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No. 44083

THE PRESIDENCY

No. 25 20 January 2021

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

Act No. 23 of 2020: Taxation Laws Amendment Act, 2020

DIE PRESIDENSIE

No. 25 20 Januarie 2021

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

Wet No. 23 van 2020: Wysigingswet op Belastingwette, 2020

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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 15 January 2021)

ACT

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 provisions; to make new provisions; to repeal certain provisions; to amend the Customs and Excise Act, 1964, so as to make provision for continuations; so as to amend certain provisions; to make new provision so as to provide for an export tax on scrap metal; to amend the Value-Added Tax Act, 1991, so as to amend certain provisions; to make new provision; 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, 2015, so as to amend certain provisions; to amend the Revenue Laws Amendment Act, 2016, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2017, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2018, so as to amend certain provisions; to amend the Carbon Tax Act, 2019, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2019, so as to amend certain provisions; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 3 of Act 45 of 1955, as amended by section 2 of Act 65 of 1960, section 8 of Act 77 of 1964, section 2 of Act 81 of 1965, section 4 of Act 92 of 1971, section 3 of Act 89 of 1972, section 3 of Act 102 of 1979, section 10 of Act 106 of 1980, section 2 of Act 92 of 1983, section 4 of Act 81 of 1985, section 9 of Act 87 of 1988, section 7 of Act 97 of 1993, section 6 of Act 27 of 1997, section 13 of Act 30 of 1998, section 7 of Act 30 of 2000, section 5 of Act 31 of 2005, section 2 of Act 60 of 2008, section 3 of Act 25 of 2015, section 1 of Act 17 of 2017 and section 1 of Act 34 of 2019

- 1. (1) Section 3 of the Estate Duty Act, 1955, is hereby amended—
 - (a) by the deletion in subsection (2) of paragraph (bA); and
 - (b) by the addition in subsection (3) after paragraph (d) of the following paragraph:
 - “(e) so much of the amount of any contribution made by the deceased in consequence of membership or past membership of any pension fund, provident fund, or retirement annuity fund, as was allowed as

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk in vierkantige hakies dui op weglatings uit bestaande verordeninge.
- _____ Woorde met 'n volstreep daaronder dui op invoegings in bestaande verordeninge

(Engelse teks deur die President geteken)
(Goedgekeur op 15 Januarie 2021)

WET

Tot wysiging van die Boedelbelastingwet, 1955, ten einde sekere bepalings te wysig; tot wysiging van die Inkomstebelastingwet, 1962, ten einde sekere bepalings te wysig; nuwe bepalings te verorden; sekere bepalings te skrap; tot wysiging van die Doeane- en Aksynswet, 1964, om voorsiening te maak vir voortsettings; sekere bepalings te wysig; nuwe bepalings te verorden ten einde voorsiening te maak vir 'n uitvoerbelasting op skrootmetaal; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde sekere bepalings te wysig; nuwe bepalings te verorden; tot wysiging van die Wet 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, 2015, ten einde bepalings te wysig; tot wysiging van die Wysigingswet op Inkomstewette 2016, ten einde sekere bepalings te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2017, ten einde sekere bepalings te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2018, ten einde sekere bepalings te wysig; tot wysiging van die Wet op Koolstofbelasting, 2019, ten einde sekere bepalings te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2019, ten einde sekere bepalings te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DIE PARLEMENT van die Republiek van Suid-Afrika verorden, soos volg:—

Wysiging van artikel 3 van Wet 45 van 1955, soos gewysig deur artikel 2 van Wet 65 van 1960, artikel 8 van Wet 77 van 1964, artikel 2 van Wet 81 van 1965, artikel 4 van Wet 92 van 1971, artikel 3 van Wet 89 van 1972, artikel 3 van Wet 102 van 1979, artikel 10 van Wet 106 van 1980, artikel 2 van Wet 92 van 1983, artikel 4 van Wet 81 van 1985, artikel 9 van Wet 87 van 1988, artikel 7 van Wet 97 van 1993, artikel 6 van Wet 27 van 1997, artikel 13 van Wet 30 van 1998, artikel 7 van Wet 30 van 2000, artikel 5 van Wet 31 van 2005, artikel 2 van Wet 60 van 2008, artikel 3 van Wet 25 van 2015, artikel 1 van Wet 17 van 2017 en artikel 1 van Wet 34 van 2019

1. Artikel 3 van die Boedelbelastingwet, 1955, word hierby gewysig—
 - (a) deur in subartikel (2) paragraaf (bA) te skrap; en
 - (b) deur in subartikel (3) na paragraaf (d) die volgende paragraaf by te voeg:

“(e) soveel van die bedrag van enige bydrae deur die oorledene gemaak uit hoofde van lidmaatskap of vorige lidmaatskap van enige pensioenfonds, voorsorgfonds, of uittredingannuïteitsfonds, as wat

a deduction in terms of paragraph 5 of the Second Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962), to determine the taxable portion of the lump sum benefit that is deemed to have accrued to the deceased immediately prior to his or her death.”.

(2) Subsection (1) is deemed to have come into operation on 30 October 2019 and applies in respect of—

- (a) the estate of a person who dies on or after that date; and
- (b) any contributions made on or after 1 March 2016.

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 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 and section 34 of Act 34 of 2019

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

- (a) by the deletion in subsection (1) of the definition of “controlled foreign company”;
- (b) by the insertion in subsection (1) after the definition of “contributed tax capital” of the following definition:
 - “ ‘**controlled foreign company**’ means a controlled foreign company as defined in section 9D;”;
- (c) by the substitution in subsection (1) for paragraph (f) of the definition of “financial instrument” of the following paragraph:
 - “(f) any [cryptocurrency] crypto asset;”;
- (d) by the substitution in subsection (1) in the definition of “gross income” for paragraph (m) of the following paragraph:
 - “(m) any amount received or accrued in respect of a policy of insurance of which the taxpayer is the policyholder, where the policy relates to the death, disablement or illness of an employee or director (or former employee or director) of the taxpayer, including by way of any [loan or advance] debt: Provided that any amount so received or accrued shall be reduced by the amount of any such [loan or advance] debt which is or has been included in the taxpayer’s gross income;”;
- (e) by the deletion in subsection (1) in the definition of “living annuity” of the word “and” after paragraph (e);

toegelaat was as aftrekking ingevolge paragraaf 5 of van die Tweede Bylae by die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), ten einde die belasbare deel van die enkelbedragvoordeel wat geag word toegeval het aan die oorledene onmiddellik voor sy of haar dood, te bepaal.”.

(2) Subartikel (1) word geag op 30 Oktober 2019 in werking te getree het en is van toepassing ten opsigte van—

- (a) die boedel van 'n persoon wat op of na daardie datum sterf; en
- (b) enige bydraes op of na 1 Maart 2016 gemaak.

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975, artikel 4 van Wet 103 van 1976, artikel 4 van Wet 113 van 1977, artikel 3 van Wet 101 van 1978, artikel 3 van Wet 104 van 1979, artikel 2 van Wet 104 van 1980, artikel 2 van Wet 96 van 1981, artikel 3 van Wet 91 van 1982, artikel 2 van Wet 94 van 1983, artikel 1 van Wet 30 van 1984, artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 van 1988, Goewermentskennisgewing R780 van 1989, artikel 2 van Wet 70 van 1989, artikel 2 van Wet 101 van 1990, artikel 2 van Wet 129 van 1991, artikel 2 van Wet 141 van 1992, artikel 2 van Wet 113 van 1993, artikel 2 van Wet 21 van 1994, Goewermentskennisgewing 46 van 1994, artikel 2 van Wet 21 van 1995, artikel 2 van Wet 36 van 1996, artikel 2 van Wet 28 van 1997, artikel 19 van Wet 30 van 1998, Goewermentskennisgewing 1503 van 1998, artikel 10 van Wet 53 van 1999, artikel 13 van Wet 30 van 2000, artikel 2 van Wet 59 van 2000, artikel 5 van Wet 5 van 2001, artikel 3 van Wet 19 van 2001, artikel 17 van Wet 60 van 2001, artikel 9 van Wet 30 van 2002, artikel 6 van Wet 74 van 2002, artikel 33 van Wet 12 van 2003, artikel 12 van Wet 45 van 2003, artikel 3 van Wet 16 van 2004, artikel 3 van Wet 32 van 2004, artikel 3 van Wet 32 van 2005, artikel 19 van Wet 9 van 2006, artikel 3 van Wet 20 van 2006, artikel 3 van Wet 8 van 2007, artikel 5 van Wet 35 van 2007, artikel 2 van Wet 3 van 2008, artikel 4 van Wet 60 van 2008, artikel 7 van Wet 17 van 2009, artikel 6 van Wet 7 van 2010, artikel 7 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 23 van Bylae 1 by daardie Wet, artikel 2 van Wet 22 van 2012, 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 en artikel 34 van Wet 34 van 2019

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

- (a) deur in subartikel (1) die omskrywing van “beheerde buitelandse maatskappy” te skrap;
- (b) deur in subartikel (1) na die omskrywing van “begunstigde” die volgende omskrywing in te voeg:

“**‘beheerde buitelandse maatskappy’** ’n beheerde buitelandse maatskappy soos omskryf in artikel 9D;”;
- (c) deur in subartikel (1) in die omskrywing van “bruto inkomste” paragraaf (m) deur die volgende paragraaf te vervang:

“(m) ’n bedrag ontvang of toegeval ten opsigte van ’n versekeringspolis waarvan die belastingpligtige die polishouer is, waar die polis betrekking het op die dood, ongeskikstelling of siekte van ’n werknemer of direkteur (of voormalige werknemer of direkteur) van die belastingpligtige, ook by wyse van ’n **[lening of voorskot] skuld**: Met dien verstande dat ’n bedrag aldus ontvang of toegeval verminder word deur die bedrag van enige sodanige **[lening of voorskot] skuld** wat by die belastingpligtige se bruto inkomste ingesluit is of word;”;
- (d) deur in subartikel (1) paragraaf (b) van die omskrywing van “EIT” deur die volgende omskrywing te vervang:

- (f) by the insertion in subsection (1) in the definition of “living annuity” after paragraph (e) of the following paragraph:
 “(eA) in anticipation of the termination of a trust, the value of the assets referred to in paragraph (a) must be paid to the trust as a lump sum pursuant to that termination; and;”;
- (g) by the deletion in subsection (1) in paragraph (a) of the proviso to the definition of “pension preservation fund” of subparagraph (iii);
- (h) by the addition in subsection (1) in paragraph (a) of the proviso to the definition of “pension preservation fund” after subparagraph (v) of the following subparagraph:
 “(vi) former members of a pension fund, pension preservation fund, provident fund or provident preservation fund or nominees or dependants of that former member in respect of whom an “unclaimed benefit” as defined in the Pension Funds Act is due or payable by that fund;”;
- (i) by the substitution in subsection (1) in paragraph (c)(ii) of the proviso to the definition of “pension preservation fund” for item (aa) of the following item:
 “(aa) (A) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; or;
 (B) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021; or”;
- (j) by the substitution in subsection (1) in paragraph (b) of the definition of “provident preservation fund” for subparagraph (ii) of the following subparagraph:
 “(ii) a pension fund, pension preservation fund, provident fund or provident preservation fund of which such member’s former spouse is or was previously a member and such payment or transfer was made pursuant to an election by such member in terms of section 37D(4)(b)(ii) of the Pension Funds Act;”;
- (k) by the deletion in substitution (1) in paragraph (a) of the definition of “provident preservation fund” of subparagraph (iii);
- (l) by the substitution in subsection (1) in paragraph (a) of the proviso to the definition of “provident preservation fund” for subparagraphs (iv) to (v) of the following subparagraphs respectively:
 “(iv) a person who has elected to transfer an amount awarded to that person in terms of a court order contemplated in section 7(8) of the Divorce Act, 1979 (Act No. 70 of 1979), from a pension fund, pension preservation fund, provident fund or provident preservation fund for the benefit of that person; [or]
 (v) former members of a pension fund or provident 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”;
- (m) by the addition in subsection (1) in paragraph (a) of the definition of “provident preservation fund” after subparagraph (v) of the following subparagraph:
 “(vi) former members of a pension fund, pension preservation fund, provident fund or provident preservation fund or nominees or dependants of that former member in respect of whom an “unclaimed benefit” as defined in the Pension Funds Act is due or payable by that fund;”;

- “(b) waarvan die [aandele] ekwiteitsaandele genoteer word—
- (i) op ’n ‘exchange’ (soos omskryf in artikel 1 van die ‘Financial Markets Act’ en gelisensieer kragtens artikel 9 van daardie Wet); en
- (ii) as aandele in ’n EIT soos omskryf in die noteringsvereistes van [’n] daardie beurs goedgekeur in oorleg met die [Minister] Direkteur-
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- generaal van die Nasionale Tesourie en gepubliseer na goedkeuring van daardie noteringsvereistes deur die Direkteur-generaal van die Nasionale Tesourie, deur die toepaslike owerheid, soos beoog in artikel 1 van die ‘Financial Markets Act’, ingevolge artikel 11 van daardie Wet of deur die Gedragsowerheid vir die Finansiële Sektor (Financial Sector Conduct Authority);”;
- (e) deur in subartikel (1) paragraaf (f) van die omskrywing van “finansiële instrument” deur die volgende paragraaf te vervang:
- “(f) enige [kriptovaluta] kriptobate;”;
- (f) deur in subartikel (1) in die omskrywing van “lewende annuïteit” die woord “en” na paragraaf (e) te skrap;
- (g) deur in subartikel (1) in die omskrywing van “lewende annuïteit” na paragraaf (e) die volgende paragraaf in te voeg:
- “(eA) in afwagting van die beëindiging van ’n trust, word die waarde van die bates beoog in paragraaf (a) betaal aan die trust as enkelbedragvoordeel ingevolge daardie beëindiging; en;”;
- (h) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van “pensioenbewaringsfonds” paragraaf (iii) te skrap;
- (i) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van “pensioenbewaringsfonds” na paragraaf (v) die volgende paragraaf by te voeg:
- (vi) voormalige lede van ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds of benoemdes of afhanklikes van daardie voormalige lid ten opsigte waarvan ’n onopgeëiste voordeel soos in die Wet op Pensioenfondse omskryf, deur daardie fonds verskuldig of betaalbaar is;”;
- (j) deur in subartikel (1) in paragraaf (c)(ii) tot die voorbehoudsbepaling van die omskrywing van “pensioenfondsbehouwingsfonds” item (aa) deur die volgende item te vervang:
- “(aa) (A) ’n persoon is wat ’n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of gemagtigde handelaar in buitelandse valuta vir die lewering van valuta voor of op 28 Februarie 2022; of
- (B) ’n persoon is wat nie ’n inwoner is nie vir ’n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021; of”;
- (k) deur in subartikel (1) in paragraaf (b)(x)(dd) van die voorbehoudsbepaling tot die omskrywing van “uittredingannuïteitsfonds” sub-subitem (A) deur die volgende sub-subitem te vervang:
- “(A) (AA) ’n persoon is wat ’n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of gemagtigde handelaar in buitelandse valuta vir die lewering van valuta voor of op 28 Februarie 2022; of
- (BB) ’n persoon is wat nie ’n inwoner is nie vir ’n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021;”;
- (l) deur in subartikel (1) in paragraaf (b)(x)(dd)(B) van die voorbehoudsbepaling tot die omskrywing van “uittredingannuïteitsfonds” die komma en die woorde wat volg op sub-subitem (BB) te skrap;
- (m) deur in subartikel (1) in paragraaf (b) van die omskrywing van “voorsorgbewaringsfonds” subparagraaf (ii) deur die volgende subparagraaf te vervang:

- (n) by the substitution in subsection (1) in paragraph (c)(ii) of the proviso to the definition of “provident preservation fund” for item (aa) of the following item:
- “(aa) (a) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; or;
- (b) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021; or”;
- (o) by the substitution in subsection (1) for paragraph (b) of the definition of “REIT” of the following paragraph:
- “(b) the equity shares of which are listed—
- (i) on an exchange (as defined in section 1 of the Financial Markets Act and licensed under section 9 of that Act); and
- (ii) as shares in a REIT as defined in the listing requirements of [an] that exchange approved in consultation with the [Minister] Director-General of the National Treasury and published, after approval of those listing requirements by the Director-General of the National Treasury, by the appropriate authority, as contemplated in section 1 of the Financial Markets Act, in terms of section 11 of that Act or by the Financial Sector Conduct Authority;”;
- (p) by the substitution in subsection (1) in paragraph (b)(x)(dd) of the proviso to the definition of “retirement annuity fund” for subitem (A) of the following subitem:
- “(A) (AA) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; or;
- (BB) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021;”;
- (q) by the deletion in subsection (1) in paragraph (b)(x)(dd)(b) of the proviso to the definition of “retirement annuity fund” of the comma and words following sub-subitem (BB).
- (2) Paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (p) and (q) of subsection (1) come into operation on 1 March 2021.

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 and section 4 of Act 34 of 2019

3. (1) Section 7C of the Income Tax Act, 1962, is hereby amended—
- (a) by the insertion after subsection (1A) of the following subsection:
- “(1B) Where—
- (a) a natural person; or
- (b) at the instance of a natural person, a company that is a connected person in relation to that natural person in terms of paragraph (d)(iv) of the definition of ‘connected person’,
- subscribes for a preference share in a company in which 20 per cent or more of the equity shares are held (whether directly or indirectly) or the voting rights can be exercised by a trust that is a connected person in relation to that natural person or to that company, whether alone or together with any person who is a beneficiary of that trust—

- “(ii) ’n pensioenfonds of pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds waarvan sodanige lid se voormalige gade ’n lid is of tevore was en sodanige betaling of oordrag uit hoofde van ’n keuse deur sodanige lid ingevolge artikel 37D(4)(b)(ii) van die Wet op Pensioenfondse gemaak is;”;
- (n) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van “voorsorgbewaringsfonds” subparagraaf (iii) te skrap;
- (o) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van “voorsorgbewaringsfonds” subparagraaf (iv) en (v) onderskeidelik deur die volgende subparagraaf te vervang:
- “(iv) ’n persoon wat gekies het om ’n bedrag wat ingevolge ’n hofbevel beoog in artikel 7(8) van die Wet op Egskeiding, 1979 (Wet No. 70 van 1979), aan daardie persoon toegeken is, ten behoeve van daardie persoon van ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds oor te dra; [of]
- (v) voormalige lede van ’n pensioenfonds of voorsorgfonds 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”;
- (p) deur in subartikel (1) in paragraaf (b) van die voorbehoudsbepaling tot “voorsorgbewaringsfonds” na subparagraaf (v) die volgende subparagraaf by te voeg:
- (vi) voormalige lede van ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds of benoemdes of afhanklikes van daardie voormalige lid ten opsigte waarvan onopgeëiste voordeel soos in die Wet op Pensioenfondse omskryf, deur daardie fonds verskuldig of betaalbaar is;”;
- (q) deur in subartikel (1) in paragraaf (c)(ii) van die voorbehoudsbepaling tot die omskrywing van “voorsorgbewaringsfonds” item (aa) deur die volgende item te vervang:
- “(aa) (a) ’n persoon is wat ’n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of gemagtigde handelaar in buitelandse valuta vir die lewering van valuta voor of op 28 Februarie 2022; of
- (b) ’n persoon is wat nie ’n inwoner is nie vir ’n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021; of”.
- en
- (2) Paragraaf (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) en (q), van subartikel (1) tree op 1 Maart 2021 in werking.

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 en artikel 4 van Wet 34 van 2019

3. (1) Artikel 7C van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur na subartikel (1A) die volgende subartikel in te voeg:

“(1B) Waar—

(a) ’n natuurlike persoon; of

(b) op die aandrang van natuurlike persoon, maatskappy wat verbonde persoon is met betrekking tot daardie natuurlike persoon ingevolge paragraaf (d)(iv) van die omskrywing van ‘verbonde persoon’, inteken vir ’n voorkeuraandeel in ’n maatskappy waarin 20 persent of meer van die ekwiteitsaandeel gehou word (hetsy regstreeks of onregstreeks) of die stemregte uitgeoefen kan word deur ’n trust wat ’n verbonde persoon is met betrekking tot daardie natuurlike persoon of tot daardie maatskappy, hetsy alleen of tesame met persoon wat begunstigde is van daardie trust—

- (i) consideration received by or accrued to that company for the issue of that preference share shall be deemed to be a loan for the purposes of subsection (3); and
- (ii) any dividend or foreign dividend accrued in respect of that preference share shall be deemed to be interest in respect of the loan contemplated in paragraph (i).”;
- (b) by the substitution in subsection (3) for paragraph (a) of the following paragraph:
“(a) no interest in respect of a loan, advance or credit referred to in subsection (1) [**or subsection**], (1A) or (1B); or”;
- (c) by the substitution in subsection (3) for the words following paragraph (b) of the following words:
“an amount equal to the difference between the amount incurred by that trust or company during a year of assessment as interest in respect of that loan, advance or credit and the amount that would have been incurred by that trust or company at the official rate of interest must, for purposes of Part V of Chapter II, be treated as a donation made to that trust by the person referred to in subsection (1)(a) [**or subsection**], (1A) or (1B) on the last day of that year of assessment of that trust.”; and
- (d) by the addition after subsection (5) of the following subsection:
“(6) For the purposes of this section ‘preference share’ means a preference share as defined in section 8EA(1).”.
- (2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of any dividend or foreign dividend accruing during any year of assessment commencing on or after that date.

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 item 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 and section 6 of Act 34 of 2019

4. (1) Section 8 of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (1)(a)(ii) for item (aa) of the following item:
“(aa) (A) on the instruction of his or her principal; or
(B) where the recipient is allowed by his or her principal to incur expenditure on meals and other incidental costs while such recipient is by reason of the duties of his or her office or employment obliged to spend a part of a day away from his or her usual place of work or employment, not exceeding an amount determined by way of notice in the *Gazette*, in the furtherance of the trade of that principal; and”;
- (b) by the substitution in subsection (4)(k) for the words following subparagraph (iv) of the following words:

- (i) word vergoeding ontvang of toegeval aan daardie maatskappy vir die uitreik van daardie voorkeuraandeel geag 'n lening te wees by die toepassing van subartikel (3); en
- (ii) word enige dividend of buitelandse dividend toegeval ten opsigte van daardie voorkeuraandeel geag rente te wees ten opsigte van die lening beoog in paragraaf (i).”; 5
- (b) deur in subartikel (3) paragraaf (a) deur die volgende paragraaf te vervang:
“(a) geen rente aangaan ten opsigte van 'n lening, voorskot of krediet vermeld in subartikel (1) [of subartikel], (1A) of (1B) nie; of”;
- (c) deur in subartikel (3) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang: 10
“word 'n bedrag gelykstaande aan die verskil tussen die bedrag aangeaan deur daardie trust of maatskappy, gedurende 'n jaar van aanslag as rente opsigte van daardie lening, voorskot of krediet en die bedrag wat aangeaan sou gewees het deur daardie trust of maatskappy teen die amptelike rentekoers, vir doeleindes van Deel V van Hoofstuk II, behandel as 'n skenking oorgemaak aan daardie trust op die laaste dag van daardie jaar van aanslag deur die persoon vermeld in subartikel (1)(a) [of subartikel], (1A) of (1B).”;
- (d) deur na subartikel (5) die volgende subartikel by te voeg: 20
“(6) By die toepassing van hierdie artikel beteken ‘voorkeuraandeel’ voorkeuraandeel soos omskryf in artikel 8EA(1).”.
- (2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van enige dividend of buitelandse dividend wat toeval tydens enige jaar van aanslag wat op of na daardie datum begin. 25

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 en artikel 6 van Wet 34 van 2019 30

4. (1) Artikel 8 van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1)(a)(ii) item (aa) deur die volgende item te vervang: 50
“(aa) (A) in opdrag van sy of haar prinsipaal; of
(B) waar die ontvanger deur sy of haar prinsipaal toegelaat word om uitgawes aan te gaan op maaltye en ander toevallige koste terwyl bedoelde ontvanger uit hoofde van die pligte van sy of haar amp of indiensneming verplig is om 'n gedeelte van 'n dag weg te wees vanaf sy of haar gebruiklike plek van werk of indiensneming, wat nie 'n bedrag bepaal deur middel van 'n kennisgewing in die Staatskoerant, oorskry nie, 55
in die voortsetting van die bedryf van daardie prinsipaal; en”;
- (b) deur in subartikel (4)(k) die woorde wat op subparagraaf (iv) volg deur die volgende woorde te vervang: 60

“in respect of which a deduction or an allowance has been granted to such person in terms of any of the provisions referred to in that paragraph, that person shall be deemed to have disposed of that asset for an amount equal to the market value of that asset as at the date of that donation, transfer, disposal or commencement.”

(2) Paragraph (a) of subsection (1) comes into operation on 1 March 2021 and applies in respect of years of assessment commencing on or after that date.

(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 15 January 2020.

Amendment of section 9 of Act 58 of 1962, as substituted by section 22 of Act 24 of 2011 and amended by section 16 of Act 31 of 2013, section 10 of Act 43 of 2014, section 11 of Act 25 of 2015, section 18 of Act 15 of 2016 and section 16 of Act 23 of 2018

5. Section 9 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(k) for subparagraph (ii) of the following subparagraph:

“(ii) that person is not a resident and that asset is [attributable to] effectively connected with a permanent establishment of that person which is situated in the Republic; or”.

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, 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 and section 10 of Act 34 of 2019

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

(a) by the insertion in the proviso to subsection (2A) after paragraph (c) of the following paragraph:

“(d) any exemption from normal tax in respect of dividends received or accrued as contemplated in section 10(1)(k) must not apply in respect of the portion of an amount of the aggregate amount of dividends received by or accrued to a controlled foreign company during any foreign tax year, determined in accordance with the formula:

$$A = B \times (C-D)$$

in which formula—

- (i) ‘A’ represents the amount to be determined;
- (ii) ‘B’ represents the ratio of the number 20 to the number 28;
- (iii) ‘C’ represents the aggregate of dividends received by or accrued to the controlled foreign company during the foreign tax year of that controlled foreign company; and
- (iv) ‘D’ represents 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—
 - (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) 50 per cent of the amount of any dividend in respect of which dividends tax was paid at a rate of 10 per cent;

“ten opsigte waarvan ’n aftrekking of ’n toelae toegestaan was aan bedoelde persoon ingevolge enige van die bepalings bedoel in daardie paragraaf, word daardie persoon geag te beskik het oor daardie bate vir ’n bedrag gelyk aan die markwaarde van daardie bate soos op die datum van daardie skenking, oordrag, beskikking of aanvang.”.

(2) Paragraaf (a) van subartikel (1) tree op 1 Maart 2021 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) word geag op 15 Januarie 2020 in werking te getree het.

Wysiging van artikel 9 van Wet 58 van 1962, soos vervang deur artikel 22 van Wet 24 van 2011 en gewysig deur artikel 16 van Wet 31 van 2013, artikel 10 van Wet 43 van 2014, artikel 11 van Wet 25 van 2015, artikel 18 van Wet 15 van 2016 en artikel 16 van Wet 23 van 2018

5. Artikel 9 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(k) subparagraaf (ii) deur die volgende subparagraaf te vervang:

“(ii) daardie persoon nie ’n inwoner is nie en daardie bate [toeskryfbaar] effektief verbonde is aan ’n permanente saak van daardie persoon wat in die Republiek geleë is; of”.

