



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 643

Cape Town
Kaapstad

17 January 2019

No. 42172

PART 1 OF 2

THE PRESIDENCY

No. 19 17 January 2019

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

Act No. 23 of 2018: Taxation Laws Amendment Act, 2018

DIE PRESIDENSIE

No. 19 17 Januarie 2019

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 2018: Wysigingswet op Belastingwette, 2018

ISSN 1682-5843



9 771682 584003

42172



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

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 16 January 2019)

ACT

To amend the Income Tax Act, 1962, so as to amend certain provisions; to make new provision; to repeal certain provisions; to amend the Customs and Excise Act, 1964, so as to make provision for continuations; to amend the Value-Added Tax Act, 1991, so as to amend certain provisions; to make new provision; to amend the Diamond Export Levy Act, 2007, so as to amend certain provisions; to amend the Mineral and Petroleum Resources Royalty Act, 2008, so as to amend a provision; to amend the Employment Tax Incentive Act, 2013, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2013, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2014, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2015, so as to amend a provision; to amend the Revenue Laws Amendment Act, 2016, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2016, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2017, so as to amend certain provisions; and to provide for matters connected therewith.

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

Amendment of section 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 20

ALGEMENE VERKLARENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 16 Januarie 2019)

WET

Tot wysiging van die Inkomstebelastingwet, 1962, ten einde sekere bepalinge te wysig; nuwe bepalinge te verorden; sekere bepalinge te herroep; tot wysiging van die Doeane- en Aksynswet, 1964, om voorsiening te maak vir voortsettings; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde sekere bepalinge te wysig; nuwe bepalinge te verorden; tot wysiging van die “Diamond Export Levy Act, 2007”, ten einde sekere bepalinge te wysig; tot wysiging van die “Mineral and Petroleum Resources Royalty Act, 2008”, ten einde 'n bepaling te wysig; tot wysiging van die “Employment Tax Incentive Act, 2013”, en einde sekere bepalinge te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2013, ten einde sekere bepalinge te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2014, ten einde sekere bepalinge te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2015, ten einde 'n bepaling te wysig; tot wysiging van die Wysigingswet op Inkomstewette, 2016, ten einde sekere bepalinge te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2016, ten einde sekere bepalinge te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2017, ten einde sekere bepalinge te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

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

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 and section 2 of Act 17 of 2017

1. (1) Section 1 of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (1) in paragraph (e) of the definition of “company” for subparagraph (iii) of the following subparagraph:
- “(iii) portfolio of a collective investment scheme in property that qualifies as a REIT as defined in **[paragraph 13.1(x) of the JSE Limited Listings Requirements]** the listing requirements of an exchange approved in consultation with the Minister and published by the Prudential Authority, as defined in section 1 of the Financial Markets Act, in terms of section 11 of that Act; or”;
- (b) by the substitution in subsection (1) in the definition of “dividend” for the words preceding paragraph (a) of the following words:
- “**‘dividend’** means any amount, other than a dividend consisting of a distribution of an asset *in specie* declared and paid as contemplated in section 31(3), transferred or applied by a company that is a resident for the benefit or on behalf of any person in respect of any share in that company, whether that amount is transferred or applied—”;
- (c) by the deletion in subsection (1) in the definition of “financial instrument” of the word “and” at the end of paragraph (d), the insertion of the word “and” at the end of paragraph (e) and the addition of the following paragraph:
- “(f) any cryptocurrency;”;
- (d) by the insertion in subsection (1) after the definition of “Financial Markets Act” of the following definition:
- “**‘Financial Sector Conduct Authority’** means the Financial Sector Conduct Authority as defined in section 1 of the Financial Sector Regulation Act;”;
- (e) by the deletion in subsection (1) of the definitions of “Financial Services Board” and “Financial Services Board Act”;
- (f) by the substitution in subsection (1) in the definition of “identical share” for paragraph (b) of the following paragraph:
- “(b) any other share that is substituted for **[that]** a listed share 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 Requirements;”;
- (g) by the insertion in subsection (1) after the definition of “Financial Markets Act” of the following definition:
- “**‘Financial Sector Regulation Act’** means the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017);”;

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 en Wet 2 van Wet 17 van 2017

1. (1) Artikel 1 van die Inkomstebelastingwet, 1962, word hierby gewysig— 20
- (a) deur in subartikel (1) in paragraaf (e) in die omskrywing van “maatskappy” subparagraaf (iii) deur die volgende subparagraaf te vervang: 20
- “(iii) portefeulje van ’n kollektiewe beleggingskema in eiendom wat as ’n EIT kwalifiseer soos omskryf in **[paragraaf 13.1(x) van die JSE Limited Listings Requirements]** die noteringsvereistes van ’n beurs goedgekeur in oorleg met die Minister en gepubliseer deur die ‘Prudential Authority’, (Voorsorgowerheid) soos omskryf in artikel 1 van die ‘Financial Markets Act’, ingevolge artikel 11 van daardie Wet; of”; 25
- (b) deur in subartikel (1) in die omskrywing van “dividend” die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 30
- “**‘dividend’** enige bedrag, buiten ’n dividend wat die uitkering van ’n bate *in specie* uitmaak, uitgekeer en betaal soos beoog in artikel 31(3) oorgedra of aangewend deur ’n maatskappy wat ’n inwoner is ten behoeve van of namens enige persoon ten opsigte van enige aandeel in daardie maatskappy, hetsy daardie bedrag oorgedra of toegepas word—”; 35
- (c) deur in subartikel (1) in die omskrywing van “finansiële instrument” die woord “en” aan die einde van paragraaf (d) te skrap, die woord “en” aan die einde van paragraaf (e) by te voeg en die volgende paragraaf by te voeg: 40
- “(f) enige kriptovaluta.”; 40
- (d) deur in subartikel (1) na die omskrywing van “Financial Markets Act” die volgende omskrywing by te voeg: 45
- “**‘Financial Sector Conduct Authority’** die Financial Sector Conduct Authority soos omskryf in artikel 1 van die ‘Financial Sector Regulation Act’.”; 45
- (e) deur in subartikel (1) die omskrywings van “Raad op Finansiële Dienste” en “Wet op die Raad op Finansiële Dienste” te skrap; 50
- (f) deur in subartikel (1) in die omskrywing van “identiese aandeel” paragraaf (b) deur die volgende paragraaf te vervang: 50
- “(b) enige ander aandeel wat in plek gestel is van **[daardie]** ’n genoteerde aandeel ingevolge ’n ooreenkoms wat aangekondig en verklaar word as ’n korporatiewe aksie soos beoog in die ‘JSE Limited **[Listing]** Listings Requirements’ in die ‘SENS (Stock Exchange News Service)’ soos omskryf in die ‘JSE Limited Listing Requirements’.”; 55
- (g) deur in subartikel (1) na die omskrywing van ‘Financial Markets Act’ die volgende omskrywing in te voeg: 60
- “**‘Financial Sector Regulation Act’** die ‘Financial Sector Regulation Act, 2017’ (Wet No. 9 van 2017).”; 60

- (h) by the insertion in subsection (1) after the definition of “insolvent estate” of the following definition:
 “**‘Insurance Act’** means the Insurance Act, 2017 (Act No. 18 of 2017);”;
- (i) by the substitution in subsection (1) for the definition of “official rate of interest” of the following definition: 5
 “**‘official rate of interest’** means—
 (a) in the case of a debt which is denominated in the currency of the Republic, a rate of interest equal to the South African repurchase rate plus 100 basis points; or 10
 (b) in the case of a debt which is denominated in any other currency, a rate of interest that is the equivalent of the South African repurchase rate applicable in that currency plus 100 basis points:
 Provided that where a new repurchase rate or equivalent rate is determined, the new rate of interest applies for the purposes of this definition from the first day of the month following the date on which that new repurchase rate or equivalent rate came into operation;” 15
- (j) by the substitution in subsection (1) in paragraph (ii) of the proviso to paragraph (c) of the definition of “pension fund” for subparagraph (dd) of the following subparagraph: 20
 “(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 retirement annuity fund;” 25
- (k) by the substitution in subsection (1) in paragraph (ii) of the proviso to paragraph (c) of the definition of “pension fund” for subparagraph (dd) of the following subparagraph: 30
 “(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;” 35
- (l) by the deletion in subsection (1) in paragraph (a) of the proviso to the definition of “pension preservation fund” at the end of subparagraph (iii) of the word “or”, the insertion of the word “or” after subparagraph (iv) and the addition of the following subparagraph: 40
 “(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 pension preservation fund and who made the election while they were members of that other fund;” 45
- (m) by the substitution in subsection (1) for paragraph (b) of the proviso to the definition of “pension preservation fund” of the following paragraph: 50
 “(b) payments or transfers to the fund in respect of a member are limited to any amount contemplated in paragraph 2(1)(a)(ii) [or], (b) or (c) of the Second Schedule or any unclaimed benefit as defined in the Pension Funds Act that is paid or transferred to the fund by—
 (i) a pension fund, provident fund, provident preservation fund or any other pension preservation fund of which such member was previously a member; or 55

- (h) deur in subartikel (1) na die omskrywing van “verbonde persoon” die volgende omskrywing in te voeg:
 “**‘Versekeringswet’** die Versekeringswet, 2017 (Wet No. 18 van 2017);”;
- (i) deur in subartikel (1) die omskrywing van “amptelike rentekoers” deur die volgende omskrywing te vervang: 5
 “**‘amptelike rentekoers’**—
 (a) in die geval van ’n skuld wat in die geldeenheid van die Republiek aangedui word, ’n rentekoers gelykstaande aan die Suid-Afrikaanse heraankoopkoers plus 100 basispunte; of 10
 (b) in die geval van ’n skuld wat in enige ander geldeenheid aangedui word, ’n rentekoers wat die ekwivalent is van die Suid-Afrikaanse heraankoopkoers toepaslik in daardie geldeenheid plus 100 basispunte:
 Met dien verstande dat waar ’n nuwe heraankoopkoers of ekwivalente koers vasgestel word, die nuwe rentekoers van toepassing is by die toepassing van hierdie omskrywing vanaf die eerste dag van die maand wat volg op die datum waarop daardie nuwe heraankoopkoers of ekwivalente koers in werking getree het;”;
- (j) deur in subartikel (1) in paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (c) in die omskrywing van “pensioenfonds” subparagraaf (dd) deur die volgende subparagraaf te vervang: 20
 “(dd) dat hoogstens een-derde van die totale waarde van die uitreebelang deur ’n enkele betaling vervang kan word en dat die restant in die vorm van ’n annuïteit (met inbegrip van ’n lewende annuïteit) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000, te bowe gaan nie of waar die werknemer oorlede is of waar die werknemer kies om die uitreebelang oor te dra na ’n pensioenbewaringsfonds;”;
- (k) deur in subartikel (1) in paragraaf (ii) van die voorbehoudsbepaling tot paragraaf (c) in die omskrywing van “pensioenfonds” subparagraaf (dd) deur die volgende subparagraaf te vervang: 30
 “(dd) dat hoogstens een-derde van die totale waarde van die uitreebelang deur ’n enkele betaling vervang kan word en dat die restant in die vorm van ’n annuïteit (met inbegrip van ’n lewende annuïteit) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is of waar die werknemer kies om die uitreebelang oor te dra na ’n pensioenbewaringsfonds of na ’n uittredingannuïteitsfonds;”;
- (l) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling die omskrywing van “pensioenbewaringsfonds” aan die einde van subparagraaf (iii) die woord “of” te skrap, die woord “of” na subparagraaf (iv) in te voeg en die volgende subparagraaf by te voeg: 40
 “(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;”;
- (m) deur in subartikel (1) in paragraaf (b) van die voorbehoudsbepaling tot die omskrywing van “pensioenbewaringsfonds” subparagraaf (b) deur die volgende subparagraaf te vervang: 50
 “(b) betalings of oordragte aan die fonds met betrekking tot ’n lid beperk word tot ’n bedrag beoog in paragraaf 2(1)(a)(ii) [of] (b) of (c) van die Tweede Bylae of ’n onopgeëiste voordeel soos omskryf in die Wet op Pensioenfondse wat aan die fonds betaal of oorgedra word deur— 55
 (i) ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds waarvan sodanige lid tevore ’n lid was; of 60

