection (1) for the definition of “monthly remuneration” of the following definition:

“ ‘monthly remuneration’— 30

(a) where an employer employs and pays remuneration to a qualifying employee for at least 160 hours in a month, means the amount paid or payable to the qualifying employee by the employer in respect of a month; or;

(b) where the employer employs a qualifying employee and pays remuneration to that employee for less than 160 hours in a month, means an amount calculated in terms of section 7(5); 35

Provided that in determining the remuneration paid or payable, an amount other than a cash payment that is due and payable to the employee after having accounted for deductions in terms of section 34(1)(b) of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), must be disregarded;”.

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(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 6 of Act 26 of 2013, as amended by section 115 of Act 43 of 2014, section 80 of Act 34 of 2019 and section 4 of Act 13 of 2020

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59. (1) Section 6 of the Employment Tax Incentive Act, 2013, is hereby amended by the addition of the following proviso:

Wysiging van artikel 8 van Wet 25 van 2007, soos gewysig deur artikel 73 van Wet 3 van 2008, artikel 127 van Wet 60 van 2008, artikel 97 van Wet 17 van 2009, artikel 127 van Wet 7 van 2010, artikel 148 van Wet 24 van 2011, artikel 155 van Wet 22 van 2012, artikel 183 van Wet 31 van 2013, artikel 138 van Wet 25 van 2015, artikel 15 van Wet 22 van 2018 en artikel 68 van Wet 23 van 2020

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57. Artikel 8 van die Wet op Oordrag van Sekuriteite, 2007, word hierby gewysig deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang:

“(d) indien daardie sekuriteit oorgedra word aan ’n openbare weldaadsorganisasie wat ingevolge artikel 10(1)(cN) van die Inkomstebelastingwet van inkomstebelasting vrygestel is, indien die belasting daarop, by ontstentenis van hierdie vrystelling, regtens deur daardie openbare weldaadsorganisasie betaalbaar en gedra sou wees;”.

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Ku antswisiwa ka xiyenge xa 1 xa Nawu wa 26 lembe ra 2013, tani hi loko xi antswisiwa hi xiyenge xa 112 xa Nawu wa 43 lembe ra 2014, xiyenge xa 93 xa Nawu wa 15 lembe ra 2016, xiyenge xa 101 xa Nawu wa 23 lembe ra 2018, xiyenge xa 78 xa Nawu wa 34 lembe ra 2019 na xiyenge xa 2 xa Nawu wa 13 lembe ra 2020

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58. (1) Xiyenge xa 1 xa *Employment Tax Incentive Act, 2013*, hi lexi xi antswisiweke hi—

(a) ku siviwa eka xiyengentsongo xa (1) eka nhlamuselo ya “mutholiwa” ya nhlamuselo leyi yi landzelaka:

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“**‘mutholiwa’** swivula munhu wa ntumbuluku—

(a) loyi a tirhelaka munhu un’wana nakona hi ndlela yin’wana hi ku kongoma kumbe ku nga ri hi ku kangoma a pfuna eka ku yisa bindzu emahlweni kumbe ku fambisa bindzu ra munhu yaloye; [na]

(b) loyi a kumaka, kumbe loyi a nga ringanela ku kuma muholo ku suka eka munhu yaloye; na

(c) loyi a nga na mapapila eka tirhekhodo ta munhu yaloye tani hi loko swi kombisiwile eka malulamiselo ya ku hlayisa tirhekhodo eka xiyenge xa 31 xa *Basic Conditions of Employment Act, 1997* (Nawu wa No. 75 lembe ra 1997),

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kambe a wu katsi mukondirakitaro loyi a ti yimelaka hi yexe;”; na

(b) ku siviwa eka xiyengentsongo xa (1) eka nhlamuselo ya “muholo wa n’hweti” ya nhlamuselo leyi yi landzelaka:

“**‘muholo wa n’hweti’**—

(a) laha mutholi a tholaka na ku hakela muholo eka muthoriwa loyi a ringaneleke ku ringana 160 wa tiawara hi n’hweti, swivula ntsengo lowu wu hakeriwaka eka muthoriwa loyi a ringanelaka hi muthori hi mayelana na n’hweti; kumbe;

(b) laha mutholi a tholaka muthoriwa loyi a ringanelaka nakona a hakela muholo eka muthoriwa yaloye eka tiawara leti ti nga hansi ka 160 hi n’hweti, swivula ntsengo lowu wu khakhuletiweke hi ku ya hi xiyenge xa ehansi ka 7(5):

Ntsena loko eka ku veka muholo lowu wu hakeriwaka kumbe lowu wu hakelekaka, ntsengo handle ka ntsengo wo hakela hi khexe lowu wu kolotiwaka nakona wu hakelekaka eka mutholiwa endzhaku ka kuva ku tsemiwile mali ya leswi swi kokiwaka hi ku ya hi xiyenge xa 34(1)(b) xa *Basic Conditions of Employment Act, 1997* (Nawu wa No. 75 lembe ra 1997), wu fanele nga landzeleliwi;”.

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(2) Xiyengentsongo xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Nyenyankulu 2022 nakona xitirhisiwa mayelana na malembe ya xikambelo ku sukela eka siku kumbe endzhaku ka siku roero.

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Ku antswisiwaka xiyenge xa 6 xa Nawu wa 26 lembe ra 2013, tani hi loko xi antswisiwe hi xiyenge xa 115 xa Nawu wa 43 lembe ra 2014, xiyenge xa 80 xa Nawu wa 34 lembe ra 2019 na xiyenge xa 4 xa Nawu wa 13 lembe ra 2020

59. (1) Xiyenge xa 6 xa *Employment Tax Incentive Act, 2013*, hi lexi xi antswisiweke hi ku engetela lulamiselo leri ri landzelaka:

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“: Provided that the employee is not, in fulfilling the conditions of their employment contract during any month, mainly involved in the activity of studying, unless the employer and employee have entered into a learning programme as defined in section 1 of the Skills Development Act, 1998 (Act No. 97 of 1998), and, in determining the time spent studying in proportion to the total time for which the employee is employed, the time must be based on actual hours spent studying and employed.” 5

(2) Subsection (1) comes into operation on 1 March 2022 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 13 of Act 31 of 2013, as amended by section 144 of Act 25 of 2015, section 98 of Act 15 of 2016, section 93 of Act 17 of 2017, section 98 of Act 23 of 2018, section 82 of Act 34 of 2019 and section 71 of Act 23 of 2020 10

60. (1) Section 13 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 [2022] 2023 and applies in respect of amounts incurred on or after that date.” 15

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 15 of Act 31 of 2013, as amended by section 145 of Act 25 of 2015, section 99 of Act 15 of 2016, section 94 of Act 17 of 2017 section 99 of Act 23 of 2018, section 83 of Act 34 of 2019 and section 72 of Act 23 of 2020 20

61. (1) Section 15 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 [2022] 2023 and applies in respect of amounts incurred on or after that date.”

(2) Subsection (1) is deemed to have come into operation on 12 December 2013. 25

Amendment of section 62 of Act 31 of 2013 as amended by section 148 of Act 25 of 2015, section 100 of Act 15 of 2016, section 100 of Act 23 of 2018, section 84 of Act 34 of 2019 and section 73 of Act 23 of 2020

62. (1) Section 62 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection: 30

“(2) Subsection (1) comes into operation on 1 January [2022] 2023 and applies in respect of amounts of interest incurred on or after that date.”

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 6 of Act 15 of 2019, as amended by section 93 of Act 34 of 2019 and section 77 of Act 23 of 2020 35

63. (1) Section 6 of the Carbon Tax Act, 2019, is hereby amended—

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

“(c) ‘B’ represents [the renewable energy premium in respect of a tax period, from the commencement of the tax period until 31 December 2022, constituted by an amount expressed in Rand] an amount equal to the quantity of renewable electricity (kWh) purchased under a power purchase agreement multiplied by the renewable energy premium determined by the Minister by notice in the *Gazette* in respect of a tax period, until 31 December 2022; and” 40 45

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

“(4) For the purposes of this section ‘sequester’ means—

“: Ntsena loko muthoriwa a nga, eka ku fikelela swiyimo swa mintwanano ya mtirho ya vona exikarhi ka n’hweti yin’wana na yin’wana, ngopfungopfu leswi swi katsaka migingiriko ya ku dyondza xikolo, handle ka loko mutholi na mutholiwa va ngeni eka nongonoko wa swa vuleteri tani hi loko swi hlamuseliwa eka xiyenge xa *Skills Development Act, 1998 (Nawu wa No. 97 lembe ra 1998)*, na, eka ku kuma nkarhi lowu mutirhi a nga wu tirhisa a ka rhi a dyondza xikolo loko wu ringanisiwa na nkarhi lowu a nga wu tirhisa a thoriwile, nkarhi wu fanele wu fananisiwa na nkarhi wa ntiyiso lowu wu nga tirhisa eka ku dyondza na le ka ku tholiwa.”

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(2) Xiyengentsongo xa (1) xi ehleketeleriwa kuva xi sungule kutirha hi ti 1 Nyenyankulu 2022 nakona xitirhisiwa mayelana na malembe ya xikambelo ku sukela eka siku kumbe endzhaku ka siku ro.

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Wysiging van artikel 13 van Wet 31 van 2013, soos gewysig deur artikel 144 van Wet 25 van 2015, artikel 98 van Wet 15 van 2016, artikel 93 van Wet 17 van 2017, artikel 98 van Wet 23 van 2018, artikel 82 van Wet 34 van 2019 en artikel 71 van Wet 23 van 2020

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60. (1) Artikel 13 van Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Subartikel (1) tree in werking op 1 Januarie [2022] 2023 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.”

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

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Wysiging van artikel 15 van Wet 31 van 2013, soos gewysig deur artikel 145 van Wet 25 van 2015, artikel 99 van Wet 15 van 2016, artikel 94 van Wet 17 van 2017, artikel 99 van Wet 23 van 2018, artikel 83 van Wet 34 van 2019 en artikel 72 van Wet 23 van 2020

61. (1) Artikel 15 van Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Subartikel (1) tree in werking op 1 Januarie [2022] 2023 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.”

