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**TAX ADMINISTRATION LAWS AMENDMENT BILL,
2017**

19 JULY 2017

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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.

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To—

- amend the Estate Duty Act, 1955, so as to effect technical corrections;
- amend the Income Tax Act, 1962, so as to make provision for exemption from a penalty; to make provision for exemption from an obligation to submit a return in certain cases; to amend the Fourth Schedule to that Act to correct a numbering error; to make provision for the calculation of an allowance; to provide for the smoothing over time of a deduction; to make provision for an inclusion in employees' tax; to amend the Sixth Schedule to that Act to amend a definition; to repeal an obsolete provision in the Seventh Schedule to that Act;
- amend the Customs and Excise Act, 1964, so as to extend a provision related to information sharing; to clarify a provision related to imported fuel levy goods; to delete a provision that will no longer be implemented; to amend a provision related to customs controlled areas; to clarify a provision related to environmental levy goods; to amend a provision to delete references to the Value-Added Tax Act;
- amend the Value-Added Tax Act, 1991, so as to amend a provision related to customs duties;
- amend the Skills Development Levies Act, 1999, so as to clarify the wording of a provision;
- amend the Diamond Export Levy (Administration) Act, 2007, so as to effect technical corrections in certain provisions;
- amend the Tax Administration Act, 2011, so as to amend a provision dealing with decisions; to effect technical corrections; to amend a provision dealing with the constitution of the tax board; to delete an unnecessary provision; to amend a provision dealing with refunds; to amend a provision to provide that interest provisions may come into effect on different dates in respect of different tax types;

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- amend the Customs Duty Act, 2014, so as to clarify who may claim refunds and drawbacks and to whom refunds and drawbacks will be paid; to amend a provision to broaden the scope for clearance declarations and amended clearance declarations to be regarded as applications for purposes of the Act;
- amend the Customs Control Act, 2014, so as to make certain technical corrections; to delete certain unnecessary provisions; to clarify certain provisions, to amend a provision by qualifying when a permission to depart must be submitted in relation to foreign-going vessels; to make changes to provisions relating to the submission of vessel and aircraft departure and arrival reports; to substitute a provision relating to customs permission for the transfer of ownership of goods under customs procedures so as to provide flexibility to exclude certain procedures where permission is not required and to more fully provide for different scenarios that may arise when goods are transferred; to effect changes to a section to broaden the notion of an amended clearance declaration; to amend sections to provide for and clarify various scenarios that may arise when transshipment operations take place at two different seaports; to make certain adjustments to provisions for purposes of systems facilitation; to provide more clarity in respect of reusable transport equipment entering and leaving the Republic and to create flexibility to provide for certain divergent issues concerning the different types of reusable transport equipment by rule; to simplify the removal of stores from a foreign-going vessel, aircraft or cross-border train; to provide for exclusions and exemptions; to limit the requirement of registration as electronic user to the person actually accessing the SARS electronic system; and generally to make adjustments for the smoother implementation of that Act;
- amend the Customs and Excise Amendment Act, 2014, to delete a paragraph;
- amend the Tax Administration Laws Amendment Act, 2014, to delete a paragraph;

and to provide for matters connected therewith.

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

Insertion of section 9C in Act 45 of 1955

1. The Estate Duty Act, 1955, is hereby amended by the insertion of the following section before section 10:

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“9C. The duty payable under this Act shall be paid on such date as may be prescribed in the notice of assessment issued in terms of section 9(3).”

Amendment of section 10 of Act 45 of 1955, as amended by section 271 of Act 28 of 2011 read with paragraph 18 of Schedule 1 to that Act and section 3 of Act 21 of 2012

2. Section 10 of the Estate Duty Act, 1955, is hereby amended—

(a) by the substitution for subsection (1), pending its substitution by section 271 of Act 28 of 2011 read with paragraph 18 of Schedule 1 to that Act and section 3 of Act 21 of 2012, of the following subsection:

“(1) If any duty remains unpaid at the expiration of a period of thirty days from the date **[of] for payment **[notified in accordance with subsection (2) of section *nine*] prescribed in terms of section 9C**, there shall be payable, in addition to the unpaid duty, interest at the rate of six per cent. per annum on the amount of unpaid duty calculated from the date of the expiration of the said period to the date of payment: Provided that, where the assessment of duty is delayed beyond a period of twelve months from the date of death, interest at the rate of six per cent. per annum shall be payable as from a date twelve months after the date of death on the difference (if any) between the duty assessed and any deposit (if any) made on account of the duty payable within the said period of twelve months.”; and**

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

“(2) Whenever the Commissioner is satisfied that the delay in the payment of duty within the period of thirty days from the date **[of] for payment **[notified in accordance with subsection (2) of section *nine*] prescribed in terms of section 9C**, or within the period of twelve months from the date of death, as the case may be, has not been occasioned either by the executor or by any person liable for the duty, **[he] the Commissioner** may allow an extension of time within which the duty may be paid without interest if, before the expiration of the said period of thirty days or the said period of twelve months, as the case may be or such further period as the Commissioner may allow—**

(a) a deposit on account of the duty payable is made of an amount which, in the opinion of the Commissioner, is reasonable, regard being had to the amount of the duty payable; and

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(b) application is made in writing to the Commissioner for such extension of time.”.

Insertion of section 7D of Act 58 of 1962

3. (1) The Income Tax Act, 1962, is hereby amended by the insertion after section 7C of the following section:

“Timing of accrual of interest payable by SARS

7D. In determining the taxable income derived by any person during a year of assessment, any amount of interest to which a person becomes entitled that is payable by SARS in terms of a tax Act is deemed to accrue to that person on the date on which that amount is paid to that person.”.

(2) Subsection (1) comes into operation on 1 January 2018 and applies to amounts of interest paid by SARS on or after that date.

Amendment of section 48C of Act 58 of 1962, as inserted by section 54 of Act 60 of 2008 and amended by section 67 of Act 25 of 2015

4. Section 48C of the Income Tax Act, 1962, is hereby amended by the addition of the following subsection:

“(4) Where in the course of a year of assessment a registered micro business is deregistered in terms of paragraph 10(2) of the Sixth Schedule and a person that qualifies as a small business corporation as defined in section 12E becomes liable for payment of tax in terms of section 5 in respect of the taxable income of that deregistered micro business, that person is exempt from any penalties for underpayment of tax for which that person, solely as a result of that person becoming so liable in respect of that taxable income, would otherwise become liable under the Fourth Schedule to this Act or Chapter 15 of the Tax Administration Act.”.

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Amendment of section 64K of Act 58 of 1962, as inserted by section 56 of Act 60 of 2008 and amended by section 53 of Act 17 of 2009, section 84 of Act 24 of 2011, section 271 of Act 28 of 2011, read with paragraph 55 of Schedule 1 to that Act, section 14 of Act 21 of 2012, section 5 of Act 39 of 2013, section 5 of Act 44 of 2014, section 4 of Act 23 of 2015 and section 3 of Act 16 of 2016

5. Section 64K of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) If, in terms of this Part a person has—

- (a) paid a dividend; or
- (b) received a dividend contemplated in paragraph (a) of the definition of “dividend” in section 64D[, **other than a dividend derived from a tax free investment contemplated in section 12T,**] that is exempt or partially exempt from dividends tax in terms of section 64F or 64FA,

that person must submit a return in respect of that dividend to the Commissioner by the last day of the month following the month during which the dividend is paid or received, unless the dividend received—

- (i) is derived from a tax free investment contemplated in section 12T; or
- (ii) is received by a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund, or a beneficiary fund defined in section 1 of the Pension Funds Act, of which the receipts and accruals are exempt from normal tax in terms of section 10(1)(d)(i).”.