- (ii) a pension fund, provident fund, pension preservation 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;";
- (n) by the substitution in subsection (1) in the definition of "pension preservation
fund" for the proviso to paragraph (c) of the following proviso:
"Provided that—
- (i) this paragraph applies separately to each payment or transfer to
the fund contemplated in paragraph (b);
- (ii) a member shall, prior to his or her retirement date, be entitled to
the payment of a lump sum benefit contemplated in paragraph
2(1)(b)(ii) of the Second Schedule where a member—
- (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; or
- (bb) departed from the Republic at the expiry of a visa obtained
for the purposes of—
- (A) working as contemplated in paragraph (i) of the
definition of 'visa' in section 1 of the Immigration Act,
2002 (Act No. 13 of 2002); or
- (B) a visit as contemplated in paragraph (b) of the
definition of 'visa' in section 1 of the Immigration Act,
2002 (Act No.13 of 2002), issued in terms of paragraph
(b) of the proviso to section 11 of that Act by the
Director-General, as defined in that Act; and
- (iii) a member who has transferred a retirement interest in terms
of paragraph 2(1)(c) of the Second Schedule to this fund shall
not be entitled to payment of a withdrawal benefit as contem-
plated in paragraph 2(1)(b)(ii) in respect of that transferred
amount, except to the extent that it is an amount contemplated in
subparagraph (ii); and";
- (o) by the substitution in subsection (1) in paragraph (a) of the proviso to the
definition of "pension preservation fund" for subparagraphs (iii) and (iv) of
the following subparagraphs:
- "(iii) 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; or
- (iv) persons who have elected to transfer to that fund amounts
awarded to those persons in terms of any court order contem-
plated in section 7(8) of the Divorce Act, 1979 (Act No. 70 of
1979), from any pension fund, **[or]** pension preservation fund,
provident fund or provident preservation fund for the benefit of
those persons;";
- (p) by the substitution in subsection (1) in the proviso to the definition of
"provident fund" for paragraph (b) of the following paragraph:
"(b) that the rules of the fund—
- (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';
and

- (ii) 'n pensioenfonds, voorsorgfonds, [of] pensioenbewaringsfonds of pensioenbewaringsfonds 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 (c) van die omskrywing van "pensioenbewaringsfonds" die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:
- “: Met dien verstande dat—
- (i) hierdie paragraaf afsonderlik van toepassing is op elke betaling of oordrag aan die fonds in paragraaf (b) beoog;
- (ii) 'n lid, voor sy of haar aftreedatum, geregtig is op die betaling van 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae waar 'n lid—
- (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 valuta-beheer; of
- (bb) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
- (A) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
- (B) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteur-generaal), soos beoog in artikel 1 van daardie Wet; en
- (iii) 'n lid wat 'n aftreevoordeel oorgedra het ingevolge paragraaf 2(1)(c) van die Tweede Bylae na hierdie fonds nie geregtig is op die betaling van 'n onttrekkingsvoordeel nie soos beoog in paragraaf 2(1)(b)(ii) ten opsigte van daardie bedrag oorgedra, behalwe tot die mate wat dit 'n bedrag in subparagraaf (ii) beoog, is; en”;
- (o) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van "pensioenbewaringsfonds" subparagrafe (iii) en (iv) deur die volgende subparagrafe te vervang:
- “(iii) voormalige lede van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds of benoemdes of afhanklikes van daardie voormalige lid ten opsigte van wie 'n 'onopgeëiste voordeel', soos omskryf in die Wet op Pensioenfondse deur daardie fonds verskuldig of betaalbaar is; of
- (iv) persone wat gekies het om bedrae wat ingevolge enige hofbevel beoog in artikel 7(8) van die Wet op Egskeiding, 1979 (Wet No. 70 van 1979), aan daardie persone toegeken is ten behoeve van daardie persone van enige pensioenfonds [of], pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds oor te dra;”;
- (p) deur in subartikel (1) in die voorbehoudsbepaling tot die omskrywing van "voorsorgfonds" paragraaf (b) deur die volgende paragraaf te vervang:
- “(b) dat die reëls van die fonds—
- (i) bepalings bevat wat in alle opsigte soortgelyk is aan dié wat in subparagrafe (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; en

- (ii) may provide for the employee to elect to transfer the retirement interest to a retirement annuity fund; and”;
- (q) by the substitution in subsection (1) in paragraph (b) of the proviso to the definition of “provident fund” for subparagraph (ii) of the following subparagraph: 5
- “(ii) 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”;
- (r) by the deletion in subsection (1) in paragraph (a) of the proviso to the definition of “provident preservation fund” of the word “or” at the end of subparagraph (iii), the insertion of the word “or” at the end of subparagraph (iv) and the addition of the following subparagraph: 10
- “(v) former members of a 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”;
- (s) by the substitution in subsection (1) in paragraph (b) of the proviso to the definition of “provident preservation fund” for the words preceding subparagraph (i) of the following words: 20
- “payments or transfers to the fund in respect of a member are limited to any amount contemplated in paragraph 2(1)(a)(ii) **[or]**, (b) or (c) of the Second Schedule or any unclaimed benefit as defined in the Pension Funds Act that is paid or transferred to the fund by—”;
- (t) by the substitution in subsection (1) in the definition of “provident preservation fund” for the proviso to paragraph (c) of the following proviso: 25
- “: Provided that—
- (i) this paragraph applies separately to each payment or transfer to the fund contemplated in paragraph (b); **[and]**
- (ii) a member shall, prior to his or her retirement date, be entitled to 30
- the payment of a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule where a member—
- (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; or 35
- (bb) departed from the Republic at the expiry of a visa obtained for the purposes of—
- (A) working as contemplated in paragraph (i) of the definition of ‘visa’ in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or 40
- (B) a visit as contemplated in paragraph (b) of the definition of ‘visa’ in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of that Act by the Director-General, as defined in that Act; and 45
- (iii) a member who has transferred a retirement interest in terms of paragraph 2(1)(c) of the Second Schedule to this fund shall not be entitled to payment of a withdrawal benefit as contemplated in paragraph 2(1)(b)(ii) in respect of that transferred amount, except to the extent that it is an amount contemplated in 50
- subparagraph (ii); and”;
- (u) by the substitution in subsection (1) in paragraph (b) of the definition of “REIT” for subparagraph (ii) of the following subparagraph:
- “(ii) as shares in a REIT as defined in the **[JSE Limited Listings Requirements]** listing requirements of an exchange approved in consultation with the Minister and published by the Prudential Authority, as defined in section 1 of the Financial Markets Act, in terms of section 11 of that Act;”;
- 55

- (ii) voorsorg mag maak vir die werknemer om die uittredingsbelang na 'n uittredingsannuïteitsfonds oor te dra; en”;
- (q) deur in subartikel (1) in paragraaf (b) van die voorbehoudsbepaling tot die omskrywing van “voorsorgfonds” subparagraaf (ii) deur die volgende subparagraaf te vervang: 5
- “(ii) voorsorg mag maak vir die werknemer om die uittredingsbelang na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of uittredingsannuïteitsfonds oor te dra; en”;
- (r) deur in subartikel (1) in paragraaf (a) van die voorbehoudsbepaling tot die omskrywing van “voorsorgbewaringsfonds” die woord “of” aan die einde van paragraaf (iii) te skrap, die woord “of” aan die einde van paragraaf (iv) in te voeg en die volgende subparagraaf by te voeg: 10
- “(v) voormalige lede van 'n 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;”;
- (s) deur in subartikel (1) in paragraaf (b) van die voorbehoudsbepaling tot die omskrywing van “voorsorgbewaringsfonds” die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 20
- “betalings of oordragte ten opsigte van 'n lid aan die fonds beperk word tot 'n bedrag beoog in paragraaf 2(1)(a)(ii) [of] (b) of (c) van die Tweede Bylae of 'n onopgeëiste voordeel soos omskryf in die Wet op Pensioenfondse wat aan die fonds betaal of oorgeplaas word deur—”;
- (t) deur in subartikel (1) van die voorbehoudsbepaling tot paragraaf (c) in die omskrywing van “voorsorgbewaringsfonds” deur die volgende voorbehoudsbepaling te vervang: 25
- “: Met dien verstande dat—
- (i) hierdie paragraaf afsonderlik van toepassing is op elke betaling of oordrag aan die fonds in paragraaf (b) beoog; 30
- (ii) 'n lid, voor sy of haar aftreedatum, geregtig is op die betaling van 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae waar daardie lid—
- (aa) 'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie word erken deur die Suid-Afrikaanse Reserwebank vir doeleindes van valuta-beheer; of 35
- (bb) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
- (A) werk soos beoog in paragraaf (i) van die omskrywing van ‘visa’ (visum) in artikel 1 van die ‘Immigration Act, 2002’ (Wet No. 13 van 2002); of 40
- (B) 'n besoek soos beoog in paragraaf (b) van die omskrywing van ‘visa’ (visum) in artikel 1 van die ‘Immigration Act, 2002’ (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die ‘Director-General’ (Direkteur-generaal), soos beoog in artikel 1 van daardie Wet; en 45
- (iii) 'n lid wat 'n aftreevoordeel oorgedra het ingevolge paragraaf 2(1)(c) van die Tweede Bylae na hierdie fonds is nie geregtig op die betaling van 'n onttrekkingsvoordeel nie soos beoog in paragraaf 2(1)(b)(ii) ten opsigte van daardie bedrag oorgedra, behalwe tot die mate wat dit 'n bedrag beoog in subparagraaf (ii) is; en 50
- (u) deur in subartikel (1) in paragraaf (b) van die omskrywing van “REIT” subparagraaf (ii) deur die volgende subparagraaf te vervang: 55
- “(ii) as aandele in 'n [“REIT”] EIT soos omskryf in [die **JSE Limited Listings Requirements**] die noteringsvereistes van 'n beurs goedgekeur in oorleg met die Minister en gepubliseer deur die ‘Prudential Authority’, soos omskryf in artikel 1 van die Financial Markets Act, ingevolge artikel 11 van daardie Wet; 60

- (v) by the substitution in subsection (1) for the definition of “relative” of the following definition:
 “**‘relative’** in relation to any person, means the spouse of **[such]** that person or anybody related to **[him]** that person or **[his]** that person’s spouse within the third degree of consanguinity, or any spouse of anybody so related, and for the purpose of determining the relationship between any child referred to in the definition of ‘child’ in this section and any other person, **[such]** that child shall be deemed to be related to **[its]** the adoptive parent of that child within the first degree of consanguinity;”;
- (w) by the substitution in subsection (1) for paragraph (a) of the definition of “retirement date” of the following paragraph:
 “(a) a member of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund, elects to retire and in terms of the rules of that fund, becomes entitled to an annuity or a lump sum benefit contemplated in paragraph 2(1)(a)(i) **[or (c)]** of the Second Schedule on or subsequent to attaining normal retirement age; or”;
- (x) by the substitution in subsection (1) for the definition of “retirement interest” of the following definition:
 “**‘retirement interest’** means a member’s share of the value of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund as determined in terms of the rules of the fund on the date on which he or she elects to retire or transfer to a pension preservation fund, provident preservation fund or retirement annuity fund;”.
- (2) Paragraphs (b) and (k) of subsection (1) commence on 1 January 2019 and apply in respect of years of assessment commencing on or after that date.
- (3) Paragraphs (d), (e) and (g) of subsection (1) are deemed to have come into operation on 1 April 2018.
- (4) Paragraphs (j), (p) and (w) of subsection (1) are deemed to have come into operation on 1 March 2018 and apply in respect of years of assessment commencing on or after that date.
- (5) Paragraphs (l), (m), (n), (o), (q), (r), (s), (t) and (x) of subsection (1) come into operation on 1 March 2019.