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

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Wysiging van artikel 62 van Wet 31 van 2013, soos gewysig deur artikel 148 van Wet 25 van 2015, artikel 100 van Wet 15 van 2016, artikel 100 van Wet 23 van 2018, artikel 84 van Wet 34 van 2019 en artikel 73 van Wet 23 van 2020

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62. Artikel 62 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Subartikel (1) tree in werking op 1 Januarie [2022] 2023 en is van toepassing ten opsigte van bedrae van rente aangegaan op of na daardie datum.”

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

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Wysiging van artikel 6 van Wet 15 van 2019, soos gewysig deur artikel 93 van Wet 34 van 2019 en artikel 77 van Wet 23 van 2020

63. (1) Artikel 6 van die Wet op Koolstofbelasting, 2019, word hierby gewysig— 40

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

“(c) ‘B’ [die hernubare energiepemie verteenwoordig ten opsigte van ’n belastingtydperk, vanaf die aanvang van die belastingtydperk tot 31 Desember 2022, saamgestel deur ’n bedrag in Rand uitgedruk] ’n bedrag verteenwoordig gelykstaande aan die hoeveelheid hernubare energie (kWh) gekoop ingevolge ’n kragkoopopreënkomst, vermenigvuldig deur die hernubare energiepemie bepaal deur die Minister by kennisgewing in die *Staatskoerant* ten opsigte van ’n belastingtydperk, tot 31 Desember 2022; en”; en

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

“(4) By die toepassing van hierdie artikel beteken ‘sekwestreer’—

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- (a) the process of storing a greenhouse gas **[or increasing the carbon content of a carbon reservoir other than the atmosphere]** in forestry plantations and harvested wood products in respect of fuel combustion emissions declared in terms of IPCC code 1A2d for pulp, paper and print in terms of section 4(1); or
- (b) the process of storing a greenhouse gas in forestry plantations and harvested wood products in respect of fuel combustion emissions declared in terms of IPCC code 1A2d for pulp, paper and print or increasing the carbon content of a carbon reservoir other than the atmosphere in respect of fuel combustion emissions declared in **terms of section 4(2)(a).**”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2021.

Amendment of section 12 of Act 15 of 2019

64. (1) Section 12 of the Carbon Tax Act, 2019, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to subsection (2), a taxpayer that conducts an activity that is listed in Schedule 2 in the column ‘Activity/Sector’, and participates in the carbon budget system **[during or before the tax period]** from 1 January 2021 to 31 December 2022, must receive an additional allowance of five per cent of the total greenhouse gas emissions in respect of a tax period.”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2021.

Amendment of Schedule 2 to Act 15 of 2019, as amended by section 99 of Act 34 of 2019

65. (1) Schedule 2 of the Carbon Tax Act, 2019, is hereby amended—

(a) by the substitution in the line corresponding to IPCC Code “1A2m” and Activity / Sector “Brick manufacturing:” for the expression in the column “Threshold” of the following expression:

“**[4]** 1 million bricks a month”;

(b) by the insertion after the line starting with IPCC Code “1A2m” of the following line:

1A2n	Manufacture of ceramic products by firing in particular roofing tiles, tiles, stoneware or porcelain	5 tonnes of production per day	<u>60</u>	<u>0</u>	<u>0</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>90</u>
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(c) by the substitution in the line corresponding to IPCC Code “2A4a” and Activity / Sector “Ceramics” for the expression in the column “Threshold” of the following expression:

“**[N/A]** 50 tonnes of production a month”;

(d) by the substitution in the line corresponding to IPCC Code “2A4b” and Activity / Sector “Other Uses of Soda Ash” for the expression in the column “Threshold” of the following expression:

“**[N/A]** 50 tonnes of production a month”;

(e) by the substitution in the line corresponding to IPCC Code “2A4d” and Activity / Sector “Other (please specify)” for the expression in the column “Threshold” of the following expression:

“**[N/A]** 20 tonnes of production a month”;

(f) by the substitution in the line corresponding to IPCC Code “2B10” and Activity / Sector “Other (please specify)” for the expression in the column “Threshold” of the following expression:

“**[N/A]** 20 tonnes of production a month”;

(g) by the substitution in the line corresponding to IPCC Code “2C7” and Activity / Sector “Other (please specify)” for the expression in the column “Threshold” of the following expression:

“**[N/A]** 50 tonnes of production a month”;

- (a) die proses van die opberg van 'n kweekhuisgas [of **vermeerdering van die koolstofinhoud van 'n koolstofreservoir buiten die atmosfeer**] in bosbouplantasies en geoeste houtprodukte ten opsigte van brandstofverbrandingvystellings verklaar ingevolge IPCC-Kode 1A2d vir pulp, papier en druk ingevolge artikel 4(1); of
- (b) die proses van die opberg van 'n kweekhuisgas in bosbouplantasies en geoeste houtprodukte ten opsigte van brandstofverbrandingvystellings verklaar ingevolge IPCC-Kode 1A2d vir pulp, papier en druk of vermeerdering van die koolstofinhoud van 'n koolstofreservoir buiten die atmosfeer ten opsigte van brandstofverbrandingvystellings ingevolge artikel 4(2)(a) verklaar.”.

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(2) Subartikel (1) word geag op 1 Januarie 2021 in werking te getree het.

Wysiging van artikel 12 van Wet 15 van 2019

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64. (1) Artikel 12 van die Wet op Koolstofbelasting, 2019, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens subartikel (2), moet 'n belastingpligtige wat 'n aktiwiteit uitvoer wat gelys is in bylae 2 in die kolom ‘Aktiwiteit/Sektor’, en deelneem aan die koolstofbegrotingsstelsel [**tydens of voor die belastingtydperk**] van 1 Januarie 2021 tot 31 Desember 2022, 'n addisionele toelae van vyf persent van die totale kweekhuisgasvystellings ten opsigte van 'n belastingtydperk ontvang.”.

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(2) Subartikel (1) word geag op 1 Januarie 2021 in werking te getree het.

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Wysiging van Bylae 2 by Wet 15 of 2019, soos gewysig deur artikel 99 van Wet 34 van 2019

65. (1) Bylae 2 by die Wet op Koolstofbelasting, 2019, word hierby gewysig—

(a) deur in die reël wat ooreenstem met IPCC-Kode “1A2m” en Aktiwiteit / Sektor “Baksteenvervaardiging:” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:

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“[4] 1 miljoen bakstene 'n maand”;

(b) deur na die reël wat begin met IPCC-Kode “1A2m” die volgende reël in te voeg:

35

1A2n	Vervaardiging van keramiek-produkte deur oonddroging in besonder dakteëls, teëls, steenware of porselein	5 ton produksie per dag	60	0	0	10	5	5	10	90
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(c) deur in die reël wat ooreenstem met IPCC-Kode “2A4a” en Aktiwiteit / Sektor “Keramiek” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:

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“[geen] 50 ton produksie 'n maand”;

(d) deur in die reël wat ooreenstem met IPCC-Kode “2A4b” en Aktiwiteit / Sektor “Ander gebruike van soda-as” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:

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“[geen] 50 ton produksie 'n maand”;

(e) deur in die reël wat ooreenstem met IPCC-Kode “2A4d” en Aktiwiteit / Sektor “Ander (spesifiseer asseblief)” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:

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“[100 ton CO2 / jaar] 20 ton produksie 'n maand”;

(f) deur in die reël wat ooreenstem met IPCC-Kode “2B10” en Aktiwiteit / Sektor “Ander (Spesifiseer asseblief)” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:

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“[NVT] 20 ton produksie 'n maand”;

(g) deur in die reël wat ooreenstem met IPCC-Kode “2C7” en Aktiwiteit / Sektor “Ander (spesifiseer asseblief)” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:

“[NVT] 50 ton produksie 'n maand”;

- (h) by the substitution in the line corresponding to IPCC Code “2G1b” and Activity / Sector “Use of Electrical Equipment” for the expression in the column “Threshold” of the following expression:
“[N/A] 50 kilograms of production per year”;
- (i) by the substitution in the line corresponding to IPCC Code “3A2i” and Activity / Sector “Poultry” for the expression in the column “Threshold” of the following expression:
“[N/A] 40 000 places for poultry”;
- (j) by the substitution in the line corresponding to IPCC Code “3C1a” and Activity / Sector “Biomass Burning in Forest Lands” for the expression in the column “Threshold” of the following expression:
“[N/A] 100 Hectares of plantations”;
- (k) by the substitution in the line corresponding to IPCC Code “3C4” and Activity / Sector “Direct N2O Emissions from Managed Soils” for the expression in the column “Threshold” of the following expression:
“[N/A] 100 Hectares of plantations”;
- (l) by the substitution in the line corresponding to IPCC Code “3C5” and Activity / Sector “Indirect N2O Emissions from Managed Soils” for the expression in the column “Threshold” of the following expression:
“[N/A] 100 Hectares of plantations”;
- (m) by the substitution in the line corresponding to IPCC Code “3D1” and Activity / Sector “Harvested Wood Products” for the expression in the column “Threshold” of the following expression:
“[N/A] Harvested Wood Products produced from timber harvested from forest owners registered for reporting under IPCC code 3B1a and 3B1b”; and
- (n) by the substitution in the line corresponding to IPCC Code “5B” and Activity / Sector “Other (please specify)” for the expression in the column “Threshold” of the following expression:
“[N/A] None”.
- (2) Subsection (1) is deemed to have come into operation on 1 January 2021.

Amendment of section 37 of Act 34 of 2019, as amended by section 78 of Act 23 of 2020

66. (1) Section 37 of the Taxation Laws Amendment Act, 2019, 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 January [2022] 2023 and apply in respect of years of assessment commencing on or after that date.”.
- (2) Subsection (1) is deemed to have come into operation on 15 January 2020.

Amendment of long title of Act 13 of 2020

67. (1) The Disaster Management Tax Relief Act, 2020, is hereby amended by the substitution for the existing long title of the following long title:
“**To amend the Employment Tax Incentive Act, 2013, so as to amend certain provisions to provide for tax relief in respect of the COVID-19 pandemic and in respect of the recent unrest within the Republic of South Africa that resulted in destruction of businesses; to make new provision for the tax treatment of certain organisations for disaster relief in respect of the COVID-19 pandemic and of donations to such organisations; to provide for a temporary exemption from liability to pay skills development levies under the Skills Development Levies Act, 1999; and to provide for matters connected therewith.**”.
- (2) Subsection (1) is deemed to have come into operation on 1 August 2021.