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 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 en artikel 10 van Wet 34 van 2019

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

(a) deur in die voorbehoudsbepaling tot subartikel (2A) na paragraaf (c) die volgende paragraaf by te voeg:

“(d) enige vrystelling van normale belasting ten opsigte van dividende ontvang of toegeval soos beoog in artikel 10(1)(k) word nie toegepas ten opsigte van die gedeelte van bedrag van die somtotaal bedrag of dividend ontvang deur of toegeval aan ’n beheerde buitelandse maatskappy tydens enige buitelandse belastingjaar nie, bepaal ooreenkomstig die formule:

$$A = B \times (C-D)$$

in welke formule—

- (i) ‘A’ die bedrag bepaal te word voorstel;
- (ii) ‘B’ die verhouding van die getal 20 tot die getal 28 voorstel;
- (iii) ‘C’ die somtotaal voorstel van dividende ontvang deur of toegeval aan die beheerde buitelandse maatskappy tydens die buitelandse belastingjaar van daardie beheerde buitelandse maatskappy; en
- (iv) ‘D’ die 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—
 - (aa) 100 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 20 persent bestaan;
 - (bb) 50 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen ’n koers van 10 persent bestaan;

- (cc) 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) 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; or
- (ee) 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 (2A) for paragraph (f) of the following paragraph:
- “(f) where the resident contemplated in subsection (2) is [a natural person, special trust or] an insurer in respect of its individual policyholder fund, the taxable capital gain of the controlled foreign company shall, for the purposes of paragraph 10 of the Eighth Schedule, be 40 per cent of that company’s net capital gain for the relevant foreign tax year;”.
- (2) Paragraph (a) of subsection (1) comes 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.
- (3) Paragraph (b) of subsection (1) comes into operation on 1 January 2021 and applies in respect of any net capital gain of any controlled foreign company during any foreign tax year 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 and section 21 of Act 15 of 2016

7. Section 9H of the Income Tax Act, 1962, is hereby amended by the insertion after subsection (3) of the following subsection:
- “(3A) Any person that is a holder of at least 10 per cent of the equity shares and voting rights in shares in a company must, where that company is a resident that ceases to be a resident and where section 64FA applies to the dividend *in specie* as referred to in subsection (3)(c)(iii) in respect of that company, be treated as having—
- (i) disposed of each of those shares to a person that is a resident on the date immediately before the day on which that company so ceased to be a resident; and
- (ii) reacquired each of those shares on the day on which that company so ceased to be a resident,
- for an amount equal to the market value of each of those shares.”.
- (2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of a holder of shares in a company that ceases to be a resident on or after that date.

Amendment of section 9J of Act 58 of 1962, as inserted by section 21 of Act 23 of 2018

8. Section 9J of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(b) for subparagraph (i) of the following subparagraph:
- “(i) 80 per cent or more of the market value of those equity shares, ownership or right to ownership or vested interest, as the case may be, at the time of disposal thereof is attributable directly or indirectly to immovable property situated in the Republic or any interest or right of whatever nature in or to immovable property situated in the Republic including rights to variable or fixed payments as consideration for the working of, or the right to work mineral deposits, sources and other natural resources in the Republic; and”.

Insertion of section 9K in Act 58 of 1962

9. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 9J:

- (cc) 40 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen 'n koers van 8 persent bestaan;
- (dd) 37.5 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen 'n koers van 7.5 persent bestaan; of 5
- (ee) 25 persent van die bedrag van enige dividend ten opsigte waarvan dividendbelasting betaal is teen 'n koers van 5 persent bestaan;"; en
- (b) deur in subartikel (2A) paragraaf (f) deur die volgende paragraaf te vervang: 10
 "(f) waar die inwoner in subartikel (2) bedoel [**'n natuurlike persoon, 'n spesiale trust of**] 'n versekeraar met betrekking tot sy individuele polishouerfonds is, is die belasbare kapitaalwins van die beheerde buitelandse maatskappy, by die toepassing van paragraaf 10 van die Agtste Bylae, 40 persent van daardie maatskappy se netto 15 kapitaalwins vir die betrokke buitelandse belastingjaar;".
- (2) Paragraaf (a) van subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van dividende ontvang deur of toegeval aan enige buitelandse beheerde maatskappy op of na daardie datum.
- (3) Paragraaf (b) van subartikel (1) tree op 1 Januarie 2021 in werking en is van 20 toepassing ten opsigte van enige netto kapitaalwins van enige beheerde buitelandse maatskappy tydens enige buitelandse belastingjaar 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 en artikel 21 van Wet 15 van 2016 25

7. Artikel 9H van die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende subartikel na subartikel (3) in te voeg:

- "(3A) Enige persoon wat die houer is van ten minste 10 persent van die ekwiteitsaandeel en stemregte in aandeel in 'n maatskappy word, waar daardie maatskappy 'n inwoner is wat ophou om 'n inwoner te wees en waar artikel 64FA van toepassing is op die dividend *in specie* soos beoog in subartikel (3)(c)(iii) ten opsigte van daardie maatskappy, behandel as— 30
- (i) te beskik het oor elkeen van daardie aandeel aan persoon wat 'n inwoner is op die datum onmiddellik voor die dag waarop daardie maatskappy aldus opgehou het om 'n inwoner te wees; en 35
- (ii) elkeen van daardie aandeel herverkry het op die dag waarop daardie maatskappy aldus opgehou het om 'n inwoner te wees, vir 'n bedrag gelykstaande aan die markwaarde van elkeen van daardie aandeel." 40
- (2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van 'n houer van aandeel in 'n maatskappy wat ophou om 'n inwoner te wees op of na daardie datum.

Wysiging van artikel 9J van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 23 van 2018

8. Artikel 9J van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(b) subparagraaf (i) deur die volgende subparagraaf te vervang: 45

- "(i) 80 persent of meer van die markwaarde van daardie ekwiteitsaandeel, eienaarskap of reg tot eienaarskap of gevestigde belang, na gelang van die geval, op die tydstip van beskikking daarvoor direk of indirek aan onroerende eiendom in die Republiek geleë, gehou, toeskryfbaar is, of enige belang of reg van welke aard ook al tot of in onroerende eiendom in die Republiek geleë, insluitende regte tot wisselende of vasgestelde betalings as teenprestasie vir die ontginning van, of die reg om minerale neerslae, bronne of ander natuurlike hulpbronne in die Republiek te ontgin; en" 50 55

Invoeging van artikel 9K in Wet 58 van 1962

9. (1) Die volgende artikel word hierby na artikel 9J in die Inkomstebelastingwet, 1962, ingevoeg:

“Listing of security on exchange outside Republic

9K. (1) Where a natural person or a trust that is a resident holds a security in a company and that security is delisted on an exchange as defined in section 1 of the Financial Markets Act and licenced under section 9 of that Act, and subsequent to that delisting that security is listed on an exchange outside the Republic, that person must be treated as having—

(a) disposed of that security for an amount received or accrued equal to the market value of that security as contemplated in the definition of ‘market value’ in section 9H(1) on the day that the security is listed on the exchange outside the Republic; and

(b) reacquired that security on the same day on which that security is treated as having been disposed of under paragraph (a) for expenditure in an amount equal to that market value.

(2) For the purposes of section 9C(2), a security that is listed on an exchange outside the Republic as contemplated in subsection (1) must be treated to be one and the same security that is delisted.”

(2) Subsection (1) comes into operation on 1 March 2021 and applies in respect of any security listed on an exchange outside the Republic on or after that date.

Amendment of section 10 of Act 58 of 1962, as amended by section 8 of Act 90 of 1962, section 7 of Act 72 of 1963, section 8 of Act 90 of 1964, section 10 of Act 88 of 1965, section 11 of Act 55 of 1966, section 10 of Act 95 of 1967, section 8 of Act 76 of 1968, section 13 of Act 89 of 1969, section 9 of Act 52 of 1970, section 9 of Act 88 of 1971, section 7 of Act 90 of 1972, section 7 of Act 65 of 1973, section 10 of Act 85 of 1974, section 8 of Act 69 of 1975, section 9 of Act 103 of 1976, section 8 of Act 113 of 1977, section 4 of Act 101 of 1978, section 7 of Act 104 of 1979, section 7 of Act 104 of 1980, section 8 of Act 96 of 1981, section 6 of Act 91 of 1982, section 9 of Act 94 of 1983, section 10 of Act 121 of 1984, section 6 of Act 96 of 1985, section 7 of Act 65 of 1986, section 3 of Act 108 of 1986, section 9 of Act 85 of 1987, section 7 of Act 90 of 1988, section 36 of Act 9 of 1989, section 7 of Act 70 of 1989, section 10 of Act 101 of 1990, section 12 of Act 129 of 1991, section 10 of Act 141 of 1992, section 7 of Act 113 of 1993, section 4 of Act 140 of 1993, section 9 of Act 21 of 1994, section 10 of Act 21 of 1995, section 8 of Act 36 of 1996, section 9 of Act 46 of 1996, section 1 of Act 49 of 1996, section 10 of Act 28 of 1997, section 29 of Act 30 of 1998, section 18 of Act 53 of 1999, section 21 of Act 30 of 2000, section 13 of Act 59 of 2000, sections 9 and 78 of Act 19 of 2001, section 26 of Act 60 of 2001, section 13 of Act 30 of 2002, section 18 of Act 74 of 2002, section 36 of Act 12 of 2003, section 26 of Act 45 of 2003, sections 8 and 62 of Act 16 of 2004, section 14 of Act 32 of 2004, section 5 of Act 9 of 2005, section 16 of Act 31 of 2005, section 23 of Act 9 of 2006, sections 10 and 101 of Act 20 of 2006, sections 2, 10, 88 and 97 of Act 8 of 2007, section 2 of Act 9 of 2007, section 16 of Act 35 of 2007, sections 1 and 9 of Act 3 of 2008, section 2 of Act 4 of 2008, section 16 of Act 60 of 2008, sections 13 and 95 of Act 17 of 2009, section 18 of Act 7 of 2010, sections 28 and 160 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 31 of Schedule 1 to that Act, sections 19, 144, 157 and 166 of Act 22 of 2012, section 23 of Act 31 of 2013, section 14 of Act 43 of 2014, section 16 of Act 25 of 2015, section 23 of Act 15 of 2016, section 16 of Act 17 of 2017, section 22 of Act 23 of 2018 and section 13 of Act 34 of 2019

10. Section 10 of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) in paragraph (b) of the proviso to paragraph (cA) for subparagraph (i) of the following subparagraph:
- “(i) not permitted to distribute any [of its profits or gains] amount to any person, other than, in the case of such company, to the holders of shares in that company;”;

“Notering van sekuriteit op beurs buite Republiek

9K. (1) Waar 'n natuurlike persoon of 'n trust wat 'n inwoner is sekuriteit in 'n maatskappy hou en daardie sekuriteit se notering word opgeskort op 'n beurs soos omskryf in artikel 1 van die 'Financial Markets Act' en gelisensieer kragtens artikel 9 van daardie Wet, en na afloop van die denotering van daardie sekuriteit, word daardie sekuriteit genoteer op 'n beurs buite die Republiek, word daardie persoon geag te—

- (a) beskik het oor daardie sekuriteit vir 'n bedrag ontvang of toegeval gelykstaande aan die markwaarde van daardie sekuriteit soos beoog in die omskrywing van 'markwaarde' in artikel 9H(1) op die dag waarop die sekuriteit op die beurs buite die Republiek genoteer word; en
- (b) daardie sekuriteit herverkry het op dieselfde dag waarop daardie sekuriteit behandel word as dat daarvoor beskik is kragtens paragraaf (a) vir uitgawe in 'n bedrag gelykstaande aan daardie markwaarde.

(2) Sekuriteit wat genoteer is op 'n beurs buite die Republiek soos beoog in subartikel (1) word geag een en dieselfde sekuriteit te wees wat gedenoteer is by toepassing van artikel 9C(2).”

(2) Subartikel (1) tree op 1 Maart 2021 in werking en is van toepassing ten opsigte van enige sekuriteit genoteer op 'n beurs buite die Republiek op of na daardie datum.

Wysiging van artikel 10 van Wet 58 van 1962, soos gewysig deur artikel 8 van Wet 90 van 1962, artikel 7 van Wet 72 van 1963, artikel 8 van Wet 90 van 1964, artikel 10 van Wet 88 van 1965, artikel 11 van Wet 55 van 1966, artikel 10 van Wet 95 van 1967, artikel 8 van Wet 76 van 1968, artikel 13 van Wet 89 van 1969, artikel 9 van Wet 52 van 1970, artikel 9 van Wet 88 van 1971, artikel 7 van Wet 90 van 1972, artikel 7 van Wet 65 van 1973, artikel 10 van Wet 85 van 1974, artikel 8 van Wet 69 van 1975, artikel 9 van Wet 103 van 1976, artikel 8 van Wet 113 van 1977, artikel 4 van Wet 101 van 1978, artikel 7 van Wet 104 van 1979, artikel 7 van Wet 104 van 1980, artikel 8 van Wet 96 van 1981, artikel 6 van Wet 91 van 1982, artikel 9 van Wet 94 van 1983, artikel 10 van Wet 121 van 1984, artikel 6 van Wet 96 van 1985, artikel 7 van Wet 65 van 1986, artikel 3 van Wet 108 van 1986, artikel 9 van Wet 85 van 1987, artikel 7 van Wet 90 van 1988, artikel 36 van Wet 9 van 1989, artikel 7 van Wet 70 van 1989, artikel 10 van Wet 101 van 1990, artikel 12 van Wet 129 van 1991, artikel 10 van Wet 141 van 1992, artikel 7 van Wet 113 van 1993, artikel 4 van Wet 140 van 1993, artikel 9 van Wet 21 van 1994, artikel 10 van Wet 21 van 1995, artikel 8 van Wet 36 van 1996, artikel 9 van Wet 46 van 1996, artikel 1 van Wet 49 van 1996, artikel 10 van Wet 28 van 1997, artikel 29 van Wet 30 van 1998, artikel 18 van Wet 53 van 1999, artikel 21 van Wet 30 van 2000, artikel 13 van Wet 59 van 2000, artikels 9 en 78 van Wet 19 van 2001, artikel 26 van Wet 60 van 2001, artikel 13 van Wet 30 van 2002, artikel 18 van Wet 74 van 2002, artikel 36 van Wet 12 van 2003, artikel 26 van Wet 45 van 2003, artikels 8 en 62 van Wet 16 van 2004, artikel 14 van Wet 32 van 2004, artikel 5 van Wet 9 van 2005, artikel 16 van Wet 31 van 2005, artikel 23 van Wet 9 van 2006, artikels 10 en 101 van Wet 20 van 2006, artikels 2, 10, 88 en 97 van Wet 8 van 2007, artikel 2 van Wet 9 van 2007, artikel 16 van Wet 35 van 2007, artikels 1 en 9 van Wet 3 van 2008, artikel 2 van Wet 4 van 2008, artikel 16 van Wet 60 van 2008, artikels 13 en 95 van Wet 17 van 2009, artikel 18 van Wet 7 van 2010, artikels 28 en 160 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 31 van Bylae 1 by daardie Wet, artikels 19, 144, 157 en 166 van Wet 22 van 2012, artikel 23 van Wet 31 van 2013, artikel 14 van Wet 43 van 2014, artikel 16 van Wet 25 van 2015, artikel 23 van Wet 15 van 2016, artikel 16 van Wet 17 van 2017, artikel 22 van Wet 23 van 2018 en artikel 13 van Wet 34 van 2019

10. Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur in subartikel (1) in paragraaf (b) van die voorbehoudsbepaling tot paragraaf (cA) subparagraaf (i) deur die volgende subparagraaf te vervang:
- “(i) nie die bevoegdheid besit om enige [**van sy profyte of winste**] bedrag aan enige persoon uit te keer nie, behalwe in die geval van bedoelde maatskappy, aan die houers van aandele in daardie maatskappy;”;

- (b) by the deletion in subsection (1) in paragraph (ii) of the proviso to paragraph (q) of the word “and” after subparagraph (aa), the insertion of the word “and” after subparagraph (bb) and the addition of the following subparagraph:
 “(cc) if any remuneration to which the employee was entitled or might in the future have become entitled was in any manner whatsoever reduced or forfeited as a result of the grant of such scholarship or bursary;”;
- (c) by the substitution in subsection (1)(o)(ii) for item (aa) of the following item:
 “(aa) (a) for a period or periods exceeding 183 full days in aggregate during any period of 12 months; or
 (b) for a period or periods exceeding 117 full days in aggregate during any period of 12 months in respect of any year of assessment ending on or after 29 February 2020 but on or before 28 February 2021; and”;
- (d) by the deletion in subsection (1) in paragraph (ii) of the proviso to paragraph (qA) of the word “and” after subparagraph (aa), the insertion of the word “and” after subparagraph (bb) and the addition of the following subparagraph:
 “(cc) if any remuneration to which the employee was entitled or might in the future have become entitled was in any manner whatsoever reduced or forfeited as a result of the grant of such scholarship or bursary;”;
- (e) by the substitution in subsection (1)(yA) for subparagraph (bb) of the following subparagraph:
 “(bb) where that agreement was concluded on or after 1 January 2007, that that agreement provides that those receipts and accruals of that person must be exempt;”.

(2) Paragraphs (b) and (d) of subsection (1) come into operation on 1 March 2021 and apply in respect of years of assessment commencing on or after that date.

(3) Paragraph (c) of subsection (1) is deemed to have come into operation on 29 February 2020.

(4) Paragraph (e) of subsection (1) is deemed to have come into operation on 1 January 2007 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 10B of Act 58 of 1962, as inserted by section 29 of Act 24 of 2011 and amended by section 4 of Act 13 of 2012, section 20 of Act 22 of 2012, section 25 of Act 31 of 2013, section 15 of Act 43 of 2014, section 6 of Act 13 of 2015, section 25 of Act 15 of 2016, section 8 of Act 14 of 2017 and section 23 of Act 23 of 2018

11. (1) Section 10B of the Income Tax Act, 1962, is hereby amended by the insertion after subsection (6) of the following subsection:

“(6A) Subsections (2) and (3) do not apply to any foreign dividend received by or accrued to any company in respect of a share to the extent that the aggregate of those foreign dividends does not exceed an amount equal to the aggregate of any deductible expenditure incurred by that company or any amount taken into account that has the effect of reducing income in the application of section 24JB(2), and the amount of that expenditure or reduction is determined directly or indirectly with reference to the foreign dividend in respect of a share that is an identical share to that share: Provided that the deductible expenditure so incurred or the amount of the reduction must be reduced by any amount of income accrued to the company in respect of any distribution in respect of any other share that is an identical share in relation to that share.”.

(2) Subsection (1) comes into operation on 1 January 2021 and applies to foreign dividends received or accrued on or after that date.

- (b) deur in subartikel (1) in paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (q) die woord “en” na subparagraaf (aa) te skrap, die woord “en” na subparagraaf (bb) in te voeg en die volgende subparagraaf by te voeg:
 “(cc) indien enige besoldiging waarop die werknemer geregtig was of in die toekoms op geregtig mag geword het op enige wyse hoegenaamd verminder of verbeur is as gevolg van die toekenning van bedoelde studiebeurs of beurs;”;
- (c) deur in subartikel (1)(o)(ii) item (aa) deur die volgende item te vervang:
 “(aa) (a) vir ’n tydperk of tydperke wat in totaal 183 volle dae gedurende enige tydperk van 12 maande, te bowe gaan; of
 (b) vir ’n tydperk of tydperke wat 117 volle dae in somtotaal te bowe gaan tydens enige tydperk van 12 maande ten opsigte van enige jaar van aanslag wat eindig op of na 29 Februarie 2020, maar voor of op 28 Februarie 2021; en”;
- (d) deur in subartikel (1) in paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (qA) die woord “en” na subparagraaf (aa) te skrap, die woord “en” na subparagraaf (bb) in te voeg en die volgende subparagraaf by te voeg:
 “(cc) indien enige besoldiging waarop die werknemer geregtig was of in die toekoms op geregtig mag geword het op enige wyse hoegenaamd verminder of verbeur was as gevolg van die toekenning van bedoelde studiebeurs of beurs;”;
- (e) deur in subartikel (1)(yA) subparagraaf (bb) deur die volgende subparagraaf te vervang:
 “(bb) waar daardie ooreenkoms aangegaan is op of na 1 Januarie 2007, dat daardie ooreenkoms bepaal dat daardie ontvangste en toevallings van daardie organisasie vrygestel moet wees;”.
- (2) Paragrafe (b) en (d) van subartikel (1) tree op 1 Maart 2021 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (3) Paragraaf (c) van subartikel (1) word geag op 29 Februarie 2020 in werking te getree het.
- (4) Paragraaf (e) van subartikel (1) word geag op 1 Januarie 2007 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 10B van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 24 van 2011 en gewysig deur artikel 4 van Wet 13 van 2012, artikel 20 van Wet 22 van 2012, artikel 25 van Wet 31 van 2013, artikel 15 van Wet 43 van 2014, artikel 6 van Wet 13 van 2015, artikel 25 van Wet 15 van 2016, artikel 8 van Wet 14 van 2017 en artikel 23 van Wet 23 van 2018

11. (1) Artikel 10B van die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende subartikel na subartikel (6) in te voeg:
 “(6A) Subartikels (2) en (3) is nie van toepassing nie op enige buitelandse dividend ontvang deur of toegeval aan enige maatskappy ten opsigte van ’n aandeel namate die somtotaal van daardie buitelandse dividende nie ’n bedrag oorskry nie gelykstaande aan die somtotaal van enige aftrekbare uitgawes aangegaan deur daardie maatskappy of enige bedrag in ag geneem wat die gevolg het om inkomste te verminder by die toepassing van artikel 24JB(2), en die bedrag van daardie uitgawe of vermindering word bepaal regstreeks of onregstreeks met verwysing na die buitelandse dividend ten opsigte van ’n aandeel wat ’n identiese aandeel is tot daardie aandeel: Met dien verstande dat die aftrekbare inkomste aldus aangegaan of die bedrag van die vermindering verminder moet word deur enige bedrag van inkomste toegeval aan die maatskappy ten opsigte van enige uitkering ten opsigte van enige ander aandeel wat ’n identiese aandeel is met betrekking tot daardie aandeel.”
- (2) Subartikel (1) tree in werking op 1 Januarie 2021 en is van toepassing ten opsigte van buitelandse dividende ontvang op of na daardie datum.

Amendment of section 10C of Act 58 of 1962, as inserted by section 21 of Act 22 of 2012 and amended by section 26 of Act 31 of 2013, section 16 of Act 43 of 2014, section 118 of Act 17 of 2017, section 24 of Act 23 of 2018 and section 14 of Act 34 of 2019

12. (1) Section 10C of the Income Tax Act, 1962, is hereby amended— 5
- (a) by the deletion in subsection (1) in the definition of “qualifying annuity” after paragraph (c) of the word “or”;
- (b) by the substitution in subsection (1) in the definition of “qualifying annuity” for paragraph (d) of the following paragraph: 10
- “(d) as contemplated in paragraph (b)(iv) of the proviso to the definition of ‘provident fund’ in section 1(1); or”;
- (c) by the addition in subsection in section 1 in the definition of “qualifying annuity” after paragraph (d) of the following paragraph: 15
- “(e) as contemplated in paragraph (e) of the definition of ‘provident preservation fund’ in section 1(1).”; and
- (d) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 20
- “There shall be exempt from normal tax in respect of the aggregate of qualifying annuities payable to a person an amount equal to so much of [the person’s own] any contributions to any pension fund, provident fund and retirement annuity fund that did not rank for a deduction against the person’s income in terms of section 11F as has not previously been—”.
- (2) Subsection (1) comes into operation on 1 March 2021.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 9 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1979, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983, section 11 of Act 121 of 1984, section 46 of Act 97 of 1986, section 10 of Act 85 of 1987, section 8 of Act 90 of 1988, section 8 of Act 70 of 1989, section 11 of Act 101 of 1990, section 13 of Act 129 of 1991, section 11 of Act 141 of 1992, section 9 of Act 113 of 1993, section 5 of Act 140 of 1993, section 10 of Act 21 of 1994, section 12 of Act 21 of 1995, section 9 of Act 36 of 1996, section 12 of Act 28 of 1997, section 30 of Act 30 of 1998, section 20 of Act 53 of 1999, section 22 of Act 30 of 2000, section 15 of Act 59 of 2000, section 10 of Act 19 of 2001, section 27 of Act 60 of 2001, section 14 of Act 30 of 2002, section 19 of Act 74 of 2002, section 27 of Act 45 of 2003, section 9 of Act 16 of 2004, section 16 of Act 32 of 2004, section 6 of Act 9 of 2005, section 18 of Act 31 of 2005, section 11 of Act 20 of 2006, section 11 of Act 8 of 2007, section 17 of Act 35 of 2007, sections 1 and 10 of Act 3 of 2008, section 18 of Act 60 of 2008, section 14 of Act 17 of 2009, section 19 of Act 7 of 2010, sections 30 and 161 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 33 of Schedule 1 to that Act, section 22 of Act 22 of 2012, section 27 of Act 31 of 2013, section 17 of Act 43 of 2014, section 18 of Act 25 of 2015, section 26 of Act 15 of 2016, section 19 of Act 17 of 2017, section 25 of Act 23 of 2018 and section 15 of Act 34 of 2019

13. (1) Section 11 of the Income Tax Act, 1962, is hereby amended— 50
- (a) by the substitution in paragraph (j)(i) for the words preceding item (aa) of the following words: 50
- “if IFRS 9 is applied to that debt by that person for financial reporting purposes, other than in respect of lease receivables as defined in IFRS 9 that have not been included in income, the sum of—”;

Wysiging van artikel 10C van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 22 van 2012 en gewysig deur artikel 26 van Wet 31 van 2013, artikel 16 van Wet 43 van 2014, artikel 118 van Wet 17 van 2017, artikel 24 van Wet 23 van 2018 en artikel 14 van Wet 34 van 2019

12. (1) Artikel 10C van die Inkomstebelastingwet, 1962, word hierby gewysig— 5
- (a) deur in subartikel (1) in die omskrywing van “verpligte annuïteit” na paragraaf (c) die woord “of” te skrap;
- (b) deur in subartikel (1) in die omskrywing van “verpligte annuïteit” paragraaf (d) deur die volgende paragraaf te vervang:
- “(d) soos beoog in paragraaf (b)(iv) van die voorbehoudsbepaling tot die omskrywing van ‘voorsorgfonds’ in artikel 1(1); of”;
- (c) deur in subartikel (1) in die omskrywing van “verpligte annuïteit” na paragraaf (d) die volgende paragraaf by te voeg:
- “(e) soos beoog in paragraaf (e) van die omskrywing van ‘voorsorgbewaringsfonds’ in artikel 1(1).”;
- (d) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Daar word vrygestel van normale belasting ten opsigte van die totaal van verpligte annuïteite betaalbaar aan ’n persoon ’n bedrag gelyk aan soveel van [**die persoon se eie**] enige bydraes tot enige pensioenfonds, voorsorgfonds en uitredingannuïteitsfonds wat nie vir ’n aftrekking in aanmerking gekom het nie teen die persoon se inkomste ingevolge artikel 11F as wat nie voorheen—”.
- (2) Subartikel (1) tree in werking op 1 Maart 2021.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 9 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1979, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 46 van Wet 97 van 1986, artikel 10 van Wet 85 van 1987, artikel 8 van Wet 90 van 1988, artikel 8 van Wet 70 van 1989, artikel 11 van Wet 101 van 1990, artikel 13 van Wet 129 van 1991, artikel 11 van Wet 141 van 1992, artikel 9 van Wet 113 van 1993, artikel 5 van Wet 140 van 1993, artikel 10 van Wet 21 van 1994, artikel 12 van Wet 21 van 1995, artikel 9 van Wet 36 van 1996, artikel 12 van Wet 28 van 1997, artikel 30 van Wet 30 van 1998, artikel 20 van Wet 53 van 1999, artikel 22 van Wet 30 van 2000, artikel 15 van Wet 59 van 2000, artikel 10 van Wet 19 van 2001, artikel 27 van Wet 60 van 2001, artikel 14 van Wet 30 van 2002, artikel 19 van Wet 74 van 2002, artikel 27 van Wet 45 van 2003, artikel 9 van Wet 16 van 2004, artikel 16 van Wet 32 van 2004, artikel 6 van Wet 9 van 2005, artikel 18 van Wet 31 van 2005, artikel 11 van Wet 20 van 2006, artikel 11 van Wet 8 van 2007, artikel 17 van Wet 35 van 2007, artikels 1 en 10 van Wet 3 van 2008, artikel 18 van Wet 60 van 2008, artikel 14 van Wet 17 van 2009, artikel 19 van Wet 7 van 2010, artikels 30 en 161 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 33 van Bylae 1 by daardie Wet, artikel 22 van Wet 22 van 2012, artikel 27 van Wet 31 van 2013, artikel 17 van Wet 43 van 2014, artikel 18 van Wet 25 van 2015, artikel 26 van Wet 15 van 2016, artikel 19 van Wet 17 van 2017, artikel 25 van Wet 23 van 2018 en artikel 15 van Wet 34 van 2019

13. (1) Artikel 11 van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in paragraaf (j)(i) die woorde wat item (aa) voorafgaan deur die volgende woorde te vervang:
- “indien IFRS 9 toegepas is op daardie skuld deur daardie persoon vir die doeleindes van finansiële verslaggewing, buiten ten opsigte van ‘lease receivables as defined in IFRS 9’ wat nog nie in inkomste ingesluit is nie, die som van—”;

- (b) by the substitution in paragraph (j)(i)(aa) for subitem (A) of the following subitem:
 “(A) the loss allowance relating to impairment that is measured at an amount equal to the lifetime expected credit loss, as contemplated in IFRS 9, in respect of debt **[other than in respect of lease receivables as defined in IFRS 9]**; and”;
- (c) by the substitution in paragraph (j)(i) for item (bb) of the following item:
 “(bb) 25 per cent of the loss allowance relating to impairment, as contemplated in IFRS 9, in respect of debt other than in respect of **[lease receivables as defined in IFRS 9 or]** debt taken into account under item (aa); or”;
- (d) by the substitution in paragraph (j)(ii) for items (aa) and (bb) of the following items respectively:
 “(aa) 40 per cent of so much of any debt, other than a debt contemplated in subparagraph (i), due to the taxpayer, if that debt is 120 days or more in arrears, after taking into account the value of any security in respect of that debt; and
 (bb) 25 per cent of so much of any debt, other than a debt contemplated in subparagraph (i) or item (aa), due to the taxpayer, if that debt is 60 days or more in arrears, after taking into account the value of any security in respect of that debt.”;
- (e) by the substitution in paragraph (jA) for the words preceding the proviso of the following words:
 “notwithstanding paragraph (j), an allowance equal to 25 per cent of the loss allowance relating to impairment, as contemplated in IFRS 9, other than in respect of lease receivables as defined in IFRS 9 that have not been included in income, if the person is a covered person, other than a person that is a controlling company as defined in the Banks Act, as determined by applying the criteria in paragraphs (c)(i) to (iii) and (d) of the definition of ‘covered person’ in section 24JB (1)”;
- (f) by the addition to paragraph (jA) of the following further proviso:
 “: Provided further that the loss allowance relating to impairment must exclude any loss allowance in respect of a financial asset that would not be allowed to be deducted under paragraph (a) or (i) if it became bad.”.
- (2) Paragraphs (a), (b), (c) and (f) of subsection (1) are deemed to have come into operation on 28 October 2020 and applies in respect of years of assessment commencing on or after that date.
- (3) Paragraphs (d) and (e) of subsection (1) come into operation on 1 January 2021 and apply in respect of years of assessment commencing on or after that date.