Amendment of section 64L of Act 58 of 1962, as substituted by section 53 of Act 17 of 2009 and amended by section 271 of Act 28 of 2011 read with paragraph 56 of Schedule 1 to that Act and section 15 of Act 21 of 2012

6. Section 64L of the Income Tax Act, 1962, is hereby amended—

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

“(c) both the declaration and the written undertaking contemplated in section 64G(2)(a) or (3) are submitted to the company within three years after the date of payment of the dividend in respect of which they are made,”; and

(b) by the substitution in subsection (1A) for the words following paragraph (b) of the following words:

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“so much of that amount as would not have been withheld had that rebate been deducted from the amount, is refundable to the person to whom the dividend was paid: Provided such rebate is claimed within three years after the date of payment of the relevant dividend.”.

Amendment of section 64LA of Act 58 of 1962, as inserted by section 6 of Act 44 of 2014

7. Section 64LA of the Income Tax Act, 1962, is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) both the declaration and the written undertaking are submitted to the company within three years after the date of payment of the tax,”.

Amendment of section 64M of Act 58 of 1962, as inserted by section 53 of Act 17 of 2009 and amended by section 16 of Act 21 of 2012

8. Section 64M of the Income Tax Act, 1962, is hereby amended—

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

“(c) both the declaration and the written undertaking contemplated in section 64G(2)(a) or (3) are submitted to the company within three years after the date of payment of the dividend in respect of which they are made,”; and

(b) by the substitution in subsection (1A) for the words following paragraph (b) of the following words:

“so much of that amount as would not have been withheld had that rebate been deducted from the amount, is refundable to the person to whom the dividend was paid: Provided such rebate is claimed within three years after the date of payment of the relevant dividend.”.

Amendment of paragraph 1 of Fourth Schedule to Act 58 of 1962, as amended by section 22 of Act 72 of 1963, section 44 of Act 89 of 1969, section 24 of Act 52 of 1970, section 37 of Act 88 of 1971, section 47 of Act 85 of 1974, section 6 of Act 30 of 1984, section 38 of Act 121 of 1984, section 20 of Act 70 of 1989, section 44 of Act 101 of 1990, section 44 of Act 129 of 1991, section 33 of Act 141 of 1992, section 48 of Act 113 of 1993, section 16 of Act 140 of 1993, section 37 of Act 21 of 1995, section 34 of Act 36 of 1996, section 44 of Act 28 of 1997, section 52 of Act 30 of 1998, section 52 of Act 30 of 2000, section 53 of Act 59 of 2000, section 19 of Act 19 of 2001, section 32 of

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Act 30 of 2002, section 46 of Act 32 of 2004, section 49 of Act 31 of 2005, section 28 of Act 9 of 2006, section 39 of Act 20 of 2006, section 54 of Act 8 of 2007, section 64 of Act 35 of 2007, section 43 of Act 3 of 2008, section 66 of Act 60 of 2008, section 17 of Act 18 of 2009, section 18 of Act 8 of 2010, section 93 of Act 24 of 2011, section 271 of Act 28 of 2011, read with paragraph 77 of Schedule 1 to that Act, section 7 of Act 44 of 2014, section 6 of Act 23 of 2015 and section 5 of Act 16 of 2016

9. (1) Paragraph 1 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in the definition of “provisional taxpayer” for paragraph (a) of the following paragraph:

- “(a) any person (other than a company) who derives income by way of—
- (i) any remuneration from an employer that is not registered in terms of paragraph 15; or
 - (ii) any amount which does not constitute remuneration or an allowance or advance contemplated in section 8(1); **[or**
 - (iii) an allowance or advance contemplated in section 8(1);]**”;

(b) by the substitution in the definition of “remuneration” for paragraph (cA) of the following paragraph:

- “(cA) 80 per cent of the amount of any allowance or advance in respect of transport expenses referred to in section 8(1)(b), other than any such allowance or advance contemplated in section 8(1)(b)(iii) **[which] that** is based on the actual distance travelled by the recipient **[, and which is calculated at a rate per kilometre which does not exceed the appropriate rate per kilometre fixed by the Minister of Finance under section 8(1)(b)(iii)]**: Provided that where the employer is satisfied that at least 80 per cent of the use of the motor vehicle for a year of assessment will be for business purposes, then only 20 per cent of the amount of such allowance or advance must be included;”;

(c) by the insertion in the definition of “remuneration” after paragraph (cB) of the following paragraph:

- “(cC) 100 per cent of so much of the amount paid or granted as an allowance or advance referred to in section 8(1)(b)(iii) as exceeds the amount determined

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by using the rate per kilometre for the simplified method in the notice fixing the rate per kilometre under section 8(1)(ii) and (iii) in respect of the actual distance travelled;”.

(2) Paragraph (a) subsection (1) is deemed to have come into operation on 1 March 2017 and applies in respect of years of assessment commencing on or after that date.

(3) Paragraphs (b) and (c) of subsection (1) come into operation on 1 March 2018 and apply in respect of years of assessment commencing on or after that date.

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

10. (1) Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the addition to subparagraph (4) of the following proviso:

“: Provided that the amount of the contribution to be deducted in terms of paragraphs (a), (b) and (bA) may not in any month exceed one-twelfth of the amount stipulated in paragraph (i)(aa) of the proviso to section 11(k)”.

(2) Subsection (1) comes into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 11A of Fourth Schedule to Act 58 of 1962

11. (1) The Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for paragraph 11A of the following paragraph:

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“11A. (1) Where by virtue of the provisions of paragraph (b), (d) **[or]**, (e) or (g) of the definition of “remuneration” in paragraph 1, the remuneration of an employee includes—

- (a) any gain made by the exercise, cession or release of any right to acquire any marketable security as contemplated in section 8A;
- (b) any gain made from the disposal of any qualifying equity share as contemplated in section 8B; **[or]**
- (c) any amount referred to in section 8C which is required to be included in the income of that employee;
- (d) any amount received by or accrued to that person by way of a dividend contemplated in—
 - (i) paragraph (dd) of the proviso to section 10(1)(k)(i);
 - (ii) paragraph (ii) of the proviso to section 10(1)(k)(i); or
 - (iii) paragraph (jj) of the proviso to section 10(1)(k)(i),

the person by whom that right was granted **[or]**, from whom that equity instrument or qualifying equity share was acquired or by whom that dividend was distributed, as the case may be, is deemed to be a person who pays or is liable to pay to that employee the amount of the gain referred to in paragraph (a) or (b) or the amount referred to in paragraph (c) or (d).

(2) Employees’ tax in respect of the amount of remuneration contemplated in subparagraph (1) must, unless the Commissioner has granted authority to the contrary, be deducted or withheld by the person referred to in subparagraph (1) from—

- (a) any consideration paid or payable by that person to that employee in respect of the cession, or release of that right or the disposal of that qualifying equity share, as the case may be; **[or]**
- (b) any cash remuneration paid or payable by that person to that employee after that right has to the knowledge of that person been exercised, ceded or released or that equity instrument has to the knowledge of that person vested or that qualifying equity share has to the knowledge of that person been disposed of; or
- (c) any amount paid or payable by that person to that employee in respect of any dividend contemplated in paragraph (dd), (ii), or (jj) of the proviso to section 10(1)(k)(i):

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Provided that where that person is an 'associated institution', as defined in paragraph 1 of the Seventh Schedule, in relation to any employer who pays or is liable to pay to that employee any amount by way of remuneration during the year of assessment during which the gain contemplated in subparagraph (1)(a) or (b) or the amount contemplated in subparagraph (1)(c) or (d) arises; and—

- (i) is not resident nor has a representative employer; or
- (ii) is unable to deduct or withhold the full amount of employees' tax during the year of assessment during which the gain or the amount arises, by reason of the fact that the amount to be deducted or withheld from that remuneration by way of employees' tax exceeds the amount from which the deduction or withholding can be made,

that person and that employer must deduct or withhold from the remuneration payable by them to that employee during that year of assessment an aggregate amount equal to the employees' tax payable in respect of that gain or that amount and shall be jointly and severally liable for that aggregate amount of employees' tax.

(3) The provisions of this Schedule apply in relation to the amount of employees' tax deducted or withheld under subparagraph (2) as though that amount had been deducted or withheld from the amount of the gain referred to in subparagraph (1)(a) or (b) or the amount referred to in subparagraph (1)(c) or (d).