Amendment of Preamble to Act 13 of 2020

68. (1) The Disaster Management Tax Relief Act, 2020, is hereby amended by the substitution for the existing Preamble of the following Preamble:

- (h) deur in die reël wat ooreenstem met IPCC-Kode “2G1b” en Aktiwiteit / Sektor “Gebruik van elektriese toerusting” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] 50 kilogram produksie per jaar”;
- (i) deur in die reël wat ooreenstem met IPCC-Kode “3A2i” en Aktiwiteit / Sektor “Pluimvee” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] 40 000 plekke vir pluimvee”;
- (j) deur in die reël wat ooreenstem met IPCC-Kode “3C1a” en Aktiwiteit / Sektor “Biomassa-verbranding in woudland” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] 100 Hektaar plantasies”;
- (k) deur in die reël wat ooreenstem met IPCC-Kode “3C4” en Aktiwiteit / Sektor “Direkte N2O-vrystellings van bestuurde grond” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] 100 Hektaar plantasies”;
- (l) deur in die reël wat ooreenstem met IPCC-Kode “3C5” en Aktiwiteit / Sektor “Indirekte N2O-vrystellings van bestuurde grond” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] 100 Hektaar plantasies”;
- (m) deur in die reël wat ooreenstem met IPCC-Kode “3D1” en Aktiwiteit / Sektor “Geoesde houtprodukte” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] Geoesde houtprodukte geproduseer uit hout geoes van woudeienaars geregistreer vir rapportering kragtens IPCC-Kode 3B1a en 3B1b”; en
- (n) deur in die reël wat ooreenstem met IPCC-Kode “5B” en Aktiwiteit / Sektor “Ander (spesifiseer asseblief)” die uitdrukking in die kolom “Drempel” deur die volgende uitdrukking te vervang:
“[NVT] Geen”.
- (2) Subartikel (1) word geag op 1 Januarie 2021 in werking te getree het.

Wysiging van artikel 37 van Wet 34 van 2019, soos gewysig deur artikel 78 van Wet 23 van 2020

66. (1) Artikel 37 van die Wysigingswet op Belastingwette, 2019, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
“(2) Paragrafe (a) en (b) van subartikel (1) tree in werking op 1 Januarie [2022] 2023 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.”.
- (2) Subartikel (1) word geag op 15 Januarie 2020 in werking te getree het.

Wysiging van lang titel van Wet 13 van 2020

67. (1) Die Wet op Rampbestuurbelastingverligting, 2020, word hierby gewysig deur die bestaande lang titel deur die volgende lang titel te vervang:
“**Tot wysiging van die ‘Employment Tax Incentive Act’, 2013, ten einde sekere bepalings te wysig om voorsiening te maak vir belastingverligting ten opsigte van die COVID-19-pandemie en ten opsigte van die onlangse onrus binne die Republiek wat die vernietiging van besighede tot gevolg gehad het; om nuwe bepalings te verorden vir die belastinghantering van sekere organisasies vir rampverligting ten opsigte van die COVID-19-pandemie en vir skenkings aan sodanige organisasies; om voorsiening te maak vir tydelike kwytskelding van die verpligting om ‘skills development levies’ kragtens die ‘Skills Development Levies Act’, 1999, te betaal; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.**”.
- (2) Subartikel (1) word geag op 1 Augustus 2021 in werking te getree het.

Wysiging van Aanhef tot Wet 13 van 2020

68. (1) Die Wet op Rampbestuurbelastingverligting, 2020, word hierby gewysig deur die bestaande Aanhef deur die volgende Aanhef te vervang:

“PREAMBLE

SINCE Government implemented measures to combat the worldwide COVID-19 pandemic and measures in response to the recent unrest that resulted in destruction of businesses within the Republic of South Africa;

AND SINCE Government is desirous to put measures in place to mitigate the economic impact of the COVID-19 pandemic and to mitigate the economic impact caused by the recent unrest within the Republic of South Africa that resulted in destruction of businesses and to devise a set of interventions that may help to cushion society from these economic difficulties;

AND SINCE financial commitments have been made to assist small businesses and their employees affected by the COVID-19 pandemic and to assist small businesses and their employees affected by the recent unrest within the Republic of South Africa that resulted in destruction of businesses, Government is desirous of ensuring that those financial commitments have the maximum beneficial results.”
(2) Subsection (1) is deemed to have come into operation on 1 August 2021.

Amendment of section 2 of Act 13 of 2020

69. (1) Section 2 of the Disaster Management Tax Relief Act, 2020, is hereby amended—

(a) by the deletion in subsection (1) of the word “and” at the end of paragraph (a), by the substitution for the full stop at the end of paragraph (b) of a semi-colon and by the addition after paragraph (b) of the following paragraphs:

“(c) by the substitution in subsection (1) for the definition of ‘monthly remuneration’ of the following definition:

‘ “monthly remuneration”[—

(a) where an employer employs and pays remuneration to a qualifying employee [for at least 160 hours in a month], means the amount paid or payable to the qualifying employee by the employer in respect of a month; [or

(b) where an employer employs a qualifying employee and pays remuneration to that employee for less than 160 hours in a month, means an amount calculated in terms of section 7(5);]; and

(d) by the substitution in subsection (1) for the definition of ‘monthly remuneration’ of the following definition:

‘ “monthly remuneration” —

(a) where an employer employs and pays remuneration to a qualifying employee for at least 160 hours in a month, means the amount paid or payable to the qualifying employee by the employer in respect of a month; or

(b) where an employer employs a qualifying employee and pays remuneration to that employee for less than 160 hours in a month, means an amount calculated in terms of section 7(5);”;

(b) by the substitution for subsection (3) of the following subsection:
“(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 1 August 2020 and applies in respect of any remuneration paid on or after that date but on or before 31 July 2021.”; and

(c) by the addition after subsection (3) of the following subsections:
“(4) Paragraph (c) of subsection (1) is deemed to have come into operation on 1 August 2021 and applies in respect of remuneration paid on or after that date but on or before 30 November 2021.

“AANHEF

AANGESIEN die Regering maatreëls ingestel het om die wêreldwye COVID-19-pandemie in die Republiek van Suid Afrika te beperk en maatreëls ingestel het in antwoord op die onlangse onrus wat vernietiging van besighede in die Republiek van Suid Afrika tot gevolg gehad het; 5

EN AANGESIEN die Regering begerig is om maatreëls in te stel om die ekonomiese impak van die COVID-19-pandemie te bekamp en om die ekonomiese impak veroorsaak deur die onlangse onrus binne die Republiek wat vernietiging van besighede tot gevolg gehad het, te bekamp en om 'n stel van ingrypings te beraam wat mag help om die samelewing van hierdie ekonomiese moelikhede te buffer; 10

EN AANGESIEN geldelike ondernemings aangegaan is om kleinsake-ondernemings en hulle werknemers wat deur die COVID-19-pandemie geraak is, te help en om kleinsake-ondernemings en hulle werknemers wat geraak is deur die onlangse onrus binne die Republiek van Suid-Afrika wat vernietiging van besighede tot gevolg gehad het, te help, is die Regering begerig om te verseker dat daardie geldelike ondernemings die grootste hoeveelheid voordelige gevolge het.”. 15

(2) Subartikel (1) word geag op 1 Augustus 2021 in werking te getree het.

Ku antswisiwa ka xiyenge xa 2 xa Nawu wa 13 lembe ra 2020 20

69. (1) Xiyenge xa 2 xa *Disaster Management Tax Relief Act, 2020*, hi lexi xi antswisiweke—

(a) hi ku siviwa eka xiyengentsongo xa (1) ka rito “na” emakumu ka ndzimana ya (a), hi ku susiwa ka hiko emakumu ka ndzimana ya (b) ka hikwana na hi ku engeteliwa endzhaku ka ndzimana ya (b) ka tindzimana leti ti landzelaka: 25

“(c) hi ku siviwa eka xiyengentsongo xa (1) ka nhlamuselo ya ‘muholo wa n’hweti’ ya nhlamuselo leyi yi landzelaka:

‘“**muholo wa n’hweti**”[—

(a)] laha mutholi a tholaka na ku hakela muholo eka muthoriwa loyi a ringaneleke [ku ringana 160 wa tiawara hi n’hweti], swivula ntsengo lowu wu hakeriwaka eka muthoriwa loyi a ringanelaka hi muthori hi mayelana na n’hweti; [kumbe 30

(b) laha mutholi a tholaka muthoriwa loyi a ringanelaka nakona a hakela muholo eka muthoriwa yaloye eka tiawara leti ti nga hanshi ka 160 hi n’hweti, swivula ntsengo lowu wu khakhuletiweke hi ku ya hi xiyenge xa ehansi ka 7(5);]’; na 35

(d) hi ku siviwa eka xiyengentsongo xa (1) ka nhlamuselo ya ‘muholo wa n’hweti’ ya nhlamuselo leyi yi landzelaka:

‘“**muholo wa n’hweti**”[— 40

(a) laha mutholi a tholaka na ku hakela muholo eka muthoriwa loyi a ringaneleke ku ringana 160 wa tiawara hi n’hweti, swivula ntsengo lowu wu hakeriwaka eka muthoriwa loyi a ringanelaka hi muthori hi mayelana na n’hweti; kumbe 45

(b) laha mutholi a tholaka muthoriwa loyi a ringanelaka na kona a hakela muholo eka muthoriwa yaloye eka tiawara leti ti nga hanshi ka 160 hi n’hweti, swivula ntsengo lowu wu khakhuletiweke hi ku ya hi xiyenge xa 7(5);”]; 45

(b) ku siviwa eka xiyenge xa (3) ka xiyengentsongo lexi landzelaka: “(3) Ndzimana ya (b) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2020 nakona yi tirha mayelana na muholo wun’wana na wun’wana eka kumbe endzhaku ka siku rero kambe eka kumbe ku nga si fika ti 31 Mawuwani 2021.”; na 50

(c) ku engetela endzhaku ka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka: 55

“(4) Ndzimana ya (c) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2021 nakona yi tirha mayelana na muholo lowu wu hakeliwaka eka siku kumbe endzhaku ka siku rero kambe hi ti kumbe ku nga si fika ti 30 Hukuri 2021.