Amendment of section 12C of Act 58 of 1962, as inserted by section 14 of Act 101 of 1990 and amended by section 11 of Act 113 of 1993, section 7 of Act 140 of 1993, section 11 of Act 21 of 1994, section 13 of Act 21 of 1995, section 10 of Act 46 of 1996, section 18 of Act 59 of 2000, section 11 of Act 19 of 2001, section 15 of Act 30 of 2002, section 30 of Act 45 of 2003, section 8 of Act 9 of 2005, section 20 of Act 31 of 2005, section 14 of Act 8 of 2007, section 22 of Act 35 of 2007, section 20 of Act 60 of 2008, section 19 of Act 17 of 2009, section 33 of Act 24 of 2011, section 24 of Act 22 of 2012, section 32 of Act 31 of 2013, section 20 of Act 25 of 2015, section 23 of Act 17 of 2017 and section 27 of Act 23 of 2018

- 14.** Section 12C of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for paragraph (bA) of the following paragraph:
 “(bA) machinery or plant 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 which was or is made available for use by the taxpayer in terms of a contract to another person for no consideration and was or is brought

- (b) deur in paragraaf (j)(i)(aa) item (A) deur die volgende item te vervang:
 “(A) die ‘loss allowance’ (afskryfbare verlies) met betrekking tot ‘impairment’ (*aantasting*) gemeet teen ’n bedrag gelyk aan die lewenslange verwagte kredietverliese, soos beoog in IFRS 9, ten opsigte van skuld [**buiten ten opsigte van ‘lease receivables’ soos omskryf in IFRS 9**]; en”;
- (c) deur in paragraaf (j)(i) subparagraaf (bb) deur die volgende paragraaf te vervang:
 “(bb) 25 persent van die ‘loss allowance’ (afskryfbare verlies) met betrekking tot ‘impairment’ (*aantasting*), soos beoog in IFRS 9, ten opsigte van skuld **buiten ten opsigte van [‘lease receivables’ soos omskryf in IFRS 9 van]** skuld in ag geneem kragtens item (aa); of”;
- (d) deur in paragraaf (j)(ii) items (aa) en (bb) onderskeidelik deur die volgende items te vervang:
 “(aa) 40 persent van soveel van enige skuld, buiten skuld beoog in subparagraaf (i), verskuldig aan die belastingpligtige, indien daardie skuld 120 dae of meer agterstallig is, na inagneming van die waarde van enige sekuriteit ten opsigte van daardie skuld; en
 (bb) 25 persent van soveel van enige skuld, buiten skuld beoog in subparagraaf (i) of item (aa), verskuldig aan die belastingpligtige, indien daardie skuld 60 dae of meer agterstallig is, na inagneming van die waarde van enige sekuriteit ten opsigte van daardie skuld.”;
- (e) deur in paragraaf (jA) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 “ondanks paragraaf (j), ’n toelae gelykstaande aan 25 persent van die ‘loss allowance’ (afskryfbare verlies) met betrekking tot ‘impairment’ (*aantasting*), soos beoog in IFRS 9, buiten ten opsigte van ‘lease receivables’ wat nie in inkomste ingesluit is nie, soos omskryf in IFRS 9, indien die persoon ’n gedekte persoon is, buiten ’n persoon wat ’n **[houer]** beherende maatskappy is soos omskryf in die Bankwet, soos bepaal deur die kriteria in paragrawe (c)(i) tot (iii) en (d) van die omskrywing van ‘gedekte persoon’ in artikel 24JB(1) toe te pas.”;
- (f) deur die volgende verdere voorbehoudsbepaling by paragraaf (jA) by te voeg:
 “: Met dien verstande verder dat die afskryfbare verlies met betrekking tot aantasting enige afskryfbare verlies uitsluit ten opsigte van ’n finansiële bate wat nie toegelaat sou word om afgetrek te word nie kragtens paragraaf (a) of (i) indien dit oninbaar geword het.”;

(2) Paragrawe (a), (b), (c) en (f) van subartikel (1) word geag in werking te getree het op 28 Oktober 2020 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(3) Paragrawe (d) en (e) van subartikel (1) tree in werking op 1 Januarie 2021 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 12C van Wet 58 van 1962, soos ingevoeg deur artikel 14 van Wet 101 van 1990 en gewysig deur artikel 11 van Wet 113 van 1993, artikel 7 van Wet 140 van 1993, artikel 11 van Wet 21 van 1994, artikel 13 van Wet 21 van 1995, artikel 10 van Wet 46 van 1996, artikel 18 van Wet 59 van 2000, artikel 11 van Wet 19 van 2001, artikel 15 van Wet 30 van 2002, artikel 30 van Wet 45 van 2003, artikel 8 van Wet 9 van 2005, artikel 20 van Wet 31 van 2005, artikel 14 van Wet 8 van 2007, artikel 22 van Wet 35 van 2007, artikel 20 van Wet 60 van 2008, artikel 19 van Wet 17 van 2009, artikel 33 van Wet 24 van 2011, artikel 24 van Wet 22 van 2012, artikel 32 van Wet 31 van 2013, artikel 20 van Wet 25 van 2015, artikel 23 van Wet 17 van 2017 en artikel 27 van Wet 23 van 2018

14. Artikel 12C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) paragraaf (bA) deur die volgende paragraaf te vervang:

- “(bA) masjinerie of installasie waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge ’n ooreenkoms beoog in paragraaf (a) van die omskrywing van ‘paaientkrediet-ooreenkoms’ in artikel 1 van die Wet op Belasting op Toegevoegde Waarde en beskikbaar gestel is of verhuur is of word vir gebruik deur die

into use for the first time by that other person for the purposes of that other person's trade (other than mining or farming) and is used by that other person solely for the benefit of that taxpayer for the purposes of the performance of that other person's obligations under that contract in a process of manufacture under the Automotive Production and Development Programme administered by the Department of Trade, Industry and Competition or Automotive [Incentive] Investment Scheme administered by that Department;".

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 and section 25 of Act 17 of 2017

15. 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 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.”.

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 and section 22 of Act 17 of 2009

16. 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 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.”.

Amendment of section 12J of Act 58 of 1962, as inserted by section 27 of Act 60 of 2008 and amended by section 25 of Act 17 of 2009, section 38 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 37 of Schedule 1 to that Act, section 36 of Act 31 of 2013, section 23 of Act 43 of 2014, section 23 of Act 25 of 2015, section 32 of Act 15 of 2016, section 28 of Act 17 of 2017, section 29 of Act 23 of 2018 and section 17 of Act 34 of 2019

17. (1) Section 12J of the Income Tax Act, 1962, is hereby amended by the addition to subsection (3B) of the following proviso:

“: Provided that—

(a) this subsection must not apply during any year of assessment where that taxpayer holds more than 20 per cent of the venture capital shares of a class and that venture capital company during that year of assessment gives notice to the Commissioner in writing that the venture capital company will cancel all the issued shares in that class of shares; and

belastingpligtige ingevolge 'n kontrak aan 'n ander persoon sonder teenprestasie en vir die eerste maal deur daardie ander persoon vir die doeleindes van daardie ander persoon se bedryf (behalwe mynbou of boerdery) in gebruik geneem is of word en deur daardie ander persoon uitsluitlik gebruik word ten behoeve van daardie belastingpligtige vir die doeleindes van die uitvoering van daardie ander persoon se verpligtinge ingevolge daardie kontrak in 'n vervaardigingsproses ingevolge die 'Automotive Production and Development Programme' geadminestreer deur die Departement van Handel, Nywerheid en Mededinging of die 'Automotive [**Incentive**] Investment Scheme' geadminestreer deur daardie Departement;”.

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 en artikel 25 van Wet 17 van 2017

15. 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 spoorvoertuig 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 'paaientkredietooreenkoms' 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.”.

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 en artikel 22 van Wet 17 van 2009

16. 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:

“word 'n vermindering, ten opsigte van 'n bate 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 installering) van bedoelde bate as 'n aftrekking toegelaat in die mate wat daardie bate in die voortbrenging van die belastingpligtige se inkomste gebruik word.”.

Wysiging van artikel 12J van Wet 58 van 1962, soos ingevoeg deur artikel 27 van Wet 60 van 2008 en gewysig deur artikel 25 van Wet 17 van 2009, artikel 38 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 37 van Bylae 1 by daardie Wet, artikel 36 van Wet 31 van 2013, artikel 23 van Wet 43 van 2014, artikel 23 van Wet 25 van 2015, artikel 32 van Wet 15 van 2016, artikel 28 van Wet 17 van 2017, artikel 29 van Wet 23 van 2018 en artikel 17 van Wet 34 van 2019

17. (1) Artikel 12J van die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (3B) by te voeg:

“: Met dien verstande dat—
(a) hierdie subartikel nie van toepassing is nie tydens enige jaar van aanslag waar daardie belastingpligtige meer as 20 persent van die waagkapitaalaandeel van 'n klas hou en daardie waagkapitaalmaatskappy tydens daardie jaar van aanslag die Kommissaris skriftelik kennis gee dat die waagkapitaalmaatskappy al die uitgereikte aandele in daardie klas van aandele sal herroep; en

(b) that venture capital company cancels all the issued shares in that class of shares within six months from the date on which that notice is given.”

(2) Subsection (1) is deemed to have come into operation on 31 July 2020 and applies in respect of years of assessment ending on or after that date.

Amendment of section 12R of Act 58 of 1962, as inserted by section 43 of Act 31 of 2013 and amended by section 26 of Act 43 of 2014, section 28 of Act 31 of 2013, section 34 of Act 15 of 2016, section 30 of Act 17 of 2017 and section 20 of Act 34 of 2019 5

18. (1) Section 12R of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (5) of the following subsection: 10

“(5) This provision ceases to apply in respect of any year of assessment commencing on or after 1 January 2031.”

(2) Subsection (1) is deemed to have come into operation on 9 February 2016.

Amendment of section 12S of Act 58 of 1962, as inserted by section 44 of Act 31 of 2013 and amended by section 27 of Act 43 of 2014 and section 35 of Act 15 of 2016 15

19. (1) Section 12S of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) This provision ceases to apply in respect of expenditure incurred during any year of assessment commencing on or after 1 January [2024] 2031.”

(2) Subsection (1) is deemed to have come into operation on 9 February 2016. 20

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 and section 34 of Act 23 of 2018 25

20. 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 [2020] 2021.”. 30

Amendment of section 13sept of Act 58 of 1962, as inserted by section 32 of Act 60 of 2008

21. Section 13sept of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to section 36, there must be allowed as a deduction from the income of the taxpayer, in respect of any year of assessment ending on or before 28 February 2022, an amount determined in terms of subsection (2) in respect of the disposal of any low-cost residential unit by the taxpayer to an employee of the taxpayer (or an associated institution as defined in the Seventh Schedule in relation to the taxpayer).” 40

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

(b) daardie waagkapitaalmaatskappy al die uitgereikte aandele in daardie klas van aandele herroep binne ses maande vanaf die datum waarop daardie kennis gegee is.”

(2) Subartikel (1) word geag in werking te getree het op 31 Julie 2020 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig. 5

Wysiging van artikel 12R van Wet 58 van 1962, soos ingevoeg deur artikel 43 van Wet 31 van 2013 en gewysig deur artikel 26 van Wet 43 van 2014, artikel 28 van Wet 31 van 2013, artikel 34 van Wet 15 van 2016, artikel 30 van Wet 17 van 2017 en artikel 20 van Wet 34 van 2019

18. (1) Artikel 12R van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang: 10

“(5) Hierdie bepaling hou op om van toepassing te wees ten opsigte van enige jaar van aanslag wat op of na 1 Januarie 2031 begin.”

(2) Subartikel (1) word geag op 9 Februarie 2016 in werking te getree het.

Wysiging van artikel 12S van Wet 58 van 1962, soos ingevoeg deur artikel 44 van Wet 31 van 2013 en gewysig deur artikel 27 van Wet 43 van 2014 en artikel 35 van Wet 15 van 2016 15

19. (1) Artikel 12S van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (10) deur die volgende subartikel te vervang:

“(10) Hierdie bepaling hou op om van toepassing te wees ten opsigte van uitgawes aangegaan tydens enige jaar van aanslag wat op of na 1 Januarie [2024] 2031 begin.” 20

(2) Subartikel (1) word geag op 9 Februarie 2016 in werking te getree het.

Wysiging van artikel 13quat 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 en artikel 34 van Wet 23 van 2018 25 30

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

“(c) wat na 31 Maart [2020] 2021 deur die belastingpligtige in gebruik geneem word.”

Wysiging van artikel 13sept van Wet 58 van 1962 soos ingevoeg deur artikel 32 van Wet 60 van 2008 35

21. Artikel 13sept van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens artikel 36 moet daar toegelaat word om afgetrek te word van die inkomste van ’n belastingpligtige, ten opsigte van enige jaar van aanslag wat eindig voor of op 28 Februarie 2022, ’n bedrag bepaal ingevolge subartikel (2) ten opsigte van die beskikking oor enige lae-koste wooneenheid deur die belastingpligtige aan ’n werknemer van die belastingpligtige (of ’n verwante inrigting soos omskryf in die Sewende Bylae met betrekking tot die belastingpligtige).” 40

Wysiging van artikel 18A van Wet 58 van 1962, soos vervang deur artikel 24 van Wet 30 van 2000 en gewysig deur artikel 72 van Wet 59 van 2000, artikel 20 van Wet 30 van 2002, artikel 34 van Wet 45 van 2003, artikel 26 van Wet 31 van 2005, artikel 16 van Wet 20 van 2006, artikel 18 van Wet 8 van 2007, artikel 31 van Wet 35 van 2007, artikel 1 van Wet 3 van 2008, artikel 6 van Wet 4 van 2008, artikel 34 van Wet 60 van 2008, artikel 37 van Wet 7 van 2010, artikel 44 van Wet 24 van 2011, 45 50

section 44 of Act 24 of 2011, section 7 of Act 21 of 2012, section 52 of Act 31 of 2013, section 29 of Act 43 of 2014, section 3 of Act 44 of 2014, section 34 of Act 15 of 2015, section 31 of Act 17 of 2017, section 35 of Act 23 of 2018 and section 22 of Act 34 of 2019

22. Section 18A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3A) for paragraph (c) of the following paragraph: 5

“(c) ‘C’ represents the amount of a capital gain (if any), that would have been determined in terms of the Eighth Schedule had [it] the immovable property been disposed of for an amount equal to the lower of market value or municipal value on the day the donation is made; and”.

Amendment of section 20A of Act 58 of 1962, as inserted by section 36 of Act 45 of 2003 and amended by section 27 of Act 31 of 2005, section 33 of Act 17 of 2009 and section 37 of Act 23 of 2018

23. Section 20A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(b) for subparagraph (ix) of the following subparagraph: 15

“(ix) the acquisition or disposal of any [cryptocurrency] crypto asset.”.

Amendment of section 23 of Act 58 of 1962, as amended by section 18 of Act 65 of 1973, section 20 of Act 121 of 1984, section 23 of Act 129 of 1991, section 20 of Act 141 of 1992, section 18 of Act 113 of 1993, section 15 of Act 21 of 1994, section 28 of Act 30 of 2000, section 21 of Act 30 of 2002, section 38 of Act 45 of 2003, section 13 of Act 16 of 2004, section 28 of Act 31 of 2005, section 17 of Act 20 of 2006, section 20 of Act 8 of 2007, section 37 of Act 60 of 2008, section 41 of Act 7 of 2010, sections 47 and 162 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 38 of Schedule 1 to that Act, section 42 of Act 22 of 2012, section 56 of Act 31 of 2013, section 33 of Act 43 of 2014, section 35 of Act 17 of 2017 and section 39 of Act 23 of 2018

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

“(c) any loss or expense, the deduction of which would otherwise be allowable, to the extent to which it is recoverable under any contract of insurance, guarantee, security or indemnity, except where section 23L(3) applies;”.

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 23A of Act 58 of 1962, as inserted by section 21 of Act 121 of 1984 and amended by section 13 of Act 96 of 1985, section 15 of Act 65 of 1986, section 12 of Act 70 of 1989, section 22 of Act 101 of 1990, section 24 of Act 129 of 1991, section 34 of Act 30 of 1998, section 32 of Act 60 of 2001, section 33 of Act 35 of 2007, section 17 of Act 3 of 2008 and section 35 of Act 17 of 2009

25. Section 23A of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) for the definition of “affected asset” of the following definition: 40

“ ‘affected asset’ means [—

(a) any machinery, plant or aircraft which has been let and in respect of which the lessor is or was entitled to an allowance under section 12 or 14bis, whether in the current or a previous year of assessment, other than any such machinery, plant or aircraft let by him under an agreement of lease formally and finally signed by every party to the agreement before 15 March 1984; or

(b)] any machinery, plant, implement, utensil, article, aircraft or ship which has been let and in respect of which the lessor is or was entitled to an allowance under section 11(e), 12B, 12C, 12DA or 37B(2)(a), whether in the current or a previous year of assessment [, other than any such machinery, plant, implement, utensil, article, aircraft or ship let by him under an agreement of lease

artikel 7 van Wet 21 van 2012, artikel 52 van Wet 31 van 2013, artikel 29 van Wet 43 van 2014, artikel 3 van Wet 44 van 2014, artikel 34 van Wet 15 van 2015, artikel 31 van Wet 17 van 2017, artikel 35 van Wet 23 van 2018 en artikel 22 van Wet 34 van 2019 22. Artikel 18A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3A) paragraaf (c) deur die volgende paragraaf te vervang: 5

“(c) ‘C’ die bedrag van ’n kapitaalwins (indien enige) wat ingevolge die Agtste Bylae bepaal sou gewees het indien [**daaroor**] oor die onroerende eiendom beskik is vir ’n bedrag gelyk aan die laagste van markwaarde of munisipale waarde op die dag waarop die skenking gemaak word, voorstel; en”. 10

Wysiging van artikel 20A van Wet 58 van 1962, soos ingevoeg deur artikel 36 van Wet 45 van 2003 en gewysig deur artikel 27 van Wet 31 van 2005, artikel 33 van Wet 17 van 2009 en artikel 37 van Wet 23 van 2018

23. Artikel 20A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(b) subparagraaf (ix) deur die volgende subparagraaf te vervang: 15

“(ix) die verkryging van of beskikking oor enige [**kriptoaluta**] kriptobate.”.

Wysiging van artikel 23 van Wet 58 van 1962, soos gewysig deur artikel 18 van Wet 65 van 1973, artikel 20 van Wet 121 van 1984, artikel 23 van Wet 129 van 1991, artikel 20 van Wet 141 van 1992, artikel 18 van Wet 113 van 1993, artikel 15 van Wet 21 van 1994, artikel 28 van Wet 30 van 2000, artikel 21 van Wet 30 van 2002, artikel 38 van Wet 45 van 2003, artikel 13 van Wet 16 van 2004, artikel 28 van Wet 31 van 2005, artikel 17 van Wet 20 van 2006, artikel 20 van Wet 8 van 2007, artikel 37 van Wet 60 van 2008, artikel 41 van Wet 7 van 2010, artikels 47 en 162 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 38 van Bylae 1 by daardie Wet, artikel 42 van Wet 22 van 2012, artikel 56 van Wet 31 van 2013, artikel 33 van Wet 43 van 2014, artikel 35 van Wet 17 van 2017 en artikel 39 van Wet 23 van 2018 20

24. (1) Artikel 23 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang: 30

“(c) enige verlies of onkoste waarvan die aftrekking andersins toelaatbaar sou wees, vir sover dit ingevolge ’n kontrak van versekering, garansie, sekerheidstelling of vrywaring verhaalbaar is, buiten waar artikel 23L(3) van toepassing is;”.

(2) Subartikel (1) tree in werking op 1 Januarie 2021 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin. 35

Wysiging van artikel 23A van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 121 van 1984 en gewysig deur artikel 13 van Wet 96 van 1985, artikel 15 van Wet 65 van 1986, artikel 12 van Wet 70 van 1989, artikel 22 van Wet 101 van 1990, artikel 24 van Wet 129 van 1991, artikel 34 van Wet 30 van 1998, artikel 32 van Wet 60 van 2001, artikel 33 van Wet 35 van 2007, artikel 17 van Wet 3 van 2008 en artikel 35 van Wet 17 van 2009 40

25. Artikel 23A van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“‘**geaffekteerde bate**’[— 45

(a) enige masjinerie, installasie of vliegtuig wat verhuur is en ten opsigte waarvan die verhuurder hetsy in die lopende of ’n vorige jaar van aanslag op ’n vermindering ingevolge artikel 12 of 14bis geregtig is of was, behalwe enige bedoelde masjinerie, installasie of vliegtuig wat deur hom verhuur is ingevolge ’n huurooreenkoms wat voor 15 Maart 1984 formeel en finaal deur elke party tot die ooreenkoms onderteken is; of 50

(b) enige masjinerie, installasie, gereedskap, werktuig, artikel, vliegtuig of skip wat verhuur is en ten opsigte waarvan die verhuurder hetsy in die lopende of ’n vorige jaar van aanslag op ’n vermindering ingevolge artikel 11(e), 12B, 12C, 12DA of 37B(2)(a) geregtig is of was[, behalwe enige bedoelde masjinerie, installasie, gereedskap, werktuig, artikel, vliegtuig of skip wat 55

formally and finally signed by every party to the agreement before 19 November 1988],

but excluding any such asset let by the lessor under an operating lease or any such asset which was during the year of assessment mainly used by him in the course of any trade carried on by him, other than the letting of any such asset;"; and

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

“(2) Notwithstanding the provisions of sections 11(e) and (o), 12B, 12C, 12DA[, **14bis**] and 37B(2)(a), the sum of the deductions which may be allowed to any taxpayer in any year of assessment under those provisions in respect of any affected assets let by him shall not exceed the taxable income (as determined before making the said deductions) derived by him during such year from rental income.”.

Amendment of section 23L of Act 58 of 1962, as inserted by section 50 of Act 22 of 2012 and amended by section 60 of Act 31 of 2013

26. (1) Section 23L of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“Where policy benefits are received by or accrue to a person in terms of a policy during a year of assessment, and where that person has been denied, whether in the current or any previous year of assessment, a deduction in terms of section 23L(2) for any premiums paid under such policy, there must be included in the gross income of that person an amount equal to the aggregate amount of all policy benefits received by or accrued to that person during that year of assessment and previous years of assessment in respect of that policy, less—”.

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 24JB of Act 58 of 1962, as inserted by section 56 of Act 22 of 2012, as substituted by section 71 of Act 31 of 2013 and amended by section 43 of Act 43 of 2014, section 46 of Act 15 of 2016, section 44 of Act 17 of 2017 and section 44 of Act 23 of 2018

27. (1) Section 24JB of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) after paragraph (b) for the full stop of the expression “; or” and the addition of the following paragraph:

“(c) a dividend distributed.”.

(2) Subsection (1) comes into operation on 1 January 2021 and applies to dividends declared on or after that date.

Amendment of section 25B of Act 58 of 1962, as substituted by section 27 of Act 32 of 2004 and amended by section 48 of Act 23 of 2018

28. Section 25B of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for the heading of the following heading:

“**[Income] Taxation of trusts and beneficiaries of trusts**”; and

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

“(1) Any amount (other than an amount of a capital nature which is not included in gross income or an amount contemplated in paragraph 3B of the Second Schedule) received by or accrued to or in favour of any person during any year of assessment in his or her capacity as the trustee of a trust, shall, subject to the provisions of section 7, to the extent to which that amount has been derived for the immediate or future benefit of any ascertained beneficiary who has a vested right to that amount during that year, be deemed to be an amount which has accrued to that beneficiary, and to the extent to which that amount is not so derived, be deemed to be an amount which has accrued to that trust.”.

deur hom ingevolge 'n huurooreenkoms wat voor 19 November 1988 formeel en finaal deur elke party tot die ooreenkoms onderteken is, verhuur is],

maar uitgesonderd so 'n bate wat deur die verhuurder verhuur is kragtens 'n bedryfshuur of enige bedoelde bate wat gedurende die jaar van aanslag hoofsaaklik deur hom gebruik is in die loop van enige bedryf deur hom beoefen, behalwe die verhuring van enige bedoelde bate;"; en

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

“(2) Ondanks die bepalings van artikels 11(e) en (o), 12B, 12C, 12DA[, **14bis**] en 37B(2)(a) is die som van die aftrekkings wat ingevolge daardie bepalings aan die belastingpligtige in 'n jaar van aanslag ten opsigte van enige geaffekteerde bates toegestaan kan word, nie meer nie as die belasbare inkomste (soos vasgestel voordat die genoemde aftrekkings gedoen is) wat deur hom vanuit huurinkomste gedurende bedoelde jaar verkry is.”.