(4) Before deducting or withholding employees' tax under subparagraph (2) in respect of remuneration contemplated in subparagraph (1)(a) ~~[or]~~, (c) or (d), that person and that employer must ascertain from the Commissioner the amount to be so deducted or withheld.

(5) If that person and that employer are, by reason of the fact that the amount to be deducted or withheld by way of employees' tax exceeds the amount from which the deduction or withholding is to be made, unable to deduct or withhold the full amount of employees' tax during the year of assessment during which the gain referred to in subparagraph (1)(a) or (b) or the amount referred to in subparagraph (1)(c) or (d) arises, they must immediately notify the Commissioner of the fact.

(6) Where an employee has—

- (a) under any transaction to which neither that person nor that employer is a party made any gain; or
- (b) disposed of any qualifying equity share as contemplated in subparagraph (1),

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that employee must immediately inform that person and that employer of the transaction or the disposal and of the amount of that gain.

(7) Any employee who, without just cause shown by him or her, fails to comply with the provisions of subparagraph (6) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.”.

(2) Subsection (1) comes into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 1 of Sixth Schedule to Act 58 of 1962, as amended by section 85 of Act 7 of 2010, section 88 of Act 25 of 2015 and section 64 of Act 15 of 2016

12. Paragraph 1 of the Sixth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in the definition of “investment income” for subparagraph (i) of the following subparagraph:

“(i) any income in the form of annuities, dividends, foreign dividends, interest, rental derived in respect of immovable property, royalties, or income of a similar nature; and”.

Repeal of paragraph 17 of Seventh Schedule to Act 58 of 1962

13. Paragraph 17 of the Seventh Schedule to the Income Tax Act, 1962, is hereby repealed.

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Amendment of section 4 of Act 91 of 1964, as amended by section 2 of Act 105 of 1969, section 2 of Act 110 of 1979, sections 3 and 15 of Act 98 of 1980, section 2 of Act 84 of 1987, section 4 of Act 59 of 1990, section 1 of Act 105 of 1992, section 1 of Act 98 of 1993, section 2 of Act 45 of 1995, Schedule 3 of Act 34 of 1997, section 58 of Act 30 of 1998, section 47 of Act 53 of 1999, section 115 of Act 60 of 2001, section 43 of Act 30 of 2002, section 39 of Act 12 of 2003, section 133 of Act 45 of 2003, section 10 of Act 10 of 2006, section 9 of Act 21 of 2006, section 5 of Act 36 of 2007, section 25 of Act 61 of 2008, section 24 of Act 8 of 2010, section 3 of Act 25 of 2011 and section 16 of Act 39 of 2013, repealed by section 4 of Act 32 of 2014 and amended by section 22 of Act 23 of 2015

14. Section 4 of the Customs and Excise Act, 1964, pending its repeal, is hereby amended:

(a) by the substitution in subsection (3) for paragraph (ii) of the following paragraph:

“(ii) disclosing to the Director-General of the Department of Trade and Industry or the Economic Development Department such information in relation to imports and exports and importers and exporters as may be required by such Director-General for the determination and application of any trade policy;”;

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

“(v) disclosing to the Governor of the South African Reserve Bank or any other person to whom the powers, functions and duties have been delegated by the Minister in terms of **[Exchange Control Regulations, 1961,]** regulations issued in terms of section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), such information as may be required for purposes of exercising any power or performing any function or duty in terms of those **[Regulations]** regulations or the South African Reserve Bank Act, 1989 (Act No. 90 of 1989); and

(c) by the substitution for subsection (3A) of the following subsection:

“(3A) The Statistician-General or the Director-General of the Department of Trade and Industry or the Economic Development Department or the National Treasury as defined in the Exchange Control Regulations, 1961, or the Governor of the South African Reserve Bank or the National Commissioner of the South African Police Service or the National Director of Public Prosecutions or the Director-

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General of the National Treasury or the Chief Commissioner of the International Trade Administration Commission or the Director of the Financial Intelligence Centre or the head of any organ of state or any person acting under the direction and control of such Statistician-General or Director-General of the Department of Trade and Industry or the Economic Development Department or Governor of the South African Reserve Bank or National Commissioner of the South African Police Service or National Director of Public Prosecutions or the Director-General of the National Treasury or the Chief Commissioner of the International Trade Administration Commission or the Director of the Financial Intelligence Centre or the head of any organ of state shall not disclose any information supplied under the proviso to subsection 3 to any person or permit any person to have access thereto, except in the exercise of his or her powers or the carrying out of his or her duties under any Act from which such powers or duties are derived.”.

Amendment of section 19A of Act 91 of 1964, as amended by section 40 of Act 19 of 2001, section 64 of Act 30 of 2002, section 31 of Act 61 of 2008 and section 9 of Act 32 of 2014

15. (1) Section 19A of the Customs and Excise Act, 1964, is hereby amended by the substitution in subsection (1)(a) for the words preceding subparagraph (i) of the following words:

“Notwithstanding anything to the contrary contained in this Act the Commissioner may by rule, in respect of any excisable goods specified in Section A of Part 2 of Schedule No. 1 **[or fuel levy goods or any class or kind of such goods]** manufactured in the Republic or fuel levy goods manufactured in or imported into the Republic or any class or kind of such goods—”.

(2) Subsection (1) comes into operation on a date determined by the Minister by notice in the *Gazette*.

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Amendment of section 20 of Act 91 of 1964, as amended by section 4 of Act 95 of 1965, section 8 of Act 105 of 1969, section 1 of Act 86 of 1982, section 6 of Act 84 of 1987, section 14 of Act 59 of 1990, section 14 of Act 45 of 1995, section 59 of Act 30 of 1998, section 41 of Act 19 of 2001, section 88 of Act 31 of 2005, section 10 of Act 32 of 2014 and section 126 of Act 25 of 2015

16. (1) Section 20 of the Customs and Excise Act, 1964, is hereby amended by the deletion of subsection (7).

(2) Subsection (1) comes into operation on a date determined by the Minister by notice in the *Gazette*.

Amendment of section 21A of Act 91 of 1964, as inserted by section 121 of Act 60 of 2001 and amended by section 2 of Act 10 of 2005, section 18 of Act 21 of 2006, section 7 of Act 36 of 2007 and section 18 of Act 39 of 2013, repealed by section 12 of Act 32 of 2014 and amended by section 16 of Act 16 of 2016

17. Section 21A of the Customs and Excise Act, 1964, pending its repeal, is hereby amended by—

(a) the substitution in subsection (9) for paragraph (a) of the following paragraph:

“(a) if the SEZ operator or CCA enterprise or such other person proves that, as the case may be—

(i) the duty on the goods concerned has been paid;

(ii) the goods have been duly exported;

(iii) any goods brought temporarily into the CCA are removed therefrom in accordance with the provisions of this Act and any conditions imposed by the Commissioner; or

(iv) the goods have been used in the manufacture or production of any goods by the CCA enterprise in accordance with any relevant provision of this Act and such goods have been removed and received on other licensed or registered premises for manufacture or production of any other goods by the licensee or registrant in accordance with any relevant provision of this Act.”; and

(b) the insertion after subsection (9) of the following subsection:

“(9A) The liability for duty in respect of any imported goods that have been used in the manufacture or production of goods as referred to in

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paragraph (a)(iv) of subsection (9), that ceased as contemplated in that paragraph in respect of a CCA enterprise, shall—

(a) be assumed by the receiving licensee or registrant referred to in paragraph (a)(iv) of that subsection; and

(b) cease in accordance with any relevant provision of this Act pertaining to such licensee or registrant.”.

Substitution of section 54C of Act 91 of 1964, as inserted by section 139 of Act 45 of 2003, renumbered by section 32 of Act 16 of 2004 and substituted by section 43 of Act 32 of 2014

18. (1) Section 54C of the Customs and Excise Act, 1964 is hereby substituted by the following section:

“Application of other provisions of this Act

54C. [(1)] Subject to such exceptions and adaptations as may be prescribed in this Chapter, any Schedule or any rule, the provisions of this Act **[relating to]** governing the administration of excisable goods, including—

(a) (i) the importation of excisable goods and imported excisable goods; and

(ii) the payment of duty on imported excisable goods; or

(b) (i) the manufacture of excisable goods; and

(ii) the entry for home consumption, removal from any customs and excise manufacturing warehouse and payment of duty contemplated in section 19A,

shall apply *mutatis mutandis* to environmental levy goods imported into or manufactured in the Republic.”.