(5) Paragraph (d) of subsection (1) is deemed to have come into operation on 1 December 2021 and applies in respect of remuneration paid on or after that date.”.

(2) Subsection (1) is deemed to have come into operation on 1 August 2021.

Amendment of section 3 of Act 13 of 2020

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70. (1) Section 3 of the Disaster Management Tax Relief Act, 2020, is hereby amended—

(a) by the deletion in subsection (1) of the word “and” at the end of paragraph (a), by the substitution for the full stop at the end of paragraph (b) of a semi-colon and by the addition after paragraph (b) of the following paragraphs: 10

“(c) by the substitution for subsection (1) of the following subsection:

‘(1) An employer is not eligible to receive the employment tax incentive in respect of an employee in respect of a month if the wage paid to that employee in respect of that month is less than— 15

(a) **the higher of** the amount payable by virtue of a wage regulating measure applicable to that employer or the amount contemplated in section 4(1) of the National Minimum Wage Act, 2018 (Act No. 9 of 2018), or Schedule 2 to that Act; or 20

(b) **if the amount of the wage payable to an employee by an employer is not subject to any wage regulating measure or not subject to section 3 of the National Minimum Wage Act, 2018 (Act No. 9 of 2018), or exempt under section 15 of that Act— 25**

(i) **where the employee is employed and paid remuneration for at least 160 hours in a month, the amount of R2 000 in respect of a month; or**

(ii) **where the employee is employed and paid remuneration for less than 160 hours in a month, an amount that bears to the amount of R2 000 the same ratio as 160 hours bears to the number of hours that the employee was employed for and paid remuneration by that employer in that month].’; and 35**

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

‘(1) An employer is not eligible to receive the employment tax incentive in respect of an employee in respect of a month if the wage paid to that employee in respect of that month is less than— 40

(a) the higher of the amount payable by virtue of a wage regulating measure applicable to that employer or the amount contemplated in section 4(1) of the National Minimum Wage Act, 2018 (Act No. 9 of 2018), or Schedule 2 to that Act; or 45

(b) if the amount of the wage payable to an employee by an employer is not subject to any wage regulating measure or not subject to section 3 of the National Minimum Wage Act, 2018 (Act No. 9 of 2018), or exempt under section 15 of that Act— 50

(i) where the employee is employed and paid remuneration for at least 160 hours in a month, the amount of R2 000 in respect of a month; or

(5) Ndzimana ya (d) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 N'wendzambahala 2021 nakona yi tirha mayelana na muholo lowu wu hakeliwaka eka siku kumbe endzhaku ka siku rero.”

(2) Xiyengentsongo xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2021.

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Ku antswisiwa ka xiyenge xa 3 xa Nawu wa 2020

70. (1) Xiyenge xa 3 xa *Disaster Management Tax Relief Act, 2020*, hi lexi xi antswisiweke—

(a) hi ku susiwa eka xiyengentsongo xa (1) ka rito ônaö emakumu ka ndzimana ya (a), hi ku susiwa ka hiko emakumu ka ndzimana ya (b) ka hikwana na hi ku engeteliwa endzhaku ka ndzimana ya (b) ka tindzimana leti ti landzelaka:

“(c) hi ku siviwa eka xiyengentsongo xa (1) ka xiyengentsongo lexi landzelaka:

“(1) Muthori a nga fanelanga ku kuma ku vuyeriwa hi xibalo xa matholelo mayelana na muthoriwa wa nkarhi wa n’hweti loko muholo lowu hakeriwaka muthoriwa yolo ye eka n’hweti yoleyo wu ri ehansi ka ehansi ka—

(a) **ehenhla ka]** ntsengo lowu hakeriwaka hikwalaho ka muholo lowu lawulaka mipimo lowu tirhaka eka muthori yolo ye kumbe ntsengo lowu wu kombisiweke eka xiyenge xa 4(1) xa *National Minimum Wage Act, 2018* (*Nawu ya. 9 lembe ra 2018*), kumbe Xedulu ya 2 ya Nawu walowo; **kumbe**

(b) **loko ntsengo wa muholo lowu wu hakelakaka eka muthoriwa hi muthori a wu fambelana na xin’we xa swinawana leswi swi lawulaka muholo kumbe wu nga fambelani na xiyenge xa 3 xa *National Minimum Wage Act, 2018* (*Nawu ya. 9 lembe ra 2018*), kumbe wu nga weli ehansi ka xiyenge xa 15 xa Nawu walowo—**

(i) **laha muthoriwa a thoriweke nakona a hakeriwa muholo kuringana 160 wa tiawara hi n’hweti, ntsengo wa R2 000 mayelana na n’hweti; kumbe**

(ii) **laha muthoriwa a thoriweke nakona a hakeriwa muholo wa le hansi ka 160 wa tiawara hi n’hweti, ntsengo lowu wu fambelanaka na ntsengo wa R2 000 mpimo lowu wu fanaka na 160 wa tiawara wu fambelana na nhlayo ya tiawara leti muthoriwa a nga thoriwa tona a tlhela a hakeriwa muholo hi muthori eka n’hweti yaleyo].’; na**

(d) hi ku siviwa eka xiyengentsongo xa (1) ka xiyengentsongo lexi landzelaka:

“(1) Muthori a nga fanelanga ku kuma ku vuyeriwa hi xibalo xa matholelo mayelana na muthoriwa wa nkarhi wa n’hweti loko muholo lowu hakeriwaka muthoriwa yolo ye eka n’hweti yoleyo wu ri ehansi ka—

(a) **ehenhla ka]** ntsengo lowu hakeriwaka hikwalaho ka muholo lowu lawulaka mipimo lowu tirhaka eka muthori yolo ye kumbe ntsengo lowu wu kombisiweke eka xiyenge xa 4(1) xa *National Minimum Wage Act, 2018* (*Nawu ya. 9 lembe ra 2018*), kumbe Xedulu ya 2 eka Nawu walowo; **kumbe**

(b) **loko ntsengo wa muholo lowu hakeriwaka muthoriwa hi muthori wu nga landzi pimo wihi kumbe wihi lowu lawulaka muholo kumbe wu nga yi hi xiyenge xa 3 xa *National Minimum Wage Act, 2018* (*Nawu ya 9 lembe ra 2018*), kumbe wu nga weli ehansi ka xiyenge xa 15 xa Nawu walowo—**

(i) **laha muthoriwa a thoriweke nakona a hakeriwa muholo wo ringana 160 wa tiawara hi n’hweti, ntsengo R2 000 mayelana na n’hweti; kumbe**

- (ii) where the employee is employed and paid remuneration for less than 160 hours in a month, an amount that bears to the amount of R2 000 the same ratio as 160 hours bears to the number of hours that the employee was employed for and paid remuneration by that employer in that month.”;
- (b) by the substitution for subsection (3) of the following subsection:
“(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 1 August 2020 and applies in respect of any remuneration paid on or after that date but on or before 31 July 2021.”; and
- (c) by the addition after subsection (3) of the following subsections:
“(4) Paragraph (c) of subsection (1) is deemed to have come into operation on 1 August 2021 and applies in respect of remuneration paid on or after that date but on or before 30 November 2021.
(5) Paragraph (d) of subsection (1) is deemed to have come into operation on 1 December 2021 and applies in respect of remuneration paid on or after that date.”.
- (2) Subsection (1) is deemed to have come into operation on 1 August 2021.

Amendment of section 4 of Act 13 of 2020

71. (1) Section 4 of the Disaster Management Tax Relief Act, 2020, is hereby amended—

- (a) by the renumbering in subsection (1) of paragraph (c) to paragraph (e) and paragraph (d) to paragraph (f) and the insertion after paragraph (b) of the following paragraphs:
“(c) by the substitution in paragraph (a) for subparagraph (i) of the following subparagraph:
(i) (aa) is not less than 18 years old and not more than 29 years old at the end of any month in respect of which the employment tax incentive is claimed and was employed by the employer or an associated person on or after 1 October 2013 in respect of employment commencing on or after that date;
(bb) is not less than 18 years old and not more than 29 years old at the end of any month in respect of which the employment tax incentive is claimed and was employed by the employer or an associated person before 1 October 2013 in respect of employment commencing on or before that date; or
(cc) is not less than 30 years old and not more than 65 years old at the end of any month in respect of which the employment tax incentive is claimed;”;
- (d) by the substitution in paragraph (a) for subparagraph (i) of the following subparagraph:
(i) [(aa)] is not less than 18 years old and not more than 29 years old at the end of any month in respect of which the employment tax incentive is claimed **[and was employed by the employer or an associated person on or after 1 October 2013 in respect of employment commencing on or after that date;**

- (ii) laha muthoriwa a thoriweke nakona a hakeriwa muholo wa le hansi ka 160 wa tiawara hi n'hweti, ntsengo lowu eka R 2000 wu nga na ntsengo lowu fambelanaka na rhexiyo leyi fanaka na nhlayo ya masiku lawa muthoriwa a ya tirheke eka n'hweti yaleyo.'"; 5
- (b) ku siviwa eka xiyenge xa (3) ka xiyengentsongo lexi landzelaka:
 "(3) Ndzimana ya (b) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2020 nakona yi tirha mayelana na muholo wun'wana na wun'wana eka kumbe endzhaku ka siku ro kumbe eka kumbe ku nga si fika 31 Mawuwani 2021."; na 10
- (c) ku engetela endzhaku ka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka:
 "(4) Ndzimana ya (c) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2021 nakona yi tirha mayelana na muholo lowu wu hakeliwaka eka siku kumbe endzhaku ka siku ro kumbe hi ti kumbe ku nga si fika ti 30 Hukuri 2021. 15
 (5) Ndzimana ya (d) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 N'wendzambahala 2021 nakona yi tirha mayelana na muholo lowu wu hakeliwaka eka siku kumbe endzhaku ka siku ro." 20
- (2) Xiyengentsongo xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2021.