Wysiging van artikel 23L van Wet 58 van 1962, soos ingevoeg deur artikel 50 van Wet 22 van 2012 en gewysig deur artikel 60 van Wet 31 van 2013

26. (1) Artikel 23L van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Waar polisvoordele ontvang word deur of toeval aan 'n persoon ingevolge 'n polis gedurende 'n jaar van aanslag, en waar daardie persoon aftrekking geweier is, hetsy in die huidige of enige vorige jaar van aanslag, ingevolge artikel 23L(2) vir enige premies betaal kragtens bedoelde polis, word by die bruto inkomste van daardie persoon ingesluit 'n bedrag gelyk aan die totale bedrag van alle polisvoordele ontvang deur of toegeval aan daardie persoon gedurende daardie jaar van aanslag en vorige jare van aanslag ten opsigte van daardie polis, minus—”.

(2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 24JB van Wet 58 van 1962, soos ingevoeg deur artikel 56 van Wet 22 van 2012, vervang deur artikel 71 van Wet 31 van 2013 en gewysig deur artikel 43 van Wet 43 van 2014, artikel 46 van Wet 15 van 2016, artikel 44 van Wet 17 van 2017 en artikel 44 van Wet 23 van 2018

27. (1) Artikel 24JB van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) na paragraaf (b) die punt deur die uitdrukking “; of” te vervang en die volgende paragraaf by te voeg:

“(c) uitgekeerde dividend.”.

(2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van dividende verklaar op of na daardie datum.

Wysiging van artikel 25B van Wet 58 van 1962, soos vervang deur artikel 27 van Wet 32 van 2004 en gewysig deur artikel 48 van Wet 23 van 2018

28. Artikel 25B van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“**[Inkomste] Belasting van trusts en begunstigdes van trusts**”; en

(b) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Enige bedrag (buiten 'n bedrag van kapitale aard wat nie ingesluit is in bruto inkomste nie of 'n bedrag beoog in paragraaf 3B van die Tweede Bylae nie) gedurende enige jaar van aanslag ontvang deur of toegeval aan of ten gunste van 'n persoon in sy of haar hoedanigheid as die trustee van 'n trust, word, behoudens die bepalings van artikel 7, vir sover daardie bedrag verkry is vir die onmiddellike of toekomstige voordeel van 'n vasgestelde begunstigde wat gedurende daardie jaar 'n gevestigde reg op daardie bedrag het, geag 'n bedrag te wees wat toegeval het aan daardie begunstigde, en vir sover daardie bedrag nie aldus verkry is nie, geag 'n bedrag te wees wat aan daardie trust toegeval het.”.

Amendment of section 25BB of Act 58 of 1962, as inserted by section 59 of Act 22 of 2012, substituted by section 74 of Act 31 of 2013 and amended by section 45 of Act 43 of 2014, section 50 of Act 25 of 2015, section 48 of Act 15 of 2016, section 45 of Act 17 of 2017, section 49 of Act 23 of 2018 and section 32 of Act 34 of 2019

29. (1) Section 25BB of the Income Tax Act, 1962, is hereby amended— 5

(a) by the substitution in subsection (1) in the definition of “qualifying distribution” for the words preceding paragraph (a) of the following words:

“**‘qualifying distribution’**, in respect of a year of assessment of a company that is a REIT or a controlled company as at the end of a year of assessment, means any dividend (other than a dividend contemplated in paragraph (b) of the definition of ‘dividend’) paid or payable in respect of an equity share, or interest incurred in respect of a debenture forming part of a linked unit in that company, if the amount thereof is determined with reference to the financial results of that company as reflected in the financial statements prepared for that year of assessment if—”; and 10

(b) by the deletion in subsection (2A) of the word “and” at the end of paragraph (b), the substitution for the full stop at the end of paragraph (c) of the expression “; and” and the addition of the following paragraph: 15

“(d) where a foreign dividend is received by or accrued to a REIT or controlled company, section 10B(2)(a) must not apply.” 20

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 29A of Act 58 of 1962, as inserted by section 30 of Act 53 of 1999 and amended by section 36 of Act 59 of 2000, section 15 of Act 5 of 2001, section 15 of Act 19 of 2001, section 39 of Act 60 of 2001, section 30 of Act 74 of 2002, section 16 of Act 16 of 2004, section 23 of Act 20 of 2006, section 21 of Act 3 of 2008, section 52 of Act 7 of 2010, section 62 of Act 22 of 2012, 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 and section 34 of Act 34 of 2019 25 30

30. Section 29A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for the definition of “market value” of the following definition:

“**‘market value’**, in relation to any asset, means—

(a) the [sum] amount which a person having the right freely to dispose of such asset might reasonably expect to obtain from a sale of such asset in the open market; or 35

(b) where an asset cannot be sold in the open market, an amount equal to the value at which that asset is recognised in the audited annual financial statements of the insurer;”.

Amendment of section 31 of Act 58 of 1962, as substituted by section 57 of Act 24 of 2011, amended by section 64 of Act 22 of 2012, section 82 of Act 31 of 2013, section 50 of Act 43 of 2014, section 56 of Act 25 of 2015 and section 37 of Act 34 of 2019 40

31. (1) Section 31 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(b) for subparagraph (ii) of the following subparagraph: 45

“(ii) results or will result in any tax benefit being derived by a person that is a party to that transaction, operation, scheme, agreement or understanding or by any resident in relation to a controlled foreign company contemplated in subparagraph (iv) of the definition of ‘affected transaction’.”

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of years of assessment commencing on or after that date. 50

Wysiging van artikel 25BB van Wet 58 van 1962, soos ingevoeg deur artikel 59 van Wet 22 van 2012, vervang deur artikel 74 van Wet 31 van 2013 en gewysig deur artikel 45 van Wet 43 van 2014, artikel 50 van Wet 25 van 2015, artikel 48 van Wet 15 van 2016, artikel 45 van Wet 17 van 2017, artikel 49 van Wet 23 van 2018 en artikel 32 van Wet 34 van 2019

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

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

“**‘kwalifiserende uitkering’**, ten opsigte van ’n jaar van aanslag van ’n maatskappy wat ’n EIT of ’n beheerde maatskappy is aan die einde van ’n jaar van aanslag, enige dividend (buiten ’n dividend beoog in paragraaf (b) van die omskrywing van ‘dividend’) betaal of betaalbaar ten opsigte van ’n ekwiteitsaandeel, of rente aangegaan ten opsigte van ’n obligasie wat deel uitmaak van ’n gekoppelde eenheid in daardie maatskappy, indien die bedrag daarvan bepaal word met verwysing na die finansiële uitslae van daardie maatskappy soos weergegee in die finansiële state voorberei vir daardie jaar van aanslag indien—”; en

(b) deur in subartikel (2A) die woord “en” aan die einde van paragraaf (b) te skrap, die punt aan die einde van paragraaf (c) deur die uitdrukking “; en” te vervang en die volgende paragraaf by te voeg:

“(d) waar ’n buitelandse dividend ontvang is deur of toegeval het aan ’n EIT of beheerde maatskappy, word artikel 10B(2)(a) nie toegepas nie.”.

(2) Subartikel (1) tree op 1 Januarie 2021 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 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 en artikel 34 van Wet 34 van 2019

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30. Artikel 29A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die omskrywing van “markwaarde” deur die volgende omskrywing te vervang:

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“**‘markwaarde’**, met betrekking tot ’n bate[,]—

(a) die [som] bedrag wat ’n persoon wat die reg het om bedoelde bate vrylik te vervreem, redelikerwys kan verwag om te verkry uit die verkoop van bedoelde bate op die ope mark; of

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(b) waar ’n bate nie in die ope mark verkoop kan word nie, ’n bedrag gelykstaande aan die waarde waarteen daardie bate erken word in die geouditeerde jaarlikse finansiële state van die versekeraar;”.

Wysiging van artikel 31 van Wet 58 van 1962, soos ingevoeg deur artikel 57 van Wet 24 van 2011 en gewysig deur artikel 64 van Wet 22 van 2012, artikel 82 van Wet 31 van 2013, artikel 50 van Wet 43 van 2014, artikel 56 van Wet 25 van 2015 en artikel 37 van Wet 34 van 2019

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31. (1) Artikel 31 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(b) subparagraaf (ii) deur die volgende subparagraaf te vervang:

“(ii) tot gevolg het of sal hê dat enige belastingvoordeel verkry word deur ’n persoon wat ’n party by daardie transaksie, handeling, skema, ooreenkoms of verstandhouding is of deur enige inwoner met betrekking tot ’n beheerde buitelandse maatskappy beoog in paragraaf (iv) van die omskrywing van ‘geaffekteerde transaksie’;”.

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(2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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Substitution of section 40CA of Act 58 of 1962, as inserted by section 71 of Act 22 of 2012 and amended by section 89 of Act 31 of 2013

32. (1) The following section is hereby substituted for section 40CA of the Income Tax Act, 1962:

“Acquisitions of assets in exchange for shares [or debt issued] 5

40CA. [If] Where a company acquires any asset, as defined in paragraph 1 of the Eighth Schedule, from any person in exchange for[—
(a)] 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— 10
[(i)] (a) the market value of the shares immediately after the acquisition; and
[(ii)] (b) any deemed capital gain determined in terms of section 24BA (3)(a) in respect of the acquisition of that asset[; or 15
(b) any amount of debt 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 that amount of debt].”

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of acquisitions of assets made on or after that date. 20

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, 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 and section 42 of Act 34 of 2019 25

33. (1) Section 45 of the Income Tax Act, 1962, is hereby amended by the insertion after subsection (3A) of the following subsection:

“(3B) (a) This subsection applies where— 30

(i) a debt or a 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

(ii) the transferee company and the transferor company— 35
 (aa) cease in terms of subsection (4); or
 (bb) are deemed to have ceased in terms of subsection (4B),

to form part of any group of companies as contemplated in subsection (4).

(b) Where the holder of a debt or a holder of a share acquired that debt or share as contemplated in paragraph (a)(i), the holder of that debt or the holder of that share must, on the day on which the transferee company and the transferor company in relation to the acquisition of that asset cease or are deemed to have ceased to form part of any group of companies as contemplated in paragraph (a)(ii), be deemed to have incurred expenditure— 40

(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)(i) 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 45

(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 50

Vervanging van artikel 40CA van Wet 58 van 1962, soos ingevoeg deur artikel 71 van Wet 22 van 2012 en gewysig deur artikel 89 van Wet 31 van 2013

32. (1) Artikel 40CA van die Inkomstebelastingwet, 1962, word hierby deur die volgende artikel vervang:

“Verkrygings van bates in ruil vir aandele [of skuld uitgereik] 5

40CA. [Indien] Waar ’n maatskappy ’n bate, soos omskryf in paragraaf 1 van die Agtste Bylae, verkry van ’n persoon in ruil vir—

(a) 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 aan die som van— 10

[(i) (a) die markwaarde van die aandele onmiddellik na die verkryging is; en

[(ii) (b) enige geagte kapitaalwins bepaal ingevolge artikel 24BA(3)(a) ten opsigte van die verkryging van daardie bate; of 15

(b) enige bedrag van skuld uitgereik deur daardie maatskappy, word daardie maatskappy geag ’n bedrag van uitgawes aan te gegaan het ten opsigte van die verkryging van daardie bate wat gelyk aan daardie bedrag van skuld is].”

(2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van verkrygings van bates op of na daardie datum. 20

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, 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 en artikel 42 van Wet 34 van 2019 25

33. (1) Artikel 45 van die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende subartikel na subartikel (3A) in te voeg: 30

“(3B) (a) Hierdie subartikel is van toepassing waar—

(i) ’n skuld of aandeel uitgereik is of gebruik is met die doel om regstreeks of onregstreeks die befondsing of verkryging van ’n bate wat verkry word soos beoog in subartikel (3A) te fasiliteer; en 35

(ii) die oordraggewende maatskappy en die oordragnemende maatskappy—
(aa) hou op ingevolge subartikel (4); of
(bb) word geag om op te gehou het ingevolge subartikel (4B),
om deel van enige groep van maatskappye te wees soos beoog in subartikel (4).

(b) Waar die houer van skuld of houer van ’n aandeel daardie skuld of aandeel verkry het soos beoog in paragraaf (a)(i), word die houer van daardie skuld of die houer van daardie aandeel, op die dag waarop die oordraggewende maatskappy en die oordragnemende maatskappy met betrekking tot die verkryging van daardie bate ophou of geag word op te hou om deel te vorm van dieselfde maatskappye-groep soos beoog in paragraaf (a)(ii), geag uitgawes aan te gegaan het— 45

(i) ten opsigte van ’n skuld, in bedrag gelykstaande aan die sigwaarde van daardie skuld onmiddellik na die verkryging van ’n bate soos beoog in paragraaf (a)(i) minus enige bedrag, buiten ’n bedrag van rente of ’n bedrag voorheen in berekening gebring as rente, wat ontvang is of toegeval het aan die houer ten opsigte van daardie skuld en aangewend is deur daardie houer as delging van die bedrag uitstaande ten opsigte van daardie skuld; of 50

(ii) ten opsigte van ’n aandeel, in ’n bedrag gelykstaande aan die prys waarteen daardie aandeel voor ingeteken is deur daardie houer van daardie aandeel minus enige bedrag, buiten ’n bedrag wat ’n dividend uitmaak of bedrag voorheen in berekening gebring as ’n dividend, wat ontvang is deur of toegeval het aan daardie houer ten opsigte van daardie aandeel indien daardie bedrag aldus in berekening gebring voorheen aangewend is ter 55

applied in reduction of the amount of expenditure incurred in respect of the acquisition of that share.”.

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of years of assessment commencing 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 and section 54 of Act 17 of 2017

34. (1) Section 46 of the Income Tax Act, 1962, is hereby amended—

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

“(2) [**Where**] Subject to subsection (7), where an unbundling company distributes shares in terms of an unbundling transaction, that unbundling company must disregard that distribution for purposes of determining its taxable income or assessed loss, or its net income as contemplated in section 9D.”;

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

“(5) [**Where**] Subject to subsection (7), where shares are distributed by an unbundling company to a shareholder in terms of an unbundling transaction, the distribution by that unbundling company of the shares must be disregarded in determining any liability for dividends tax.”; and

(c) by the substitution in subsection (7) for paragraph (a) of the following paragraph:

“(a) In the case of an unbundling transaction contemplated in subsection (1)(a), this section does not apply in respect of any equity share that is distributed by an unbundling company to any shareholder that—

- (i) is a disqualified person; and
- (ii) holds at least 5 per cent of the equity shares in the unbundling company immediately before that unbundling transaction.”.

(2) Subsection (1) is deemed to have come into operation 28 October 2020 and applies to unbundling transactions entered into on or after that date.

Amendment of section 64 of Act 58 of 1962, as substituted by section 59 of Act 17 of 2017 and amended by section 5 of Act 21 of 2018

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

“(i) 20 per cent of that value if the aggregate of that value and the value of any other property disposed of under a taxable donation on or after 1 March 2018 until the date of that donation does not exceed R30 million; and”.

(2) Subsection (1) is deemed to have come into operation on 1 March 2018.

Amendment of section 64D of Act 58 of 1962, as substituted by section 53 of Act 17 of 2009 and amended by section 70 of Act 7 of 2010, section 75 of Act 24 of 2011, section 102 of Act 31 of 2013, section 73 of Act 25 of 2015 and section 60 of Act 23 of 2018

36. (1) Section 64D of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) in the definition of “dividend” for the words preceding paragraph (a) of the following words:

“‘**dividend**’ means any dividend or foreign dividend as defined in section 1, including any amount contemplated in section [**31(3)(b)(i)**] 31(3)(i), that is—”.

(2) Subsection (1) is deemed to have come into operation on 17 January 2019.

vermindering van die bedrag van uitgawes aangegaan ten opsigte van die verkryging van daardie aandeel.”

(2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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 en artikel 54 van Wet 17 van 2017

34. (1) Artikel 46 van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“(2) [Waar] Behoudens subartikel (7), waar ’n ontbondelingsmaatskappy aandeel ingevolge ’n ontbondelingstransaksie uitkeer, moet daardie ontbondelingsmaatskappy daardie uitkering buite rekening laat vir doeleindes van die vasstelling van sy belasbare inkomste of vasgestelde verlies, of sy netto inkomste soos in artikel 9D beoog.”;

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

“(5) [Waar] Behoudens subartikel (7), waar ’n ontbondelingsmaatskappy aandeel aan ’n aandeelhouer ingevolge ’n ontbondelingstransaksie uitkeer, word die uitkering deur daardie ontbondelingsmaatskappy van die aandeel buite rekening gelaat by die bepaling van enige aanspreeklikheid vir dividendbelasting.”; en

(c) deur in subartikel (7) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) In die geval van ’n ontbondelingstransaksie in subartikel (1)(a) beoog, is hierdie artikel nie van toepassing nie ten opsigte van enige ekwiteitsaandeel wat uitgekeer word deur ontbondelingsmaatskappy aan enige aandeelhouer wat—

(i) ’n gediskwalifiseerde persoon is; en

(ii) ten minste vyf present van die ekwiteitsaandeel in die ontbondelingsmaatskappy hou onmiddellik voor daardie ontbondelingstransaksie.”.

(2) Subartikel (1) word geag op 28 Oktober 2020 in werking te getree het en is van toepassing ten opsigte van ontbondelingstransaksies aangegaan op of na daardie datum.

Wysiging van artikel 64 van Wet 58 van 1962, soos vervang deur artikel 59 van Wet 17 van 2017 en gewysig deur artikel 5 van Wet 21 van 2018

35. (1) Artikel 64 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1)(a) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) 20 persent van daardie waarde indien die totaal van daardie waarde en die waarde van enige ander eiendom oor beskik kragtens ’n belasbare skenking op of na 1 Maart 2018 tot op die datum van daardie skenking nie R30 miljoen oorskry nie; en”.

(2) Subartikel (1) word geag op 1 Maart 2018 in werking te getree het.

Wysiging van artikel 64D van Wet 58 van 1962, soos vervang deur artikel 53 van Wet 17 van 2009 en gewysig deur artikel 70 van Wet 7 van 2010, artikel 75 van Wet 24 van 2011, artikel 102 van Wet 31 van 2013, artikel 73 van Wet 25 van 2015 en artikel 60 van Wet 23 van 2018

36. (1) Artikel 64D van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) in die omskrywing van “dividend” die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“‘dividend’ ’n dividend of buitelandse dividend soos omskryf in artikel 1, insluitende enige bedrag beoog in artikel [31(3)(b)(i)] 31(3)(i), wat—”.

(2) Subartikel (1) word geag op 17 Januarie 2019 in werking te getree het.

Amendment of section 64EB of Act 58 of 1962, as inserted by section 85 of Act 22 of 2012 and amended by section 103 of Act 31 of 2013, section 69 of Act 43 of 2014, section 74 of Act 25 of 2015 and section 61 of Act 23 of 2018

37. (1) Section 64EB of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding the proviso of the following words: 5
 “[**the**] any person ceding that right is deemed to be the beneficial owner of that dividend:”;
- (b) by the substitution in subsection (2)(a) for the words following paragraph (xiv) of the following words: 10
 “[**holds a share in a listed company that was borrowed**] borrows from another person or [**acquired**] acquires a listed share in terms of a collateral arrangement entered into with another person; and”;
- (c) by the substitution in subsection (2) for paragraph (b) of the following paragraph: 15
 “(b) a dividend in respect of that share or any amount determined with reference to a dividend in respect of that share is received by or accrues to that person,”; and
- (d) by the substitution in subsection (2) for the words following paragraph (b) of the following words: 20
 “any amount paid by that person to that other person not exceeding that dividend or amount determined with reference to a dividend in respect of that share is deemed to be a dividend paid by that person for the benefit of that other person.”.
- (2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of amounts paid on or after that date in respect of shares that are borrowed or acquired in terms of a collateral arrangement. 25

Amendment of paragraph 1 of Second Schedule to Act 58 of 1962, as amended by section 31 of Act 90 of 1962, section 23 of Act 90 of 1964, section 34 of Act 88 of 1971, section 34 of Act 69 of 1975, section 26 of Act 113 of 1977, section 17 of Act 104 of 1979, section 27 of Act 104 of 1980, section 28 of Act 96 of 1981, section 46 of Act 94 of 1983, section 24 of Act 65 of 1986, section 43 of Act 101 of 1990, section 35 of Act 21 of 1995, section 41 of Act 28 of 1997, section 47 of Act 30 of 1998, section 82 of Act 45 of 2003, section 43 of Act 32 of 2004, section 46 of Act 8 of 2007, section 61 of Act 35 of 2007, section 36 of Act 3 of 2008, section 58 of Act 60 of 2008, section 56 of Act 17 of 2009, section 79 of Act 7 of 2010, section 91 of Act 22 of 2012 and section 62 of Act 15 of 2016

38. (1) Paragraph 1 of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for the definition of “public sector fund” of the following definition: 40
 “‘**public sector fund**’ means a fund referred to in paragraph (a), (b) or (d) of the definition of ‘pension fund’ or paragraph (a), (b) or (c) of the definition of ‘provident fund’ in section 1(1);”.
- (2) Subsection (1) comes into operation on 1 March 2021 and applies in respect of years of assessment commencing on or after that date. 45

Insertion of paragraph 3B in Second Schedule to Act 58 of 1962

39. The following paragraph is hereby inserted in the Second Schedule to the Income Tax Act, 1962, after paragraph 3A:
- “**3B.** Any lump sum benefit which becomes recoverable from—
- (a) a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; or 50
- (b) an insurer as defined in section 29A(1) if that lump sum benefit is payable by or provided in consequence of membership or past membership of a fund contemplated in subparagraph (a), 55
- in consequence of the termination of a trust shall in pursuance of that termination, on the date of payment of that lump sum benefit, be deemed to have accrued to that trust immediately prior to the date of termination of the trust.”.

Wysiging van artikel 64EB van Wet 58 van 1962, soos ingevoeg deur artikel 85 van Wet 22 van 2012 en gewysig deur artikel 103 van Wet 31 van 2013, artikel 69 van Wet 43 van 2014, artikel 74 van Wet 25 van 2015 en artikel 61 van Wet 23 van 2018

37. (1) Artikel 64EB van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 5
 “word [**die**] enige persoon wat daardie reg sedeer geag die uiteindelik geregtigde van daardie dividend te wees.”;
- (b) deur in subartikel (2)(a) die woorde wat op subparagraaf (xiv) volg deur die volgende woorde te vervang: 10
 “[**is ’n aandeel in ’n genoteerde maatskappy wat**] genoteerde aandeel leen van ’n ander persoon [**geleen was**] of verkry [**is**] ingevolge kollaterale ooreenkoms aangegaan met ’n ander persoon; en”;
- (c) deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang: 15
 “(b) ’n dividend ten opsigte van daardie aandeel of enige bedrag bepaal met verwysing na dividend ten opsigte van daardie aandeel is ontvang deur of toegeval aan daardie persoon.”; en
- (d) deur in subartikel (2) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang: 20
 “enige bedrag betaal deur daardie persoon aan daardie ander persoon wat nie daardie dividend of enige bedrag bepaal met verwysing na ’n dividend te bowe gaan nie ten opsigte van daardie aandeel word geag ’n dividend te wees betaal deur daardie persoon ten bate van daardie ander persoon.”.
- (2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van bedrae betaal op of na daardie datum ten opsigte van aandele wat geleen of verkry is ingevolge ’n kollaterale ooreenkoms. 25

Wysiging van paragraaf 1 van Tweede Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 90 van 1962, artikel 23 van Wet 90 van 1964, artikel 34 van Wet 88 van 1971, artikel 34 van Wet 69 van 1975, artikel 26 van Wet 113 van 1977, artikel 17 van Wet 104 van 1979, artikel 27 van Wet 104 van 1980, artikel 28 van Wet 96 van 1981, artikel 46 van Wet 94 van 1983, artikel 24 van Wet 65 van 1986, artikel 43 van Wet 101 van 1990, artikel 35 van Wet 21 van 1995, artikel 41 van Wet 28 van 1997, artikel 47 van Wet 30 van 1998, artikel 82 van Wet 45 van 2003, artikel 43 van Wet 32 van 2004, artikel 46 van Wet 8 van 2007, artikel 61 van Wet 35 van 2007, artikel 36 van Wet 3 van 2008, artikel 58 van Wet 60 van 2008, artikel 56 van Wet 17 van 2009, artikel 79 van Wet 7 van 2010, artikel 91 van Wet 22 van 2012 en artikel 62 van Wet 15 van 2016

38. (1) Paragraaf 1 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die omskrywing van “openbare sektor fonds” deur die volgende omskrywing te vervang: 40
 “‘**openbare sektor fonds**’ ’n fonds bedoel in paragraaf (a), (b) of (d) van die omskrywing van ‘pensioenfonds’ of paragraaf (a), (b) of (c) van die omskrywing van ‘voorsorgfonds’ in artikel 1(1);”.
- (2) Subartikel (1) tree op 1 Maart 2021 in werking en is van toepassing ten opsigte van 45
 jare van aanslag wat op of na daardie datum begin.

Invoeging van paragraaf 3B in Tweede Bylae by Wet 58 van 1962

39. Die volgende paragraaf word hierby na Paragraaf 3A in die Inkomstebelastingwet, 1962, ingevoeg: 50
 “**3B.** Enige enkelbedragvoordeel wat verhaalbaar word van—
- (a) ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds; of
- (b) ’n versekeraar soos omskryf in artikel 29A(1) indien daardie enkelbedragvoordeel betaalbaar is deur of voorsien word as gevolg van lidmaatskap of vorige lidmaatskap van fonds beoog in subparagraaf (a), 55
 as gevolg van die beëindiging van ’n trust, word ten gevolge van daardie beëindiging, op die dag van betaling van daardie enkelbedragvoordeel, geag aan daardie trust toe te geval het onmiddellik voor die datum van die beëindiging van die trust.”.

Amendment of paragraph 5 of Second Schedule to Act 58 of 1962, as substituted by section 61 of Act 17 of 2009 and amended by section 98 of Act 22 of 2012, section 112 of Act 31 of 2013, section 86 of Act 25 of 2015 and section 63 of Act 17 of 2017

40. (1) Paragraph 5 of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1) for item (a) of the following item: 5
- “(a) [the person’s own] contributions that did not rank for a deduction against the person’s income in terms of section 11F to any pension fund, pension preservation fund, provident fund, provident preservation fund and retirement annuity fund of which he or she is or previously was a member;”.
- (2) Subsection (1) is deemed to have come into operation on 1 March 2016. 10

Amendment of paragraph 6 of Second Schedule to Act 58 of 1962, as substituted by section 62 of Act 17 of 2009 and amended by section 84 of Act 7 of 2010, section 92 of Act 24 of 2011, section 99 of Act 22 of 2012, section 113 of Act 31 of 2013, section 87 of Act 25 of 2015 and section 64 of Act 17 of 2017

41. (1) Paragraph 6 of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1)(b) for subitem (i) of the following subitem: 15
- “(i) [the person’s own] contributions that did not rank for a deduction against the person’s income in terms of section 11F to any pension funds, pension preservation funds, provident funds, provident preservation funds and retirement annuity funds of which he or she is or previously was a member;” 20
- (2) Subsection (1) is deemed to have come into operation on 1 March 2016.