Amendment of section 3 of Act 58 of 1962, as amended by section 3 of Act 141 of 1992, section 3 of Act 21 of 1994, section 3 of Act 21 of 1995, section 20 of Act 30 of 1998, section 3 of Act 59 of 2000, section 6 of Act 5 of 2001, section 4 of Act 19 of 2001, section 18 of Act 60 of 2001, section 7 of Act 74 of 2002, section 13 of Act 45 of 2003, section 4 of Act 16 of 2004, section 2 of Act 21 of 2006, section 1 of Act 9 of 2007, section 3 of Act 36 of 2007, section 1 of Act 4 of 2008, section 5 of Act 60 of 2008, section 2 of Act 61 of 2008, section 14 of Act 8 of 2010, section 271 of Act 28 of 2011, read with paragraph 25 of Schedule 1 to that Act, section 2 of Act 39 of 2013, section 2 of Act 44 of 2014, section 1 of Act 23 of 2015 and section 1 of Act 16 of 2016

2. (1) Section 3 of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:
 “The Commissioner may, in writing, and on such conditions as may be agreed upon between the Commissioner and the **[executive officer of the Financial Services Board appointed in terms of section 13 of the Financial Services Board Act]** Financial Sector Conduct Authority delegate to **[that executive officer]** the Financial Sector Conduct Authority his or her power—”;

- (v) deur in subartikel (1) die omskrywing van “familielid” deur die volgende omskrywing te vervang:
 “**familielid**”, met betrekking tot enige persoon, die eggenoot van daardie persoon of iemand wat binne die derde graad van bloedverwantskap aan **[hom]** daardie persoon of sy of haar eggenoot verwant is, of ’n eggenoot van iemand wat aldus verwant is, en by die bepaling van die verwantskap tussen ’n kind in die omskrywing van “kind” in hierdie artikel bedoel en enige ander persoon, word **[so ’n]** daardie kind geag binne die eerste graad van bloedverwantskap aan sy of haar aannemende ouer verwant te wees;”;
- (w) deur in subartikel (1) paragraaf (a) in die omskrywing van “aftreedatum” deur die volgende paragraaf te vervang:
 “(a) ’n lid van ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredeannuïteitsfonds, ingevolge die reëls van daardie fonds, kies om af te tree en geregtig word op ’n annuïteit of ’n enkelbedragvoordeel beoog in paragraaf 2(1)(a)(i) **[of (e)]** van die Tweede Bylae op of na die bereiking van normale uitree-ouderdom; of”; en
- (x) deur in subartikel (1) die omskrywing van “uitreebelang” deur die volgende omskrywing te vervang:
 “**uitreebelang**” ’n lid se aandeel van die waarde van ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredeannuïteitsfonds soos bepaal ingevolge die reëls van die fonds op die datum waarop hy of sy kies om af te tree of om dit na ’n pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredeannuïteitsfonds oor te dra;”.
- (2) Paragrafe (b) en (k) van subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (3) Paragrafe (d), (e) en (g) van subartikel (1) word geag in werking te getree het op 1 Maart 2018.
- (4) Paragrafe (j), (p) en (w) van subartikel (1) word geag in werking te getree het op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (5) Paragrafe (l), (m), (n), (o), (q), (r), (s), (t) en (x) van subartikel (1) tree in werking op 1 Maart 2019.

Wysiging van artikel 3 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 141 van 1992, artikel 3 van Wet 21 van 1994, artikel 3 van Wet 21 van 1995, artikel 20 van Wet 30 van 1998, artikel 3 van Wet 59 van 2000, artikel 6 van Wet 5 van 2001, artikel 4 van Wet 19 van 2001, artikel 18 van Wet 60 van 2001, artikel 7 van Wet 74 van 2002, artikel 13 van Wet 45 van 2003, artikel 4 van Wet 16 van 2004, artikel 2 van Wet 21 van 2006, artikel 1 van Wet 9 van 2007, artikel 3 van Wet 36 van 2007, artikel 1 van Wet 4 van 2008, artikel 5 van Wet 60 van 2008, artikel 2 van Wet 61 van 2008, artikel 14 van Wet 8 van 2010, artikel 271 van Wet 28 van 2011, gelees met paragraaf 25 van Bylae 1 by daardie Wet, artikel 2 van Wet 39 van 2013, artikel 2 van Wet 44 van 2014, artikel 1 van Wet 23 van 2015 en artikel 1 van Wet 16 van 2016

2. (1) Artikel 3 van die Inkomstebelastingwet, 1962, word hierby gewysig—
 (a) deur in subartikel (5) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Die Kommissaris kan skriftelik en op die voorwaardes waarop ooreengekom word tussen die Kommissaris en die **[uitvoerende beampte van die Raad op Finansiële Dienste wat ingevolge artikel 13 van die Wet op die Raad op Finansiële Dienste, aangestel is,]** ‘Financial Sector Conduct Authority’ aan daardie **[uitvoerende beampte]** ‘Financial Sector Conduct Authority’ sy of haar bevoegdheid deleger—”;

(b) by the substitution for subsection (6) of the following subsection:

“(6) Any person aggrieved by a decision of the **[executive officer]** Financial Sector Conduct Authority to approve or to withdraw an approval of a fund in terms of subsection (5) must, notwithstanding section **[26(2) of the Financial Services Board Act]** 219 of the Financial Sector Regulation Act, lodge his or her objection with the Commissioner in accordance with the provisions of Chapter 9 of the Tax Administration Act.”; and

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

“(7) A decision by the **[executive officer]** Financial Sector Conduct Authority against which an objection has been lodged is, for the purpose of subsection (6), deemed to be a decision of the Commissioner.”.

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

Amendment of section 5 of Act 58 of 1962, as substituted by section 2 of Act 6 of 1963 and amended by section 5 of Act 90 of 1964, section 5 of Act 88 of 1971, section 5 of Act 90 of 1972, section 5 of Act 65 of 1973, section 5 of Act 103 of 1976, section 5 of Act 113 of 1977, section 3 of Act 104 of 1980, section 4 of Act 96 of 1981, section 4 of Act 91 of 1982, section 3 of Act 94 of 1983, section 3 of Act 121 of 1984, section 3 of Act 90 of 1988, section 5 of Act 21 of 1994, section 4 of Act 21 of 1995, section 7 of Act 5 of 2001, section 10 of Act 30 of 2002, section 15 of Act 45 of 2003, section 4 of Act 20 of 2006, section 4 of Act 8 of 2007, section 3 of Act 3 of 2008, section 6 of Act 60 of 2008, section 8 of Act 17 of 2009, section 7 of Act 7 of 2010, section 8 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 28 of Schedule 1 to that Act and section 5 of Act 31 of 2013, section 6 of Act 15 of 2016 and section 3 of Act 17 of 2017

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

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

“(b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”; and

(b) by the substitution in subsection (10) for paragraph (c) of the following paragraph:

“(c) ‘B’ represents the taxpayer’s taxable income (excluding any lump sum benefit or severance benefit) for the said year;”.

Amendment of section 6 of Act 58 of 1962, as amended by section 4 of Act 90 of 1962, section 3 of Act 6 of 1963, section 5 of Act 72 of 1963, section 8 of Act 55 of 1966, section 7 of Act 95 of 1967, section 7 of Act 76 of 1968, section 8 of Act 89 of 1969, section 7 of Act 88 of 1971, section 5 of Act 104 of 1980, section 5 of Act 96 of 1981, section 5 of Act 91 of 1982, section 4 of Act 94 of 1983, section 4 of Act 121 of 1984, section 3 of Act 96 of 1985, section 4 of Act 85 of 1987, section 4 of Act 90 of 1988, section 4 of Act 70 of 1989, section 3 of Act 101 of 1990, section 4 of Act 129 of 1991, section 4 of Act 141 of 1992, section 5 of Act 21 of 1995, section 4 of Act 36 of 1996, section 3 of Act 28 of 1997, section 22 of Act 30 of 1998, section 5 of Act 32 of 1999, section 15 of Act 30 of 2000, section 6 of Act 19 of 2001, section 11 of Act 30 of 2002, section 35 of Act 12 of 2003, section 6 of Act 16 of 2004, section 3 of Act 9 of 2005, section 7 of Act 31 of 2005, section 20 of Act 9 of 2006, section 5 of Act 8 of 2007, section 1 of Act 3 of 2008, section 7 of Act 60 of 2008, section 6 of Act 17 of 2009, section 8 of Act 7 of 2010, sections 6(3) and 9 of Act 24 of 2011, section 2 of Act 13 of 2012, section 4 of Act 23 of 2013, section 3 of Act 42 of 2014, section 4 of Act 13 of 2015, section 4 of Act 25 of 2015, section 5 of Act 13 of 2016, section 4 of

(b) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) ’n Persoon wat veronreg voel deur ’n beslissing van die **[uitvoerende beampte]** ‘Financial Sector Conduct Authority’ om ’n fonds goed te keur of ’n goedkeuring van ’n fonds in te trek ingevolge subartikel (5) moet, ondanks artikel [26(2) van die Wet op die Raad op Finansiële Dienste] 219 van die ‘Financial Sector Regulation Act’, sy of haar beswaar by die Kommissaris indien ooreenkomstig die bepalings van Hoofstuk 9 van die Wet op Belastingadministrasie.”; en

(c) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) ’n Beslissing deur die **[uitvoerende beampte]** ‘Financial Sector Conduct Authority’ waarteen ’n beswaar ingedien is, word by die toepassing van subartikel (6) geag ’n beslissing van die Kommissaris te wees.”.

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

Wysiging van artikel 5 van Wet 58 van 1962, soos vervang deur artikel 2 van Wet 6 van 1963 en gewysig deur artikel 5 van Wet 90 van 1964, artikel 5 van Wet 88 van 1971, artikel 5 van Wet 90 van 1972, artikel 5 van Wet 65 van 1973, artikel 5 van Wet 103 van 1976, artikel 3 van Wet 113 van 1977, artikel 3 van Wet 104 van 1980, artikel 4 van Wet 96 van 1981, artikel 4 van Wet 91 van 1982, artikel 3 van Wet 94 van 1983, artikel 3 van Wet 121 van 1984, artikel 3 van Wet 90 van 1988, artikel 5 van Wet 21 van 1994, artikel 4 van Wet 21 van 1995, artikel 7 van Wet 5 van 2001, artikel 10 van Wet 30 van 2002, artikel 15 van Wet 45 van 2003, artikel 4 van Wet 20 van 2006, artikel 4 van Wet 8 van 2007, artikel 3 van Wet 3 van 2008, artikel 6 van Wet 60 van 2008, artikel 8 van Wet 17 van 2009, artikel 7 van Wet 7 van 2010, artikel 8 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 28 van Bylae 1 by daardie Wet, artikel 5 van Wet 31 van 2013, artikel 6 van Wet 15 van 2016 en artikel 3 van Wet 17 van 2017

3. Artikel 5 van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“(b) Indien die Minister ’n aankondiging beoog in paragraaf (a) maak, word daardie koers van krag op die datum deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum of daardie datums, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”; en

(b) deur in subartikel (10) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) ‘B’ die belastingpligtige se belasbare inkomste (behalwe ’n enkelbedragvoordeel of skeidingsvoordeel) vir bedoelde jaar voorstel;”.