Ku antswisiwa ka xiyenge xa 4 xa Nawu wa 13 2020

71. (1) Xiyenge xa 4 *Disaster Management Tax Relief Act, 2020*, hi lexi xi antswisiweke— 25
- (a) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (c) ku fika eka ndzimana ya (e) na ndzimana ya (d) ku fika eka ndzimana ya (f) emakumu ka ndzimana ya (b) ka tindzimana leti ti landzelaka:
 "(c) hi ku siviwa eka ndzimana ya (a) ka ndzimanantsongo ya (i) eka ndzimanantsongo leyi yi landzelaka: 30
 '(i) (aa) a nga na malembe ya le hansi ka 18 hi vukhale nakona a nga na malembe ya le hansi ka 29 hi vukhale emakumu ka n'hweti yin'wana na yin'wana mayelana na laha xibalo xa muholo wa vatirhi xi koxiweke nakona a thoriwile hi mutholi kumbe munhu loyi a tirhisanaka na motholi eka kumbe endzhaku ka ti 1 Nhlangua 2013 mayelana na ntirho lowu wu nga sungula eka siku kumbe endzhaku ka siku ro; 35
 (bb) a nga ri ehansi ka 18 wa malembe hi vukhale naswona a nga hundzi 29 wa malembe hi vukhale ekuheleni ka n'hweti yihi na yihi leyi ku vuyeriwa hi xibalo xa matholelo ku koxiweke nakona a thoriwile hi muthori kumbe munhu loyi a khumbhekaka hi ti kumbe endzhaku ka 1 Nhlangua 2013 mayelana na ntirho lowu wu sungulaka hi siku ro kumbe endzhaku ka siku ro; kumbe 40
 (cc) a nga ri hansi ka malembe ya le hansi ka 30 hi vukhale nakona a nga le hansi ka 65 wa malembe hivukhale emahelweni ya n'hweti yin'wana na yin'wana mayelana na laha xibalo xa muholo wa vatirhi xi koxiweke;"; 45
 (d) hi ku siviwa eka ndzimana ya (a) ka ndzimanantsongo ya (i) eka ndzimanantsongo leyi yi landzelaka: 50
 '(i) [(aa)] a nga na malembe ya le hansi ka 18 hi vukhale nakona a nga na malembe ya le hansi ka 29 hi vukhale emakumu ka n'hweti yin'wana na yin'wana mayelana na laha xibalo xa muholo wa vatirhi xi koxiweke [nakona a thoriwile hi mutholi kumbe munhu loyi a tirhisanaka na motholi eka kumbe endzhaku ka ti 1 Nhlangua 2013 mayelana na ntirho lowu wu nga sungula eka siku kumbe endzhaku ka siku ro; 55
 60

- (bb) is not less than 18 years old and not more than 29 years old at the end of any month in respect of which the employment tax incentive is claimed and was employed by the employer or an associated person before 1 October 2013 in respect of employment commencing on or before that date; or 5
- (cc) is not less than 30 years old and not more than 65 years old at the end of any month in respect of which the employment tax incentive is claimed];”;
- (b) by the addition to subsection (1) after paragraph (f) of the following paragraphs: 10
- “(g) by the deletion of paragraph (e); and
- (h) by the insertion after paragraph (d) of the following paragraph: 15
- ‘(e) was employed by the employer or an associated person on or after 1 October 2013 in respect of employment commencing on or after that date;’;
- (c) by the substitution for subsection (3) of the following subsection: 20
- “(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 1 August 2020 and applies in respect of any remuneration paid on or after that date but on or before 31 July 2021.”; and
- (d) by the addition after subsection (3) of the following subsections: 25
- “(4) Paragraphs (c) and (g) of subsection (1) are deemed to have come into operation on 1 August 2021 and apply in respect of remuneration paid on or after that date but on or before 30 November 2021.
- (5) Paragraphs (d) and (h) of subsection (1) are deemed to have come into operation on 1 December 2021 and apply in respect of any remuneration paid on or after that date.”.
- (2) Subsection (1) is deemed to have come into operation on 1 August 2021.

Amendment of section 5 of Act 13 of 2020

72. (1) Section 5 of the Disaster Management Tax Relief Act, 2020, is hereby amended— 30

- (a) by the renumbering in subsection (1) of paragraph (c) to paragraph (e) and paragraph (d) to paragraph (f) and by the insertion after paragraph (b) of the following paragraphs: 35
- “(c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 40
- ‘During each month of the first 12 months in respect of which an employer employs a qualifying employee contemplated in section 6(a)(i)(aa) or 6(a)(ii) or (iii), the amount of the employment tax incentive in respect of that qualifying employee, if the monthly remuneration of the employee is—’;
- (d) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 45
- ‘During each month of the first 12 months in respect of which an employer employs a qualifying employee [contemplated in section 6(a)(i)(aa) or 6(a)(ii) or (iii)], the amount of the employment tax incentive in respect of that qualifying employee, if the monthly remuneration of the employee is—’;

- (bb) a nga ri ehansi ka 18 wa malembe hi vukhale naswona a nga hundzi 29 wa malembe hi vukhale ekuheleni ka n'hweti yihi na yihi leyi ku vuyeriwa hi xibalo xa matholelo ku koxiweke nakona a thoriwile hi muthori kumbe munhu loyi a khumbhekaka hi ti kumbe endzhaku ka 1 Nhlangua 2013 mayelana na ntirho lowu wu sungulaka hi siku rero kumbe endzhaku ka siku rero; kumbe 5
- (cc) a nga ri hansi ka malembe ya le hansi ka 30 hi vukhale nakona a nga le hansi ka 65 wa malembe hivukhale emahelweni ya n'hweti yin'wana na yin'wana mayelana na laha xibalo xa muholo wa vatirhi xi koxiweke];';"; 10
- (b) hi ku engetela eka Xiyengentsongo xa (1) endzhaku ka ndzimana ya (f) ka tindzimana leti ti landzelaka: 15
 "(g) hi ku susiwa ka ndzimana ya (e); na
 (h) hi ku enghenisiwa endzaku ka ndzimana ya (d) ka ndzimana leyi yi landzelaka:
 '(e) a thoriwile hi mutholi kumbe munhu loyi a tirhisanaka na motholi eka kumbe endzhaku ka ti 1 Nhlangua 2013 mayelana na ntirho lowu wu nga sungula eka siku kumbe endzhaku ka siku rero;';"; 20
- (c) hi ku siviwa eka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka: 25
 "(3) Ndzimana ya (b) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2020 nakona yi tirha mayelana na muholo wun'wana na wun'wana eka kumbe endzhaku ka siku rero kambe eka kumbe ku nga si fika ti 31 Mawuwani 2021."; na
- (d) hi ku engetela endzhaku ka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka: 30
 "(4) Tindzimana ta (c) and (g) ya xiyenge xa (1) ti enhleketeleriwa kuva ti sunguli ku tirha hi ti 1 Mhawuri 2021 nakona yi tirha mayelana na muholo wun'wana na wun'wana eka kumbe endzhaku ka siku rero kambe eka kumbe ku nga si fika ti 30 Hukuri 2021.
 (5) Tindzimana ta (d) and (h) ya xiyenge xa (1) ti enhleketeleriwa kuva ti sunguli ku tirha hi ti 1 N'wendzambahala 2021 nakona yi fanele yi tirha eka mayelana na muholo wun'wana na wun'wana lowu wu hakeliweke eka kumbe endzhaku ka siku rero." 35
- (2) Xiyengentsongo xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2021.

Ku antswisiwa ka xiyenge xa 5 xa Nawu wa 13 2020

72. (1) Xiyenge xa 5 xa *Disaster Management Tax Relief Act, 2020*, hi lexi xi antswisiweke— 40

- (a) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (c) ku fika eka ndzimana ya (e) na ndzimana ya (d) ku fika eka ndzimana ya (f) na hi ku nghenisiwa endzhaku ka ndzimana ya (b) ka tindzimana leti ti landzelaka: 45
 "(c) hi ku siviwa eka xiyengentsongo xa (2) eka marito lawa ya nga ndzhaku ka ndzimana ya (a) ka marito lawa ya landzelaka:
 'Eka n'hweti yin'wana na yin'wana ya tin'hweti ta 12 to sungula leti muthori a tholaka muthoriwa loyi a fikelelaka loyi a khombisiweke eka xiyenge xa 6(a)(i)(aa) kumbe 6(a)(ii) kumbe (iii), ntsengo waj ku vuyeriwa hi xabalo xa matholelo mayelana na muthoriwa yoloye a fikelelaka, loko muholo wa muthoriwa wa n'hweti wu ri wa—'; 50
- (d) hi ku siviwa eka xiyengentsongo xa (2) eka marito lawa ya nga ndzhaku ka ndzimana ya (a) ka marito lawa ya landzelaka: 55
 'Eka n'hweti yin'wana na yin'wana ya tin'hweti ta 12 to sungula leti muthori a tholaka muthoriwa loyi a fikelelaka [loyi a khombisiweke eka xiyenge xa 6(a)(i)(aa) kumbe 6(a)(ii) kumbe (iii)], ntsengo waj ku vuyeriwa hi xabalo xa matholelo mayelana na muthoriwa yoloye a fikelelaka, loko muholo wa muthoriwa wa n'hweti wu ri wa—';"; 60