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

42. (1) Paragraph 6A of the Second Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (a) of the following subparagraph: 25
- “(a) pension fund into a pension preservation fund, provident preservation fund or a retirement annuity fund; or”.
- (2) Subsection (1) comes into operation on 1 March 2021.

Amendment of paragraph 5 of Seventh Schedule to Act 58 of 1962, as amended by section 28 of Act 96 of 1985, section 57 of Act 101 of 1990, by section 31 of Act 21 of 1994, section 46 of Act 21 of 1995, section 35 of Act 30 of 2002 and section 119 of Act 31 of 2013

43. Paragraph 5 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (3A) for the words preceding the proviso of the following words: 35
- “No value shall be placed under this paragraph on any immovable property used for residential purposes, and acquired by an employee as contemplated in paragraph 2(a):”.

Amendment of paragraph 11 of Seventh Schedule to Act 58 of 1962, as amended by section 33 of Act 96 of 1985, section 35 of Act 65 of 1986, section 48 of Act 21 of 1995, section 2 of Act 8 of 2007, section 1 of Act 3 of 2008, section 98 of Act 25 of 2015 and section 70 of Act 23 of 2018

44. Paragraph 11 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (4)(c) for subitem (i) of the following subitem: 45
- “(i) the debt was assumed for the purposes of acquiring immovable property used for residential purposes by the employee;”.

Wysiging van paragraaf 5 van Tweede Bylae by Wet 58 van 1962, soos vervang deur artikel 61 van Wet 17 van 2009 en gewysig deur artikel 98 van Wet 22 van 2012, artikel 112 van Wet 31 van 2013, artikel 86 van Wet 25 van 2015 en artikel 63 van Wet 17 van 2017

40. (1) Paragraaf 5 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1) item (a) deur die volgende item te vervang: 5

“(a) [die persoon se eie] bydraes wat nie vir ’n aftrekking teen die persoon se inkomste ingevolge artikel 11F in aanmerking gekom het nie aan enige pensioenfondse, pensioenbewaringsfondse, voorsorgfondse, voorsorgbewaringsfondse en uittredingannuïteitsfondse waarvan hy of sy ’n lid is of tevore was;”.

(2) Subartikel (1) word geag op 1 Maart 2016 in werking te getree het. 10

Wysiging van paragraaf 6 van Tweede Bylae by Wet 58 van 1962, soos vervang deur artikel 62 van Wet 17 van 2009 en gewysig deur artikel 84 van Wet 7 van 2010, artikel 92 van Wet 24 van 2011, artikel 99 van Wet 22 van 2012, artikel 113 van Wet 31 van 2013, artikel 87 van Wet 25 van 2015 en artikel 64 van Wet 17 van 2017 15

41. (1) Paragraaf 6 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1)(b) subitem (i) deur die volgende subitem te vervang:

“(i) [die persoon se eie] bydraes wat nie vir ’n aftrekking teen die persoon se inkomste ingevolge artikel 11F toegelaat word nie aan enige pensioenfondse, pensioenbewaringsfondse, voorsorgfondse, voorsorgbewaringsfondse en uittredingannuïteitsfondse waarvan hy of sy ’n lid is of tevore was;”.

(2) Subartikel (1) word geag op 1 Maart 2016 in werking te getree het. 25

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

42. (1) Paragraaf 6A van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (a) deur die volgende subparagraaf te vervang: 30

“(a) pensioenfondse in ’n pensioenbewaringsfonds, voorsorgbewaringsfondse of ’n uittredingannuïteitsfonds; of”.

(2) Subartikel (1) tree op 1 Maart 2021 in werking.

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, by artikel 31 van Wet 21 van 1994, artikel 46 van Wet 21 van 1995, artikel 35 van Wet 30 van 2002 en artikel 119 van Wet 31 van 2013 35

43. Paragraaf 5 van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (3A) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 40

“Geen waarde word ingevolge hierdie paragraaf geplaas nie op enige onroerende eiendom gebruik vir doeleindes van verblyf, en verkry deur ’n werknemer soos in paragraaf 2(a) beoog;”.

Wysiging van paragraaf 11 van Sewende Bylae by Wet 58 van 1962, soos gewysig deur artikel 33 van Wet 96 van 1985, artikel 35 van Wet 65 van 1986, artikel 48 van Wet 21 van 1995, artikel 2 van Wet 8 van 2007, artikel 1 van Wet 3 van 2008, artikel 98 van Wet 25 van 2015 en artikel 70 van Wet 23 van 2018 45

44. Paragraaf 11 van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (4)(c) subitem (i) deur die volgende subitem te vervang: 50

“(i) die skuld deur die werknemer aangeneem is vir die doel om onroerende eiendom vir doeleindes van verblyf te verkry;”.

Amendment of paragraph 2 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 25 of Act 19 of 2001, section 66 of Act 60 of 2001, section 64 of Act 74 of 2002, section 91 of Act 45 of 2003, section 52 of Act 32 of 2004, section 64 of Act 31 of 2005, section 93 of Act 7 of 2010, section 102 of Act 25 of 2015 and section 74 of Act 23 of 2018 5

45. Paragraph 2 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (2) for item (a) of the following item:

“(a) 80 per cent or more of the market value of those equity shares, ownership or right to ownership or vested interest, as the case may be, at the time of disposal thereof is attributable directly or indirectly to immovable property **[held]** 10 situated in the Republic or any interest or right of whatever nature to or in immovable property situated in the Republic including rights to variable or fixed payments as consideration for the working of, or the right to work mineral deposits, sources and other natural resources in the Republic; and”.

Amendment of paragraph 12 of Eighth Schedule to Act 58 of 1962, as amended by section 72 of Act 60 of 2001, section 68 of Act 74 of 2002, section 93 of Act 45 of 2003, section 56 of Act 32 of 2004, section 67 of Act 31 of 2005, section 71 of Act 35 of 2007, section 50 of Act 3 of 2008, section 75 of Act 60 of 2008, section 94 of Act 7 of 2010, section 108 of Act 24 of 2011, section 107 of Act 22 of 2012 and section 81 of Act 43 of 2014 15 20

46. Paragraph 12 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraph (3) of the following subparagraph:

“(3) Where assets that are held by a person as trading stock cease to be held by that person as trading stock, otherwise than by way of a disposal 25 contemplated in paragraph 11, that person will be treated as having disposed of those assets for a consideration equal to the amount included in that person’s income in terms of section 22(8) and to have immediately reacquired those assets for a cost equal to that amount, which cost must be treated as an amount of expenditure actually incurred **[and paid]** 30 for the purposes of paragraph 20(1)(a).”; and

(b) by the substitution in subparagraph (4) for item (b) of the following item:

“(b) immediately reacquired each of those assets at an expenditure equal to the market value of those assets immediately before the disposal, which expenditure must be treated as an amount of expenditure 35 actually incurred **[and paid]** for the purposes of paragraph 20(1)(a).”.

Amendment of paragraph 12A of Eighth Schedule to Act 58 of 1962, as substituted by section 70 of Act 17 of 2017 and section 77 of Act 23 of 2018 and amended by section 54 of Act 34 of 2019 40

47. Paragraph 12A of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (2) for item (b) of the following item:

“(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 45 allowance was granted in terms of this Act.”.

Amendment of paragraph 20A of Eighth Schedule to Act 58 of 1962, as inserted by section 96 of Act 45 of 2003 and amended by section 59 of Act 32 of 2004

48. Paragraph 20A of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1) for the words following item (b) of the following words: 50

Wysiging van paragraaf 2 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 25 van Wet 19 van 2001, artikel 66 van Wet 60 van 2001, artikel 64 van Wet 74 van 2002, artikel 91 van Wet 45 van 2003, artikel 52 van Wet 32 van 2004, artikel 64 van Wet 31 van 2005, artikel 93 van Wet 7 van 2010, artikel 102 van Wet 25 van 2015 en artikel 74 van Wet 23 van 2018 5

45. Paragraaf 2 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) item (a) deur die volgende item te vervang:

“(a) 80 persent of meer van die markwaarde van daardie ekwiteitsaandele, eienaarskap of reg tot eienaarskap of gevestigde belang, na gelang van die geval, op die tydstip van beskikking daaroor direk of indirek aan onroerende eiendom [gehou] anders as handelsvoorraad toeskryfbaar is in die Republiek geleë deur sodanige persoon gehou of enige belang of reg van welke aard ook al van daardie persoon tot of in onroerende eiendom in die Republiek geleë, insluitende regte tot wisselende of vasgestelde betalings as teenprestasie vir die ontginning van, of die reg om minerale neerslae, bronne of ander natuurlike hulpbronne in die Republiek te ontgin; en”.

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Wysiging van paragraaf 12 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 72 van Wet 60 van 2001, artikel 68 van Wet 74 van 2002, artikel 93 van Wet 45 van 2003, artikel 56 van Wet 32 van 2004, artikel 67 van Wet 31 van 2005, artikel 71 van Wet 35 van 2007, artikel 50 van Wet 3 van 2008, artikel 75 van Wet 60 van 2008, artikel 94 van Wet 7 van 2010, artikel 108 van Wet 24 van 2011, artikel 107 van Wet 22 van 2012 en artikel 81 van Wet 43 van 2014 20
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46. Paragraaf 12 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig— 25

(a) deur subparagraaf (3) deur die volgende subparagraaf te vervang:

“(3) Waar bates wat deur ’n persoon as handelsvoorraad gehou word ophou om as handelsvoorraad deur daardie persoon gehou te word, anders as by wyse van beskikking in paragraaf 11 beoog, word daardie persoon geag oor daardie bates te beskik het vir vergoeding gelyk aan die bedrag in daardie persoon se inkomste ingesluit kragtens artikel 22(8) en daardie bates onmiddellik teen ’n koste gelyk aan daardie bedrag herverkry het, welke koste by die toepassing van paragraaf 20(1)(a) geag word ’n bedrag van koste werklik aangegaan [en betaal] te wees.”; en 30
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(b) deur in subparagraaf (4) item (b) deur die volgende item te vervang: 35

“(b) onmiddellik elkeen van daardie bates teruggekoop het teen ’n uitgawe gelyk aan die markwaarde van daardie bates onmiddellik voor die beskikking, welke uitgawe by die toepassing van paragraaf 20(1)(a) behandel moet word as ’n bedrag van uitgawe werklik aangegaan [en betaal].”.

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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 artikel 77 van Wet 23 van 2018 en gewysig deur artikel 54 van Wet 34 van 2019

47. Paragraaf 12A van die Engelse teks van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (2) item (b) deur die volgende item te vervang: 45
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“(b) the amount of that debt is owed by that person in respect₂ of or was used by that person to fund, directly or indirectly, any expenditure, other than expenditure in respect of trading stock₂, in respect of which a deduction or allowance was granted in terms of this Act.”.

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Wysiging van paragraaf 20A van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 96 van Wet 45 van 2003 en gewysig deur artikel 59 van Wet 32 van 2004

48. Paragraaf 20A van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1) die woorde wat op item (b) volg deur die volgende woorde te vervang: 55
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“that person may elect that the amount of the capital development expenditure, or part thereof, which is carried forward and deemed in terms of paragraph 12(3) of the First Schedule to be expenditure which has been incurred in the next succeeding year of assessment for purposes of paragraph 12(1) of the First Schedule (as reduced in terms of paragraph 12(3B) of the First Schedule, if applicable), must be treated as expenditure incurred [**and paid**] in respect of that immovable property for the purposes of this Part.” 5

Substitution of paragraph 34 of Eighth Schedule to Act 58 of 1962, as substituted by section 85 of Act 60 of 2001

49. The following paragraph is hereby substituted for paragraph 34 of the Eighth Schedule to the Income Tax Act, 1962: 10

“Debt substitution

34. Where a person reduces or discharges a debt owed by that person to a creditor by disposing of an asset to that creditor, that asset must be treated as having been acquired by the creditor at a cost equal to the market value of that asset at the time of that disposal, which cost must be treated as an amount of expenditure actually incurred [**and paid**] for the purposes of paragraph 20(1)(a).” 15

Amendment of paragraph 42 of Eighth Schedule to Act 58 of 1962, as amended by section 90 of Act 60 of 2001, section 74 of Act 31 of 2005, section 74 of Act 35 of 2007, section 55 of Act 3 of 2008, section 99 of Act 7 of 2010 and section 116 of Act 22 of 2012 20

50. Paragraph 42 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1)(b) for the words following subitem (ii) of the following words: 25

“which cost must be treated as an amount of expenditure actually incurred [**and paid**] for the purposes of paragraph 20(1)(a).”.

Amendment of paragraph 64B of Eighth Schedule to Act 58 of 1962, as amended by section 79 of Act 31 of 2005, section 35 of Act 9 of 2006, section 65 of Act 8 of 2007, section 58 of Act 3 of 2008, section 81 of Act 60 of 2008, section 108 of Act 7 of 2010, section 116 of Act 24 of 2011, substituted by section 123 of Act 22 of 2012 and amended by section 144 of Act 31 of 2013, section 117 of Act 25 of 2017 and section 84 of Act 23 of 2018 30

51. (1) Paragraph 64B of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the addition of the following subparagraph: 35

“(6) This paragraph must not apply in respect of any capital gain or capital loss determined in respect of the disposal of any share in a controlled foreign company to the extent that the value of the assets of that controlled foreign company is attributable to assets directly or indirectly located, issued or registered in the Republic.”. 40

(2) Subsection (1) comes into operation on 1 January 2021 and applies in respect of any disposal on or after that date.

Amendment of paragraph 80 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 108 of Act 60 of 2001, section 58 of Act 20 of 2006, section 62 of Act 3 of 2008, section 86 of Act 60 of 2008, section 80 of Act 17 of 2009, section 150 of Act 31 of 2013, section 123 of Act 25 of 2015, section 75 of Act 17 of 2017, substituted by section 87 of Act 23 of 2018 and amended by section 64 of Act 34 of 2019 45

52. Paragraph 80 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended— 50

“mag daardie persoon ’n keuse uitoefen dat die bedrag van die kapitaalontwikkelingsonkoste of die deel daarvan wat oorgedra is en ingevolge paragraaf 12(3) van die Eerste Bylae geag word, by die toepassing van paragraaf 12(1) van die Eerste Bylae, onkoste te wees wat gedurende die eersvolgende jaar van aanslag aangegaan is (soos verminder, waar toepaslik, ingevolge paragraaf 12(3B) van die Eerste Bylae), vir doeleindes van hierdie Deel hanteer moet word as onkoste aangegaan [en betaal] ten aansien van daardie onroerende eiendom.” 5

Vervanging van paragraaf 34 van Agtste Bylae by Wet 58 van 1962, soos vervang deur artikel 85 van Wet 60 van 2001

49. Paragraaf 34 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby deur die volgende paragraaf vervang: 10

“Skuldvervanging

34. Waar ’n persoon ’n skuld deur daardie persoon aan ’n krediteur verskuldig, verminder of aflos deur oor ’n bate aan daardie krediteur te beskik, word die bate geag verkry te gewees het deur die krediteur teen ’n koste gelyk aan die markwaarde van daardie bate op die tydstip van daardie beskikking, welke koste geag moet word ’n bedrag van onkoste werklik aangegaan [en betaal] te gewees het by die toepassing van paragraaf 20(1)(a).” 15

Wysiging van paragraaf 42 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 90 van Wet 60 van 2001, artikel 74 van Wet 31 van 2005, artikel 74 van Wet 35 van 2007, artikel 55 van Wet 3 van 2008, artikel 99 van Wet 7 van 2010 en artikel 116 van Wet 22 van 2012 20

50. Paragraaf 42 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1)(b) die woorde wat op subitem (ii) volg deur die volgende woorde te vervang: 25

“welke koste geag moet word ’n bedrag van onkoste werklik aangegaan [en betaal] te gewees het by die toepassing van paragraaf 20(1)(a).”

Wysiging van paragraaf 64B van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 79 van Wet 31 van 2005, artikel 35 van Wet 9 van 2006, artikel 65 van Wet 8 van 2007, artikel 58 van Wet 3 van 2008, artikel 81 van Wet 60 van 2008, artikel 108 van Wet 7 van 2010, artikel 116 van Wet 24 van 2011, vervang deur artikel 123 van Wet 22 van 2012 en gewysig deur artikel 144 van Wet 31 van 2013, artikel 117 van Wet 25 van 2017 en artikel 84 van Wet 23 van 2018 30

51. (1) Paragraaf 64B van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende subparagraaf by te voeg: 35

“(6) Hierdie paragraaf is nie van toepassing nie ten opsigte van enige kapitaalwins of kapitaalverlies bepaal ten opsigte van die beskikking van enige aandeel in buitelandse beheerde maatskappy namate die waarde van die bates van daardie beheerde buitelandse maatskappy toeskryfbaar is aan bates regstreeks of onregstreeks geleë, uitgereik of geregistreer in die Republiek.” 40

(2) Subartikel (1) tree op 1 Januarie 2021 in werking en is van toepassing ten opsigte van enige beskikking op of na daardie datum.

Wysiging van paragraaf 80 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 108 van Wet 60 van 2001, artikel 58 van Wet 20 van 2006, artikel 62 van Wet 3 van 2008, artikel 86 van Wet 60 van 2008, artikel 80 van Wet 17 van 2009, artikel 150 van Wet 31 van 2013, artikel 123 van Wet 25 van 2015, artikel 75 van Wet 17 van 2017, vervang deur artikel 87 van Wet 23 van 2018 en gewysig deur artikel 64 van Wet 34 van 2019 45

52. Paragraaf 80 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig— 50

- (a) by the substitution for subparagraph (2) of the following subparagraph:
- “(2) Subject to paragraphs 64E, 68, 69 and 71, where a trust determines a capital gain **[(or, if that trust is not a resident, would have determined a capital gain had it been a resident)]** in respect of the disposal of an asset in a year of assessment during which a beneficiary of that trust (other than any person contemplated in paragraph 62(a) to (e)) who is a resident has a vested right or acquires a vested right (including a right created by the exercise of a discretion) to an amount derived **[, directly or indirectly,]** from that capital gain **[or from the amount that would have been determined as a capital gain had that trust been a resident]** but not to the asset disposed of, an amount that is equal to so much of the amount to which that beneficiary of that trust is entitled in terms of that right **[as consists of or is derived, directly or indirectly, from]**—
- (a) **[that capital gain]** must be disregarded for the purpose of calculating the aggregate capital gain or aggregate capital loss of the trust; and
- (b) **[that capital gain or the amount that would have been determined as a capital gain]** must be taken into account as a capital gain for the purpose of calculating the aggregate capital gain or aggregate capital loss of that beneficiary.”; and
- (b) by the insertion of the following subparagraph after subparagraph (2):
- “(2A)(a) Subject to paragraphs 64E, 68, 69 and 71, this subparagraph applies where—
- (i) a beneficiary who is a resident (other than any person contemplated in paragraph 62(a) to (e)) derives an amount through vesting during a year of assessment from a trust that is not a resident; and
- (ii) that amount was derived directly or indirectly from that trust or another trust which is not a resident in respect of the disposal of an asset during the same year of assessment and that amount would have constituted a capital gain had the trust that disposed of the asset been a resident.
- (b) Where item (a) applies, the amount derived by the beneficiary must be taken into account as a capital gain for the purpose of calculating that beneficiary’s aggregate capital gain or aggregate capital loss for that year of assessment.”.

Amendment of paragraph 4 of Part I of Ninth Schedule to Act 58 of 1962, as inserted by section 41 of Act 30 of 2002 and amended by section 125 of Act 45 of 2003, section 82 of Act 31 of 2005, section 60 of Act 20 of 2006, section 63 of Act 3 of 2008, section 87 of Act 60 of 2008, section 82 of Act 17 of 2009, section 12 of Act 13 of 2012, section 151 of Act 31 of 2013 and section 80 of Act 15 of 2016

53. Paragraph 4 of Part I of the Ninth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (d) of the following subparagraph:

“(d) ‘Continuing education and training’ provided by a **[‘public college’ or]** ‘private college’ as defined in the Continuing Education and Training Colleges Act, 2006 (Act No. 16 of 2006), which is registered in terms of that Act.”.

Amendment of paragraph 3 of Part II of Ninth Schedule to Act 58 of 1962, as inserted by section 41 of Act 30 of 2002 and amended by section 129 of Act 45 of 2003, section 84 of Act 31 of 2005, section 62 of Act 20 of 2006, section 64 of Act 3 of 2008, section 89 of Act 60 of 2008, section 83 of Act 17 of 2009, section 13 of Act 13 of 2012 and section 153 of Act 31 of 2013

54. Paragraph 3 of Part II of the Ninth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution for subparagraph (c) of the following subparagraph:
- “(c) ‘Adult **[basic]** education and training’, as defined in the Adult **[Basic]** Education and Training Act, 2000 (Act No. 52 of 2000), including literacy and numeracy education.”; and
- (b) by the substitution for subparagraph (d) of the following subparagraph:

- (a) deur subparagraaf (2) deur die volgende subparagraaf te vervang:
- “(2) Behoudens paragrawe 64E, 68, 69 en 71, waar ’n trust kapitaalwins bepaal [(of, waar daardie trust nie ’n inwoner is nie, ’n kapitaalwins sou bepaal indien dit ’n inwoner was)] ten opsigte van die beskikking oor ’n bate in ’n jaar van aanslag waartydens ’n begunstigde van daardie trust (buiten ’n persoon beoog in paragraaf 62(a) tot (e)) wat ’n inwoner is ’n gevestigde reg het of ’n gevestigde reg verkry (ingesluit ’n reg geskep weens die uitoefening van ’n diskresie) op ’n bedrag [direk of indirek] verkry van daardie kapitaalwins [of van die bedrag wat bepaal sou word as kapitaalwins indien daardie trust ’n inwoner was] maar nie op die bate waarvoor beskik is nie, moet ’n bedrag wat gelykstaande is aan soveel van die bedrag waarop daardie begunstigde van daardie trust geregtig is kragtens daardie reg [as wat bestaan uit of verkry is, direk of indirek, van]—
- (a) [daardie kapitaalwins] vir doeleindes van die vasstelling van die trust se totale kapitaalwins of totale kapitaalverlies verontagsaam word; en
- (b) [daardie kapitaalwins of die bedrag wat bereken sou word as kapitaalwins] in berekening gebring word as kapitaalwins vir doeleindes van die vasstelling van die totale kapitaalwins of totale kapitaalverlies van daardie begunstigde.”; en
- (b) deur na subparagraaf (2) die volgende subparagraaf in te voeg:
- “(2A)(a) Behoudens paragrawe 64E, 68, 69 en 71, is hierdie paragraaf van toepassing waar—
- (i) begunstigde wat inwoner is (buiten enige persoon beoog in artikel 62(a) tot (e)) bedrag verkry deur vestiging tydens jaar van aanslag vanaf trust wat nie ’n inwoner is nie; en
- (ii) daardie bedrag was verkry regstreeks of onregstreeks van daardie trust of ander trust wat nie inwoner is nie ten opsigte van die beskikking van bate tydens dieselfde jaar van aanslag en daardie bedrag sou kapitaalwins uitmaak indien die trust wat oor daardie bate beskik inwoner was.
- (b) Waar item (a) van toepassing is, word die bedrag verkry deur die begunstigde in berekening gebring as kapitaalwins vir die doel van die berekening van daardie begunstigde se totale kapitaalwins of totale kapitaalverlies vir daardie jaar van aanslag.”.

Wysiging van paragraaf 4 van Deel I van Negende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 41 van Wet 30 van 2002 en gewysig deur artikel 125 van Wet 45 van 2003, artikel 83 van Wet 31 van 2005, artikel 60 van Wet 20 van 2006, artikel 63 van Wet 3 van 2008, artikel 87 van Wet 60 van 2008, artikel 82 van Wet 17 van 2009, artikel 12 van Wet 13 van 2012, artikel 151 van Wet 31 van 2013 en artikel 80 van Wet 15 van 2016

53. Paragraaf 4 van Deel I van die Negende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (d) deur die volgende subparagraaf te vervang:

“(d) ‘Voortgesette onderwys en opleiding’ voorsien deur ’n [‘openbare kollege’ en] ‘privaat kollege’ soos [onderskeidelik] omskryf as ’n [‘public college’ of] ‘private college’ in die ‘Continuing Education and Training Colleges Act, 2006’ (Wet No. 16 van 2006), wat ingevolge daardie Wet geregistreer is.”.

Wysiging van paragraaf 3 van Deel II van Negende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 41 van Wet 30 van 2002 en gewysig deur artikel 129 van Wet 45 van 2003, artikel 84 van Wet 31 van 2005, artikel 62 van Wet 20 van 2006, artikel 64 van Wet 3 van 2008, artikel 89 van Wet 60 van 2008, artikel 83 van Wet 17 van 2009, artikel 13 van Wet 13 van 2012 en artikel 153 van Wet 31 van 2013

54. Paragraaf 3 van Deel II van die Negende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig —

(a) deur subparagraaf (c) deur die volgende subparagraaf te vervang:

“(c) [Basiese onderwys] Onderwys en opleiding vir volwassenes’ soos in die Wet op [Basiese] Onderwys en Opleiding vir Volwassenes, 2000, (Wet No. 52 van 2000), omskryf, wat geletterdheid en syferkennisopleiding insluit.”; en

(b) deur paragraaf (d) deur die volgende paragraaf te vervang:

“(d) **[Further]** Continuing education and training’ provided by a **[’public college’ or]** ‘private college’ as defined in the **[Further]** Continuing Education and Training Colleges Act, 2006 (Act No. 16 of 2006), which is registered in terms of that Act.”.

Amendment of paragraph 7 of Tenth Schedule to Act 58 of 1962, as inserted by section 63 of Act 20 of 2006 and amended by section 75 of Act 8 of 2007, section 88 of Act 35 of 2007 and section 159 of Act 31 of 2013 5

55. Paragraph 7 of the Tenth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (2)(i) for sub-subitem (A) of the following sub-subitem: 10

“(A) a capital asset, be treated as an expenditure actually incurred **[and paid]** by that company in respect of that right for the purposes of paragraph 20 of the Eighth Schedule; or”.

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 15

56. (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 20

(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; 25
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; 30
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; 35
8. Capital Projects Feasibility Programme received or accrued from the Department of Trade, Industry and Competition;
9. Capital Restructuring Grant received or accrued from the Department of Human Settlements;
10. Clothing and Textiles Competitiveness Programme received or accrued from the Industrial Development Corporation; 40
11. Cluster Development Programme received or accrued from the Department of Trade, Industry and Competition;
12. Comprehensive Agricultural Support Programme received or accrued from the Department of Agriculture; 45
13. Co-operative Incentive Scheme received or accrued from the Department of Small Business Development;
14. Critical Infrastructure Programme received or accrued from the Department of Trade, Industry and Competition;
15. Eastern Cape Jobs Stimulus Fund received or accrued from the Department of Economic Development, Environmental Affairs and Tourism of the Eastern Cape; 50
16. Enterprise Incubation Programme received or accrued from the Department of Small Business Development;
17. Enterprise Investment Programme received or accrued from the Department of Trade, Industry and Competition; 55
18. Equity Fund received or accrued from the Department of Science and Technology;

“(d) **[Verdere]** Voortgesette onderwys en opleiding’ voorsien deur ’n **[‘public college’ of]** ‘private college’ soos omskryf in die **[Fur-**
ther] Continuing Education and Training Colleges Act, 2006’ (Wet
No. 16 van 2006), wat ingevolge daardie Wet geregistreer is.”.