(2) Subsection (1) comes into operation on the date on which section 16 of the Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2017, comes into operation.

Amendment of section 75 of Act 91 of 1964, as amended by section 13 of Act 95 of 1965, section 10 of Act 57 of 1966, section 8 of Act 85 of 1968, section 25 of Act 105 of 1969, section 8 of Act 103 of 1972, section 2 of Act 68 of 1973, section 9 of Act 71 of 1975, section 27 of Act 112 of 1977, section 28 of Act 93 of 1978, section 10 of Act 110 of 1979, section 19 of Act 86 of 1982, section 6 of Act 89 of 1984, section 11 of Act 101 of 1985, section 9 of Act 52 of 1986, section 23 of Act 84 of 1987, section 8 of Act 69 of

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1988, section 13 of Act 68 of 1989, section 29 of Act 59 of 1990, section 13 of Act 61 of 1992, section 7 of Act 98 of 1993, section 10 of Act 19 of 1994, section 53 of Act 45 of 1995, section 61 of Act 30 of 2000, section 50 of Act 19 of 2001, section 130 of Act 60 of 2001, section 109 of Act 74 of 2002, section 146 of Act 45 of 2003, section 27 of Act 34 of 2004, section 92 of Act 31 of 2005, section 70 of Act 20 of 2006, section 95 of Act 35 of 2007, section 99 of Act 60 of 2008 and section 63 of Act 32 of 2014

19. (1) Section 75 of the Customs and Excise Act, 1964, is hereby amended—

(a) by the substitution in subsection (1A)(b) for subparagraph (ii) of the following subparagraph:

“(ii) is registered[, **in addition to any other registration required under this Act, for value-added tax purposes under the provisions of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), and**] for diesel refund purposes on compliance with the requirements determined by the Commissioner for the purposes of this Act [**and the Value-Added Tax Act**];”;

(b) by the substitution in subsection (1A) for paragraph (d) of the following paragraph:

“(d) The Commissioner may—

- (i) pay any such refund upon receipt of a duly completed return from any person who has purchased distillate fuel for use as contemplated in the said item of Schedule No. 6; and
- (ii) pay any such refund by means of the system [**in operation for refunding value-added tax**] as may be prescribed by rule; [**and**
- (iii) **for the purposes of payment, set off any amount refundable to any person in terms of the provisions of this section and the said items against any amount of value-added tax payable by such person;**];”;

(c) by the deletion in subsection (1A) of paragraph (f);

(d) by the substitution in subsection (4A)(b) for subparagraph (i) of the following subparagraph:

“(i) Any return for refund of such levies shall be in such form and shall declare such particulars and shall be [**for such quantities and**] for such periods as may be [**determined by the Commissioner**] prescribed by rule.”;

(e) by the substitution in subsection (4A)(f)(i) for items (bb) and (cc) of the following items respectively:

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“(bb) has contravened or failed to comply with the provisions of this Act [**or the Value-Added Tax Act 1991 (Act No. 89 of 1991)**];

(cc) has been convicted of an offence under this Act[, **or the said Value-Added Tax Act**]; or”; and

(f) by the substitution in subsection (4A) for paragraph (g) of the following paragraph:

“(g) For the purposes of the administration of the refunds of levies on distillate fuel as provided in this section and item 670.04 of Schedule No. 6 the Commissioner may, subject to the provisions of section 3(2), delegate by rule any of the Commissioner’s powers, duties or functions under this Act to any officer[, **including any officer employed in administering the provisions of the Value-Added Tax Act, 1991 (Act No. 89 of 1991)**].”.

(2) Subsection (1) comes into operation on a date determined by the Minister by notice in the *Gazette*.

Amendment of section 13 of Act 89 of 1991, as amended by section 29 of Act 136 of 1991, section 19 of Act 136 of 1992, section 15 of Act 20 of 1994, section 30 of Act 27 of 1997, section 34 of Act 34 of 1997, section 86 of Act 53 of 1999, section 70 of Act 19 of 2001, section 155 of Act 60 of 2001, section 170 of Act 45 of 2003, section 100 of Act 32 of 2004, section 106 of Act 31 of 2005, section 110 of Act 60 of 2008, section 135 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 112 of Schedule 1 to that Act, section 171 of Act 31 of 2013 and section 24 of Act 44 of 2014

20. (1) Section 13 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The tax on importation of goods shall be paid and recovered [**or refunded**] in terms of Chapter 3 of the Customs Duty Act or refunded in terms of Chapter 4 of that Act, as if the tax were an import duty [**contemplated in section 18 of that Act**], regardless of whether or not the said [**section**] Chapter applies for the purposes of any import duty levied in terms of that Act.”.

(2) Subsection (1) takes effect immediately after the Customs Control Act, 2014, has taken effect in terms of section 944(1) of that Act.

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Amendment of section 6 of Act 9 of 1999, as amended by section 76 of Act 19 of 2001, section 43 of Act 18 of 2009, section 271 of Act 28 of 2011 read with paragraph 150 of Schedule 1 to that Act, section 23 of Act 39 of 2013 and section 30 of Act 23 of 2015

21. Section 6 of the Skills Development Levies Act, 1999, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to section 7, every employer must, not later than seven days, or such longer period as the Commissioner determines, after the end of each month in respect of which the levy is payable, pay the levy to the Commissioner **[within the period determined in this Act]**.”.

Amendment of section 1 of Act 14 of 2007, as amended by section 53 of Act 18 of 2009 and by section 271 of Act 28 of 2011 read with paragraph 167 of Schedule 1 to that Act

22. Section 1 of the Diamond Export Levy (Administration) Act, 2007, is hereby amended—

(a) by the deletion in subsection (1) of the definitions of “Commissioner”, “Income Tax Act” and “notice of assessment”;

(b) by the substitution for the definition of “Tax Administration Act” of the following definition:

“ **‘Tax Administration Act’** means the Tax Administration Act, 2011 (Act No. 28 of 2011).

(c) by the substitution for subsection (2) of the following subsection

“(2) Unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Diamonds Act, the Levy Act or the Tax Administration Act bears that meaning for purposes of this Act.”.

Amendment of section 4 of Act 14 of 2007, as amended by section 55 of Act 18 of 2009

23. Section 4 of the Diamond Export Levy (Administration) Act, 2007, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) A registered person must submit a return and payment as contemplated in **[subsection (5)]** section 5 to reach any office designated by the Commissioner by

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rule made under section 18 during the hours of business prescribed by the Commissioner by rule under the Customs and Excise Act, 1964, within a period of 30 days after the ending date of each assessment period described in subsection (2), but not later than the penultimate business day of that period.”.

Amendment of section 9 of Act 14 of 2007

24. Section 9 of the Diamond Export Levy (Administration) Act, 2007, is hereby amended by—

(a) the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“If during any assessment period in respect of which an election described in section **[7] 8** applies a producer fails to be exempt (in terms of **[sections]** section 7, 8 or 9 of the Levy Act, as the case may be) from the levy otherwise imposed under the Levy Act, that producer must—”; and

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

“(2) If during any assessment period in respect of which an election described in section **[7] 8** applies, a diamond beneficiator fails to be exempt (in terms of section 11 of the Levy Act) from the levy otherwise imposed under the Levy Act, that diamond beneficiator will be deemed to be subject to the levy as if that diamond beneficiator had delivered a bill of entry for export in respect of all diamonds purchased during that period from that diamond beneficiator at a diamond exchange and export centre.”.