- (b) by the renumbering in subsection (1) of paragraph (e) to paragraph (i) and paragraph (f) to paragraph (j) and by the insertion after paragraph (f) of the following paragraphs:
- “(g) by the substitution in subsection (2) for paragraph (a) of the following paragraph: 5
 ‘(a) less than R2 000, is an amount equal to **[50 per cent]** 87,5 per cent of the monthly remuneration of the employee;’;
- (h) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
 ‘(a) less than R2 000, is an amount equal to **[87,5 per cent]** 50 10
per cent of the monthly remuneration of the employee;’;
- (c) by the renumbering in subsection (1) of paragraph (g) to paragraph (m) and paragraph (h) to paragraph (n) and by the insertion after paragraph (j) of the following paragraphs: 15
 “(k) by the substitution in subsection (2) for paragraph (b) of the following paragraph:
 ‘(b) R2 000 or more but less than R4 500, is an amount of **[R1 000]** R1 750;’;
- (l) by the substitution in subsection (2) for paragraph (b) of the following paragraph: 20
 ‘(b) R2 000 or more but less than R4 500, is an amount of **[R1 750]** R1 000;’;
- (d) by the renumbering in subsection (1) of paragraph (i) to paragraph (q) and paragraph (j) to paragraph (r) and by the insertion after paragraph (n) of the following paragraphs: 25
 “(o) by the substitution in subsection (2)(c) for subparagraphs (ii) and (iii) of the following subparagraphs:
 ‘(ii) ‘A’ represents the amount of **[R1 000]** R1 750;
 (iii) ‘B’ represents the number **[0,5]** 0,875;’; 30
- (p) by the substitution in subsection (2)(c) for subparagraphs (ii) and (iii) of the following subparagraphs:
 ‘(ii) ‘A’ represents the amount of **[R1 750]** R1 000;
 (iii) ‘B’ represents the number **[0,875]** 0,5;’;
- (e) by the renumbering in subsection (1) of paragraph (k) to paragraph (u) and paragraph (l) to paragraph (v) and by the insertion after paragraph (r) of the following paragraphs: 35
 “(s) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
 ‘During each of the 12 months after the first 12 months that the 40
 same employer employs the qualifying employee contem-
 plated in section 6(a)(i)(aa) or 6(a)(ii) or (iii), the amount of the employment tax incentive in respect of that qualifying employee, if the monthly remuneration of the employee is—’;
- (t) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: 45
 ‘During each of the 12 months after the first 12 months that the
 same employer employs the qualifying employee **[contem-
 plated in section 6(a)(i)(aa) or 6(a)(ii) or (iii)]**, the amount
 of the employment tax incentive in respect of that qualifying 50
 employee, if the monthly remuneration of the employee
 is—’;
- (f) by the renumbering in subsection (1) of paragraph (m) to paragraph (y) and paragraph (n) to paragraph (z) and by the insertion after paragraph (v) of the following paragraphs: 55
 “(w) by the substitution in subsection (3) for paragraph (a) of the following paragraph:
 ‘(a) less than R2 000, is an amount equal to **[25 per cent]** 62,5
per cent of the monthly remuneration of the employee;’;

- (b) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (e) ku fika eka ndzimana ya (i) na ndzimana ya (f) ku fika eka ndzimana ya (j) na hi ku nghenisiwa endzhaku ka ndzimana ya (f) ka tindzimana leti ti landzelaka:
 “(g) hi ku siviwa eka xiyengentsongo xa (2) ka ndzimana ya (a) ka ndzimana leyi yi landzelaka: 5
 ‘(a) ehansi ka R2 000, i ntsengo lowu wu ringanaka na **[50 wa tiphesente]** 87,5 wa tiphasente ta muholo wa n’hweti wa mutholiwa;’;
- (h) hi ku siviwa eka xiyengentsongo xa (2) ka ndzimana ya (a) ka ndzimana leyi yi landzelaka: 10
 ‘(a) ehansi ka R2 000, i ntsengo lowu wu ringanaka na **[87,5 wa tiphesente]** 50 wa tiphasente ta muholo wa n’hweti wa mutholiwa;’;
- (c) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (g) ku fika eka ndzimana ya (m) na ndzimana ya (h) ku fika eka ndzimana ya (n) na hi ku nghenisiwa endzhaku ka ndzimana ya (j) ka tindzimana leti ti landzelaka: 15
 “(k) hi ku siviwa eka xiyengentsongo xa (2) ka ndzimana ya (b) ka ndzimana leyi yi landzelaka:
 ‘(b) R2 000 kumbe kutlula kambe wu ri hansi ka R4 500, i ntsengo wa **[R1 000]** R1 750;’; 20
- (l) hi ku siviwa eka xiyengentsongo xa (2) ka ndzimana ya (b) ya ndzimana leyi yi landzelaka:
 ‘(b) R2 000 kumbe kutlula kambe wu ri hansi ka R4 500, i ntsengo wa **[R1 750]** R1 000;’; 20
- (d) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (i) ku fika eka ndzimana ya (q) na ndzimana ya (j) ku fika eka ndzimana ya (r) na hi ku nghenisiwa endzhaku ka ndzimana ya (n) ka tindzimana leti ti landzelaka: 25
 “(o) hi ku siviwa eka xiyengentsongo xa (2)(c) ka tindzimanantsongo ta (ii) na (iii) eka tindzimanantsongo leti ti landzelaka:
 ‘(ii) ‘A’ yi yimela ntsengo wa **[R1 000]** R1 750; 30
 (iii) ‘B’ yi yimela nomboro ya **[0,5]** 0,875;’;
- (p) hi ku siviwa eka xiyengentsongo xa (2)(c) ka tindzimanantsongo ta (ii) na (iii) eka tindzimanantsongo leti ti landzelaka:
 ‘(ii) ‘A’ yi yimela ntsengo wa **[R1 750]** R1 000; 35
 (iii) ‘B’ yi yimela nomboro ya **[0,875]** 0,5;’;
- (e) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (k) ku fika eka ndzimana ya (u) na ndzimana ya (l) ku fika eka ndzimana ya (v) na hi ku nghenisiwa endzhaku ka ndzimana ya (r) ka tindzimana leti ti landzelaka:
 “(s) hi ku siviwa eka xiyengentsongo xa (3) eka marito lawa ya nga ndzhaku ka ndzimana ya (a) ka marito lawa ya landzelaka: 40
 ‘Eka n’hweti ta 12 ta tin’hweti ta 12 to sungula leti muthori loyi a fanaka a tholaka muthoriwa loyi a fikelelaka loyi a khombisiweke eka xiyenge xa 6(a)(i)(aa) kumbe 6(a)(ii) kumbe (iii), ntsengo wa xibalo xa vatrhi eka muholo mayelana na muthoriwa loyi a fikelelaka, loko muholo wa n’hweti wa mutirhi ku ri—’; 45
- (t) hi ku siviwa eka xiyengentsongo xa (3) eka marito lawa ya nga ndzhaku ka ndzimana ya (a) ka marito lawa ya landzelaka:
 ‘Eka n’hweti ta 12 ta tin’hweti ta 12 to sungula leti muthori loyi a fanaka a tholaka muthoriwa loyi a fikelelaka **[loyi a khombisiweke eka xiyenge xa 6(a)(i)(aa) kumbe 6(a)(ii) kumbe (iii)]**, ntsengo wa xibalo xa vatrhi eka muholo mayelana na muthoriwa loyi a fikelelaka, loko muholo wa n’hweti wa mutirhi ku ri—’; 50
- (f) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (m) ku fika eka ndzimana ya (y) na ndzimana ya (n) ku fika eka ndzimana ya (z) na hi ku nghenisiwa endzhaku ka ndzimana ya (v) ka tindzimana leti ti landzelaka: 55
 “(w) hi ku siviwa eka xiyengentsongo xa (3) ka ndzimana ya (a) ka ndzimana leyi yi landzelaka:
 ‘(a) ehansi ka R2 000, i ntsengo lowu wu ringanaka na **[25 wa tiphesente]** 62,5 wa tiphasente ta muholo wa n’hweti wa mutholiwa;’; 60

- (x) by the substitution in subsection (3) for paragraph (a) of the following paragraph:
 ‘(a) less than R2 000, is an amount equal to **[62,5 per cent]** 25 per cent of the monthly remuneration of the employee;’;” 5
- (g) by the renumbering in subsection (1) of paragraph (o) to paragraph (zC) and paragraph (p) to paragraph (zD) and by the insertion after paragraph (z) of the following paragraphs:
 “(zA) by the substitution in subsection (3) for paragraph (b) of the following paragraph: 10
 ‘(b) R2 000 or more but less than R4 500, is an amount of **[R500]** R1 250;’;
 (zB) by the substitution in subsection (3) for paragraph (b) of the following paragraph:
 ‘(b) R2 000 or more but less than R4 500, is an amount of **[R1 250]** R500;’ ”; 15
- (h) by the renumbering in subsection (1) of paragraph (q) to paragraph (zG) and paragraph (r) to paragraph (zH) and by the insertion after paragraph (zD) of the following paragraphs:
 “(zE) by the substitution in subsection (3)(c) for subparagraphs (ii) and (iii) of the following subparagraphs: 20
 ‘(ii) ‘A’ represents the amount of **[R500]** R1 250;
 (iii) ‘B’ represents the number **[0,25]** 0,625;’ ”;
 (zF) by the substitution in subsection (3)(c) for subparagraphs (ii) and (iii) of the following subparagraphs: 25
 ‘(ii) ‘A’ represents the amount of **[R1 250]** R500;
 (iii) ‘B’ represents the number **[0,625]** 0,25;’ ”;
- (i) by the renumbering in subsection (1) of paragraph (s) to paragraph (zK) and paragraph (t) to paragraph (zL) and by the insertion after paragraph (zH) of the following paragraphs: 30
 “(zI) by the insertion after subsection (3) of the following subsection:
 ‘(3A) During each month—
 (a) after the first 24 months that the same employer employs a qualifying employee contemplated in section 6(a)(i)(aa) or 6(a)(ii) or (iii); or 35
 (b) that the employer employs a qualifying employee contemplated in section 6(a)(i)(bb) or (cc),
 the amount of the employment tax incentive in respect of that qualifying employee, if the monthly remuneration of the employee is— 40
 (i) less than R2 000, an amount equal to 37,5% of the monthly remuneration of the employee;
 (ii) R2 000 or more but less than R4 500, an amount of R750;
 (iii) R4 500 or more but less than R6 500, an amount determined in accordance with the formula: 45

$$X = A - (B \times (C - D))$$
 in which formula—
 (aa) ‘X’ represents the amount of the monthly employment tax incentive that must be determined; 50
 (bb) ‘A’ represents the amount of R750;
 (cc) ‘B’ represents the number 0,375;
 (dd) ‘C’ represents the amount of the monthly remuneration of the employee; and 55
 (ee) ‘D’ represents the amount of R4 500; or
 (iv) R6 500 or more, an amount of nil.’;
 (zJ) by the deletion of subsection (3A);”;
- (j) by the addition after paragraph (zL) of the following paragraphs:
 “(zM) by the substitution for subsection (5) of the following subsection: 60