Wysiging van paragraaf 7 van Tiende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 63 van Wet 20 van 2006 en gewysig deur artikel 75 van Wet 8 van 2007, artikel 88 van Wet 35 van 2007 en artikel 159 van Wet 31 van 2013 5

55. Paragraaf 7 van die Tiende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (2)(i) item (A) deur die volgende item te vervang:

“(A) ’n kapitale bate, geag word onkoste te wees wat werklik deur daardie maatskappy aangegaan **[en betaal]** is ten opsigte van daardie reg by die toepassing van paragraaf 20 van die Agtste Bylae; of”.

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 15

56. (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; | 20 |
| 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’; | 25 |
| 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; | 30 |
| 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. | ‘Capital Projects Feasibility Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 35 |
| 9. | ‘Capital Restructuring Grant’ ontvang of toegeval van die Departement van Menslike Nedersettings; | |
| 10. | ‘Clothing and Textiles Competitiveness Programme’ ontvang of toegeval van die Nywerheidsontwikkelingskorporasie; | 40 |
| 11. | ‘Cluster Development Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 12. | ‘Comprehensive Agricultural Support Programme’ ontvang of toegeval van die Departement van Landbou; | |
| 13. | ‘Co-operative Incentive Scheme’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | 45 |
| 14. | ‘Critical Infrastructure Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 15. | ‘Eastern Cape Jobs Stimulus Fund’ ontvang of toegeval van die Departement van Ekonomiese Ontwikkeling, Omgewingsake en Toerisme van die Oos-Kaap; | 50 |
| 16. | ‘Enterprise Incubation Programme’ ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | |
| 17. | ‘Enterprise Investment Programme’ ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 18. | ‘Equity Fund’ ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | 55 |

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|-----|---|----|
| 19. | Export Marketing and Investment Assistance received or accrued from the Department of Trade, Industry and Competition; | |
| 20. | Film Production Incentive received or accrued from the Department of Trade, Industry and Competition; | |
| 21. | Food Fortification Grant received or accrued from the Department of Health; | 5 |
| 22. | Green Technology Incentive Programme received or accrued from the Department of Tourism; | |
| 23. | Idea Development Fund received or accrued from the Department of Science and Technology; | |
| 24. | Incubation Support Programme received or accrued from the Department of Trade, Industry and Competition; | 10 |
| 25. | Industrial Development Zone Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 26. | Industry Matching Fund received or accrued from the Department of Science and Technology; | 15 |
| 27. | Integrated National Electrification Programme Grant: Non-grid electrification service providers received or accrued from the Department of Energy; | |
| 28. | Integrated National Electrification Programme: Electricity connection to households received or accrued from the Department of Energy; | |
| 29. | Interest Make-Up Programme received or accrued from the Department of Trade, Industry and Competition; | 20 |
| 30. | Jobs Fund received or accrued from the National Treasury; | |
| 31. | Manufacturing Competitiveness Enhancement Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 32. | Sector Specific Assistance Scheme received or accrued from the Department of Trade, Industry and Competition; | 25 |
| 33. | Shared Economic Infrastructure Facility received or accrued from the Department of Small Business Development; | |
| 34. | Small, Medium Enterprise Development Programme received or accrued from the Department of Trade, Industry and Competition; | 30 |
| 35. | Small/Medium Manufacturing Development Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 36. | South African Research Chairs Initiative received or accrued from the Department of Science and Technology; | |
| 37. | Strategic Partnership Programme received or accrued from the Department of Trade, Industry and Competition; | 35 |
| 38. | Support Programme for Industrial Innovation received or accrued from the Department of Trade, Industry and Competition; | |
| 39. | Taxi Recapitalisation Programme received or accrued from the Department of Transport; | 40 |
| 40. | Technology Development Fund received or accrued from the Department of Science and Technology; | |
| 41. | Technology and Human Resources for Industry Programme received or accrued from the Department of Trade, Industry and Competition; | |
| 42. | Transfers to the South African National Taxi Council received or accrued from the Department of Transport; | 45 |
| 43. | Transfers to the University of Pretoria, University of KwaZulu-Natal and University of Stellenbosch received or accrued from the Department of Transport; | |
| 44. | Youth Technology Innovation Fund received or accrued from the Department of Science and Technology.”. | 50 |

(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.

Continuation of certain amendments of Schedules to Act 91 of 1964

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57. Every amendment or withdrawal of or insertion in Schedules No. 1 to 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 2019 up to and including 31 October 2020, shall

- | | | |
|-----|--|----|
| 19. | 'Export Marketing and Investment Assistance' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 20. | 'Film Production Incentive' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 21. | 'Food Fortification Grant' ontvang of toegeval van die Departement van Gesondheid; | 5 |
| 22. | 'Green Technology Incentive Programme' ontvang of toegeval van die Departement van Toerisme; | |
| 23. | 'Idea Development Fund' ontvang of toegeval van die Department van Wetenskap en Tegnologie; | 10 |
| 24. | 'Incubation Support Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 25. | 'Industrial Development Zone Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 26. | 'Industry Matching Fund' ontvang of toegeval van die Department van Wetenskap en Tegnologie; | 15 |
| 27. | 'Integrated National Electrification Programme Grant: Non-grid electrification service providers' ontvang of toegeval van die Departement van Energie; | |
| 28. | 'Integrated National Electrification Programme: Electricity connection to households' ontvang of toegeval van die Department van Energie; | 20 |
| 29. | 'Interest Make-Up Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 30. | 'Jobs Fund' ontvang of toegeval van die Nasionale Tesourie; | |
| 31. | 'Manufacturing Competitiveness Enhancement Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 25 |
| 32. | 'Sector Specific Assistance Scheme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 33. | 'Shared Economic Infrastructure Facility' ontvang of toegeval van die Departement van Kleinsake-ontwikkeling; | |
| 34. | 'Small, Medium Enterprise Development Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 30 |
| 35. | 'Small/Medium Manufacturing Development Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 36. | 'South African Research Chairs Initiative' ontvang of toegeval van die Department van Wetenskap en Tegnologie; | 35 |
| 37. | 'Strategic Partnership Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 38. | 'Support Programme for Industrial Innovation' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | |
| 39. | 'Taxi Recapitalisation Programme' ontvang of toegeval van die Departement van Vervoer; | 40 |
| 40. | 'Technology Development Fund' ontvang of toegeval van die Departement van Wetenskap en Tegnologie; | |
| 41. | 'Technology and Human Resources for Industry Programme' ontvang of toegeval van die Departement van Handel, Nywerheid en Mededinging; | 45 |
| 42. | 'Transfers to the South African National Taxi Council' ontvang of toegeval van die Departement van Vervoer; | |
| 43. | 'Transfers to the University of Pretoria, University of KwaZulu-Natal and University of Stellenbosch' ontvang of toegeval van die Departement van Vervoer; | 50 |
| 44. | '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. 55

Voortdoring van sekere wysigings van Bylaes by Wet 91 van 1964

57. Geen wysiging aan of intrekking van of invoeging in Bylaes No. 1 tot 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 2019 tot en met 31 60

not lapse by virtue of section 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) or 75(16) of that Act.

Amendment of section 48 of Act 91 of 1964, as amended by section 6 of Act 57 of 1966, section 18 of Act 105 of 1969, section 3 of Act 98 of 1970, section 1 of Act 68 of 1973, section 8 of Act 105 of 1976, section 11 of Act 112 of 1977, sections 10 and 15 of Act 98 of 1980, section 9 of Act 86 of 1982, section 18 of Act 84 of 1987, section 7 of Act 68 of 1989, section 23 of Act 59 of 1990, section 4 of Act 61 of 1992, section 3 of Act 19 of 1994, section 39 of Act 45 of 1995, section 64 of Act 30 of 1998, section 54 of Act 53 of 1999, section 140 of Act 45 of 2003 and section 91 of Act 31 of 2005

58. (1) Section 48 of the Customs and Excise Act, 1964, is hereby amended by the substitution for subsection (4) of the following subsection: 10

“(4) The Minister may, whenever he deems it expedient in the public interest to do so, by notice in the *Gazette*—

- (a) impose an export duty, on such basis as he may determine, in respect of any goods intended for export or any class or kind of such goods or any goods intended for export in circumstances specified in such notice and any export duty so imposed shall be set out in the form of a schedule which shall be deemed to be incorporated in Schedule No. 1 as Part 6 thereof and to constitute an amendment of Schedule No. 1[.]; or 15
- (b) withdraw or reduce any export duty imposed in terms of paragraph (a) with or without retrospective effect, or increase such export duty, from a date and to such extent as may be determined by the Minister in such notice.” 20

(2) Subsection (1) comes into operation on 1 March 2021.

Amendment of section 76 of Act 91 of 1964, as amended by section 9 of Act 85 of 1968, substituted by section 5 of Act 98 of 1970, amended by section 10 of Act 71 of 1975, section 11 of Act 110 of 1979, section 20 of Act 86 of 1982, section 5 of Act 89 of 1983, section 24 of Act 84 of 1987, section 14 of Act 68 of 1989, substituted by section 30 of Act 59 of 1990, and amended by section 5 of Act 105 of 1992, section 54 of Act 45 of 1995, section 62 of Act 30 of 2000, section 28 of Act 34 of 2004, section 65 of Act 32 of 2014 and section 17 of Act 33 of 2019

59. Section 76 of the Customs and Excise Act, 1964, is hereby amended—

- (a) by the substitution for the heading of the following heading: 25

“General refunds in respect of imported goods, excisable goods and certain exported goods”;
- (b) by the substitution for subsection (1) of the following subsection: 35

“(1) (a) No refund of any duty or other charge in respect of imported goods, excisable goods, surcharge goods or fuel levy goods, other than a refund provided for under section 75 or 77, shall be paid or granted except in accordance with the provisions of this section. 40

(b) Any refund of export duty in respect of goods specified in Part 6 of Schedule No.1 shall be paid or granted in accordance with the provisions of this section;”;
- (c) by the substitution in subsection (2)(d) for the words preceding the proviso of the following words: 45

“the goods concerned having been damaged, destroyed or irrecoverably lost by circumstances beyond his control prior to the release thereof for home consumption, or in the case of goods destined for export, after the release thereof but prior to the departure of the goods from the Republic;”;
- (d) by the substitution in subsection (2) for paragraph (e) of the following paragraph: 50

“(e) all or part of such goods having been shortlanded, shortshipped or shortpacked in the case of imported goods, or shortshipped or shortpacked in the case of goods exported;”;

 and

Oktober 2020, verval uit hoofde van artikel 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) of 75(16) van daardie Wet nie.

Wysiging van artikel 48 van Wet 91 van 1964, soos gewysig deur artikel 6 van Wet 57 van 1966, artikel 18 van Wet 105 van 1969, artikel 3 van Wet 98 van 1970, artikel 1 van Wet 68 van 1973, artikel 8 van Wet 105 van 1976, artikel 11 van Wet 112 van 1977, artikels 10 en 15 van Wet 98 van 1980, artikel 9 van Wet 86 van 1982, artikel 18 van Wet 84 van 1987, artikel 7 van Wet 68 van 1989, artikel 23 van Wet 59 van 1990, artikel 4 van Wet 61 van 1992, artikel 3 van Wet 19 van 1994, artikel 39 van Wet 45 van 1995, artikel 64 van Wet 30 van 1998, artikel 54 van Wet 53 van 1999, artikel 140 van Wet 45 van 2003 en artikel 91 van Wet 31 van 2005

58. (1) Artikel 48 van die Doeane- en Aksynswet, 1964, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- “(4) Die Minister kan, wanneer hy dit in die openbare belang dienstig ag om dit te doen, by kennisgewing in die *Staatskoerant*—
- (a) ’n uitvoerreg, op die basis wat hy bepaal, oplê ten opsigte van enige goedere wat vir uitvoer bestem is of enige klas of soort van sodanige goedere of goedere wat bestem is vir uitvoer in omstandighede in sodanige kennisgewing vermeld, en enige uitvoerreg aldus opgelê, word in die vorm van ’n bylae uiteengesit wat geag word in Bylae No. 1 ingelyf te wees as Deel 6 daarvan en ’n wysiging van Bylae No. 1 te wees[.]; of
- (b) enige uitvoerreg ingevolge paragraaf (a) opgelê, intrek of verminder met of sonder terugwerkende krag, of sodanige uitvoerreg verhoog, vanaf ’n datum en in die mate deur die Minister bepaal in sodanige kennisgewing.”.

(2) Subartikel (1) tree op 1 Maart 2021 in werking.

Wysiging van artikel 76 van Wet 91 van 1964, soos gewysig deur artikel 9 van Wet 85 van 1968, vervang deur artikel 5 van Wet 98 van 1970, gewysig deur artikel 10 van Wet 71 van 1975, artikel 11 van Wet 110 van 1979, artikel 20 van Wet 86 van 1982, artikel 5 van Wet 89 van 1983, artikel 24 van Wet 84 van 1987, artikel 14 van Wet 68 van 1989, vervang deur artikel 30 van Wet 59 van 1990, en gewysig deur artikel 5 van Wet 105 van 1992, artikel 54 van Wet 45 van 1995, artikel 62 van Wet 30 van 2000, artikel 28 van Wet 34 van 2004, artikel 65 van Wet 32 van 2014 en artikel 17 van Wet 33 van 2019

59. Artikel 76 van die Doeane- en Aksynswet, 1964, word hierby gewysig—

- (a) deur die opskrif deur die volgende opskrif te vervang:
 “Algemene terugbetalings ten opsigte van ingevoerde goedere, [of] sinsbare goedere en sekere uitgevoerde goedere”;
- (b) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) (a) Geen terugbetaling van ’n reg of ander vordering ten opsigte van ingevoerde goedere, sinsbare goedere, bobelastinggoedere of brandstofheffinggoedere, uitgesonderd ’n terugbetaling waarvoor kragtens artikel 75 of 77 voorsiening gemaak is, word betaal of toegestaan nie behalwe ooreenkomstig die bepalinge van hierdie artikel.
 (b) Enige terugbetaling van uitvoerreg ten opsigte van goedere in Deel 6 van Bylae No. 1 vermeld, word betaal of toegestaan ooreenkomstig die bepalinge van hierdie artikel;”;
- (c) deur in subartikel (2)(d) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 “dat die betrokke goedere voor hulle lossing vir binnelandse verbruik, of in die geval van goedere wat bestem is vir uitvoer, na hulle lossing maar voor die vertrek van die goedere uit die Republiek deur omstandighede buite sy beheer beskadig of vernietig is of onherkrygbaar verlore gegaan het.”;
- (d) deur in subartikel (2) paragraaf (e) deur die volgende paragraaf te vervang:
 “(e) dat al of enige deel van sodanige goedere kortgeland, kortverskeep of kortverpak is in die geval van ingevoerde goedere, of kortverskeep of kortverpak is in die geval van uitgevoerde goedere;” en

- (e) by the substitution in subsection (2) for paragraph (g) of the following paragraph:

“(g) the duty having been reduced or withdrawn as provided for in section 48(2), [or] (2A) or (4), 56(2), 56A(2) or 57(2); or”.

Amendment of Schedule 1 to Act 91 of 1964, as amended by section 19 of Act 95 of 1965, section 15 of Act 57 of 1966, section 2 of Act 96 of 1967, section 22 of Act 85 of 1968, section 37 of Act 105 of 1969, section 9 of Act 98 of 1970, section 2 of Act 89 of 1971, section 12 of Act 103 of 1972, section 6 of Act 68 of 1973, section 3 of Act 64 of 1974, section 13 of Act 71 of 1975, section 13 of Act 105 of 1976, section 38 of Act 112 of 1977, section 3 of Act 114 of 1981, section 27 of Act 86 of 1982, section 10 of Act 89 of 1984, section 14 of Act 101 of 1985, section 11 of Act 69 of 1988, section 19 of Act 68 of 1989, section 40 of Act 59 of 1990, section 3 of Act 111 of 1991, section 15 of Act 105 of 1992, section 13 of Act 98 of 1993, section 12 of Act 19 of 1994, section 74 of Act 45 of 1995, section 8 of Act 44 of 1996, section 15 of Act 27 of 1997, section 75 of Act 30 of 1998, section 7 of Act 32 of 1999, section 64 of Act 30 of 2000, section 52 of Act 19 of 2001, section 53 of Act 30 of 2002, section 41 of Act 12 of 2003, section 155 of Act 45 of 2003, section 36 of Act 16 of 2004, section 14 of Act 9 of 2005, section 36 of Act 9 of 2006, section 76 of Act 8 of 2007, section 66 of Act 3 of 2008, section 88 of Act 17 of 2009, section 117 of Act 7 of 2010, section 127 of Act 24 of 2011, section 14 of Act 13 of 2012, section 9 of Act 23 of 2013, section 7 of Act 42 of 2014, section 8 of Act 13 of 2015, section 13 of Act 13 of 2016, section 18 of Act 14 of 2017, section 7 of Act 21 of 2018 and section 4 of Act 32 of 2019

60. (1) Schedule 1 to the Customs and Excise Act, 1964, is hereby amended—

- (a) by the insertion of the following Note in Part 6 of that Schedule:

“PART 6

EXPORT DUTY

NOTES:

1. Whenever the tariff heading or subheading under which any goods are classified in Part 1 of this Schedule is expressly quoted in any export duty item of this Part in which such goods are specified, the goods so specified in such export duty item shall be deemed to include only goods which are classifiable under the said tariff heading or subheading.”;

- (b) by the insertion of the following Notes in Section A to Part 6 of that Schedule:

“SECTION A

EXPORT DUTY ON SCRAP METAL

NOTES:

1. The rate of export duty is payable on goods specified in this Section whether imported into or manufactured in the Republic.

2. The rate of export duty specified in each column under “Rate of export duty” shall apply when goods are exported to the territory specified in the header of the column, provided that the imposition of the export duty is consistent with the provisions of any applicable agreement.

3. When the metals specified in this Section are exported in a consignment containing a mixture of different scrap metals the highest rate of export duty shall be used to determine the duty on such a consignment.”;

- (e) deur in subartikel (2) paragraaf (g) deur die volgende paragraaf te vervang:
“(g) dat die reg verminder of ingetrek is soos bepaal in artikel 48(2), [of] (2A), of (4), 56(2), 56A(2) of 57(2); of”.

Wysiging van Bylae 1 by Wet 91 van 1964, soos gewysig deur artikel 19 van Wet 95 van 1965, artikel 15 van Wet 57 van 1966, artikel 2 van Wet 96 van 1967, artikel 22 van Wet 85 van 1968, artikel 37 van Wet 105 van 1969, artikel 9 van Wet 98 van 1970, artikel 2 van Wet 89 van 1971, artikel 12 van Wet 103 van 1972, artikel 6 van Wet 68 van 1973, artikel 3 van Wet 64 van 1974, artikel 13 van Wet 71 van 1975, artikel 13 van Wet 105 van 1976, artikel 38 van Wet 112 van 1977, artikel 3 van Wet 114 van 1981, artikel 27 van Wet 86 van 1982, artikel 10 van Wet 89 van 1984, artikel 14 van Wet 101 van 1985, artikel 11 van Wet 69 van 1988, artikel 19 van Wet 68 van 1989, artikel 40 van Wet 59 van 1990, artikel 3 van Wet 111 van 1991, artikel 15 van Wet 105 van 1992, artikel 13 van Wet 98 van 1993, artikel 12 van Wet 19 van 1994, artikel 74 van Wet 45 van 1995, artikel 8 van Wet 44 van 1996, artikel 15 van Wet 27 van 1997, artikel 75 van Wet 30 van 1998, artikel 7 van Wet 32 van 1999, artikel 64 van Wet 30 van 2000, artikel 52 van Wet 19 van 2001, artikel 53 van Wet 30 van 2002, artikel 41 van Wet 12 van 2003, artikel 155 van Wet 45 van 2003, artikel 36 van Wet 16 van 2004, artikel 14 van Wet 9 van 2005, artikel 36 van Wet 9 van 2006, artikel 76 van Wet 8 van 2007, artikel 66 van Wet 3 van 2008, artikel 88 van Wet 17 van 2009, artikel 117 van Wet 7 van 2010, artikel 127 van Wet 24 van 2011, artikel 14 van Wet 13 van 2012, artikel 9 van Wet 23 van 2013, artikel 7 van Wet 42 van 2014, artikel 8 van Wet 13 van 2015, artikel 13 van Wet 13 van 2016, artikel 18 van Wet 14 van 2017, artikel 7 van Wet 21 van 2018 en artikel 4 van Wet 32 van 2019

- 60.** (1) Bylae 1 by die Doeane- en Aksynswet, 1964, word hierby gewysig—
(a) deur die volgende opmerking in Deel 6 van daardie Bylae in te voeg:

“DEEL 6

UITVOERREG

OPMERKINGS:

1. Wanneer ook al die tariefpos of subpos waaronder enige goedere indeelbaar is in Deel 1 van hierdie Bylae uitdruklik gekwoteer is in enige uitvoerregitem van hierdie Deel waarin sodanige goedere gespesifiseer is, word die goedere aldus gespesifiseer in sodanige uitvoerregitem beskou slegs goedere in te sluit wat indeelbaar is onder die genoemde tariefpos of subpos.”;

- (b) deur die volgende opmerkings in Deel A by Deel 6 van daardie Bylae in te voeg:

“AFDELING A

UITVOERREG OP SKROOTMETAAL

OPMERKINGS:

1. Die skaal van uitvoerreg is betaalbaar op goedere in hierdie Afdeling gespesifiseer, hetsy ingevoer na of vervaardig in die Republiek.

2. Die skaal van uitvoerreg gespesifiseer in elke kolom onder “Skaal van uitvoerreg” sal van toepassing wees wanneer goedere uitgevoer word na die grondgebied gespesifiseer in die hoofopskrif van dié kolom, onderhewig aan enige bepalings in sodanige ooreenkoms wat anders aandui.

3. Wanneer die metale in hierdie Afdeling gespesifiseer, uitgevoer is in besending wat ’n mengsel van verskillende skrootmetale bevat, sal die hoogste skaal van uitvoerreg gebruik word om die reg op sodanige besending te bepaal.”;

(c) by the insertion of the following items in Part 6 of that Schedule:

Export Tax Item no.	Heading / Subheading	Article Description	Statistical Unit	Rate of Export Duty					
				General	EU	EFTA	SADC	MER-COSUR	
193.00	EXPORT DUTY ON SCRAP METAL								5
193.00	72.04	Ferrous waste and scrap; remelting scrap ingots of iron or steel:							
193.01	7204.10	Waste and scrap of cast iron	t	20%	10%	free	free	20%	
193.02	7204.2	Waste and scrap of alloy steel:							
193.02.01	7204.21	Of stainless steel	t	15%	10%	free	free	15%	
193.02.03	7204.29	Other	t	20%	10%	free	free	20%	10
193.02.05	7204.30	Waste and scrap of tinned iron or steel	t	20%	10%	free	free	20%	
193.03	7204.4	Other waste and scrap:							
193.03.01	7204.41	Turnings, shavings, chips, milling waste, sawdust, filings, trimmings and stampings, whether or not in bundles	t	20%	10%	free	free	20%	
193.03.03	7204.49	Other	t	20%	10%	free	free	20%	15
193.03.05	7204.50	Remelting scrap ingots	t	20%	free	free	free	20%	
193.04	7404.00	Copper waste and scrap:							
193.05	7602.00	Aluminium waste and scrap:							

(d) by the substitution of the number for Note 7 of Note 8 in Section A to Part 5; and

(e) by the insertion of following Note after Note 6:

“7. (a) For the purposes of item 195.10.03 the rate of carbon fuel levy on petrol included in the rate of fuel levy, shall be—

- (i) $\{[B \times (1-F)] \times (R \times 100)\} / 1000 \times D$;
- (ii) ‘Carbon emissions’ where used in this Part means carbon emissions as defined in Additional Note 11 to Chapter 99 of Part 1 of Schedule No. 1;
- (iii) ‘B’ represents the carbon emissions factor per tonne of petrol determined in accordance with the formula prescribed in section 4(2)(a)(iii) of the Carbon Tax Act and using the net calorific value of the Non-Stationary / Mobile Source Category in Table 1 of Schedule 1 of that Act;
- (iv) ‘F’ represents the basic tax-free allowance percentage of rebate item 692.01 specified in Part 6 of Schedule No. 6 in respect of IPCC Code 1A3 Transport activities listed in Schedule 2 of the Carbon Tax Act;
- (v) ‘R’ represents the rate of environmental levy specified in Section F to Part 3 of Schedule No. 1; and
- (vi) ‘D’ represents the density factor of petrol of 0.75 kilogram per litre.

(b) For the purposes of items 195.10.15; 195.10.17; 195.10.21 and 195.20.03 the rate of carbon fuel levy on diesel included in the rate of fuel levy, shall be—

- (i) $\{[B \times (1-F)] \times (R \times 100)\} / 1000 \times D$;
- (ii) ‘Carbon emissions’ where used in this Part means carbon emissions as defined in Additional Note 11 to Chapter 99 of Part 1 of Schedule No. 1;
- (iii) ‘B’ represents the carbon emissions factor per tonne of diesel determined in accordance with the formula prescribed in section 4(2)(a)(iii) of the Carbon Tax Act and using the net calorific value of the Non-Stationary / Mobile Source Category in Table 1 of Schedule 1 of that Act;

(c) deur die volgende subposte in Deel 6 van daardie Bylae in te voeg:

Uitvoerbelasting Item no.	Pos / Subpos	Artikelbeskrywing	Statistiese Eenheid	Skaal van Uitvoerreg					
				Algemeen	EU	EFTA	SADC	MER CO SUR	
193.00	UITVOERREG OP SKROOTMETAAL								5
193.00	72.04	Ysteroorskiet en -afval; afvalgietblokke vir hersmelting van yster of staal:							
193.01	7204.10	Oorskiet en afval van gietystert	t	20%	10%	vry	vry	20%	
193.02	7204.2	Oorskiet en afval van legeringstaal:							
193.02.01	7204.21	Van vlekvrystaal	t	15%	10%	vry	vry	15%	
193.02.03	7204.29	Ander	t	20%	10%	vry	vry	20%	10
193.02.05	7204.30	Oorskiet en afval van vertinde yster of staal	t	20%	10%	vry	vry	20%	
193.03	7204.4	Ander oorskiet en afval:							
193.03.01	7204.41	Afdraaisels, skaafsels, splinters, freeskrulle, saagsels, vylsels, afsnylsels en stampsels, hetsy in bondels al dan nie.	t	20%	10%	vry	vry	20%	15
193.03.03	7204.49	Ander	t	20%	10%	vry	vry	20%	
193.03.05	7204.50	Gietblokke vir hersmelting	t	20%	vry	vry	vry	20%	
193.04	7404.00	Koperoorskiet en afval:							
193.05	7602.00	Aluminiumoorskiet en -afval:							

(d) deur die nommer van Opmerking 7 deur Opmerking 8 te vervang in Afdeling A by Deel 5; en

(e) deur die volgende Opmerking na Opmerking 6 in te voeg:

“7. (a) Vir die doeleindes van item 195.10.03 sal die skaal van koolstof-brandstofheffing op petrol ingesluit by die skaal van brandstofheffing wees—

- (i) $\{[B \times (1-F)] \times (R \times 100)\} / 1000 \times D$;
- (ii) ‘Koolstofvrystellings’ waar in hierdie Deel gebruik beteken koolstofvrystellings soos omskryf in Addisionele Opmerking 11 by Hoofstuk 99 van Deel 1 van Bylae No. 1;
- (iii) ‘B’ verteenwoordig die koolstofvrystellingsfaktor per ton van petrol bepaal in ooreenstemming met die formule voorgeskryf in artikel 4(2)(a)(iii) van die Wet op Koolstofbelasting en gebruik die netto warmte waarde van Nie-vaste / Mobiele Bron Kategorie in Tabel 1 van Bylae 1 van daardie Wet;
- (iv) ‘F’ verteenwoordig die basiese belastingvrye toelae persentasie van kortingitem 692.01 in Deel 6 van Bylae No. 6 gespesifiseer ten opsigte van die Interregeringspaneel op Klimaatsverandering (IPKV)-kode 1A3 Vervoeraktiwiteit gelys in Bylae 2 van die Wet op Koolstofbelasting;
- (v) ‘R’ verteenwoordig die skaal van omgewingsheffing in Afdeling F by Deel 3 van Bylae No. 1 gespesifiseer; en
- (vi) ‘D’ verteenwoordig die digtheidsfaktor van petrol van 0.75 kilogram per liter.