Wysiging van artikel 6 van Wet 58 van 1962, soos gewysig deur artikel 4 van Wet 90 van 1962, artikel 3 van Wet 6 van 1963, artikel 5 van Wet 72 van 1963, artikel 8 van Wet 55 van 1966, artikel 7 van Wet 95 van 1967, artikel 7 van Wet 76 van 1968, artikel 8 van Wet 89 van 1969, artikel 7 van Wet 88 van 1971, artikel 5 van Wet 104 van 1980, artikel 5 van Wet 96 van 1981, artikel 5 van Wet 91 van 1982, artikel 4 van Wet 94 van 1983, artikel 4 van Wet 121 van 1984, artikel 3 van Wet 96 van 1985, artikel 4 van Wet 85 van 1987, artikel 4 van Wet 90 van 1988, artikel 4 van Wet 70 van 1989, artikel 3 van Wet 101 van 1990, artikel 4 van Wet 129 van 1991, artikel 4 van Wet 141 van 1992, artikel 5 van Wet 21 van 1995, artikel 4 van Wet 36 van 1996, artikel 3 van Wet 28 van 1997, artikel 22 van Wet 30 van 1998, artikel 5 van Wet 32 van 1999, artikel 15 van Wet 30 van 2000, artikel 6 van Wet 19 van 2001, artikel 11 van Wet 30 van 2002, artikel 35 van Wet 12 van 2003, artikel 6 van Wet 16 van 2004, artikel 3 van Wet 9 van 2005, artikel 7 van Wet 31 van 2005, artikel 20 van Wet 9 van 2006, artikel 5 van Wet 8 van 2007, artikel 1 van Wet 3 van 2008, artikel 7 van Wet 60 van 2008, artikel 6 van Wet 17 van 2009, artikel 8 van Wet 7 van 2010, artikels 6(3) en 9 van Wet 24 van 2011, artikel 2 van Wet 13 van 2012, artikel 4 van Wet 23 van 2013, artikel 3 van Wet 42 van 2014, artikel 4 van Wet 13 van 2015, artikel 4 van Wet 25 van 2015,

Act 14 of 2017 and section 3 of the Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2018

4. Section 6 of the Income Tax Act, 1962, is hereby amended by the addition of the following subsection:

“(6) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act, that, with effect from a date or dates mentioned in that announcement, the amounts allowed to a natural person by way of rebates under subsection (2) will be altered to the extent mentioned in the announcement. 5

(b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates, subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”. 10

Amendment of section 6A of Act 58 of 1962, as inserted by section 10 of Act 24 of 2011 and amended by section 3 of Act 13 of 2012, section 6 of Act 22 of 2012, section 5 of Act 23 of 2013, sections 6 and 7 of Act 31 of 2013, section 4 of Act 42 of 2014, section 5 of Act 13 of 2015, section 6 of Act 13 of 2016, section 5 of Act 14 of 2017 and section 4 of the Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2018 15 20

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

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

“(1) In determining the normal tax payable by any natural person there must be deducted an amount, to be known as the medical scheme fees tax credit, equal to the sum of the amounts allowed to that natural person by way of rebates under subsection (2), subject to subsection (3A).” 25

(b) by the substitution in subsection (2)(a) after subparagraph (ii) for the full stop of a comma and the addition after that subparagraph of the following words: “that relate to benefits from that fund in respect of that person or of any person that is a dependant of that person.” 30

(c) by the substitution in subsection (2)(b) for subparagraphs (i), (ii) and (iii) of the following subparagraphs respectively:

“(i) (aa) [R303] R310, in respect of benefits to the person, or if the person is not a member of a medical scheme or fund in respect of benefits to a dependant who is a member of a medical scheme or fund or a dependant of a member of a medical scheme or fund; 35

[(ii) (bb) [R606] R620, in respect of benefits to the person, and one dependant; or

[(iii) (cc) [R606] R620, in respect of benefits to [the person and one dependant, plus R204 in respect of benefits to each additional dependant,] two dependants; and 40

(ii) R209, in respect of benefits to each additional dependant.”;

(d) by the insertion after subsection (3) of the following subsection:

“(3A) Where more than one person pay any fees in respect of benefits to a person or dependant, the amount allowed to be deducted in respect of the medical scheme fees tax credit under subsection (1) must be an amount that bears to the total amount in respect of that person or dependant contemplated in subsection (2)(b) the same ratio as the amount of the fees paid by that person bears to the total amount of the fees payable.” 45 50

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

“(4) For the purposes of this section a ‘dependant’ in relation to a person means a ‘dependant’ as defined in section [1 of the Medical Schemes Act] 6B(1).” 55

artikel 5 van Wet 13 van 2016, artikel 4 van Wet 14 van 2017 en artikel 3 van die Wet op Skale en Monetêre Bedrae en Wysiging van Inkomstewette, 2018

4. Artikel 6 van die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende subartikel by te voeg

“(6)(a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur, aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die bedrae wat by wyse van korting kragtens subartikel (2) aan ’n natuurlike persoon toegelaat word, gewysig sal word in die mate wat in daardie aankondiging vermeld word. 5

(b) Indien die Minister ’n aankondiging beoog in paragraaf (a) maak, word daardie wysiging van krag op die datum deur die Minister in daardie aankondiging bepaal en bly dit van toepassing vir ’n tydperk van 12 maande vanaf daardie datum of daardie datums, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”. 10

Wysiging van artikel 6A van Wet 58 van 1962, soos ingevoeg deur artikel 10 van Wet 24 van 2011 en gewysig deur artikel 3 van Wet 13 van 2012, artikel 6 van Wet 22 van 2012, artikel 5 van Wet 23 van 2013, artikels 6 en 7 van Wet 31 van 2013, artikel 4 van Wet 42 van 2014, artikel 5 van Wet 13 van 2015, artikel 6 van Wet 13 van 2016, artikel 5 van Wet 14 van 2017 en artikel 4 van die Wet op Skale en Monetêre Bedrae en Wysiging van Inkomstewette, 2018 15 20

5. (1) Artikel 6A van die Inkomstebelastingwet, 1962, word hierby gewysig—

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

“(1) By die berekening van normale belasting betaalbaar deur enige natuurlike persoon word daar afgetrek ’n bedrag, die belastingkrediet vir mediese skemafooe genoem, gelykstaande aan die som van die bedrae toegelaat aan daardie natuurlike persoon deur middel van kortings kragtens subartikel (2), behoudens subartikel (3A).”;

(b) deur in subartikel (2)(a) na subparagraaf (ii) die punt deur ’n komma te vervang en na daardie subparagraaf die volgende woorde by te voeg:

“wat betrekking het op voordele vanaf daardie fonds ten opsigte van daardie persoon of van enige persoon wat ’n afhanklike is van daardie persoon.”;

(c) deur in subartikel (2)(b) subparagrafe (i), (ii) en (iii) deur onderskeidelik die volgende subparagrafe te vervang:

(i) (aa) [R303] R310, ten opsigte van voordele aan die persoon, of indien die persoon nie ’n lid van ’n mediese skema is nie ten opsigte van die voordele aan ’n afhanklike wat ’n lid is van ’n mediese skema of fonds of ’n afhanklike van ’n lid van ’n ander mediese skema of fonds; 35

[(ii) (bb) [R606] R620, ten opsigte van voordele aan die persoon en een afhanklike; of 40

[(iii) (cc) [R606] R620, ten opsigte van voordele aan [die persoon en een afhanklike, plus R204 ten opsigte van voordele aan elke bykomende afhanklike] twee afhanklikes; en

(ii) R209, ten opsigte van voordele aan elke bykomende afhanklike.”; 45

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

“(3A) Waar meer as een persoon enige fooie betaal ten opsigte van voordele aan ’n persoon of afhanklike, moet die bedrag toegelaat om afgetrek te word ten opsigte van die belastingkrediet vir mediese skema fooie kragtens subartikel (1) ’n bedrag wees wat in dieselfde verhouding staan tot die totale bedrag ten opsigte van daardie persoon of afhanklike ingevolge subartikel (2)(b) as wat die bedrag van die fooie betaal deur daardie persoon in verhouding staan tot die totale bedrag van die fooie betaalbaar.”; 50 55

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

“(4) By die toepassing van hierdie artikel beteken ’n **‘afhanklike’** met betrekking tot ’n persoon ’n **‘afhanklike’** soos in artikel **[1 van die Wet op Mediese Skemas] 6B(1)** omskryf.”; en

(f) by the addition after subsection (4) of the following subsection:

“(5) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act, that, with effect from a date or dates mentioned in that announcement, the amounts allowed to a natural person by way of rebates under subsection (2) will be altered to the extent mentioned in the announcement. 5

(b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.” 10

(2) Subsection (1) is deemed to have come into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 6B of Act 58 of 1962, as inserted by section 7 of Act 22 of 2012 and amended by section 3 of Act 43 of 2014, section 5 of Act 25 of 2015 and section 9 of Act 15 of 2016 15

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

(a) by the substitution in subsection (1) in the definition of “dependant” at the end of paragraph (c) for the word “and” of the word “or”; and 20

(b) by the addition after subsection (4) of the following subsection:

“(5) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act, that, with effect from a date or dates mentioned in that announcement, the amounts allowed to a natural person by way of rebates under subsection (3) will be altered to the extent mentioned in the announcement. 25

(b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.” 30

Amendment of section 6quat of Act 58 of 1962, as inserted by section 9 of Act 89 of 1969 and amended by section 5 of Act 94 of 1983, section 5 of Act 85 of 1987, section 5 of Act 28 of 1997, section 12 of Act 53 of 1999, section 16 of Act 30 of 2000, section 4 of Act 59 of 2000, section 8 of Act 5 of 2001, section 20 of Act 60 of 2001, section 9 of Act 74 of 2002, section 16 of Act 45 of 2003, section 4 of Act 32 of 2004, section 8 of Act 31 of 2005, section 7 of Act 35 of 2007, section 9 of Act 17 of 2009, section 7 of Act 18 of 2009, section 11 of Act 24 of 2011, section 3 of Act 22 of 2012, section 6 of Act 25 of 2015, section 10 of Act 15 of 2016 and section 4 of Act 17 of 2017 35 40

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

(a) by the substitution in the proviso to subsection (1B)(a) for paragraph (i) of the following paragraph:

“(i) in determining the amount of the taxable income that is attributable to that income, proportional amount, taxable capital gain or amount[.]— 45

(aa) any allowable deductions contemplated in [section] sections 11F and 18A must be deemed to have been incurred proportionately in respect of taxable income derived from sources within and outside the Republic; 50

(bb) the deduction under section 11F must be allocated in relation to the taxable income from sources within and outside the Republic before taking into account any deduction in terms of that section, subsection (1C) and section 18A; and 55

(f) deur die volgende subartikel na subartikel (4) by te voeg:

“(5)(a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur, aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die bedrae wat by wyse van korting aan ’n natuurlike persoon toegelaat word kragtens subartikel (2) gewysig sal word in die mate wat in daardie aankondiging vermeld word.

5

(b) Indien die Minister ’n aankondiging beoog in paragraaf (a) oor ’n wysiging maak, word daardie wysiging van krag op die datum of datums deur die Minister in daardie aankondiging bepaal en bly dit van toepassing vir ’n tydperk van 12 maande vanaf daardie datum of daardie datums, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”

10

(2) Subartikel (1) word geag in werking te getree het op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

15

Wysiging van artikel 6B van Wet 58 van 1962, soos ingevoeg deur artikel 7 van Wet 22 van 2012 en gewysig deur artikel 3 van Wet 43 van 2014, artikel 5 van Wet 25 van 2015 en artikel 9 van Wet 15 van 2016

6. Artikel 6B van die Inkomstebelastingwet, 1962, word hierby gewysig— 20

(a) deur in subartikel (1) in die omskrywing van “afhanklike” aan die einde van paragraaf (c) die woord “en” deur die woord “of” te vervang; en

(b) deur na subartikel (4) die volgende subartikel by te voeg:

“(5) (a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die bedrae wat by wyse van korting aan ’n natuurlike persoon toegelaat word kragtens subartikel (3) gewysig sal word in die mate wat in daardie aankondiging vermeld word.