- (x) hi ku siviwa eka xiyengentsongo xa (3) ka ndzimana ya (a) ka ndzimana leyi yi landzelaka:
 ‘(a) ehansi ka R2 000, i ntsengo lowu wu ringanaka na [62,5 wa tiphesente] 25 wa tiphasente ta muholo wa n’hwati wa mutholiwa;’;” 5
- (g) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (o) ku fika eka ndzimana ya (zC) na ndzimana ya (p) ku fika eka ndzimana ya (zD) na hi ku nghenisiwa endzhaku ka ndzimana ya (z) ka tindzimana leti ti landzelaka:
 “(zA) hi ku siviwa eka xiyengentsongo xa (3) ka ndzimana ya (b) ka ndzimana leyi yi landzelaka: 10
 ‘(b) R2 000 kumbe kutlula kambe wu ri hansi ka R4 500, i ntsengo wa [R500] R1 250;’;
 (zB) hi ku siviwa eka xiyengentsongo xa (3) ka ndzimana ya (b) ka ndzimana leyi yi landzelaka: 15
 ‘(b) R2 000 kumbe kutlula kambe wu ri hansi ka R4 500, i ntsengo wa [R1 250] R500;’;”
- (h) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (q) ku fika eka ndzimana ya (zG) na ndzimana ya (r) ku fika eka ndzimana ya (zH) na hi ku nghenisiwa endzhaku ka ndzimana ya (zD) ka tindzimana leti ti landzelaka: 20
 “(zE) hi ku siviwa eka xiyengentsongo xa (3)(c) ka tindzimanantsongo ta (ii) and (iii) eka tindzimanantsongo leti ti landzelaka:
 ‘(ii) ‘A’ yi yimela ntsengo wa [R500] R1 250;
 (iii) ‘B’ yi yimela nomboro ya [0,25] 0,625;’;
 (zF) hi ku siviwa eka xiyengentsongo xa (3)(c) ka tindzimanantsongo ta (ii) na (iii) eka tindzimanantsongo leti ti landzelaka: 25
 ‘(ii) ‘A’ yi yimela ntsengo wa [R1 250] R500;
 (iii) ‘B’ yi yimela nomboro ya [0,625] 0,25;’;”
- (i) hi ku nambarariwa eka xiyengentsongo xa (1) ka ndzimana ya (s) ku fika eka ndzimana ya (zK) na ndzimana ya (t) ku fika eka ndzimana ya (zL) na hi ku nghenisiwa endzhaku ka ndzimana ya (zH) ka tindzimana leti ti landzelaka: 30
 “(zI) hi ku enghenisiwa endzaku ka Xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka:
 ‘(3A) Eka n’hwati yin’ wana na yin’ wana—
 (a) endzhaku ka tin’hwati ta 24 to sungula leti mutholi loyi a fanaka a tholaka mutholiwa loyi a nga ringanela loyi a kombisiweke eka xiyenge xa 6(a)(i)(aa) kumbe 6(a)(ii) kumbe (iii); kumbe 35
 (b) leswaku mutholi loyi a fanaka a thola mutholiwa lowi a nga ringanela loyi a kombisiweke eka xiyenge xa 6(a)(i)(bb) kumbe (cc), 40
 ntsengo wa xibalo xa muholo wa vatrhi mayelana na mutholiwa loyi a nga ringanela, loko muholo wa n’hwati wu ri—
 (i) ehansi ka R2 000, ntsengo lowu wu ringanaka na 37,5% wa muholo wa n’hwati wa vatrhi; 45
 (ii) R2 000 kumbe kutlula kambe wu ri hansi ka R4 500, ntsengo wa R750;
 (iii) R4 500 kumbe kutlula kambe wu ri hansi ka R6 500, ntsengo lowu wu vekiweke hi ku landza fomula: 50

$$X = A - (B \times (C - D))$$
 laha fomula—
 (aa) ‘X’ yi yimela ntsengo wa xibalo xa muholo wa vatrhi lowu wu faneleke wu vekiwa;
 (bb) ‘A’ yi yimela ntsengo wa R750;
 (cc) ‘B’ yi yimela nomboro ya 0,375; 55
 (dd) ‘C’ yi yimela ntsengo wa muholo wa n’hwati wa vatrhi; na
 (ee) ‘D’ yi yimela ntsengo wa R4 500; kumbe
 (iv) R6 500 kumbe kutlula, ntsengo wa nili.’;”
 (zJ) hi ku susiwa ya xiyenge xa (3A);” 60
- (j) hi ku engetela endzhaku ka ndzimana ya (zL) ka tindzimana leti ti landzelaka:
 “(zM) hi ku siviwa eka xiyengentsongo xa (5) ka 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) or (3A) the same ratio as the number of hours that the qualifying employee was employed and is paid remuneration in respect of those hours by that employer in that month bears to the number 160.’;

(zN) by the substitution for subsection (5) of the following subsection:
 ‘(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) [or (3A)] the same ratio as the number of hours that the qualifying employee was employed and is paid remuneration in respect of those hours by that employer in that month bears to the number 160.’;

(k) by the substitution for subsections (2) and (3) of the following subsections:
 “(2) Paragraphs (a), ~~[(c)] (e)~~, ~~[(e)] (i)~~, ~~[(g)] (m)~~, ~~[(i)] (q)~~, ~~[(k)] (u)~~, ~~[(m)] (y)~~, ~~[(o)] (zC)~~, ~~[(q)] (zG)~~ and ~~[(s)] (zK)~~ of subsection (1) are deemed to have come into operation on 1 April 2020 and apply in respect of any remuneration paid on or after that date but on or before 31 July 2020.

(3) Paragraphs (b), ~~[(d)] (f)~~, ~~[(f)] (j)~~, ~~[(h)] (n)~~, ~~[(j)] (r)~~, ~~[(l)] (v)~~, ~~[(n)] (z)~~, ~~[(p)] (zD)~~, ~~[(r)] (zH)~~ and ~~[(t)] (zL)~~ of subsection (1) are deemed to have come into operation on 1 August 2020 and apply in respect of any remuneration paid on or after that date but on or before 31 July 2021.”;

(l) by the addition after subsection (3) of the following subsections:
 “(4) Paragraphs (c), (g), (k), (o), (s), (w), (zA), (zE), (zI) and (zM) of subsection (1) are deemed to have come into operation on 1 August 2021 and apply in respect of any remuneration paid on or after that date but on or before 30 November 2021.

(5) Paragraphs (d), (h), (l), (p), (t), (x), (zB), (zF), (zJ) and (zN) of subsection (1) are deemed to have come into operation on 1 December 2021 and apply in respect of any remuneration paid on or after that date.”.

Amendment of section 6 of Act 13 of 2020

73. Section 6 of the Disaster Management Tax Relief Act, 2020, is hereby amended— 40

(a) by the deletion in subsection (1) of the word “and” at the end of paragraph (a), by the substitution for the full stop at the end of paragraph (b) of the expression “;” and by the addition of the following paragraphs:

“(c) by the substitution for subsection (1) of the following subsection:

‘(5) Loko muthori a thola muthoriwa loyi a nga ringanela ku ringana tiawarha ta le ehansi ka 160 hi n’hweti, xibalo xa muholo lexi xi faneleke ku kumeka mayelana na n’hweti yaleyo mayelana na muthoriwa loyi a nga ringanela xi fanele xi va ntsengo lowu wu fambelanaka na nkatsakanyo wa ntsengo lowu wu khakhuletiweke hi ku ya hi xiyengentsongo xa (2) [kumbe], (3) kumbe (3A) mpimo lowu wu fanaka na nhlayo ya tiawara leti muthoriwa loyi a ringaneleke a thoriweke tona nakona wu hakeriwa mayelana na tiawara teto hi muthori eka n’hweti yaleyo yi fambelanaka na nhlayo ya 160.’;

(zN) hi ku siviwa eka xiyengentsongo xa (5) ka xiyengentsongo lexi landzelaka:

‘(5) Loko muthori a thola muthoriwa loyi a nga ringanela ku ringana tiawarha ta le ehansi ka 160 hi n’hweti, xibalo xa muholo lexi xi faneleke ku kumeka mayelana na n’hweti yaleyo mayelana na muthoriwa loyi a nga ringanela xi fanele xi va ntsengo lowu wu fambelanaka na nkatsakanyo wa ntsengo lowu wu khakhuletiweke hi ku ya hi xiyengentsongo xa (2)[,] kumbe (3) [kumbe (3A)] mpimo lowu wu fanaka na nhlayo ya tiawara leti muthoriwa loyi a ringaneleke a thoriweke tona nakona wu hakeriwa mayelana na tiawara teto hi muthori eka n’hweti yaleyo yi fambelanaka na nhlayo ya 160.’;

(k) hi ku siviwa eka xiyengentsongo xas (2) na (3) ka xiyengentsongo lexi landzelaka:

“(2) Tindzimana ta (a), [(c)] (e), [(e)] (i), [(g)] (m), [(i)] (q), [(k)] (u), [(m)] (y), [(o)] (zC), [(q)] (zG) and [(s)] (zK) ya xiyenge xa (1) ti enhleketeleriwa kuva ti sunguli ku tirha hi ti 1 Dzivamusoko 2020 nakona yi fanele yi tirha eka mayelana na muholo wun’wana na wun’wana lowu wu hakeliweke eka kumbe endzhaku ka siku rero kambe hi siku ra kumbe ku nga si fika siku ra ti 31 Mawuwani 2020.