(b) Vir die doeleindes van items 195.10.15; 195.10.17; 195.10.21 en 195.20.03 sal die skaal van koolstofbrandstofheffing op diesel ingesluit by die skaal van brandstofheffing wees—

- (i) $\{[B \times (1-F)] \times (R \times 100)\} / 1000 \times D$;
- (ii) ‘Koolstofvrystellings’ waar in hierdie Deel gebruik beteken koolstofvrystellings soos omskryf in Addisionele Opmerking 11 by Hoofstuk 99 van Deel 1 van Bylae No. 1;
- (iii) ‘B’ verteenwoordig die koolstofvrystellingsfaktor per ton van diesel bepaal in ooreenstemming met die formule voorgeskryf in artikel 4(2)(a)(iii) van die Wet op Koolstofbelasting en gebruik die netto warmte waarde van Nie-vaste / Mobiele Bronkategorie in Tabel 1 van Bylae 1 van daardie Wet;

- (iv) 'F' represents the basic tax-free allowance percentage of rebate item 692.01 specified in Part 6 of Schedule No. 6 in respect of IPCC Code 1A3 Transport activities listed in Schedule 2 of the Carbon Tax Act;
- (v) 'R' represents the rate of environmental levy specified in Section F to Part 3 of Schedule No. 1; and
- (vi) 'D' represents the density factor of diesel of 0.845 kilogram per litre."

(2) Paragraphs (a) to (c) of subsection (1) come into operation on 1 March 2021.

Amendment of section 1 of Act 89 of 1991, as amended by section 21 of Act 136 of 1991, paragraph 1 of Government Notice 2695 of 8 November 1991, section 12 of Act 136 of 1992, section 1 of Act 61 of 1993, section 22 of Act 97 of 1993, section 9 of Act 20 of 1994, section 18 of Act 37 of 1996, section 23 of Act 27 of 1997, section 34 of Act 34 of 1997, section 81 of Act 53 of 1999, section 76 of Act 30 of 2000, section 64 of Act 59 of 2000, section 65 of Act 19 of 2001, section 148 of Act 60 of 2001, section 114 of Act 74 of 2002, section 47 of Act 12 of 2003, section 164 of Act 45 of 2003, section 43 of Act 16 of 2004, section 92 of Act 32 of 2004, section 8 of Act 10 of 2005, section 101 of Act 31 of 2005, section 40 of Act 9 of 2006, section 77 of Act 20 of 2006, sections 81 and 108 of Act 8 of 2007, section 104 of Act 35 of 2007, section 68 of Act 3 of 2008, section 104 of Act 60 of 2008, section 33 of Act 18 of 2009, section 119 of Act 7 of 2010, section 26 of Act 8 of 2010, section 129 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 108 of Schedule 1 to that Act, section 145 of Act 22 of 2012, section 165 of Act 31 of 2013, section 95 of Act 43 of 2014, section 128 of Act 25 of 2015, section 83 of Act 15 of 2016, section 77 of Act 17 of 2017, section 89 of Act 28 of 2018 and section 66 of Act 34 of 2019

61. (1) Section 1 of the Value-Added Tax Act, 1991, is hereby amended by the addition in subsection (1) to the proviso of the definition of "enterprise" of the following paragraph:

- "(xiii) where a person is neither a resident of the Republic, nor a registered vendor and that person supplies or intends to supply to a recipient solely the use or the right of use of ships, aircraft and rolling stock under any rental agreement, that activity shall be deemed not to be the carrying on of an enterprise, notwithstanding that those goods are supplied for use in the Republic, if—
- (aa) the supply is made to a recipient that is a resident of the Republic;
 - (bb) such goods are supplied for use by the recipient wholly or partly in the Republic; and
 - (cc) the recipient and supplier have agreed in writing that the recipient shall—
 - (A) in terms of the Customs and Excise Act, enter such goods for home consumption and be liable for the payment of the tax imposed in accordance with section 7(1)(b) and section 13 of this Act; and
 - (B) not be reimbursed by the supplier of the movable goods in respect of the tax imposed under section 7(1)(b) of this Act;"

(2) Subsection (1) comes into operation on 1 April 2021.

Amendment of section 8 of Act 89 of 1991, as amended by section 24 of Act 136 of 1991, paragraph 4 of Government Notice 2695 of 8 November 1991, section 15 of Act 136 of 1992, section 24 of Act 97 of 1993, section 11 of Act 20 of 1994, section 20 of Act 46 of 1996, section 25 of Act 27 of 1997, section 83 of Act 53 of 1999, section 67 of Act 19 of 2001, section 151 of Act 60 of 2001, section 166 of Act 45 of 2003, section 95 of Act 32 of 2004, section 102 of Act 31 of 2005, section 172 of Act 34 of 2005, section 42 of Act 9 of 2006, section 79 of Act 20 of 2006, section 27 of Act 36 of 2007, section 106 of Act 60 of 2008, section 91 of Act 17 of 2009, section 120 of Act

- (iv) 'F' verteenwoordig die basiese belastingvrye toelaepersentasie van kortingitem 692.01 in Deel 6 van Bylae No. 6 gespesifiseer ten opsigte van die Interregeringspaneel op Klimaatsverandering (IPKV) Kode 1A3 Vervoeraktiwiteite gelys in Bylae 2 van die Wet op Koolstofbelasting; 5
 - (v) 'R' verteenwoordig die skaal van omgewingsheffing in Afdeling F by Deel 3 van Bylae No. 1 gespesifiseer; en
 - (vi) 'D' verteenwoordig die digtheidsfaktor van diesel van 0.845 kilogram per liter.''. 5
- (2) Paragrafe (a) tot (c) van subartikel (1) tree op 1 Maart 2021 in werking. 10

Wysiging van artikel 1 van Wet 89 van 1991, soos gewysig deur artikel 21 van Wet 136 van 1991, paragraaf 1 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 12 van Wet 136 van 1992, artikel 1 van Wet 61 van 1993, artikel 22 van Wet 97 van 1993, artikel 9 van Wet 20 van 1994, artikel 18 van Wet 37 van 1996, artikel 23 van Wet 27 van 1997, artikel 34 van Wet 34 van 1997, artikel 81 van Wet 53 van 1999, artikel 76 van Wet 30 van 2000, artikel 64 van Wet 59 van 2000, artikel 65 van Wet 19 van 2001, artikel 148 van Wet 60 van 2001, artikel 114 van Wet 74 van 2002, artikel 47 van Wet 12 van 2003, artikel 164 van Wet 45 van 2003, artikel 43 van Wet 16 van 2004, artikel 92 van Wet 32 van 2004, artikel 8 van Wet 10 van 2005, artikel 101 van Wet 31 van 2005, artikel 40 van Wet 9 van 2006, artikel 77 van Wet 20 van 2006, artikels 81 en 108 van Wet 8 van 2007, artikel 104 van Wet 35 van 2007, artikel 68 van Wet 3 van 2008, artikel 104 van Wet 60 van 2008, artikel 33 van Wet 18 van 2009, artikel 119 van Wet 7 van 2010, artikel 26 van Wet 8 van 2010, artikel 129 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 108 van Bylae 1 by daardie Wet, artikel 145 van Wet 22 van 2012, artikel 165 van Wet 31 van 2013, artikel 95 van Wet 43 van 2014, artikel 128 van Wet 25 van 2015, artikel 83 van Wet 15 van 2016, artikel 77 van Wet 17 van 2017, artikel 89 van Wet 28 van 2018 en artikel 66 van Wet 34 van 2019 15

61. (1) Artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (1) by die voorbehoudsbepaling van "onderneming" die volgende paragraaf by te voeg: 30

- "(xiii) waar 'n persoon nie 'n inwoner van die Republiek is nie, en ook nie 'n geregistreerde ondernemer is nie en daardie persoon lewer of is van voorneme om te lewer aan 'n ontvanger die uitsluitlike gebruik of reg om skepe, vliegtuie en spoorvoertuie te gebruik kragtens enige huurooreenkoms, word daardie aktiwiteit geag nie die bedryf van 'n onderneming te wees nie, ondanks dat daardie goedere gelewer word vir gebruik in die Republiek, indien—
- (aa) die lewering gemaak is aan 'n ontvanger wat 'n inwoner van die Republiek is; 40
 - (bb) bedoelde goedere gelewer word vir gebruik deur die ontvanger in die geheel of gedeeltelik in die Republiek; en
 - (cc) die leweraar en ontvanger skriftelik ooreengekom het dat die ontvanger—
 - (A) ingevolge die Wet op Doeane- en Aksyns, bedoelde goedere vir tuisverbruik inbring en aanspreeklik is vir die betaling van die belasting gehef ooreenkomstig artikel 7(1)(b) en artikel 13 van hierdie Wet; en 45
 - (B) nie deur die verskaffer van die roerende goedere vergoed word ten opsigte van die belasting gehef kragtens artikel 7(1)(b) van hierdie Wet nie;". 50

(2) Subartikel (1) tree in werking op 1 April 2021.

Wysiging van artikel 8 van Wet 89 van 1991, soos gewysig deur artikel 24 van Wet 136 van 1991, paragraaf 4 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 15 van Wet 136 van 1992, artikel 24 van Wet 97 van 1993, artikel 11 van Wet 20 van 1994, artikel 20 van Wet 46 van 1996, artikel 25 van Wet 27 van 1997, artikel 83 van Wet 53 van 1999, artikel 67 van Wet 19 van 2001, artikel 151 van Wet 60 van 2001, artikel 166 van Wet 45 van 2003, artikel 95 van Wet 32 van 2004, artikel 102 van Wet 31 van 2005, artikel 172 van Wet 34 van 2005, artikel 42 van Wet 9 van 2006, artikel 79 van Wet 20 van 2006, artikel 27 van Wet 36 van 2007, 60

7 of 2010, section 131 of Act 24 of 2011, section 146 of Act 22 of 2012, section 166 of Act 31 of 2013, section 21 of Act 44 of 2014, section 129 of Act 25 of 2015, section 24 of Act 16 of 2016, section 78 of Act 17 of 2017, section 10 of Act 21 of 2018 and section 68 of Act 34 of 2019

62. (1) Section 8 of the Value-Added Tax Act, 1991, is hereby amended by the addition in subsection (25) of the following further proviso: 5

“: Provided further that this subsection shall not apply to a supply as contemplated in section 42 or 45 of the Income Tax Act, where such supplier and recipient have agreed in writing that the provisions of subsection (7) and section 11(1)(e) of this Act shall apply.”. 10

(2) Subsection (1) comes into operation on 1 April 2021.

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 and section 80 of Act 17 of 2017 15 20

63. (1) Section 10 of the Value-Added Tax Act, 1991, is hereby amended by the deletion of subsection (22A).

(2) Subsection (1) comes into operation on 1 April 2021.

Amendment of section 11 of Act 89 of 1991, as amended by section 27 of Act 136 of 1991, Government Notice 2695 of 8 November 1991, section 17 of Act 136 of 1992, section 27 of Act 97 of 1993, section 13 of Act 20 of 1994, section 28 of Act 27 of 1997, section 89 of Act 30 of 1998, section 85 of Act 53 of 1999, section 77 of Act 30 of 2000, section 43 of Act 5 of 2001, section 153 of Act 60 of 2001, section 169 of Act 45 of 2003, section 46 of Act 16 of 2004, section 98 of Act 32 of 2004, section 21 of Act 9 of 2005, section 105 of Act 31 of 2005, section 44 of Act 9 of 2006, section 81 of Act 20 of 2006, section 105 of Act 35 of 2007, section 29 of Act 36 of 2007, Government Notice R.1024 in *Government Gazette* 32664 of 30 October 2009, section 134 of Act 24 of 2011, 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 and section 54 of Act 34 of 2019 25 30 35

64. (1) Section 11 of the Value-Added Tax Act, 1991, is hereby amended by the addition in subsection (2) after paragraph (x) of the following paragraph:

“(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 international roaming services.”. 40

(2) Subsection (1) comes into operation on 1 April 2021. 45

Amendment of section 15 of Act 89 of 1991, as amended by paragraph 8 of Government Notice 2695 of 8 November 1991, section 20 of Act 136 of 1992, section 31 of Act 27 of 1997, section 90 of Act 30 of 1998, section 46 of Act 9 of 2006, section 37 of Act 21 of 2006, section 13 of Act 9 of 2007 and section 271 of Act 28 of 2011

artikel 106 van Wet 60 van 2008, artikel 91 van Wet 17 van 2009, artikel 120 van Wet 7 van 2010, artikel 131 van Wet 24 van 2011, artikel 146 van Wet 22 van 2012, artikel 166 van Wet 31 van 2013, artikel 21 van Wet 44 van 2014, artikel 129 van Wet 25 van 2015, artikel 24 van Wet 16 van 2016, artikel 78 van Wet 17 van 2017, artikel 10 van Wet 21 van 2018 en artikel 68 van Wet 34 van 2019

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62. (1) Artikel 8 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (25) die volgende verdere voorbehoudsbepaling by te voeg:

“: Met dien verstande voorts dat hierdie subartikel nie van toepassing is nie op ’n lewering soos beoog in artikel 42 of 45 van die Inkomstebelastingwet, waar bedoelde leweraar en ontvanger skriftelik ooreengekom het dat die bepalings van subartikel (7) en artikel 11(1)(e) van hierdie Wet van toepassing sal wees.”.

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(2) Subartikel (1) tree op 1 April 2021 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 en artikel 80 van Wet 17 van 2017

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63. (1) Artikel 10 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur subartikel (22A) te skrap.

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(2) Subartikel (1) tree op 1 April 2021 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 en artikel 54 van Wet 34 van 2019

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64. (1) Artikel 11 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (2) na paragraaf (x) die volgende paragraaf by te voeg:

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“(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 internasionale swerfdienste.”.

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(2) Subartikel (1) tree op 1 April 2021 in werking.

Wysiging van artikel 15 van Wet 89 van 1991, soos gewysig deur paragraaf 8 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 20 van Wet 136 van 1992, artikel 31 van Wet 27 van 1997, artikel 90 van Wet 30 van 1998, artikel 46 van Wet 9 van 2006, artikel 37 van Wet 21 van 2006, artikel 13 van Wet 9 van 2007 en artikel 271 van Wet 28 van 2011 saamgelees met item 114 van Bylae 1 by daardie

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read with item 114 of Schedule 1 of that Act, section 172 of Act 31 of 2013, section 134 of Act 25 of 2015 and section 85 of Act 15 of 2016

65. (1) Section 15 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (2)(a) for subparagraph (vii) of the following subparagraph: 5
 “(vii) carrying on an enterprise as contemplated in paragraph (b)(vi) and (vii) of the definition of ‘enterprise’ in section 1(1)”.

(2) Subsection (1) comes into operation on 1 April 2021.

Amendment of section 22 of Act 89 of 1991, as amended by section 33 of Act 136 of 1991, paragraph 13 of Government Notice 2695 of 8 November 1991, section 27 of Act 136 of 1992, section 25 of Act 37 of 1996, section 36 of Act 27 of 1997, section 95 of Act 30 of 1998, section 177 of Act 45 of 2003, section 110 of Act 31 of 2005, section 86 of Act 20 of 2006, section 140 of Act 24 of 2011, section 177 of Act 31 of 2013 and section 91 of Act 23 of 2018 10

66. (1) Section 22 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in the proviso to subsection (3) for the words preceding paragraph (ii)(AA) 15
 of the following words:
 “within 12 months after the expiry of the tax period within which that deduction was made, not paid the full consideration, the vendor must account for output tax in terms of this section equal to the tax fraction at the rate applicable at the time of such deduction of that portion of the consideration which has not been paid—” 20

(2) Subsection (1) comes into operation on 1 April 2021.

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 and section 76 of Act 34 of 2019 25

67. Section 1 of the Securities Transfer Tax Act, 2007, is hereby amended—

(a) by the substitution in subsection (1) in the definition of “lending arrangement” for paragraphs (c) and (d) of the following paragraphs:

“(c) that borrower is contractually required to compensate that lender for any distributions in respect of the listed security (or any other security that is substituted for that listed security in terms of an arrangement that is announced and released as a corporate action as contemplated in the JSE Limited [Listing] Listings Requirements in the SENS (Stock Exchange News Service) as defined in the JSE Limited [Listing] Listings Requirements) or any bond issued by the government of the Republic in the national or local sphere or any sphere of government of any country other than the Republic if that bond is listed on a recognised exchange as defined in paragraph 1 of the Eighth Schedule to the Income Tax Act which that lender would have been entitled to receive during that period had that arrangement not been entered into; and 30

(d) that arrangement does not affect the lender’s benefits or risks arising from fluctuations in the market value of the listed security (or any other security that is substituted for that listed security in terms of an arrangement that is announced and released as a corporate action as contemplated in the JSE Limited [Listing] Listings Requirements in the Stock Exchange News Service as defined in the JSE Limited [Listing] Listings Requirements) or any bond issued by the government of the Republic in the national or local sphere or any sphere of government of any country other than the Republic if that bond is listed on a recognised exchange as defined in paragraph 1 of the Eighth Schedule to the Income Tax Act.”; and 40 45 50

Wet, artikel 172 van Wet 31 van 2013, artikel 134 van Wet 25 van 2015 en artikel 85 van Wet 15 van 2016

65. (1) Artikel 15 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (2)(a) subparagraaf (vii) deur die volgende subparagraaf te vervang:

“(vii) wat ‘n onderneming bedryf soos in paragraaf (b)(vi) en (vii) van die omskrywing van ‘onderneming’ in artikel 1(1) beoog; of”.

(2) Subartikel (1) tree op 1 April 2021 in werking.

Wysiging van artikel 22 van Wet 89 van 1991, soos gewysig deur artikel 33 van Wet 136 van 1991, paragraaf 13 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 27 van Wet 136 van 1992, artikel 25 van Wet 37 van 1996, artikel 36 van Wet 27 van 1997, artikel 95 van Wet 30 van 1998, artikel 177 van Wet 45 van 2003, artikel 110 van Wet 31 van 2005, artikel 86 van Wet 20 van 2006, artikel 140 van Wet 24 van 2011, artikel 177 van Wet 31 van 2013 en artikel 91 van Wet 23 van 2018

66. (1) Artikel 22 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in die voorbehoudsbepaling tot subartikel (3) die woorde wat paragraaf (ii)(AA) voorafgaan deur die volgende woorde te vervang:

“binne 12 maande na die verstryking van die belastingtydperk waarin daardie aftrekking gemaak was, nie die volle vergoeding betaal het nie, moet die ondernemer uitsetbelasting verklaar ingevolge hierdie artikel gelyk aan die belastingbreuk teen die koers van toepassing ten tyde van bedoelde aftrekking van daardie gedeelte van die vergoeding wat nie betaal is nie—”.

(2) Subartikel (1) tree op 1 April 2021 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 en artikel 76 van Wet 34 van 2019

67. Artikel 1 van die Wet op Oordrag van Sekuriteite, 2007, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van “leningsreëling” paragraawe (c) en (d) deur die volgende paragraawe te vervang:

“(c) daardie lener kontraktueel verbind is om daardie uitlener te vergoed vir enige uitkerings ten opsigte van die genoteerde sekuriteit (of ander aandeel wat in plek gestel is van daardie genoteerde aandeel ingevolge ‘n ooreenkoms wat aangekondig en verklaar word as ‘n ‘corporate action’ soos beoog in die ‘JSE Limited [Listing] Listings Requirements’ in die ‘SENS (Stock Exchange News Service)’ soos omskryf in die ‘JSE Limited [Listing] Listings Requirements’) of verband uitgereik deur die regering van die Republiek in die nasionale, of plaaslike sfeer of enige regeringsfeer van ‘n land buiten die Republiek indien daardie verband gelys is op ‘n erkende beurs soos omskryf in paragraaf 1 van die Agtste Bylae wat daardie uitlener geregtig sou gewees het om te ontvang gedurende daardie tydperk indien daardie reëling nie aangegaan was nie; en

(d) daardie reëling nie die uitlener se voordele of risiko’s wat uit die veranderings in die markwaarde van die genoteerde sekuriteit (of ander aandeel wat in plek gestel is van daardie genoteerde aandeel ingevolge ‘n ooreenkoms wat aangekondig en verklaar word as ‘n ‘corporate action’ soos beoog in die ‘JSE Limited [Listing] Listings Requirements’ in die ‘SENS (Stock Exchange News Service)’ soos omskryf in die ‘JSE Limited [Listing] Listings Requirements’) of verband uitgereik deur die regering van die Republiek in die nasionale of plaaslike sfeer of enige regeringsfeer van ‘n land buiten die Republiek indien daardie verband gelys is op ‘n erkende beurs soos omskryf in paragraaf 1 van die Agtste Bylae by die Inkomstebelastingwet voortvloei, affekteer nie.”; en

- (b) by the substitution in subsection (1) in the definition of “lending arrangement” for paragraph (ii) of the following paragraph:
- ‘(ii) returned the identical security or bond contemplated in paragraph (b) to the lender within the period referred to in that paragraph other than if such failure to return such identical security or bond is due to an arrangement that is announced and released as a corporate action as contemplated in the JSE Limited [Listing] Listings Requirements in the Stock Exchange News Service as defined in the JSE Limited [Listing] Listings Requirements;’.

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 and section 15 of Act 22 of 2018

68. Section 8 of the Securities Transfer Tax Act, 2007, is hereby amended by the substitution in subsection (1) after paragraph (v) for the full stop of a semi-colon and the addition of the following paragraphs:

- “(w) if that security is transferred to any multinational organisation providing foreign donor funding in terms of an official development assistance agreement that is binding in terms of section 231(3) of the Constitution of the Republic of South Africa Act, 1996, to the extent—
- (i) the security is transferred pursuant to the organisation supplying goods or rendering services in relation to projects that are approved by the Minister; or
- (ii) that agreement provides that the transfer of that security to that organisation must be exempt; or
- (x) if that security is transferred to—
- (i) the African Development Bank established on 10 September 1964;
- (ii) the World Bank established on 27 December 1945 including the International Bank for Reconstruction and Development and International Development Association;
- (iii) the International Monetary Fund established on 27 December 1945;
- (iv) the African Import and Export Bank established on 8 May 1993;
- (v) the European Investment Bank established on 1 January 1958 under the Treaty of Rome; or
- (vi) the New Development Bank established on 15 July 2014.”.

Substitution of section 10 of Act 25 of 2007

69. The following section is hereby substituted for section 10 of the Securities Transfer Tax Act, 2007:

“Effect of certain exemptions from taxes

10. No provision contained in any other law, other than a provision contained in any international agreement contemplated in section 231 of the Constitution, providing for an exemption from any tax shall be construed as applying or referring [, as the case may be,] to the tax payable in terms of this Act.”.

Amendment of section 9 of Act 26 of 2013, as amended by section 96 of Act 15 of 2016

70. (1) Section 9 of the Employment Tax Incentive Act, 2013, is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) Any amount as contemplated in subsection (2) or (3) on the first day of the month following 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

- (b) deur in subartikel (1) in die omskrywing van “leningsreëling” paragraaf (ii) deur die volgende paragraaf te vervang:
- “(ii) die identiese sekuriteit of verband beoog in paragraaf (b) aan die uitlener teruggelewer het binne die tydperk in daardie paragraaf bedoel nie buiten indien 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 [Listing] Listings Requirements’ in die ‘SENS (Stock Exchange News Service)’ soos omskryf in die ‘JSE Limited Listing Requirements’;”.

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 en artikel 15 van Wet 22 van 2018

68. Artikel 8 van die Wet op Oordrag van Sekuriteite, 2007, word hierby gewysig deur in subartikel (1) na paragraaf (v) die punt deur kommapunt te vervang en die volgende paragrawe by te voeg:

- “(w) indien daardie sekuriteit oorgedra word na enige multinasionale organisasie wat buitelandse skenkingsfondse voorsien ingevolge ’n amptelike ontwikkelingsbystandsooreenkoms wat ingevolge artikel 231(3) van die Grondwet van die Republiek van Suid-Afrika, 1996, bindend is, in die mate wat—
- (i) die sekuriteit oorgedra is in navolging daarvan dat die organisasie goedere voorsien of dienste verskaf met betrekking tot projekte wat deur die Minister goedgekeur is; of
- (ii) die ooreenkoms bepaal dat die oordrag van die sekuriteit aan daardie instelling of liggaam vrygestel moet wees; of
- (x) indien daardie sekuriteit oorgedra is na—
- (i) die ‘African Development Bank’ gestig op 10 September 1964;
- (ii) die Wêreldbank gestig op 27 Desember 1945, insluitende die Internasionale Bank vir Heropbou en Ontwikkeling en die Internasionale Ontwikkelingsvereniging;
- (iii) die Internasionale Monetêre Fonds gestig op 27 Desember 1945;
- (iv) die ‘African Import and Export Bank’ gestig op 8 Mei 1993;
- (v) die Europese Beleggingsbank gestig op 1 Januarie 1958 ingevolge die Verdrag van Rome; of
- (vi) ‘New Development Bank’ gestig op 15 Julie 2014.”.

Vervanging van artikel 10 van Wet 25 van 2007

69. Artikel 10 van die Wet op Oordrag van Sekuriteite, 2007, word hierby deur die volgende artikel vervang:

“Effek van sekere vrystellings van betalings

10. Geen bepaling vervat in enige ander reg, anders as ’n bepaling vervat in enige internasionale ooreenkoms in artikel 231 van die Grondwet beoog, wat voorsiening maak vir ’n vrystelling van enige belasting word uitgelê asof dit van toepassing is op of verwys na, **na gelang van die geval,** die belasting betaalbaar ingevolge hierdie Wet nie.”.

Ku antswisiwa ka xiyenge xa 9 xa Nawu wa 26 lembe ra 2013, tani hi loko wu antswisiwile hi xiyenge xa 96 xa Nawu wa 15 lembe ra 2016

70. (1) Xiyenge xa 9 xa *Employment Tax Incentive Act, 2013*, hi lexi xi antswisiweke hi ku siviwa ka xiyengentsongo xa (4) eka xiyengentsongo lexi xi landzelaka:

- “(4) Ntsengo wun’wana na wun’wana tani hi loko wu kombisiwile eka xiyengentsongo xa (2) kumbe (3) eka siku ro sungula ra ’n’hweti ku landza ku hela ka nkarhi lowu muthori a languteriwaka ku nyika ntswalo hi ku ya hi ndzimana ya 14(3)(a) ya Xedulu ya Vumune eka *Income Tax Act*, wu fanele wu languteriwa

Act, must be deemed to be nil in respect of each qualifying employee employed by the employer on that date.”.

(2) Subsection (1) is deemed to have come into operation on 31 July 2020.

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 and section 82 of Act 34 of 2019 5

71. (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 [2016] 2022 and applies in respect of amounts incurred on or after that date.”. 10

(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 and section 83 of Act 34 of 2019

72. (1) Section 15 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection: 15

“(2) Subsection (1) comes into operation on 1 January [2016] 2022 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.