Amendment of section 9 of Act 28 of 2011

25. Section 9 of the Tax Administration Act, 2011, is hereby amended—

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

“(1) A decision made by a SARS official **[and]** or a notice to a specific person issued by SARS under a tax Act, excluding a decision given effect to in an assessment or a notice of assessment that is subject to objection and appeal.~~—~~

(a) is regarded as made by a SARS official, authorised to do so or duly issued by SARS, until proven to the contrary; and

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(b) may in the discretion of a SARS official described in **[subparagraphs (i) to (iii)]** paragraphs (a) to (c) or at the request of the relevant person, be withdrawn or amended by—

[(i)](a) the SARS official;

[(ii)](b) a SARS official to whom the SARS official reports; or

[(iii)](c) a senior SARS official.”; and

(b) by the addition of the following subsection:

“(3) A decision made by a SARS official or a notice to a specific person issued by SARS under a tax Act is regarded as made by a SARS official authorised to do so or duly issued by SARS, until proven to the contrary.”.

Amendment of section 102 of Act 28 of 2011

26. Section 102 of the Tax Administration Act, 2011, is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) that an amount or item is deductible or may be **[set-off]** set off.”.

Amendment of section 110 of Act 28 of 2011, as amended by section 49 of Act 39 of 2013

27. Section 110 of the Tax Administration Act, 2011, is hereby amended by the substitution in subsection (1)(b) for the words preceding subparagraph (i) of the following words:

“if the chairperson, after considering any representations by a senior SARS official^[,] or the taxpayer₁ considers it necessary—”.

Amendment of section 113 of Act 28 of 2011

28. Section 113 of the Tax Administration Act, 2011, is hereby amended by the substitution in subsection (9) for paragraph (a) of the following paragraph:

“(a) at the request of the senior SARS **[representative]** official; and”.

Amendment of section 125 of Act 28 of 2011

29. Section 125 of the Tax Administration Act, 2011, is hereby amended by the deletion of subsection (2).

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Amendment of section 160 of Act 28 of 2011, as amended by section 55 of Act 39 of 2013

30. Section 160 of the Tax Administration Act, 2011, is hereby amended by the substitution for the heading of the following heading:

“[Right to recovery of taxpayer] Taxpayer’s right to recovery”.

Amendment of section 190 of Act 28 of 2011, as amended by section 71 of Act 39 of 2013, section 53 of Act 44 of 2014 and section 60 of Act 23 of 2015

31. Section 190 of the Tax Administration Act, 2011, is hereby amended by the substitution for subsection (5A) of the following subsection:

“(5A) If a person who carries on the ‘business of a bank’ as defined in the Banks Act, 1990 (Act No. 94 of 1990), holds an account on behalf of a client into which an amount referred to in subsection (5) is deposited, reasonably suspects that the payment of the amount is related to a tax offence, the person must immediately report the suspicion to SARS in the prescribed form and manner and**[, if so instructed by SARS,]** not proceed with the carrying out of any transaction in respect of the amount for a period not exceeding two business days unless—

- (a) SARS or a High Court directs otherwise; or
- (b) SARS issues a notice under section 179.”.

Amendment of section 270 of Act 28 of 2011, as amended by section 86 of Act 39 of 2013, section 65 of Act 44 of 2014 and section 64 of Act 16 of 2016

32. Section 270 of the Tax Administration Act, 2011, is hereby amended by the substitution for subsection (6E) of the following subsection:

“(6E) Until the date on which the whole of Chapter 12 and of Schedule 1 to this Act come into operation in respect of a tax type—

- (a) the accrual and payment of interest on an understatement penalty imposed under section 222 must be calculated in the manner that interest upon an additional tax penalty imposed under a tax Act, prior to the repeal of the penalty by this Act, [is] was calculated in terms of the interest provisions of the relevant tax Act; and

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- (b) the effective date referred to in section 187(3)(f) for tax understated before 1 October 2012 must be regarded as the commencement date of this Act.”.

Amendment of section 272 of Act 28 of 2011

33. Section 272 of the Tax Administration Act, 2011, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The President may determine different dates for different provisions of this Act to come into operation and for the purposes of Chapter 12 and the provisions relating to interest in Schedule 1, the Minister may determine by public notice the date on which they come into operation in respect of a tax type.”.

Insertion of section 65A in Act 30 of 2014

34. The following section is hereby inserted in the Customs Duty Act, 2014, after section 65:

“Persons entitled to claim refunds and drawbacks

65A. (1) Only the following persons are entitled to claim a refund in terms of this Chapter:

- (a) If the claim is for a refund of a duty or interest on a duty, the person who cleared the goods in respect of which the duty or interest was paid; and
- (b) if the claim is for a refund of an administrative penalty or interest on such a penalty, the person on whom the penalty was imposed.

(2) Only the following persons are entitled to claim a drawback in terms of this Chapter:

- (a) If the goods exported are still in the same condition they were when imported, the person who cleared the imported goods in respect of which the duty was paid;
- (b) if the goods exported were manufactured from the imported goods in respect of which the duty was paid—
- (i) the person who cleared the imported goods in respect of which the duty was paid; or
- (ii) any other person authorised in terms of the Customs Tariff to claim drawbacks.

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(3) Subsection (1) or (2) applies irrespective of whether the person entitled to the refund or drawback in terms of that subsection or another person on that person's behalf actually paid the duty, penalty or interest.

(4) This section does not prevent a refund or drawback that has been approved from being paid by the Commissioner into the bank account of a person other than the person entitled to claim the refund or drawback provided that that bank account has been designated in accordance with the rules by the person entitled to claim the refund or drawback.”.

Substitution of section 67 of Act 30 of 2014, as substituted by section 79 of Act 23 of 2015

35. The following section is hereby substituted for section 67 of the Customs Duty Act, 2014:

“Application for refund and drawback

67. The customs authority may, subject to section 72, refund a duty, administrative penalty or interest or grant a drawback of an import duty on application by[—

- (a) the person who paid the duty, penalty or interest;**
- (b) that person's duly appointed representative; or**
- (c) any other person authorised by the Commissioner]**

a person entitled to claim the refund or drawback in terms of section 65A.”.

Amendment of section 68 of Act 30 of 2014

36. Section 68 of the Customs Duty Act, 2014, is hereby amended—

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

“(b) **[accompanied]** supported by a motivation justifying the refund or drawback;” and

(b) by the deletion of subsection (2).

Amendment of section 224 of Act 30 of 2014

37. Section 224(1) of the Customs Duty Act, 2014, is hereby amended by the substitution for paragraph (g) of the following paragraph:

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“(g) the manner and time in which applications may be made for authorisations, permissions, approvals or exemptions that may be granted by the customs authority in terms of a provision of this Act, and the circumstances in which the submission of clearance declarations or amended clearance declarations may be regarded as such applications;”.

Amendment of section 43 of Act 31 of 2014

38. Section 43 of the Customs Control Act, 2014, is hereby amended by the substitution in subsection (1)(a) for subparagraphs (xxi), (xxiii) and (xxiv), respectively, of the following subparagraphs:

- “(xxi) **[cross border]** cross-border pipelines;
- (xxiii) **[cross border]** cross-border cable-cars; or
- (xxiv) **[cross border]** cross-border conveyor belts;”.

Amendment of section 52 of Act 31 of 2014

39. Section 52 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No foreign-going vessel may depart from a customs seaport to a foreign destination without a permission to depart issued by the customs authority.”.

Amendment of section 53 of Act 31 of 2014

40. Section 53 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A vessel departure report referred to in subsection (1) must be submitted within a timeframe as may be prescribed by rule—

- (a) after the departure of the vessel from that seaport, in the case of a vessel operated by a carrier; or
- (b) before the departure of the vessel from that seaport, in the case of a vessel not operated by a carrier.”.

Repeal of section 58 of Act 31 of 2014

41. Section 58 of the Customs Control Act, 2014, is hereby repealed.

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Amendment of section 59 of Act 31 of 2014

42. Section 59 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) An aircraft departure report referred to in subsection (1) must be submitted within a timeframe as may be prescribed by rule—

(a) after the departure of the aircraft from that airport, in the case of an aircraft operated by a carrier; or

(b) before the departure of the aircraft from that airport, in the case of an aircraft not operated by a carrier.”.