(3) Tindzimana ta (b), [(d)] (f), [(f)] (j), [(h)] (n), [(j)] (r), [(l)] (v), [(n)] (z), [(p)] (zD), [(r)] (zH) and [(t)] (zL) ya xiyenge xa (1) ti enhleketeleriwa kuva ti sunguli ku tirha hi ti 1 Mhawuri 2020 nakona yi fanele yi tirha eka mayelana na muholo wun’wana na wun’wana lowu wu hakeliweke eka kumbe endzhaku ka siku rero kambe hi siku ra kumbe ku nga si fika siku ra ti 31 Mawuwani 2021.”; na

(l) hi ku engetela endzhaku ka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka:

“(4) Tindzimana ta (c), (g), (k), (o), (s), (w), (zA), (zE), (zI) and (zM) ya xiyenge xa (1) ti enhleketeleriwa kuva ti sunguli ku tirha hi ti 1 Mhawuri 2021 nakona yi fanele yi tirha eka mayelana na muholo wun’wana na wun’wana lowu wu hakeliweke eka kumbe endzhaku ka siku rero kambe hi siku ra kumbe ku nga si fika siku ra ti 30 Hukuri 2021.

(5) Tindzimana ta (d), (h), (l), (p), (t), (x), (zB), (zF), (zJ) and (zN) ya xiyenge xa (1) ti enhleketeleriwa kuva ti sunguli ku tirha hi ti 1 N’wendzambahala 2021 nakona yi fanele yi tirha eka mayelana na muholo wun’wana na wun’wana lowu wu hakeliweke eka kumbe endzhaku ka siku rero.”.

Ku antswisiwaka xiyenge xa 6 xa Nawu wa 13 lembe ra 2020

73. Xiyenge xa 6 xa *Disaster Management Tax Relief Act*, 2020, hi lexi xi antswisiweke—

(a) hi ku susiwa eka xiyengentsongo xa (1) ka rito “na” emakumu ka ndzimana (a), hi ku susiwa ka hiko emakumu ka ndzimana (b) ka xivulwa “;” na hi ku engetela ka tindzimana leti ti landzelaka:

“(c) hi ku siviwa eka xiyengentsongo xa (1) ka xiyengentsongo lexi landzelaka:

‘(1) At the end of [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] each month, payment of an amount equal to the excess contemplated in section 9(1) must be claimed from the South African Revenue Service in the form and manner and at the time and place prescribed by the Commissioner for the South African Revenue Service.’; and

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

‘(1) At the end of [each month] 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, payment of an amount equal to the excess contemplated in section 9(1) must be claimed from the South African Revenue Service in the form and manner and at the time and place prescribed by the Commissioner for the South African Revenue Service.’;

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

“(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 1 August 2020 and applies in respect of any remuneration paid on or after that date but on or before 31 July 2021.”; and

(c) by the addition after subsection (3) of the following subsections:

“(4) Paragraph (c) of subsection (1) is deemed to have come into operation on 1 August 2021 and applies in respect of any remuneration paid on or before 30 November 2021.

(5) Paragraph (d) of subsection (1) is deemed to have come into operation on 1 December 2021 and applies in respect of any remuneration paid on or after that date.”.

Amendment of section 8 of Act 13 of 2020

74. Section 8 of the Disaster Management Tax Relief Act, 2020, is hereby amended by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) a company, in respect of any amount paid or property transferred on or after 1 April 2020 but on or before 30 September 2020 in respect of any year of assessment during which that amount was paid or that property was transferred.”.

Amendment of section 11 of Act 13 of 2020

75. (1) Section 11 of the Disaster Management Tax Relief Act, 2020, is hereby amended—

(a) by the substitution for the existing wording of the following subsection:

“(1) [Sections] Paragraph (a) of section 2(1), paragraph (a) of section 3(1), paragraphs (a) and (e) of section 4(1), paragraphs (a), (e), (i), (m), (q), (u), (y), (zC), (zG) and (zK) of section 5(1) and paragraph (a) of section 6(1) must not apply in respect of any employer registered as such with the South African Revenue Service, as contemplated in Chapter 3 of the Tax Administration Act, 2011 (Act No. 28 of 2011), after 25 March 2020.”; and

(b) by the addition of the following subsection:

“(2) Paragraph (c) of section 2(1), paragraph (c) of section 3(1), paragraphs (c) and (g) of section 4(1), paragraphs (c), (g), (k), (o), (s), (w), (zA), (zE), (zI) and (zM) of section 5(1) and paragraph (c) of section 6(1) must not apply in respect of any employer registered as such with the South African Revenue Service, as contemplated in Chapter 3 of the Tax Administration Act, 2011 (Act No. 28 of 2011), after 25 June 2021.”.

- ‘(1) Eku heteleleni ka [nkarhi lowu muthori a lavekaka ku nyika mbuyelo hi ku ya hi ndzimana ya 14(3)(a) ya Xedulu ya Vumune eka Income Tax Act] n’hweti na n’hweti, hakelo ya ntsengo lowu ringanaka na ku hundzisa lo ku kombisiweke eka xiyenge xa 9(1) wu fanele ku koxiwa eka Xiyenge xa swa Xibalo ya afrika-Dzonga eka fomo na ndlela na nkarhi na ndhawu leswi swi vekiwewe hi Khomixinara wa Xiyenge xa swa Xibalo ya Afrika-Dzonga.’; na
- (d) hi ku siviwa eka xiyengentsongo xa (1) ka xiyengentsongo lexi landzelaka: 10
- ‘(1) Eku heteleleni ka [n’hweti yin’wana na yin’wana] nkarhi lowu muthori a lavekaka ku nyika mbuyelo hi ku ya hi ndzimana ya 14(3)(a) ya Xedulu ya Vumune eka Income Tax Act, n’hweti na n’hweti, hakelo ya ntsengo lowu ringanaka na ku hundzisa lo ku kombisiweke eka xiyenge xa 9(1) wu fanele ku koxiwa eka Xiyenge xa swa Xibalo ya afrika-Dzonga eka fomo na ndlela na nka rhi na ndhawu leswi swi vekiwewe hi Khomixinara wa Xiyenge xa swa Xibalo ya Afrika-Dzonga.’; 15
- (b) hi ku siviwa eka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka: 20
- “(3) Ndzimana ya (b) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2020 nakona yi tirha mayelana na muholo wun’wana na wun’wana eka kumbe endzhaku ka siku rero kambe eka kumbe ngu nga si fika 31 Mawuwani 2021.”; na
- (c) hi ku engetela endzhaku ka xiyengentsongo xa (3) ka xiyengentsongo lexi landzelaka: 25
- “(4) Ndzimana ya (c) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 Mhawuri 2021 nakona yi tirha mayelana na muholo wun’wana na wun’wana lowu wu hakeliwaka hi siku kumbe ku nga si fika siku ra ti 30 Hukuri 2021. 30
- (5) Ndzimana ya (d) ya xiyenge xa (1) yi ehleketeleriwa kuva yi sungule kutirha hi ti 1 N’wendzambahala 2021 nakona yi tirha mayelana na muholo wun’wana na wun’wana eka kumbe endzhaku ka siku rero.”.

Wysiging van artikel 8 van Wet 13 van 2020

74. Artikel 8 van die Wet op Rampbestuurbelastingverligting, 2020, word hierby gewysig deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang: 35
- “(a) ’n maatskappy, ten opsigte van enige bedrag betaal of eiendom oorgedra op of na 1 April 2020 maar op of voor 30 September 2020 ten opsigte van enige jaar van aanslag waartydens daardie bedrag betaal is of daardie eiendom oorgedra is;”.

Wysiging van artikel 11 van Wet 13 van 2020

75. (1) Artikel 11 van die Wet op Rampbestuurbelastingverligting, 2020, word hierby gewysig—
- (a) deur die bestaande bewoording deur die volgende subartikel te vervang: 35
- “(1) [Artikels] Paragraaf (a) van artikel 2(1), paragraaf (a) van artikel 3(1), paragrawe (a) en (e) van artikel 4(1), paragrawe (a), (e), (i), (m), (q), (u), (y), (zC), (zG) en (zK) van artikel 5(1) en paragraaf (a) van artikel 6(1) word nie toegepas nie ten opsigte van enige werkgewer as sodanig geregistreer by die Suid-Afrikaanse Inkomstediens, soos beoog in Hoofstuk 3 van die Wet op Belastingadministrasie, 2011 (Wet No. 28 van 2011), na 25 Maart 2020.”; en 50
- (b) deur die volgende subartikel by te voeg: 55
- “(2) Paragraaf (c) van artikel 2(1), paragraaf (c) van artikel 3(1), paragrawe (c) en (g) van artikel 4(1), paragrawe (c), (g), (k), (o), (s), (w), (zA), (zE), (zI) en (zM) van artikel 5(1) en paragraaf (c) van artikel 6(1) word nie toegepas nie ten opsigte van enige werkgewer as sodanig geregistreer by die Suid-Afrikaanse Inkomstediens, soos beoog in Hoofstuk 3 van die Wet op Belastingadministrasie, 2011 (Wet No. 28 van 2011), na 25 Junie 2021.”.

(2) Paragraph (a) of subsection (1) is deemed to have come into operation on 25 March 2020.

(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 25 June 2021.

Amendment of section 77 of Act 23 of 2020

5

76. (1) Section 77 of the Taxation Laws Amendment Act, 2020, is hereby amended by the substitution in subsection (1)(b) for the words of the instruction of the following words:

“by the **[addition]** renumbering of existing subsection (3) to subsection (4) and by the insertion after subsection (2) of the following subsection:”

10

(2) Subsection (1) is deemed to have come into operation on 1 January 2020.

Short title

77. This Act is called the Taxation Laws Amendment Act, 2021.

(2) Paragraaf (a) van subartikel (1) word geag op 25 Maart 2020 in werking te getree het.

(3) Paragraaf (b) van subartikel (1) word geag op 25 Junie 2021 in werking te getree het.

Wysiging van artikel 77 van Wet 23 van 2020

5

76. (1) Artikel 77 van die Wysigingswet op Belastingwette, 2020, word hierby gewysig deur in subartikel (1)(b) die woorde van die opdrag deur die volgende woorde te vervang:

“deur bestaande subartikel (3) tot subartikel (4) te hernommer en deur die volgende subartikel [by] na subartikel (2) in te voeg:”

10

(2) Subartikel (1) word geag op 1 Januarie 2020 in werking te getree het.

Kort titel

77. Hierdie Wet heet die Wysigingswet op Belastingwette, 2021.

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