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 and section 84 of Act 34 of 2019 20

73. Section 62 of the Taxation Laws Amendment Act, 2013, is hereby amended—

(a) by the substitution for subsection (1) if the following subsection:

“(1) Section 23M of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (6) of the following subsection: 25

“(6) This section does not apply[—

(a)] to so much of the interest incurred by a debtor in respect of a debt owed to a creditor as contemplated in subsection (2) where—

(i) that creditor funded that debt amount advanced to that debtor with funding granted by a lending institution that is not in a controlling relationship with that debtor; and 30

(ii) that interest is determined with reference to a rate of interest that does not exceed the official rate of interest [as defined in paragraph 1 of the Seventh Schedule] plus 100 basis points; 35
or

(b) to any interest incurred by a debtor in respect of any linked unit that is held by a creditor as contemplated in subsection (2) where that creditor is a long-term insurer as defined in the Long-term Insurance Act, a pension fund or a provident fund, 40
if—

(i) the long-term insurer, pension fund or provident fund holds at least 20 per cent of the linked units in that debtor;

(ii) the long-term insurer, pension fund or provident fund acquired those linked units before 1 January 2013; and 45

(iii) at the end of the previous year of assessment 80 per cent or more of the value of the assets of that debtor, reflected in the annual financial statements prepared in accordance with the Companies Act for the previous year of assessment, is directly or indirectly attributable to immovable property.”; and 50

kuva nili hi kuya hi mutirhi loyi a thoriweke hi muthori un'wana na un'wana eka siku rero.”

(2) Xiyengentsongo xa (1) xi languteriwa ku sungula ku tirha hi ti 31 Mawuwana 2020.

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 en artikel 82 van Wet 34 van 2019 5

71. (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 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.” 10

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

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 en artikel 83 van Wet 34 van 2019 15

72. (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 en is van toepassing ten opsigte bedrae aangegaan op of na daardie datum.” 20

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

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 en artikel 84 van Wet 34 van 2019

73. Artikel 62 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig— 25

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Artikel 23M van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Hierdie artikel is nie van toepassing nie—

(a) op soveel van die rente wat aangegaan word deur ’n skuldenaar ten opsigte van ’n skuld verskuldig aan ’n krediteur soos in subartikel (2) beoog waar— 30

(i) daardie krediteur daardie skuldbedrag voorgeskiet aan daardie skuldenaar befonds het met befondsing toegestaan deur ’n leningsinstansie wat nie in ’n beherende verhouding met daardie skuldenaar is nie; en 35

(ii) daardie rente bepaal word met verwysing na ’n rentekoers wat nie die amptelike rentekoers [soos omskryf in paragraaf 1 van die Sewende Bylae] plus 100 basispunte oorskry nie; of

(b) op enige rente aangegaan deur ’n skuldenaar ten opsigte van enige gekoppelde eenheid wat gehou word deur ’n krediteur soos in subartikel (2) beoog waar daardie krediteur ’n langtermynversekeraar soos omskryf in die Langtermynversekeringswet, ’n pensioenfonds of ’n voorsorgfonds is, indien— 40 45

(i) die langtermynversekeraar, pensioenfonds of voorsorgfonds minstens 20 persent van die gekoppelde eenhede in daardie skuldenaar hou;

(ii) die langtermynversekeraar, pensioenfonds of voorsorgfonds daardie gekoppelde eenhede voor 1 Januarie 2013 verkry het; en 50

(iii) aan die einde van die vorige jaar van aanslag 80 persent of meer van die waarde van die bates van daardie skuldenaar, weergegee in die finansiële jaarstate voorberei ooreenkomstig die Maatskappywet vir die vorige jaar van aanslag, regstreeks of onregstreeks aan onroerende eiendom toeskryfbaar is].”; en 55

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

“(2) Subsection (1) comes into operation on 1 January ~~[2016]~~ 2022 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. 5

Amendment of section 3 of Act 25 of 2015

74. (1) Section 3 of the Taxation Laws Amendment Act, 2015 is hereby amended—

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

“(k) by the substitution in subsection (1) in paragraph (a) of the definition of ‘pension fund’ for subparagraph (i) of the following subparagraph: 10

‘(i) any pension[, **provident**] or dependants’ fund or pension scheme established by law, other than the Government Employees Pension Fund, as contemplated in the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996);’; 15

(b) by the deletion in subsection (1) of paragraph (l);

(c) by the deletion in subsection (1) of paragraph (q) and (r); and

(d) by the substitution in subsection (1) for paragraph (u) of the following paragraph: 20

“(u) by the substitution in subsection (1) in the definition of ‘provident fund’ for the words preceding the proviso of the following words and paragraphs: 25

‘(a) [any fund (other than a pension fund, pension preservation fund, provident preservation fund, benefit fund or retirement annuity fund) which is approved by the Commissioner in respect of the year of assessment in question and, in the case of any such fund established on or after 1 July 1986, is registered under the provisions of the Pension Funds Act;] any provident fund established by law; 30

(b) any provident fund established for the benefit of the employees of any municipality or of any local authority (as defined in the definition of ‘local authority’ in this section prior to the coming into operation of section 3(1)(h) of the Revenue Laws Amendment Act, 2006 (Act No. 20 of 2006), that was established prior to the date that section so came into operation); or 35

(c) any fund contemplated in subparagraph (b), which includes as members employees of any municipal entity created in accordance with the provisions of the Municipal Systems Act, 2000 (Act No. 32 of 2000), over which one or more municipalities or local authorities (as defined in section 1 prior to the coming into operation of section 3(1)(h) of the Revenue Laws Amendment Act, 2006, and that was established prior to the date that section so came into operation) exercise ownership control as contemplated by that Act, where such fund was established— 40 45

(aa) on or before 14 November 2000, and such employees were employees of a local authority (as defined in section 1 prior to the coming into operation of section 3(1)(h) of the Revenue Laws Amendment Act, 2006, and that was established prior to the date that section so came into operation) immediately prior to becoming employees of such municipal entity; or 50 55

(bb) after 14 November 2000, and such fund has been approved by the Commissioner subject to such limitations, conditions and requirements as contemplated in paragraph (c) of the definition of ‘provident fund’; and

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

“(2) Subartikel (1) tree in werking op 1 Januarie 2022 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. 5

Wysiging van artikel 3 van Wet 25 van 2015

74. (1) Artikel 3 van die Wysigingswet op Belastingwette, 2015, word hierby gewysig—

(a) deur in subartikel (1) paragraaf (k) deur die volgende paragraaf te vervang:

“(k) deur in subartikel (1) in paragraaf (a) van die omskrywing van ‘pensioenfondse’ subparagraaf (i) deur die volgende subparagraaf te vervang:

‘(i) ’n [pensioen- of voorsorgfondse] pensioenfondse of fondse vir afhanklikes of pensioenskema by wet ingestel buiten die pensioenfondse vir staatsamptenare (‘Government Employees’ Pension Fund) soos beoog in die ‘Government Employees Pension Law, 1996’ (Proklamasie No. 21 van 1996);”;

(b) deur in subartikel (1) paragraaf (l) te skrap;

(c) deur in subartikel (1) paragrawe (q) en (r) te skrap; en

(d) deur in subartikel (1) paragraaf (u) deur die volgende paragraaf te vervang: 20

“(u) deur in subartikel (1) in die omskrywing van ‘voorsorgfondse’ die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde en paragrawe te vervang:

‘(a) [’n fondse (behalwe ’n pensioenfondse, pensioenbewaringsfondse, voorsorgbewaringsfondse, bystandsfondse of uittredingannuïteitsfondse) wat deur die Kommissaris ten opsigte van die betrokke jaar van aanslag goedgekeur word en, in die geval van so ’n fondse wat op of na 1 Julie 1986 ingestel is, wat kragtens die bepalings van die Wet op Pensioenfondse geregistreer is] enige voorsorgfondse gestig kragtens Wet; 25

(b) ’n voorsorgfondse ten behoeve van werknemers van ’n munisipaliteit of enige plaaslike bestuur (soos omskryf in die woordomskrywing van ‘plaaslike bestuur’ in hierdie artikel voor die inwerkingtreding van artikel 3(1)(h) van die Wysigingswet op Inkomstewette, 2006 (Wet No. 20 van 2006), wat ingestel is voor die datum waarop daardie artikel aldus in werking getree het); of 35

(c) ’n fondse in subparagraaf (b) beoog, wat as lede insluit werknemers van enige munisipale entiteit ingevolge die bepalings van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), gestig, waarvoor een of meer munisipaliteite of plaaslike besture (soos omskryf in artikel 1 voor die inwerkingtreding van artikel 3(1)(h) van die Wysigingswet op Inkomstewette, 2006, wat ingestel is voor die datum waarop daardie artikel aldus in werking getree het), eienaarskapbeheer uitoefen, soos in daardie Wet bedoel, waar daardie fondse ingestel is— 40

(aa) voor of op 14 November 2000, en daardie werknemers onmiddellik voordat hulle werknemers van daardie munisipale entiteit geword het, werknemers van ’n plaaslike bestuur (soos omskryf in artikel 1 voor die inwerkingtreding van artikel 3(1)(h) van die Wysigingswet op Inkomstewette, 2006, wat ingestel is voor die datum waarop daardie artikel aldus in werking getree het) was; of 50

(bb) na 14 November 2000, en daardie fondse deur die Kommissaris goedgekeur is onderhewig aan die beperkings, voorwaardes en vereistes soos in paragraaf (c) van die omskrywing van ‘voorsorgfondse’ beoog; en 55 60

- (d) any fund (other than a pension fund, pension preservation fund, provident preservation fund, benefit fund or retirement annuity fund) which is approved by the Commissioner in respect of the year of assessment in question and, in the case of any such fund established on or after 1 July 1986, is registered under the provisions of the Pension Funds Act:” 5

(2) Subsection (1) is deemed to have come into operation on 8 January 2016.

Amendment of section 1 of Act 2 of 2016, as amended by section 97 of Act 17 of 2017 and section 110 of Act 23 of 2018

75. (1) Section 1 of the Revenue Laws Amendment Act, 2016, is hereby amended by the substitution for subsection (1) of the following subsection: 10

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

- (a) by the addition in subsection (1) in the definition of ‘pension fund’ of the following proviso: 15

’: Provided that the Commissioner may approve any fund contemplated in paragraph (c) subject to such limitations or conditions as he may determine, and shall not approve a fund in respect of any year of assessment unless the Commissioner is in respect of that year of assessment satisfied—

- (i) that the fund is a permanent fund *bona fide* established for the purpose of providing annuities for employees on retirement date or for the dependants or nominees of deceased employees, or mainly for the said purpose and also for the purpose of providing benefits other than annuities for the persons aforesaid or for the purpose of providing any benefit contemplated in paragraph 2C of the Second Schedule or section 15A or 15E of the Pension Funds Act; and 20 25

- (ii) that the rules of the fund provide—

(aa) that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales; 30

(bb) that membership of the fund throughout the period of employment shall be a condition of the employment by the employer of all persons of the class or classes specified therein who enter employment with that employer on or after the date upon which— 35

(A) the fund comes into operation; or

(B) the employer becomes a participant in that fund;

(cc) those persons who immediately prior to the said date were employed by the employer and who on the said date fall within the said class or classes may, upon application made, be permitted to become members of that fund on such conditions as may be specified in the rules; 40

(dd) that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed 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— 45 50

(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— 55

(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; 60

(d) 'n fonds (behalwe 'n pensioenfonds, pensioenbewaringsfonds, voorsorgbewaringsfonds, bystandsfonds of uittredingannuïteitsfonds) wat deur die Kommissaris ten opsigte van die betrokke jaar van aanslag goedgekeur word en, in die geval van so 'n fonds wat op of na 1 Julie 1986 ingestel is, wat kragtens die bepalings van die Wet op Pensioenfondse geregistreer is:” 5

(2) Subartikel (1) word geag op 8 Januarie 2016 in werking te getree het.

Wysiging van artikel 1 van Wet 2 van 2016, soos gewysig deur artikel 97 van Wet 17 van 2017 en artikel 110 van Wet 23 van 2018 10

75. (1) Artikel 1 van die Wysigingswet op Inkomstewette, 2016, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Artikel 1 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van ‘pensioenfonds’ die volgende voorbehoudsbepaling by te voeg: 15

: Met dien verstande dat die Kommissaris 'n fonds kan goedkeur beoog in paragraaf (c) behoudens die beperkings en voorwaardes wat die Kommissaris bepaal, en nie 'n fonds ten opsigte van 'n jaar van aanslag moet goedkeur nie tensy die Kommissaris ten opsigte van daardie jaar van aanslag tevrede is— 20

(i) dat die fonds 'n permanente fonds is wat *bona fide* ingestel is met die oogmerk om vir werknemers by uitdienstreding of vir die afhanklikes of benoemdes van oorlede werknemers, jaargelde beskikbaar te stel, of hoofsaaklik met genoemde oogmerk en ook met die oogmerk om ander voordele as jaargelde vir voormelde persone beskikbaar te stel of met die oogmerk om enige voordeel beoog in paragraaf 2C van die Tweede Bylae of artikel 15A of 15E van die Wet op Pensioenfondse te voorsien; 25

(ii) dat die reëls van die fonds bepaal— 30

(aa) dat alle jaarlikse bydraes van terugkerende aard tot die fonds ooreenkomstig aangegewe skale moet wees; 30

(bb) dat lidmaatskap van die fonds gedurende die hele dienstermyn 'n voorwaarde is van die indiensneming deur die werkgewer van alle persone in die daarin vermelde kategorie of kategorieë wat op of na die datum waarop— 35

(A) die fonds in werking tree; of

(B) die werkgewer 'n deelnemer in daardie fonds word, by die werkgewer in diens gaan; 40

(cc) dat persone wat onmiddellik voor genoemde datum by die werkgewer in diens was en wat op genoemde datum in genoemde kategorie of kategorieë val, op aansoek toegelaat kan word om op die in die reëls vermelde voorwaardes lede van die fonds te word; 45

(dd) 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) 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 uittreebelang aan 'n pensioenbewaringsfonds of uittreeannuïteitsfonds oor te dra: Met dien verstande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie— 50

(A) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds was en wat 55 jaar of ouer was op 1 Maart 2021—

(AA) enige bedrag tot 'n voorsorgfonds bygedra of oorgedra aan 'n voorsorgbewaringsfonds voor, op en na 1 Maart 2021 waarvan daardie persoon op 1 Maart 2021 'n lid was; 60

- (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 5
- (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);
- (B) in any other case of a person who was a member of a provident fund or provident preservation fund on 1 March 2021— 10
- (AA) any amount contributed to a provident fund or transferred to a provident preservation fund prior to 1 March 2021; 15
- (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 20
- (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), 25
- 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; 30
- (ee) that a partner of a partnership is regarded as an employee of the partnership; and
- (ff) that the Commissioner shall be notified of all amendments of the rules; and 35
- (iii) that the rules of the fund have been complied with;'
- (b) by the substitution in subsection (1) in the definition of 'pension preservation fund' for paragraph (e) of the proviso of the following paragraph:
- '(e) not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed R165 000 or where the member is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account— 40
- (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— 45
- (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; 50
- (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 55
- (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

- (BB) 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
- (CC) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in item (A) of bedrae gekrediteer soos in subitem (B) beoog; of
- (B) in enige ander geval van 'n persoon wat op 1 Maart 2021 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds was—
- (AA) enige bedrag voor 1 Maart 2021 tot 'n voorsorgfonds bygedra of na voorsorgfonds oorgedra;
- (BB) met die toevoeging van enige ander bedrag gekrediteer in die lid se individuele rekening van die voorsorgfonds as gevolg van die waarde van die lid se individuele rekening of minimum individuele reserwes op 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, proporsioneel verminder deur 'n bedrag ingevolge die Wet op Pensioenfondse toegelaat om afgetrek te word van die lid se individuele rekening of minimum individuele reserwes van die voorsorgfonds of voorsorgbewaringsfonds voor op en na 1 Maart 2021;
- (ee) dat 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; en
- (ff) dat die Kommissaris in kennis gestel word van alle wysigings van die reëls; en
- (iii) dat die reëls van die fonds nagekom is;';
- (b) deur in subartikel (1) in die omskrywing van 'pensioenbewaringsfonds' paragraaf (e) van die voorbehoudsbepaling 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) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is: 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 fondsopbrengs 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 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;'
- (c) by the substitution in subsection (1) in the definition of 'provident fund' for **[paragraph (b)] paragraphs (a) and (b)** of the proviso of the following **[paragraph] paragraphs:**
- [(a)] (i)** that the fund is a permanent fund bona fide established solely for the purpose of providing benefits for employees on retirement date or solely for the purpose of providing benefits for the dependants or nominees of deceased employees or deceased former employees or solely for a combination of such purposes or mainly for the said purpose and also for the purpose of providing any benefit contemplated in paragraph 2C of the Second Schedule or section 15A or 15E of the Pension Funds Act; and
 - [(b)] (ii)** that the rules of the fund provide—
 - (i) contain provisions similar in all respects to those required to be contained in the rules of a pension fund in terms of subparagraphs (aa), (bb), (cc), (ee) and (ff) of paragraph (ii) of the proviso to paragraph (c) in the definition of "pension fund";**
 - (ii) may provide for an employee who elects to transfer the withdrawal interest to a pension fund established by the same employer or a pension fund in which that employer participates; and**
 - (iii) may provide for the employee to elect to transfer the retirement interest to a pension preservation fund, provident preservation fund or retirement annuity fund; and]**
 - (aa)** that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales;
 - (bb)** that membership of the fund throughout the period of employment shall be a condition of the employment by the employer of all persons of the class or classes specified therein who enter the employment of the employer on or after the date upon which—
 - (a)** the fund comes into operation; or
 - (b)** the employer becomes a participant in that fund;
 - (cc)** that person who immediately prior to the said date were employed by the employer and who on the said date fall within the said class or classes may, on application made, be permitted to become members of the fund on such conditions as may be specified in the rules;

- (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; 5
 - (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 10
 - (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, 15
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;';
- (c) deur in die omskrywing van 'voorsorgfonds' [paragraaf (b)] paragrawe (a) en (b) van die voorbehoudsbepaling deur die volgende [paragraaf] paragrawe te vervang: 20
- [(a)] (i) dat die fonds 'n permanente fonds is wat *bona fide* ingestel is uitsluitlik met die oogmerk om vir werknemers op uittreedatum voordele beskikbaar te stel of uitsluitlik met die oogmerk om vir die afhanklikes of benoemdes van oorlede werknemers of oorlede voormalige werknemers voordele beskikbaar te stel of uitsluitlik met 'n kombinasie van genoemde oogmerke of hoofsaaklik vir genoemde oogmerk en ook met die oogmerk om enige voordeel beoog in paragraaf 2C van die Tweede Bylae of artikel 15A of 15E van die Wet op Pensioenfondse te voorsien; en 25
 - [(b)] (ii) dat die reëls van die fonds bepaal— 30
 - (i) **bepalings bevat wat in alle opsigte soortgelyk is aan dié wat in subparagraawe (aa), (bb), (cc), (ee) en (ff) van paragraaf (ii) van die voorbehoudsbepaling by paragraaf (c) van die omskrywing van 'pensioenfonds' in die reëls van 'n pensioenfonds vervat moet word;** 35
 - (ii) **voorsorg mag maak vir 'n werknemer wat kies om die onttrekkingsbelang oor te dra na 'n pensioenfonds opgerig deur dieselfde werkgewer of 'n pensioenfonds waaraan daardie werkgewer deelneem; en** 40
 - (iii) **voorsorg mag maak vir die werknemer om die uittredingsbelang na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of uittredingsannuïteitsfonds oor te dra; en** 45
 - (aa) dat alle jaarlikse bydraes van terugkerende aard tot die fonds ooreenkomstig aangegewe skale moet wees;
 - (bb) dat lidmaatskap van die fonds gedurende die hele dienstermyn 'n voorwaarde is van die indiensneming deur die werkgewer van alle persone in die daarin vermeldde kategorie of kategorieë wat op of na die datum waarop— 50
 - (aa) die fonds in werking tree; of
 - (bb) die werkgewer 'n deelnemer in daardie fonds word, by die werkgewer in diens gaan;
 - (cc) dat persone wat onmiddellik voor genoemde datum by die werkgewer in diens was en wat op genoemde datum in genoemde kategorie of kategorieë val, op aansoek gedoen, toegelaat kan word om op die in die reëls vermeldde voorwaardes lede van die fonds te word; 55

- (dd) that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed 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—
- (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—
- (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
- (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 subitem (BB); or
- (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;
- (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
- (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 subitem (BB),
- 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;
- (ee) that the employee may elect to transfer the withdrawal interest to a pension fund established by the same employer or a pension fund in which that employer participates;
- (ff) that a partner of a partnership is regarded as an employee of the partnership; and
- (iii) that the rules of the fund have been complied with;'
- (d) by the substitution in subsection (1) in the definition of 'provident preservation fund' for paragraph (e) of the following paragraph:
- '(e) that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed R165 000 or where the member is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account:

- (dd) 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) betaal moet word, behalwe waar tweederdes 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 uittreedingannuïteitsfonds: 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 van die voorsorgfonds 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 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;
- (ee) dat die werknemer kan kies om die onttrekkingsbelang oor te plaas na 'n pensioenfonds waaraan daardie werkgewer deelneem;
- (ff) dat 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; en
- (iii) dat die reëls van die fonds nagekom is;';
- (d) deur in subartikel (1) in 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) betaal moet word, behalwe waar tweederdes van die totale waarde nie R165 000 te bowe gaan nie of waar die lid oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie:

- (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—
- (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; 5
 - (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 10
 - (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); 15
- (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—
- (i) any amount contributed to a provident fund or transferred to a provident preservation fund prior to 1 March 2021; 20
 - (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 25
 - (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), 30
- 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;'; 35
- and
- (e) by the substitution in subsection (1) in the definition of 'retirement annuity fund' in paragraph (b) of the proviso for subparagraph (ii) of the following subparagraph:
- (a) in the case of a person who was a member of a provident fund or a provident preservation fund and who was 55 years of age or older on 1 March 2021— 40
- (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; 45
 - (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 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 or transfers contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); 50
- (b) in any other case of a person who was a member of a provident fund or provident preservation fund on 1 March 2021— 55
- (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 60

- (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 die 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; 5
 - (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 10
 - (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; 15
- (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds is of was op 1 Maart 2021—
- (i) enige bedrag tot 'n voorsorgfonds bygedra of na 'n voorsorgbewaringsfonds oorgedra voor 1 Maart 2021; 20
 - (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 reserwe op 1 Maart 2021; en 25
 - (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes of oordragte beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, 30
proporsioneel verminder deur enige 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;'; en 35
- (e) deur in subartikel (1) in die omskrywing van 'uittredingsannuïteitsfonds' in paragraaf (b) van die voorbehoudsbepaling subparagraaf (ii) deur die volgende paragraaf te vervang:
- '(a) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds of 'n voorsorgbewaringsfonds was en wat 55 jaar of ouer was op 1 Maart 2021—
- (i) enige bedrag tot die voorsorgfonds bygedra of oorgeplaas na 'n voorsorgbewaringsfonds voor, op of na 1 Maart 2021 waarvan daardie persoon voor, op of na 1 Maart 2021 'n lid was; 40
 - (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening of minimum individuele reserwe van die voorsorgfonds oor voorsorgbewaringsfonds voor, op en na 1 Maart 2021; en 45
 - (iii) enige fondsopbrengs, soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes of oordragte beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; 50
- (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds was op 1 Maart 2021—
- (i) enige bedrag tot die voorsorgfonds bygedra of oordrag aan 'n voorsorgbewaringsfonds gemaak voor 1 Maart 2021; 55
 - (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 reserwe op 1 Maart 2021; en 60

- (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 provident preservation fund prior to, on and after 1 March 2021;”.

(2) Subsection (1) is deemed to have come into operation on 20 May 2016.

Amendment of section 39 of Act 17 of 2017

76. (1) Section 39 of the Taxation Laws Amendment Act, 2017, is hereby amended by the deletion of paragraph (c).

(2) Subsection (1) is deemed to have come into operation on 18 December 2017.

Amendment of section 6 of Act 15 of 2019, as amended by section 93 of Act 34 of 2019

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

- (a) by the substitution in subsection (1) for the words preceding the formula of the following words:

“Subject to [subsection] subsections (2) and (3), the amount of tax payable by a taxpayer in respect of a tax period must be calculated in accordance with the formula;”;

- (b) by the addition of the following subsection:

“(3) The amount of tax payable by a taxpayer that is a petroleum refinery in respect of a tax period must be calculated in accordance with the formula:

$$X = A - (B \times P)$$

in which formula—

- (a) ‘X’ represents the amount to be determined that must not be less than zero;
(b) ‘A’ represents the amount of tax payable in respect of a tax period determined in terms of subsection (1);
(c) ‘B’ represents an amount of 0.56 cents per litre; and
(d) ‘P’ represents the total amount of petrol produced expressed in litres.”.

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

Amendment of section 37 of Act 34 of 2019

78. (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 [2021] 2022 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 section 51 of Act 34 of 2019

79. (1) Section 51 of the Taxation Laws Amendment Act, 2019, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subsection (1) comes into operation on 1 March [2021] 2022.”.

(2) Subsection (1) is deemed to have come into operation on 15 January 2020.

Short title

80. This Act is called the Taxation Laws Amendment Act, 2020.

- (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die hydraes of oordragte beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, 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 voorsorgfondsbewaringsfonds voor, op en na 1 Maart 2021;.’”.
- (2) Subartikel (1) word geag op 20 Mei 2016 in werking te getree het. 5
- Wysiging van artikel 39 van Wet 17 van 2017** 10
76. (1) Artikel 39 van Wysigingswet op Belastingwette, 2017, word hierby gewysig deur paragraaf (c) te skrap.
- (2) Subartikel (1) word geag op 18 Desember 2017 in werking te getree het.
- Wysiging van artikel 6 van Wet 15 van 2019, soos gewysig deur artikel 93 van Wet 34 van 2019** 15
77. (1) Artikel 6 van die Wet op Koolstofbelasting, 2019, word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat die formule voorafgaan deur die volgende woorde te vervang:
- “Behoudens [subartikel] subartikels (2) en (3), word die bedrag van belasting betaalbaar deur 'n belastingpligtige ten opsigte van 'n belastingtydperk bereken ooreenkomstig die formule;” en 20
- (b) deur die volgende subartikel by te voeg:
- “(3) Die bedrag belasting betaalbaar deur belastingpligtige wat petroleumraffinadery is ten opsigte van belastingtydperk word bereken ooreenkomstig die formule:
- $$X = A - (B \times P)$$
- in welke formule—
- (a) ‘X’ die bedrag bepaal te word voorstel wat nie minder as nul moet wees nie;
- (b) ‘A’ die bedrag belasting voorstel betaalbaar ten opsigte van belastingtydperk bepaal ingevolge subartikel (1); 30
- (c) ‘B’ bedrag van 0.56 sent per liter voorstel; en
- (d) ‘P’ die totale hoeveelheid van petrol vervaardig voorstel uitgedruk in liter.”.
- (2) Subartikel (1) word geag op 1 Januarie 2020 in werking te getree het. 35
- Wysiging van artikel 37 van Wet 34 van 2019**
78. (1) Artikel 37 van 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 [2021] 2022 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.”. 40
- (2) Subartikel (1) word geag op 15 Januarie 2020 in werking te getree het.
- Wysiging van artikel 51 van Wet 34 van 2019**
79. (1) Artikel 51 van die Wysigingswet op Belastingwette, 2019, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 45
- “(2) Subartikel (1) tree in werking op 1 Maart [2021] 2022.”.
- (2) Subartikel (1) word geag op 15 Januarie 2020 in werking te getree het.
- Kort titel**
80. Hierdie Wet heet die Wysigingswet op Belastingwette, 2020.

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