25

(b) Indien die Minister ’n aankondiging oor ’n wysiging beoog in paragraaf (a) maak, word daardie wysiging van krag op die datum deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum of daardie datums, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”

30

35

Wysiging van artikel 6quat van Wet 58 van 1962, soos ingevoeg deur artikel 9 van Wet 89 van 1969 en gewysig deur artikel 5 van Wet 94 van 1983, artikel 5 van Wet 85 van 1987, artikel 5 van Wet 28 van 1997, artikel 12 van Wet 53 van 1999, artikel 16 van Wet 30 van 2000, artikel 4 van Wet 59 van 2000, artikel 8 van Wet 5 van 2001, artikel 20 van Wet 60 van 2001, artikel 9 van Wet 74 van 2002, artikel 16 van Wet 45 van 2003, artikel 4 van Wet 32 van 2004, artikel 8 van Wet 31 van 2005, artikel 7 van Wet 35 van 2007, artikel 9 van Wet 17 van 2009, artikel 7 van Wet 18 van 2009, artikel 11 van Wet 24 van 2011, artikel 3 van Wet 22 van 2012, artikel 6 van Wet 25 van 2015, artikel 10 van Wet 15 van 2016 en artikel 4 van Wet 17 van 2017

40

45

7. (1) Artikel 6quat van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in die voorbehoudsbepaling tot subartikel (1B)(a) paragraaf (i) deur die volgende paragraaf te vervang:

“(i) by die vasstelling van die bedrag van die belasbare inkomste wat toeskryfbaar is aan daardie inkomste, proporsionele bedrag, belasbare kapitaalwins of bedrag[,]—

50

(aa) word enige toelaatbare aftrekkings in [artikel] artikels 11F en 18A bedoel, geag proporsioneel ten opsigte van belasbare inkomste verkry vanuit bronne binne en buite die Republiek aangegaan te wees;

55

(bb) word die aftrekking kragtens artikel 11F toegeken in verhouding tot die belasbare inkomste van bronne binne en buite die Republiek voor enige aftrekking ingevolge daardie artikel, subartikel (1C) en artikel 18A in ag geneem word; en

60

- (cc) the deduction under section 18A must be allocated in relation to taxable income from sources within and outside the Republic before taking into account any deduction in terms of that section and subsection (1C);” and
- (b) by the substitution for subsection (1D) of the following subsection: 5
 “(1D) Notwithstanding [the provisions of] subsection (1C), the deduction of any tax paid or proved to be payable as contemplated in that subsection shall not in aggregate exceed the total taxable income (before taking into account any such deduction) attributable to income which is subject to taxes as contemplated in that subsection [, provided] 10
 : Provided that in determining the amount of the taxable income that is attributable to that income—
 (a) any allowable deductions contemplated in [section] sections 11F and 18A must be deemed to have been incurred proportionately in [the ratio that that income bears to total income] respect of 15
 attributable and non-attributable taxable income;
 (b) the deduction under section 11F must be allocated in relation to the taxable income from attributable and non-attributable taxable income before taking into account any deduction in terms of that section, subsection (1C) and section 18A; and 20
 (c) the deduction under section 18A must be allocated in relation to attributable and non-attributable taxable income before taking into account any deduction in terms of that section and subsection (1C).”.
- (2) Subsection (1) is deemed to have come into operation on 1 March 2018 and 25
 applies in respect of years of assessment commencing on or after that date.

**Amendment of section 7 of Act 58 of 1962, as amended by section 5 of Act 90 of 1962, section 8 of Act 88 of 1965, section 5 of Act 55 of 1966, section 7 of Act 94 of 1983, section 2 of Act 30 of 1984, section 5 of Act 90 of 1988, section 5 of Act 70 of 1989, section 4 of Act 101 of 1990, section 7 of Act 129 of 1991, section 5 of Act 141 30
 of 1992, section 6 of Act 21 of 1995, section 23 of Act 30 of 1998, section 13 of Act 53 of 1999, section 5 of Act 59 of 2000, section 10 of Act 74 of 2002, section 17 of Act 45 of 2003, section 5 of Act 32 of 2004, section 9 of Act 31 of 2005, section 8 of Act 35 of 2007, section 4 of Act 3 of 2008, section 8 of Act 60 of 2008, section 10 of Act 17 of 2009, section 15 of Act 24 of 2011, section 8 of Act 31 of 2013 and section 4 of 35
 Act 43 of 2014**

8. (1) Section 7 of the Income Tax Act, 1962, is hereby amended by the insertion in subsection (8) after paragraph (a) of the following paragraph:
 “(aA) In determining, for purposes of paragraph (a), whether an amount received by or that accrued to a person who is not a resident would have constituted income had that person been a resident, the provisions of section 10B(2)(a) must be disregarded in respect of a receipt or accrual consisting of or derived, directly or indirectly, from a foreign dividend— 40
 (i) paid or payable by a company if—
 (aa) more than 50 per cent of the total participation rights, as defined in 45
 section 9D(1), or of the voting rights in that company are directly or indirectly held or are exercisable, as the case may be, by that person whether alone or together with any one or more persons that are connected persons in relation to that person; and
 (bb) the resident who made the donation, settlement or other disposition or 50
 any person that is a connected person in relation to that resident is a connected person in relation to the person who is not a resident; and
 (ii) to the extent to which that foreign dividend is not derived from an amount that must be included in the income of or that must be attributed as a capital gain 55
 to—
 (aa) the resident who made that donation, settlement or other disposition; or
 (bb) a resident who is a connected person in relation to the resident referred to in item (aa).”.
- (2) Subsection (1) comes into operation on 1 March 2019 and applies in respect of amounts received or accrued on or after that date. 60

- (cc) word die aftrekking kragtens artikel 18A toegeken in verhouding tot die belasbare inkomste van bronne binne en buite die Republiek voor enige aftrekking ingevolge daardie artikel en subartikel (1C) in ag geneem word;” en
- (b) deur subartikel (1D) deur die volgende subartikel te vervang: 5
 “(1D) Ondanks **[die bepaling van]** subartikel (1C) mag die aftrekking van enige belasting wat betaal of bewys word betaalbaar te wees soos in daardie subartikel beoog, nie in totaal die totale belasbare inkomste (voor daardie aftrekking in berekening gebring is) wat toeskryfbaar is aan die inkomste wat aan belasting in daardie subartikel bedoel onderhewig is, te bowe gaan nie **[,met]** : Met dien verstande dat by die berekening van die bedrag van die belasbare inkomste wat aan daardie inkomste toeskryfbaar is[,]—
- (a) enige toelaatbare aftrekkings in **[artikel]** artikels 11F en 18A beoog, geag word proporsioneel aangegaan te wees **[in die verhouding wat daardie inkomste tot die totale inkomste staan]** ten opsigte van toeskryfbare inkomste en nie-toeskryfbare belasbare inkomste; 15
- (b) die aftrekking kragtens artikel 11F toegeken word in verhouding tot die belasbare inkomste van bronne binne en buite die Republiek voor enige aftrekking ingevolge daardie artikel, subartikel (1C) en artikel 18A in ag geneem word; en 20
- (c) die aftrekking kragtens artikel 18A toegeken word in verhouding tot die belasbare inkomste van bronne binne en buite die Republiek voor enige aftrekking ingevolge daardie artikel en subartikel (1C) in ag geneem word.”. 25

(2) Subartikel (1) word geag in werking te getree het op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 7 van Wet 58 van 1962, soos gewysig deur artikel 5 van Wet 90 van 1962, artikel 8 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 7 van Wet 94 van 1983, artikel 2 van Wet 30 van 1984, artikel 5 van Wet 90 van 1988, artikel 5 van Wet 70 van 1989, artikel 4 van Wet 101 van 1990, artikel 7 van Wet 129 van 1991, artikel 5 van Wet 141 van 1992, artikel 6 van Wet 21 van 1995, artikel 23 van Wet 30 van 1998, artikel 13 van Wet 53 van 1999, artikel 5 van Wet 59 van 2000, artikel 10 van Wet 74 van 2002, artikel 17 van Wet 45 van 2003, artikel 5 van Wet 32 van 2004, artikel 9 van Wet 31 van 2005, artikel 8 van Wet 35 van 2007, artikel 4 van Wet 3 van 2008, artikel 8 van Wet 60 van 2008, artikel 10 van Wet 17 van 2009, artikel 15 van Wet 24 van 2011 van Wet 8 van Wet 31 van 2013 en artikel 4 van Wet 43 van 2014 30

8. (1) Artikel 7 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (8) na paragraaf (a) die volgende paragraaf in te voeg: 40

- “(aA) Vir die vasstelling, by die toepassing van paragraaf (a), of ’n bedrag ontvang deur of toegeval aan ’n persoon wat nie ’n inwoner is nie inkomste sou uitmaak indien daardie persoon ’n inwoner was, word die bepaling van artikel 10B(2)(a) nie in ag geneem nie ten opsigte van ontvangste of toevallings wat bestaan uit of verkry is, direk of indirek, van ’n buitelandse dividend— 45
- (i) betaal of betaalbaar deur ’n maatskappy indien—
- (aa) meer as 50 persent van die gesamentlike deelnemende regte, soos omskryf in artikel 9D(1), of van die stemregte in daardie maatskappy direk of indirek gehou word of uitoefenbaar is, na gelang van die geval, deur daardie persoon hetsy alleen of saam met enige een of meer persone wat verbonde persone met betrekking tot daardie persoon is; en 50
- (bb) die inwoner wat die skenking, oormaking of ander beskikking gemaak het of enige persoon wat ’n verbonde persoon is met betrekking tot daardie inwoner, ’n verbonde persoon is met betrekking tot die persoon wat nie ’n inwoner is nie; en 55
- (ii) namate daardie buitelandse dividend nie verkry is nie van ’n bedrag wat in die inkomste ingesluit word van of as kapitaalwins toegeskryf word aan—
- (aa) die inwoner wat daardie skenking, oormaking of ander beskikking gemaak het; of
- (bb) ’n inwoner wat ’n verbonde persoon is met betrekking tot die inwoner beoog in item (aa).” 60

(2) Subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van bedrae ontvang of toegeval op of na daardie datum.

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

9. (1) Section 7C of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1)(ii) for the words following subparagraph (bb) of the following words: 5
 “by [the] a trust referred to in [subparagraph] paragraph (i) [or by a beneficiary of that trust] whether alone or together with any person who is a beneficiary of that trust or the spouse of a beneficiary of that trust or any person related to that beneficiary or that spouse within the second degree of consanguinity.”

(2) Subsection (1) is deemed to have come into operation on 19 July 2017 and applies in respect of any amount owed by a trust or a company in respect of a loan, advance or credit provided to that trust or that company before, on or after that date. 10

Substitution of section 7D of Act 58 of 1962, as inserted by section 6 of Act 17 of 2017

10. The following section is hereby substituted for section 7D of the Income Tax Act, 1962: 15

“Calculation of amount of interest

7D. Where it must be determined, for the purposes of this Act, what amount would have accrued or been incurred as interest in respect of any loan, debt, advance or amount of credit provided to a person or an amount owed by a person had that interest accrued or been incurred at a specific rate of interest, that amount must be determined— 20

(a) without regard to any rule of the common law or provision of any Act in terms of which—

[(a)] (i) the amount of any interest, fee or similar finance charge that accrues or is incurred in respect of a debt may not in aggregate exceed the amount of that debt; or 25

[(b)](ii) no interest may accrue or be incurred in respect of a debt once the amount that has accrued or been incurred as interest is equal to the amount of that debt; and

(b) as simple interest calculated daily.”. 30

Insertion of section 7F in Act 58 of 1962

11. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 7E:

“Deduction of interest repaid to SARS

7F. In determining the taxable income derived by any person during a year of assessment, any amount of interest paid by SARS to that person under a tax Act and deemed to have accrued to that person in terms of section 7E that has to be repaid by that person to SARS, must be deducted from that person’s taxable income in the year of assessment during which that amount is repaid to SARS.”. 35 40

(2) Subsection (1) is deemed to have come into operation on 1 March 2018 and applies to amounts of interest repaid to SARS on or after that date.