Amendment of section 90 of Act 31 of 2014

43. Section 90 of the Customs Control Act, 2014, is hereby amended by the substitution in subsection (1)(g) for subparagraph (iv) of the following subparagraph:

“(iv) a vehicle which entered the Republic under its own power or on its own wheels, when the vehicle arrives at the land **[border post]** border-post where the vehicle enters the Republic.”.

Amendment of section 91 of Act 31 of 2014

44. Section 91 of the Customs Control Act, 2014, is hereby amended by the substitution in subsection (1)(d) for subparagraph (i) of the following subparagraph:

“(i) foreign-going vessels or aircraft or **[cross border]** cross-border trains referred to in section 334(2) as stores reasonably needed for that vessel, aircraft or train on its current voyage; or”.

Amendment of section 94 of Act 31 of 2014

45. Section 94 of the Customs Control Act, 2014, is hereby amended by the insertion in subsection (1) after paragraph (d) of the following paragraph:

“(dA) if the goods are to be exported by road on board a vehicle other than a truck, when the vehicle arrives at the land border-post where the goods will leave the Republic;”.

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Repeal of section 97 of Act 31 of 2014

46. Section 97 of the Customs Control Act, 2014, is hereby repealed.

Substitution of section 111 of Act 31 of 2014

47. The following section is hereby substituted for section 111 of the Customs Control Act, 2014:

“Transfer of ownership of goods under certain customs procedures

111. (1) Ownership of goods under a customs procedure determined by rule in terms of subsection (8)(a) may not without the approval of the customs authority be transferred to another person whilst the goods are under that procedure.”.

(1A) Subsection (1) applies irrespective of whether—

(a) the goods after the transfer of ownership will remain under the customs procedure for which the goods were cleared before the transfer of ownership; or

(b) ownership of the goods will be transferred simultaneously with the release of the goods for a subsequent customs procedure that may be permissible.

(2) An agreement entered into in contravention of subsection (1) is null and void.

(3) Application for approval in terms of subsection (1) must be made to the customs authority—

(a) before the goods are transferred; and

(b) in the form and format as may be prescribed by rule containing the information required on the prescribed form or otherwise prescribed by rule.

(3A) If in terms of any rules referred to in section 903(1)(i) a clearance declaration or amended clearance declaration is regarded to be an application referred to in subsection (3), the declaration or amended declaration may despite the other provisions of this Act be submitted, as may be prescribed by rule—

(a) by the prospective new owner of the goods; or

(b) if that prospective new owner is not located in the Republic, by the registered agent in the Republic of that prospective new owner.

(4) The customs authority may not without good reason withhold approval in terms of subsection (1).

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(5) If ownership of goods under a customs procedure is transferred with the approval of the customs authority in accordance with subsection (1) and the goods remain under that procedure as contemplated in subsection (1A)(a)—

- (a) the transfer does not—
 - (i) interrupt the continuation of that procedure; or
 - (ii) affect the tax status conferred on the goods by virtue of that procedure; and
- (b) the new owner of the goods or, if only a share in the ownership of the goods has been transferred, the person to whom that share has been transferred, or, if the new owner or that person is not located in the Republic, the registered agent in the Republic of that new owner or person—
 - (i) must be regarded to have cleared the goods or that share for that procedure;
 - (ii) assumes the obligations of the previous owner or holder of that share;
 - (iii) must comply with any requirements and conditions applicable to the goods in terms of that procedure; and
 - (iv) must comply with any conditions imposed by the customs authority in respect of the transfer.

(6) Subsection (5) does not affect the liability of the previous owner or holder of the transferred share of the goods for any import or export tax, penalties or other money owed to the Commissioner on the goods up to the time of transfer of ownership or of the share in ownership.

(7) If ownership of goods under a customs procedure is transferred with the approval of the customs authority simultaneously with the release of the goods for a subsequent customs procedure as contemplated in subsection (1A)(b), the prospective new owner or that person's registered agent who submitted the clearance declaration in terms of subsection (3A) must for purposes of section 166 be regarded to be the person who cleared the goods for that subsequent procedure.

(8) The Commissioner may regulate the application of this section by rule, which may include rules—

- (a) determining the customs procedures to which subsection (1) applies;
- (b) prescribing, despite the other provisions of this Act, distinctive clearance formalities to be complied with when ownership of goods under customs

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procedures determined in terms of paragraph (a) is to be transferred, as well as rules providing for a prospective new owner or that person's registered agent—

(i) to amend an existing clearance declaration submitted in respect of the goods to show the new owner or that agent as the person clearing the goods; or

(ii) to clear the goods or a portion of the goods for a subsequent customs procedure;

(c) limiting—

(i) the subsequent customs procedures referred to in subsection (1A)(b) that will be permissible for purposes of that subsection, which may include a procedure which is of the same kind as the existing procedure; and

(ii) the circumstances in which those procedures will be permissible; and

(d) exempting from subsection (1), transfers of ownership of goods under customs procedures determined in terms of paragraph (a) to categories of persons or in circumstances where tax collection is not at risk.”.

Amendment of section 165 of Act 31 of 2014

48. Section 165 of the Customs Control Act is hereby amended by the deletion of subsection (3).

Amendment of section 174 of Act 31 of 2014

49. Section 174 of the Customs Control Act, 2014, is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) If the person clearing goods for a customs procedure requires in terms of section 908 an extension of a maximum timeframe applicable to the goods in terms of that procedure, that person may apply for the extension of the timeframe by submitting to the customs authority an amended version of the clearance declaration in which the required timeframe has been added.”.

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Amendment of section 180 of Act 31 of 2014

50. Section 180(3) of the Customs Control Act, 2014, is hereby amended—

- (a) by the deletion of “and” at the end of paragraph (a);
- (b) by the substitution for the fullstop of the expression “; and” at the end of paragraph (b); and
- (c) by the addition of the following paragraph:
 “(c) any other information prescribed by rule.”.

Amendment of section 249 of Act 31 of 2014

51. Section 249 of the Customs Control Act, 2014, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“A transshipment clearance declaration must[, **in addition to**] contain the information required in terms of section 167, which is not excluded by rule for purposes of a transshipment clearance, and must also state—”.

Substitution of section 251 of Act 31 of 2014

52. The following section is hereby substituted for section 251 of the Customs Control Act, 2014:

“Use of other documents as transshipment clearance declarations

251. A [**transport document or other**] document as may be prescribed by rule, issued or submitted in respect of the goods to be transhipped, may serve as a transshipment clearance declaration provided that such [**transport document or other**] document reflects the minimum information concerning those goods as may be prescribed by rule for purposes of this section.”.

Substitution of section 254 of Act 31 of 2014

53. The following section is hereby substituted for section 254 of the Customs Control Act, 2014:

“Transshipment goods to be secured on licensed premises

254. (1) Transshipment goods off-loaded from a vessel or aircraft referred to in section 253(a) at a customs seaport or airport where the transshipment operation is commenced or carried out must—

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- (a) be secured at the terminal where the goods are off-loaded or on premises licensed for the receipt, storage and handling of transshipment goods; and
- (b) if secured on premises referred to in paragraph (a), be kept on those premises until the goods are moved to a terminal at **[that] the** seaport or airport where the goods are to be loaded on board the vessel or aircraft referred to in section 253(b).

(2) No transshipment goods may in terms of subsection (1) be moved from one customs controlled area to another customs controlled area **[at the customs seaport or airport where the transshipment operation is carried out]** without giving notice to the customs authority as may be prescribed by rule.”.

Amendment of section 257 of Act 31 of 2014

54. Section 257 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If transshipment goods for purposes of the transshipment operation are to be transported by public road from **[the] one** customs controlled area **[where the goods are secured in terms of section 254 to the terminal where the goods are to be loaded on board the vessel or aircraft that will transport the goods out of the Republic]** to another customs controlled area—

- (a) those goods may not be transported by a person other than a carrier licensed for that purpose;
- (b) the licensee of the **[premises] customs controlled area** where those goods **[are secured]** happen to be may not give delivery of the goods to anyone other than such a licensed carrier; and
- (c) the carrier transporting the goods may not give delivery of the goods to anyone other than the licensee of the **[terminal from where the goods are to be loaded on board the vessel or aircraft that will transport the goods out of the Republic]** customs controlled area where the goods are to be delivered.”.

Amendment of section 269 of Act 31 of 2014

55. Section 269 of the Customs Control Act, 2014, is hereby amended—

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

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“**[Release notification to state]** Maximum period of temporary admission”;

- (b) by the deletion of subsection (1);
- (c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“A period **[determined in terms of subsection (1)]** stated in a clearance declaration in terms of section 268(c) may, subject to section 908, not exceed—”;
and

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

“(3) The period mentioned in a **[release notification]** clearance declaration may be extended **[in terms of section 908]** only once except if good cause is shown for an additional extension.”.

Substitution of section 290 of Act 31 of 2014

56. The following section is hereby substituted for section 290 of the Customs Control Act, 2014:

“Reusable transport equipment entering Republic

290. (1) Transport equipment entering the Republic as reusable transport equipment currently in use as transport equipment for goods in the ordinary course of international trade, comes under the temporary admission procedure without any formal clearance or release for that procedure if that transport equipment—

- (a) **[that transport equipment]** is not re-entering the Republic on the inbound leg of the temporary export procedure;
- (b) **[that transport equipment]** is destined to leave the Republic without any interruption in its current use as reusable transport equipment for goods in the ordinary course of international trade; and
- (c) **[the carrier who brought the transport equipment into the Republic or, if that carrier is not located in the Republic, that carrier’s registered agent, keeps record of that transport equipment, as may be prescribed by rule]** is of a type or category recognised by rule for purposes of this section.

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(2) A person as may be prescribed by rule must keep record in accordance with the rules of reusable transport equipment that automatically came under the temporary admission procedure in terms of subsection (1).

~~[(2)]~~(3) If the current use of transport equipment that automatically came under the temporary admission procedure in terms of subsection (1) as reusable transport equipment currently in use as transport equipment for goods in the ordinary course of international trade, is for any reason interrupted or discontinued whilst the transport equipment is under that procedure, **[the carrier or, if that carrier is not located in the Republic, that carrier's registered agent, must immediately report]** the interruption or discontinuation must promptly be reported to the customs authority by a person and in a manner as may be prescribed by rule.

~~[(3)]~~(4) Parts 2, 3 and 4 of this Chapter do not apply to reusable transport equipment referred to in subsection (1).”.

Amendment of section 294 of Act 31 of 2014

57. Section 294 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) (a) A carrier operating a vessel, aircraft, locomotive or railway carriage referred to in section 289(1) **[or who brought transport equipment referred to in section 290(1) into the Republic]** or, if that carrier is not located in the Republic, that carrier's registered agent, is guilty of an offence if that carrier or carrier's agent fails to comply with section 289(2) **[or 290(2)]**.

(b) A person referred to in section 290(3) is guilty of an offence if that person fails to comply with that section.”.

Amendment of section 303 of Act 31 of 2014

58. Section 303 of the Customs Control Act, 2014, is hereby amended by the deletion of paragraph (b).

Amendment of section 304 of Act 31 of 2014

59. Section 304 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

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“(2) When goods cleared and released for warehousing are delivered to the storage warehouse indicated in the clearance declaration—

- (a) the carrier that transported the goods to that warehouse must **[notify the customs authority of]** record the delivery of the goods as may be prescribed by rule; and
- (b) the licensee of that warehouse must **[notify the customs authority of]** record the receipt of the goods as may be prescribed by rule.”.

Amendment of section 346 of Act 31 of 2014

60. Section 346 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) **[A]** Unless determined otherwise by rule, a stores arrival report referred to in subsection (1) must be submitted to the customs authority together with or as part of the arrival report that must be submitted in respect of—

- (a) the vessel in terms of section 50 when the vessel arrives at a customs seaport;
- (b) the aircraft in terms of section 56 when the aircraft arrives at a customs airport; or
- (c) the train in terms of section 61 when the train after entering the Republic arrives at a railway station as may be prescribed by rule.”.

Amendment of section 350 of Act 31 of 2014, as amended by section 104 of Act 23 Of 2015

61. Section 350 of the Customs Control Act, 2014, is hereby amended—

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

“(i) are cleared and released for another permissible customs procedure, including clearance and release [or, subject to subsection (2),] for supply as stores to another foreign-going vessel or aircraft or a cross-border train;”;

- (b) the deletion of subsection (2);
- (c) the substitution for subsection (3) of the following subsection:

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“(3) No clearance or release in terms of Part 2 is needed when stores are returned to the same vessel, aircraft or train from which those goods were removed in terms of subsection (1)(b)(i), (ii) or (iv).”;

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

“(4) Stores removed as contemplated in subsection (1)(b)(i), (ii) or (iv) must be returned to the vessel, aircraft or train or to another vessel, aircraft or train under the operational control of the same carrier within a timeframe as may be prescribed by rule read with sections 908 and 909.”.

Amendment of section 354 of Act 31 of 2014

62. Section 354 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) **[A]** Unless otherwise determined by rule, a stores departure report referred to in subsection (1) must be submitted to the customs authority together with or as part of the departure report that must be submitted in respect of—

- (a) the vessel in terms of section 53 when the vessel departs from a customs seaport;
- (b) the aircraft in terms of section 59 when the aircraft departs from a customs airport; or
- (c) the train in terms of section 63 when the train departs from a railway station as may be prescribed by rule.”.

Amendment of section 380 of Act 31 of 2014

63. Section 380 of the Customs Control Act, 2014, is hereby amended—

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

[Release of goods for] Maximum period of temporary export”;

(b) by the deletion of subsection (1);

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

“A period determined in **[terms of subsection (1)]** the clearance declaration in terms of section 379(1)(a)(ii) for the return of the goods may, subject to section 908, not exceed—”; and

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

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“(3) The period **[mentioned in a release notification]** determined in a clearance declaration may be extended in terms of section 908 only once except if good cause is shown for an additional extension.”.

Amendment of section 385 of Act 31 of 2014

64. Section 385(1)(d) of the Customs Control Act, 2014, is hereby amended by the substitution for subparagraph (i) of the following subparagraph:

“(i) in the case of temporarily exported goods referred to in section 375(1)(a), within the period stated in the **[release notification]** clearance declaration referred to in section **[380(1)]** 379(1)(a)(ii) or as extended in accordance with section 380(3);”.

Substitution of section 403 of Act 31 of 2014

65. The following section is hereby substituted for section 403 of the Customs Control Act, 2014:

“Reusable transport equipment leaving Republic

403. (1) Transport equipment leaving the Republic as reusable transport equipment currently in use as transport equipment for goods in the ordinary course of international trade, comes under the temporary export procedure without any formal clearance or release for that procedure if that transport equipment—

- (a) **[that transport equipment]** is not leaving the Republic on the outbound leg of the temporary admission procedure;
- (b) **[that transport equipment]** is destined to be returned to the Republic without any interruption in its current use as reusable transport equipment for goods in the ordinary course of international trade; and
- (c) **[the carrier who takes the transport equipment out of the Republic or, if that carrier is not located in the Republic, that carrier’s registered agent, keeps record of that transport equipment, as may be prescribed by rule]** is of a type or category recognised by rule for purposes of this section.

(2) A person as may be prescribed by rule must keep record in accordance with the rules of reusable transport equipment that automatically came under the temporary export procedure in terms of subsection (1).

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~~[(2)]~~(3) If the current use of transport equipment that automatically came under the temporary export procedure in terms of subsection (1) as reusable transport equipment currently in use as transport equipment for goods in the ordinary course of international trade, is for any reason interrupted or discontinued whilst the transport equipment is under that procedure, **[the carrier or, if that carrier is not located in the Republic, that carrier’s registered agent, must immediately report]** the interruption or discontinuation must promptly be reported to the customs authority by a person and in a manner as may be prescribed by rule.