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

9. (1) Artikel 7C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1)(b)(ii) die woorde wat op subparagraaf (bb) volg deur die volgende woorde te vervang:

“die stemregte in daardie maatskappy uitgeoefen kan word, deur [die] trust beoog in [subparagraaf] paragraaf (i) [of deur ’n begunstigde van daardie trust] hetsy alleen of tesame met enige persoon wat ’n begunstigde van daardie trust is of die gade van ’n begunstigde van daardie trust of enige persoon wat verwant is aan daardie begunstigde of daardie gade binne die tweede graad van bloedverwantskap.”

(2) Subartikel (1) word geag in werking te getree het op 19 Julie 2017 en is van toepassing ten opsigte van enige bedrag verskuldig deur ’n trust of ’n maatskappy ten opsigte van ’n lening, voorskot of krediet voorsien aan daardie trust of maatskappy voor, op of na daardie datum.

Vervanging van artikel 7D van Wet 58 van 1962, soos ingevoeg deur artikel 6 van Wet 17 van 2017

10. Artikel 7D van die Inkomstebelastingwet, 1962, word hierby deur die volgende artikel vervang:

“Berekening van bedrag van rente

7D. Waar bepaal moet word, by die toepassing van hierdie Wet, watter bedrag aangegaan sou word of toegeval het as rente ten opsigte van enige lening, skuld, voorskot of bedrag krediet voorsien aan ’n persoon of ’n bedrag verskuldig deur ’n persoon indien daardie rente toegeval het of aangegaan is teen ’n bepaalde rentekoers, word daardie bedrag bereken—
(a) sonder inagneming van enige reël van die gemenerereg of bepaling van enige Wet ingevolge waarvan—

[(a)] (i) die totaal van die bedrag van enige rente, fooi of soortgelyke finansieringskoste wat toeval of aangegaan is ten opsigte van ’n skuld nie die bedrag van daardie skuld mag oorskry nie; of

[(b)](ii) geen rente mag toegeval of aangegaan word nie ten opsigte van ’n skuld sodra die bedrag wat toegeval het of aangegaan is as rente gelykstaande is aan die bedrag van daardie skuld₂ en

(b) as enkelvoudige rente daaglik bereken.”

Invoeging van artikel 7F in Wet 58 van 1962

11. (1) Die volgende artikel word hierby na artikel 7E in die Inkomstebelastingwet, 1962, ingevoeg:

“Aftrekking van rente terugbetaal aan SAID

7F. By die vasstelling van die belasbare inkomste verkry deur enige persoon tydens enige jaar van aanslag, moet enige bedrag van rente deur SAID aan daardie persoon betaal kragtens ’n belastingwet en geag aan daardie persoon toegeval het ingevolge artikel 7E wat deur daardie persoon aan SAID terugbetaal moet word, afgetrek word van daardie persoon se belasbare inkomste in die jaar waarin daardie bedrag aan SAID terugbetaal is.”

(2) Subartikel (1) word geag in werking te getree het op 1 Maart 2018 en is van toepassing op bedrae van rente aan SAID betaal op of na daardie datum.

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

12. Section 8E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) in paragraph (b)(ii) of the definition of “hybrid equity instrument” for item (aa) of the following item: 5

“(aa) that share does not rank *pari passu* as regards its participation in dividends or foreign dividends with all other [ordinary] equity shares in the capital of the relevant company or, where the [ordinary] equity shares in such company are divided into two or more classes, with the shares of at least one of such classes; or”. 10

Amendment of section 8EA of Act 58 of 1962, as inserted by section 12 of Act 22 of 2012 and amended by section 11 of Act 31 of 2013, section 7 of Act 43 of 2014, section 15 of Act 15 of 2016 and section 10 of Act 17 of 2017 15

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

“(2A) Where a preference share that was issued in terms of an agreement, all the terms of which were finally agreed to before 1 April 2012 by all the parties to that agreement, constitutes a third-party backed [instrument] share solely by reason of an enforcement right acquired in accordance with the terms of that agreement and that enforcement right is cancelled on or after 26 October 2016 and on or before 31 December 2017, the provisions of subsection (2) will not apply in respect of any dividend or foreign dividend that accrues in respect of that share after the date of cancellation of that enforcement right.”. 20 25

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

14. (1) Section 8F of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 30

“Any amount that is incurred by a company in respect of interest on or after the date that the [interest] instrument becomes [hybrid interest] a hybrid debt instrument is—”.

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

Amendment of section 8FA of Act 58 of 1962, as inserted by section 14 of Act 31 of 2013 and amended by section 15 of that Act, section 9 of Act 43 of 2014, section 10 of Act 25 of 2015, section 17 of Act 15 of 2016 and section 12 of Act 17 of 2017 35

15. (1) Section 8FA of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 40

“Any amount that is incurred by a company in respect of interest on or after the date that the [instrument] interest becomes [a] hybrid [debt instrument] interest is—”.

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

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 and section 18 of Act 15 of 2016 45

16. Section 9 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2)(k)(i) for item (aa) of the following item:

“(aa) that asset is not [attributable to] effectively connected with a permanent establishment of that person which is situated outside the Republic; and”. 50

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

5

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

“(aa) daardie aandeel nie gelyke voorkeur geniet nie wat betref sy deelname in dividende of buitelandse dividende met alle ander **[gewone aandeel]** ekwiteitsaandele in die kapitaal van die relevante maatskappy of, waar die **[gewone aandeel]** ekwiteitsaandele in so ’n maatskappy in twee of meer klasse verdeel is, met die aandele van minstens een van sodanige klasse; of”.

10

Wysiging van artikel 8EA van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 22 van 2012 en gewysig deur artikel 11 van Wet 31 van 2013, artikel 7 van Wet 43 van 2014, artikel 15 van Wet 15 van 2016 en artikel 10 van Wet 17 van 2017

15

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

“(2A) Waar ’n voorkeuraandeel wat ingevolge ’n ooreenkoms uitgereik is, waarvan al die terme voor 1 April 2012 finaal op ooreengekom is deur al die partye tot daardie ooreenkoms, ’n derdeparty-ondersteunde **[instrument] aandeel** uitmaak slegs ingevolge ’n afdwingsreg verkry ingevolge die terme van daardie ooreenkoms en daardie afdwingsreg gekanselleer is op of na 26 Oktober 2016 en voor of op 31 Desember 2017, is die bepaling van subartikel (2) nie van toepassing nie ten opsigte van enige dividend of buitelandse dividend wat toeval ten opsigte van daardie aandeel na die datum van kansellering van daardie afdwingsreg.”.

20

25

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

30

14. (1) Artikel 8F van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Enige bedrag wat deur ’n maatskappy aangegaan word ten opsigte van rente op of na die datum waarop die **[rente] skuldinstrument** ’n hibriede **[rente] skuldinstrument** word—”.

35

(2) Subartikel (1) word geag in werking te getree het op 18 Desember 2017.

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

40

15. (1) Artikel 8FA van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Enige bedrag wat aangegaan word ten opsigte van rente op of na die datum waarop die **[instrument] rente** [’n] hibriede **[skuldinstrument] rente** word—”.

45

(2) Subartikel (1) word geag in werking te getree het op 18 Desember 2017.

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 en artikel 18 van Wet 15 van 2016

50

16. Artikel 9 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(k)(i) item (aa) deur die volgende item te vervang:

“(aa) daardie bate nie **[toeskryfbaar] effektiief verbonde** is nie aan ’n permanente saak van daardie persoon wat buite die Republiek geleë is; en”.

55

Amendment of section 9C of Act 58 of 1962, as inserted by section 14 of Act 35 of 2007 and amended by section 7 of Act 3 of 2008, section 12 of Act 60 of 2008, section 15 of Act 7 of 2010, section 24 of Act 24 of 2011, section 13 of Act 22 of 2012, section 18 of Act 31 of 2013, section 11 of Act 43 of 2014, section 12 of Act 25 of 2015, section 19 of Act 15 of 2016 and section 14 of Act 17 of 2017 5

17. Section 9C of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) for the definition of “disposal” of the following definition:
 “**‘disposal’** means a disposal as defined in paragraph 1 of the Eighth Schedule **[or any event treated as a disposal in terms of section 9H]**”; 10
- (b) by the substitution in subsection (1) in the definition of “equity share” for the words preceding paragraph (a) of the following words:
 “**‘equity share’**, includes a participatory interest in a portfolio of a collective investment scheme in securities and a portfolio of a hedge fund collective investment scheme excluding a share which at any time **[during that period]** prior to the disposal of that share was—”; 15
- (c) by the substitution for subsection (2A) of the following subsection:
 “(2A) Subsection (2) does not apply in respect of so much of the amount received or accrued in respect of the disposal of an equity share contemplated in that subsection, other than an equity share held for longer than five years, as does not exceed the expenditure allowed in respect of that share in terms of section 12J(2).”; and 20
- (d) by the substitution for subsection (3) of the following subsection:
 “(3) The provisions of this section shall not apply to any equity share if at the time of the **[disposal]** receipt or accrual of any amount (other than an amount constituting a dividend or foreign dividend) in respect of that share the taxpayer was a connected person in relation to the company that issued that share and— 25
- (a) more than 50 per cent of the market value of the equity shares of that company was attributable directly or indirectly to immovable property other than— 30
- (i) immovable property held directly or indirectly by a person that is not a connected person in relation to the taxpayer; or
- (ii) immovable property held directly or indirectly for a **[continuous period of more than]** period of at least three years immediately prior to that **[disposal]** receipt or accrual; or 35
- (b) that company acquired any asset during the period of three years immediately prior to that **[disposal]** receipt or accrual and amounts were paid or payable by any person to any person other than that company for the use of that asset while that asset was held by that company during that period.”. 40

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, 45

Wysiging van artikel 9C van Wet 58 van 1962, soos ingevoeg deur artikel 14 van Wet 35 van 2007 en gewysig deur artikel 7 van Wet 3 van 2008, artikel 12 van Wet 60 van 2008, artikel 15 van Wet 7 van 2010, artikel 24 van Wet 24 van 2011, artikel 13 van Wet 22 van 2012, artikel 18 van Wet 31 van 2013, artikel 11 van Wet 43 van 2014, artikel 12 van Wet 25 van 2015, artikel 19 van Wet 15 van 2016 en artikel 14 van Wet 17 van 2017 5

17. Artikel 9C van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) die omskrywing van “beskikking” deur die volgende omskrywing te vervang: 10
 “**‘beskikking’** ’n beskikking soos omskryf in paragraaf 1 van die Agtste Bylae [of enige gebeurtenis behandel as ’n beskikking ingevolge artikel 9H]”;
- (b) deur in subartikel (1) in die omskrywing van “ekwiteitsaandeel” die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 15
 “**‘ekwiteitsaandeel’** ook ’n deelnemende belang in ’n portefeulje van ’n kollektiewe beleggingskema in effekte en ’n portefeulje van ’n daaldekkingsfonds-kollektiewe-beleggingskema buiten ’n aandeel wat [tydens daardie tydperk] te eniger tyd voor die beskikking van daardie aandeel—”;
- (c) deur subartikel (2A) deur die volgende subartikel te vervang: 20
 “(2A) Subartikel (2) is nie van toepassing nie ten opsigte van soveel van die bedrag ontvang of toegeval ten opsigte van die beskikking oor ’n ekwiteitsaandeel in daardie subartikel beoog, buiten ’n ekwiteitsaandeel gehou vir langer as vyf jaar, wat nie die uitgawe oorskry nie wat ingevolge artikel 12J(2) ten opsigte van daardie aandeel toegelaat word.”; en 25
- (d) deur subartikel (3) deur die volgende subartikel te vervang: 30
 “(3) Die bepalinge van hierdie artikel is nie van toepassing nie ten opsigte van enige ekwiteitsaandeel indien die belastingpligtige op die tydstip van **[beskikking oor]** ontvangs of toevalling van enige bedrag (buiten ’n bedrag wat ’n dividend of buitelandse dividend uitmaak) ten opsigte van daardie aandeel ’n verbonde persoon was met betrekking tot die maatskappy wat daardie aandeel uitgereik het, en—
 (a) meer as vyftig persent van die markwaarde van die ekwiteitsaandeel van daardie maatskappy direk of indirek toeskryfbaar was aan 35
 onroerende eiendom, behalwe—
 (i) onroerende eiendom direk of indirek gehou deur ’n persoon wat nie ’n verbonde persoon met betrekking tot die belastingpligtige is nie; of
 (ii) onroerende eiendom direk of indirek gehou vir ’n 40
[ononderbroke tydperk van meer as] tydperk van ten minste drie jaar onmiddellik voor daardie [beskikking] ontvangs of toevalling; of
 (b) daardie maatskappy gedurende die tydperk van drie jaar 45
 onmiddellik voor daardie **[beskikking] ontvangs of toevalling** enige bate verkry het en bedrae deur enige persoon aan enige persoon anders as daardie maatskappy betaal is of betaalbaar was vir die gebruik van daardie bate terwyl daardie bate deur daardie maatskappy gehou is gedurende daardie tydperk.”.

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, 50 55

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 and section 15 of Act 17 of 2017

18. Section 9D of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) in the definition of “controlled foreign company” for paragraph (b) of the following paragraph: 5
 “(b) any foreign company where the financial results of that foreign company are reflected in the consolidated financial statements, as contemplated in IFRS 10, of any company that is a resident₁”;
- (b) by the substitution in the proviso to subsection (2A) for paragraph (k) of the following paragraph: 10
 “(k) for the purposes of section 24I and paragraph 43 of the Eighth Schedule, ‘local currency’ of a controlled foreign company otherwise than in relation to a permanent establishment of that controlled foreign company, means the functional currency of that company; and”;
- (c) by the deletion in the further proviso to subsection (2A) in paragraph (ii) of subparagraph (cc); and
- (d) by the addition in the further proviso to subsection (2A) of the following paragraph: 15
 “(iii) the normal tax that would have been payable as contemplated in paragraph (i) must be determined before taking into account any amount which would, had that controlled foreign company been a resident for that foreign tax year, have been included in the income of that controlled foreign company in terms of subsection (2) for that foreign tax year.”. 20 25

Amendment of section 9HA of Act 58 of 1962, as inserted by section 15 of Act 25 of 2015 and amended by section 22 of Act 15 of 2016

19. Section 9HA of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph: 30
 “(a) assets disposed of [to] for the benefit of his or her surviving spouse as contemplated in subsection (2);”;
- (b) by the substitution in subsection (1) for the words following paragraph (c) of the following words: 35
 “at the date of that person’s death for an amount received or accrued equal to the market value₂ as contemplated in paragraph [31] 1 of the Eighth Schedule₂ of those assets as at that date.”; and
- (c) by the substitution for subsection (3) of the following subsection: 40
 “(3) If any asset that is treated as having been disposed of by a deceased person as contemplated in subsection (1) is transferred directly to an heir or legatee of that person, that heir or legatee must be treated as having acquired that asset for an amount of expenditure incurred equal to the market value₂ as contemplated in paragraph [31] 1 of the Eighth Schedule₂ of that asset as at the date of that deceased person’s death.”. 45

Insertion of section 9HB in Act 58 of 1962

20. The following section is hereby inserted in the Income Tax Act, 1962, after section 9HA:

“Transfer of asset between spouses

- 9HB.** (1) (a) A person (hereinafter referred to as ‘the transferor’) must disregard any capital gain or capital loss determined in respect of the disposal of an asset to his or her spouse (hereinafter referred to as ‘the transferee’). 50
- (b) The transferee must be treated as having—
- (i) acquired the asset on the same date that such asset was acquired by the transferor; 55

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 en artikel 15 van Wet 17 van 2017

18. Artikel 9D van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) in die Engelse teks in die omskrywing van “beheerde buitelandse maatskappy” paragraaf (b) deur die volgende paragraaf te vervang: 5
- “(b) any foreign company where the financial results of that foreign company are reflected in the consolidated financial statements, as contemplated in IFRS 10, of any company that is a resident[₁];”
- (b) deur in die voorbehoudsbepaling tot subartikel (2A) paragraaf (k) deur die volgende paragraaf te vervang: 10
- “(k) by die toepassing van artikel 24I en paragraaf 43 van die Agtste Bylae, beteken ‘plaaslike geldeenhed’ van ’n beheerde buitelandse maatskappy, anders as met betrekking tot ’n permanent saak van daardie beheerde buitelandse maatskappy, die funksionele geldeenhed van daardie maatskappy; en”;
- (c) deur in die verdere voorbehoudsbepaling tot subartikel (2A) in paragraaf (ii) subparagraaf (cc) te skrap; en
- (d) deur in die verdere voorbehoudsbepaling tot subartikel (2A) die volgende paragraaf by te voeg: 20
- “(iii) die normale belasting wat betaalbaar sou wees soos beoog in paragraaf (i), word bepaal voor enige bedrag in ag geneem word wat, indien daardie buitelandse beheerde maatskappy ’n inwoner was vir daardie buitelandse belastingjaar, ingesluit sou wees in die inkomste van daardie buitelandse beheerde maatskappy ingevolge subartikel (2) vir daardie buitelandse belastingjaar.”. 25

Wysiging van artikel 9HA van Wet 58 van 1962, soos ingevoeg deur artikel 15 van Wet 25 van 2015 en gewysig deur artikel 22 van Wet 15 van 2016

19. Artikel 9HA van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang: 30
- “(a) bates oor beskik [aan] ten behoeve van sy of haar oorlewende gade soos beoog in subartikel (2);”;
- (b) deur in subartikel (1) die woorde wat op paragraaf (c) volg deur die volgende woorde te vervang: 35
- “op die datum van daardie persoon se afsterwe vir ’n bedrag ontvang of toegeval gelykstaande aan die markwaarde van daardie bates op daardie datum soos beoog in paragraaf [31] 1 van die Agtste Bylae.”; en
- (c) deur subartikel (3) deur die volgende subartikel te vervang: 40
- “(3) Indien enige bate wat geag word oor beskik deur ’n oorlede persoon soos beoog in subartikel (1) direk oorgedra word aan ’n erfgenaam of legataris van daardie persoon, word daardie erfgenaam of legataris geag daardie bate te verkry het vir ’n bedrag aangegaan gelykstaande aan die markwaarde, soos beoog in paragraaf [31] 1 van die Agtste Bylae, van daardie bate soos op die datum van daardie oorlede persoon se dood.”. 45

Invoeging van artikel 9HB in Wet 58 van 1962

20. Die volgende artikel word hierby na artikel 9HA in die Inkomstebelastingwet, 1962, ingevoeg:

“Oordrag van bate tussen gades

- 9HB.** (1) (a) ’n Persoon (hierna ‘die oordraggewer’ genoem) moet enige kapitaalwins of kapitaalverlies vasgestel ten opsigte van die beskikking oor ’n bate aan sy of haar gade (hierna ‘die oordragnemer’ genoem) verontagsaam. 50
- (b) Die oordragnemer moet geag word—
- (i) die bate te verkry het op dieselfde datum wat daardie bate deur die oordraggewer verkry is; 55

- (ii) incurred an amount of expenditure equal to the expenditure contemplated in paragraph 20 of the Eighth Schedule that was incurred by that transferor in respect of that asset;
- (iii) incurred that expenditure on the same date and in the same currency that it was incurred by the transferor; 5
- (iv) used that asset in the same manner that it was used by the transferor; and
- (v) received an amount equal to any amount received by or accrued to that transferor in respect of that asset that would have constituted proceeds on disposal of that asset had that transferor disposed of it to a person other than the transferee. 10
- (2) For the purposes of subsection (1)—
- (a) a person whose spouse dies must be treated as having disposed of an asset to that spouse immediately before the date of death of that spouse, if ownership of that asset is acquired by the deceased estate of that spouse in settlement of a claim arising under section 3 of the Matrimonial Property Act, 1984 (Act No. 88 of 1984); or 15
- (b) a person must be treated as having disposed of an asset to his or her spouse, if that asset is transferred to that spouse in consequence of a divorce order or, in the case of a union contemplated in paragraph (b) or (c) of the definition of ‘spouse’ in section 1, an agreement of division of assets which has been made an order of court. 20
- (3) A person who disposes of an asset consisting of trading stock, livestock or produce contemplated in the First Schedule to his or her spouse, must be treated as having disposed of that asset for an amount received or accrued that is equal to the amount that was allowed as a deduction in respect of that asset for purposes of determining that person’s taxable income, before the inclusion of any taxable capital gain. 25
- (4) Where a person acquires an asset consisting of trading stock, livestock or produce contemplated in the First Schedule from his or her spouse, that person and his or her spouse must, for purposes of determining any taxable income derived by that person, be deemed to be one and the same person with respect to the date of acquisition of that asset by that person and the amount and date of incurral by that spouse of any cost or expenditure incurred in respect of that asset as contemplated in section 11(a) or 22(1) or (2). 30
- (5) This section must not apply in respect of the disposal of an asset by a person to his or her spouse who is not a resident, unless the asset disposed of is an asset contemplated in section 9J or in paragraph 2(1)(b) of the Eighth Schedule.”. 35 40

Insertion of section 9J in Act 58 of 1962

21. The following section is hereby inserted in the Income Tax Act, 1962, after section 9I:

“Interest of non-resident persons in immovable property

- 9J.** (1) Any amount received or accrued in respect of the disposal by a person of trading stock consisting of— 45
- (a) immovable property situated in the Republic held by that person; or
- (b) any interest or right of whatever nature of that person to or in immovable property situated in the Republic, 50
- shall be an amount received or accrued from a source within the Republic.
- (2) For purposes of subsection (1), any interest or right in immovable property situated in the Republic includes—
- (a) rights to variable or fixed payments as consideration for the working of, or the right to work mineral deposits, sources and other natural resources; or 55