~~[(3)]~~(4) Parts 2, 3 and 4 of this Chapter do not apply to reusable transport equipment referred to in subsection (1).”.

Amendment of section 406 of Act 31 of 2014

66. Section 406 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A person referred to in section 403(3) is guilty of an offence if that person fails to comply with that section.”.

Amendment of section 408 of Act 31 of 2014

67. Section 408(1)(a) of the Customs Control Act, 2014, is hereby amended by the substitution for subparagraph (i) of the following subparagraph:

“(i) to be processed **[in the Republic]** on specific inward processing premises without clearing the goods for home use under Chapter 8; and”.

Amendment of section 415 of Act 31 of 2014

68. Section 415(1) of the Customs Control Act, 2014, is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) When goods released for inward processing are delivered to the licensed premises where the goods will be processed or to that other location—

- (i) the carrier that transported the goods must **[notify the customs authority of]** record the delivery of the goods as may be prescribed by rule; and
- (ii) the licensee must **[notify the customs authority of]** record the receipt of the goods as may be prescribed by rule, if the goods were delivered to those licensed premises.”.

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Amendment of section 435 of Act 31 of 2014

69. Section 435(1)(a) of the Customs Control Act, 2014, is hereby amended by the substitution for subparagraph (i) of the following subparagraph:

- “(i) to be processed on specific home use processing premises without clearing the goods for home use under Chapter 8; and”.

Amendment of section 442 of Act 31 of 2014

70. Section 442(2) of the Customs Control Act, 2014, is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) When goods released for home use processing are delivered to the licensed premises where the home use processing of the goods is to be carried out or to that other location—

- (i) the carrier that transported the goods must **[notify the customs authority of]** record the delivery of the goods as may be prescribed by rule; and
- (ii) the licensee must **[notify the customs authority of]** record the receipt of the goods as may be prescribed by rule, if the goods were delivered to those licensed premises.”.

Amendment of section 460 of Act 31 of 2014 as amended by section 118 of Act 23 of 2015

71. Section 460 of the Customs Control Act, 2014, is hereby amended by the deletion of paragraph (e).

Amendment of section 558 of Act 31 of 2014

72. Section 558 of the Customs Control Act, 2014, is hereby amended by the insertion after paragraph (b) of the following paragraph:

- “(bA) excluding categories of persons to whom section 542(2) or 549(2) applies from the notification obligation imposed by that section if baggage of travellers or crew members is damaged, destroyed, lost or unaccounted for.”.

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Amendment of section 604 of Act 31 of 2014

73. Section 604 of the Customs Control Act, 2014, is hereby amended by the addition of the following subsection, the existing provision becoming subsection (1):

“(2) Subsection (1) does not apply to a category of persons exempted by rule from that subsection.”.

Amendment of section 606 of Act 31 of 2014

74. Section 606 of the Customs Control Act, 2014, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No person may[, **either personally or through a person who is a registered electronic user,**] submit to the customs authority electronically through an electronic system referred to in section 913(1)(a) any declaration, report, statement, return, notice, application, request or other document or communication that may or must be submitted to the customs authority in terms of this Act or a tax levying Act unless that person is registered as an electronic user for that particular system.”.

Amendment of section 626 of Act 31 of 2014, as amended by section 123 of Act 23 of 2015 and section 79 of Act 16 of 2016

75. Section 626 of the Customs Control Act, 2014, is hereby amended by the insertion after paragraph (d) of the following paragraph:

“(dA) prescribing disclosure of any business relationships registered persons may have with other registered persons or with licensees;”.

Amendment of section 665 of Act 31 of 2014

76. Section 665 of the Customs Control Act, 2014, is hereby amended by the insertion after paragraph (h) of the following paragraph:

“(hA) prescribing disclosure of any business relationships licensees may have with other licensees or with registered persons;”.

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Amendment of section 681 of Act 31 of 2014

77. Section 681 of the Customs Control Act, 2014, is hereby amended by the deletion of subsection (2).

Insertion of section 935A in Act 31 of 2014

78. The following section is hereby inserted in the Customs Control Act, 2014, after section 935:

“Special arrangement in relation to deferments of tax granted or allowed in terms of 1964 Act

935A. (1) For purposes of this Part a deferment of customs duty granted or allowed by the Commissioner in terms of the 1964 Act is not a measure to which section 928 applies and all such deferments expire when the Customs Duty Act takes effect.

(2) Subsection (1) does not prevent a person whose deferment of customs duty granted or allowed in terms of the 1964 Act has expired in terms of that subsection, from reapplying for a deferment of duty benefit referred to in section 24 of the Customs Duty Act, read with section 942A(3) of this Act.

(3) For purposes of this section ‘customs duty’ has the meaning assigned to it in the 1964 Act.”.

Insertion of section 942A in Act 31 of 2014

79. (1) The following section is hereby inserted in the Customs Control Act, 2014, after section 942:

“Exercise of certain powers before effective date

942A. (1) The Commissioner may at any time before the effective date exercise a power conferred on the Commissioner in terms of this Act, the Customs Duty Act or the Excise Duty Act to the extent that the exercise of that power is necessary to facilitate a smooth transition to those Acts on the effective date, and may in particular at any time before the effective date—

(a) make and publish any rules provided for in those Acts;

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(b) establish Customs Offices for purposes of those Acts, determine jurisdictional areas and functions for those Customs Offices and make other administrative arrangements;

(c) designate persons as customs officers for purposes of those Acts, issue identity cards to those officers and equip those officers as necessary; and

(d) delegate powers and duties, and issue instructions, for purposes of those Acts.

(2) Anything done in terms of subsection (1) before the effective date takes effect on the effective date or such later date as the Commissioner may determine.

(3) (a) If the Commissioner has in terms of subsection (1)(a) published rules on applications for registration, licensing or deferment of duty benefits, the Commissioner may by rule provide that applications referred to in sections 931(2), 933(2) or 935A(2) may be submitted by applicants before the effective date at any time after a date determined by rule.

(b) An application submitted in terms of paragraph (a) before the effective date may be considered and dispensed with by the Commissioner or a delegated person referred to in subsection (1)(d) either before or after the effective date.

(c) If such an application is considered and dispensed with before the effective date, the decision on the outcome of the application comes into effect on the effective date.

(d) An application referred to in paragraph (a) submitted, considered or dispensed with before the effective date must be submitted, considered or dispensed with as if the application were submitted after the effective date and the provisions and rules regulating applications of the relevant type were in full force and effect.”.

(2) Section 942A, as inserted in the Customs Control Act, 2014, by subsection (1), takes effect despite section 944(1) and (2) of that Act on the date of promulgation of this Act.

Amendment of section 63 of Act 32 of 2014

80. (1) Section 63 of the Customs and Excise Amendment Act, 2014, is hereby amended by the deletion of paragraph (b).

(2) Subsection (1) comes into effect on the date of promulgation of this Act.

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Amendment of section 24 of Act 44 of 2014

81. (1) Section 24 of the Tax Administration Laws Amendment Act, 2014, is hereby amended—

- (a) by the deletion in subsection (1) of paragraph (e); and
- (b) by the substitution for subsection (2) of the following subsection:

“(2) **[Subsection]** Paragraphs (a), (b), (c), (d), (f), (g) and (h) of subsection (1) **[comes]** come into operation on the date on which the Customs Control Act, 2014, takes effect.”.

- (2) Subsection (1) is deemed to have come into effect on 16 January 2015.

Short title and commencement

82. (1) This Act is called the Tax Administration Laws Amendment Act, 2017.

(2) Subject to subsections (3) and (4), and save in so far as is otherwise provided for in this Act, or the context otherwise indicates, the amendments effected by this Act come into operation on the date of promulgation of this Act.

(3) The amendments to the Customs Duty Act, 2014, take effect immediately after the Customs Duty Act, 2014, has taken effect in terms of section 229 of that Act.

(4) The amendments to the Customs Control Act, 2014, save in so far as is otherwise provided for in this Act, take effect immediately after the Customs Control Act, 2014, has taken effect in terms of section 944(1) of that Act.