- (ii) onkoste aan te gegaan het van 'n bedrag gelyk aan die onkoste in paragraaf 20 bedoel wat deur daardie oordraggewer ten opsigte van daardie bate aangegaan is;
- (iii) daardie onkoste aan te gegaan het op dieselfde datum en in dieselfde geldeenheid wat dit deur die oordraggewer aangegaan is; 5
- (iv) die bate op dieselfde wyse te gebruik het as wat dit deur die oordraggewer gebruik is; en
- (v) 'n bedrag te ontvang het gelykstaande aan enige bedrag ontvang deur of toegeval aan daardie oordraggewer ten opsigte van daardie bate wat 'n opbrengs by die beskikking van daardie bate sou uitmaak indien daardie oordraggewer oor die bate aan 'n ander persoon as die oordragnemer beskik het. 10
- (2) By die toepassing van subparagraaf (1)—
- (a) word 'n persoon van wie 'n gade sterf behandel asof die persoon beskik het oor 'n bate aan daardie persoon onmiddellik voor die datum van sterfte van daardie gade, indien eiendomsreg van daardie bate verkry is deur die bestorwe boedel van daardie gade ter betaling van 'n eis wat kragtens artikel 3 van die Wet op Huweliksgoedere, 1984 (Wet No. 88 van 1984), ontstaan; of 15
- (b) word 'n persoon behandel asof die persoon beskik het oor 'n bate aan sy of haar gade, indien daardie bate oorgedra is aan daardie gade ten gevolge van 'n egskeidingsbevel of, in die geval van 'n verbintenis beoog in paragraaf (b) of (c) van die omskrywing van 'gade' in artikel 1 van hierdie Wet, 'n ooreenkoms van verdeling van bates wat 'n bevel van die hof gemaak is. 20
- (3) 'n Persoon wat oor 'n bate beskik wat bestaan uit handelsvoorraad, of lewende hawe of produkte beoog in die Eerste Bylae aan sy of haar gade, word behandel om oor daardie bate te beskik het vir 'n bedrag ontvang of toegeval gelykstaande aan die bedrag wat toegelaat is as 'n aftrekking ten opsigte van daardie bate vir doeleindes van die berekening van daardie persoon se belasbare inkomste, voor die insluiting van enige kapitaalwins. 25
- (4) Waar 'n persoon 'n bate verkry wat bestaan uit handelsvoorraad, of lewende hawe of produkte beoog in die Eerste Bylae van sy of haar gade, word daardie persoon en sy of haar gade, by die berekening van enige belasbare inkomste verkry deur daardie persoon, geag om een en dieselfde persoon te wees ten opsigte van die datum van verkryging van daardie bate deur daardie persoon en die bedrag en datum van die aangaan deur daardie gade van enige onkoste of uitgawes aangegaan ten opsigte van daardie bate soos beoog in artikel 11(a) of 22(1) of (2). 30
- (5) Hierdie artikel is nie van toepassing nie ten opsigte van die beskikking oor 'n bate deur 'n persoon aan sy of haar gade wat nie 'n inwoner is nie, tensy die bate oor beskik 'n bate is soos in artikel 9J of in paragraaf 2(1)(b) van die Agtste Bylae bedoel." 35

Invoeging van artikel 9J in Wet 58 van 1962

21. Die volgende artikel word hierby na artikel 9I in die Inkomstebelastingwet, 1962, ingevoeg: 45

“Belang van nie-inwoner persone in onroerende eiendom

9J. (1) Enige bedrag ontvang of toegeval ten opsigte van die beskikking deur 'n persoon van handelsvoorraad uitgemaak deur—

- (a) onroerende eiendom in die Republiek geleë deur sodanige persoon gehou; of 50
- (b) enige belang of reg van welke aard ook al van daardie persoon op of in onroerende eiendom in die Republiek geleë, is 'n bedrag ontvang of toegeval van 'n bron in die Republiek. 55

(2) By die toepassing van subparagraaf (1)(b)(i), sluit 'n belang of reg in onroerende eiendom geleë in die Republiek in—

- (a) regte tot wisselende of vasgestelde betalings as teenprestasie vir die ontginning van, of die reg om minerale neerslae, bronne of ander natuurlike hulpbronne te ontgin; of

- (b) any equity shares held by a person in a company or ownership or the right to ownership of a person in any other entity or a vested interest of a person in any assets of any trust, if—
- (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; and
 - (ii) in the case of a company or other entity, that person (whether alone or together with any connected person in relation to that person), directly or indirectly, holds at least 20 per cent of the equity shares in that company or ownership or right to ownership of that other entity.”.

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 and section 16 of Act 17 of 2017

22. (1) Section 10 of the Income Tax Act, 1962, is hereby amended—
- (a) by the insertion in subsection (1) after paragraph (gI) of the following paragraph:
 - “(gJ) any amount received by or accrued to a person who is a member of a bargaining council that is established in terms of section 27 of the Labour Relations Act, 1995 (Act No. 66 of 1995), from a scheme or fund as contemplated in section 28(1)(g) of that Act, other than an amount from a pension fund or a provident fund;”;
 - (b) by the substitution in subsection (1)(h) for subparagraph (i) of the following subparagraph:
 - “(i) that person is a natural person who was physically present in the Republic for a period exceeding 183 days in aggregate during the twelve-month period preceding the date on which the interest is received by or accrues [by or] to that person; or”;

- (b) enige ekwiteitsaandele deur 'n persoon gehou in 'n maatskappy of eienaarskap of die reg op eienaarskap van 'n persoon in enige ander entiteit of 'n gevestigde belang van 'n persoon in enige bates van 'n trust, indien—
- (i) 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 daarvoor direk of indirek aan onroerende eiendom gehou, toeskryfbaar is; en 5
- (ii) in die geval van 'n maatskappy of ander entiteit, daardie persoon (hetsy alleen of tesame met enige verbonde persoon met betrekking tot daardie persoon), direk of indirek minstens 20 persent van die ekwiteitsaandele in daardie maatskappy of eienaarskap of reg tot eienaarskap van daardie ander entiteit hou.”. 10 15

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 en artikel 16 van Wet 17 van 2017

22. (1) Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) na paragraaf (gH) die volgende paragraaf in te voeg:
- “(gJ) enige bedrag ontvang deur of toegeval aan 'n persoon wat 'n lid is van 'n bedingsraad wat gestig is kragtens artikel 27 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), vanaf 'n skema of fonds soos beoog in artikel 28(1)(g) van daardie Wet, buiten 'n bedrag ten opsigte van 'n pensioenfonds of 'n voorsorgfonds;”;
- (b) deur in subartikel (1)(h) subparagraaf (i) deur die volgende subparagraaf te vervang:
- “(i) daardie persoon 'n natuurlike persoon is wat vir 'n tydperk van meer as 183 dae in totaal in die tydperk van twaalf maande wat die datum voorafgaan waarop die rente ontvang word deur of toeval [deur of] aan daardie persoon fisies in die Republiek teenwoordig was; of”;

- (c) by the substitution in paragraph (ii) of the proviso to subsection (1)(qA) for the words preceding subparagraph (aa) of the following words:
 “in the case of a scholarship or bursary granted to enable or assist a person with a disability as defined in section 6B(1) who is a member of the family of an employee, as defined in paragraph 1 of the **Fourth** Seventh Schedule, in respect of whom that employee is liable for family care and support, to study—”;
- (d) by the substitution in subsection (1)(yA) for subparagraphs (aa) and (bb) of the following subparagraphs:
 “(aa) that amount is received or accrued in relation to projects that are approved by the Minister **[and]**; and
 (bb) that agreement provides that those receipts and accruals of that person must be exempt; **[and]**”;
- (e) by the addition in subsection (1) after paragraph (zK) of the following paragraph:
 “(zL) any amount received or accrued previously prohibited as a deduction during any year of assessment under section 23(o)(iii) that is recovered in any subsequent year of assessment.”.
- (2) Paragraph (a) of subsection (1) comes into operation on 1 March 2019.
- (3) Paragraph (c) of subsection (1) is deemed to have come into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date.
- (4) Paragraph (e) of subsection (1) comes into operation on 1 April 2019 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 and section 8 of Act 14 of 2017

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

- (a) by the substitution in subsection (2)(c)(bb) for item (A) of the following item:
 “(A) exempt from tax in terms of paragraph (a), **[(b) or] (d) or (e)**; or”;
 and
- (b) by the addition after subsection (6) of the following subsection:
 “(7) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act, that, with effect from a date or dates mentioned in that announcement, the numbers contemplated in subsection (3)(b)(ii)(aa) and (cc) will be altered to the extent mentioned in the announcement.
 (b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”.

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, and section 118 of Act 17 of 2017

24. (1) Section 10C 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:

“in respect of any prior year of assessment.”.

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

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

- (c) deur in subartikel (1)(qA)(ii) die woorde wat subitem (aa) voorafgaan deur die volgende woorde te vervang:
 “in die geval van ’n studiebeurs toegeken om ’n persoon met ’n gestremdheid soos omskryf in artikel 6B(1) wat ’n familielid van ’n werknemer is, soos in paragraaf 1 van die **[Vierde Sewende Bylae]** omskryf, ten opsigte van wie daardie werknemer vir gesinsversorging en ondersteuning verantwoordelik is, in staat te stel of by te staan om aldus te studeer—”;
- (d) deur in subartikel (1)(yA) subparagraawe (aa) en (bb) deur die volgende subparagraawe te vervang:
 “(aa) daardie bedrag ontvang is of toegeval het met betrekking tot projekte wat deur die Minister goedgekeur is; en
 (bb) daardie ooreenkoms bepaal dat daardie ontvangste en toevallings van daardie organisasie vrygestel moet wees **[en]**” en
- (e) deur in subartikel (1) na paragraaf (zK) die volgende paragraaf by te voeg:
 “(zL) enige bedrag ontvang of toegeval voorheen verbied as ’n aftrekking tydens enige jaar van aanslag kragtens artikel 23(o)(iii) wat verhaal is in enige daaropvolgende jaar van aanslag.”.
- (2) Paragraaf (a) van subartikel (1) tree in werking op 1 Maart 2019.
- (3) Paragraaf (c) van subartikel (1) word geag in werking te getree het op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (4) Paragraaf (e) van subartikel (1) tree in werking op 1 April 2019 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 en artikel 8 van Wet 14 van 2017

23. Artikel 10B van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (2)(c)(bb) item (A) deur die volgende item te vervang:
 “(A) ingevolge paragraaf (a), **[(b) of] (d) of (e)** van belasting vrygestel is; of” en
- (b) deur na subartikel (6) die volgende subartikel by te voeg:
 “(7) (a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die getalle beoog in subartikel (3)(b)(ii)(aa) en (cc) gewysig sal word in die mate wat in daardie aankondiging vermeld word.
 (b) Indien die Minister ’n aankondiging van ’n wysiging beoog in paragraaf (a) maak, word daardie wysiging van krag op die datum deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”.

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 en artikel 118 van Wet 17 van 2017

24. (1) Artikel 10C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:
 “ten opsigte van enige vorige jaar van aanslag.”.
- (2) Subartikel (1) word geag in werking te getree het op 1 Maart 2016.

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

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 27 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 and section 19 of Act 17 of 2017

25. (1) Section 11 of the Income Tax Act, 1962, is hereby amended— 20

(a) by the substitution in paragraph (f) for subparagraph (v) of the following subparagraph:

“(v) the right of use of any pipeline, transmission line or cable or railway line contemplated in the definition of ‘affected asset’ in section 12D[:], other than an asset contemplated in paragraph (c) of that definition; or”;

(b) by the addition in paragraph (f) after subparagraph (v) of the following subparagraph:

“(vi) the right of use of any line or cable used for the transmission of electronic communications contemplated in paragraph (c) of the definition of ‘affected asset’ in section 12D:”;

(c) by the substitution in the proviso to paragraph (f) in paragraph (dd) for the words following subparagraph (B) of the following words:

“where the term of the right of use is [15] 10 years or more;”;

(d) by the addition to the proviso to paragraph (f) after paragraph (dd) of the following paragraph:

“(ee) the allowance under subparagraph (vi) shall not exceed for any one year such portion of the amount of the premium or consideration so paid as is equal to the said amount divided by the number of years for which the taxpayer is entitled to the use or occupation, or one tenth of the said amount, whichever is the greater;”;

(e) by the substitution for paragraph (j) of the following paragraph:

“(j) an allowance in respect of any debt due to the taxpayer, if that debt would have been allowed as a deduction under any other provision of this Part had that debt become bad, of an amount equal to—

(i) if IFRS 9 is applied to that debt by that person for financial reporting purposes, the sum of—

(aa) 40 per cent of the aggregate of—

(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

(B) the amounts of debts disclosed as bad debt written off for financial reporting purposes that have not been allowed as a deduction under section 11(i) for the current or any previous year of assessment and the debt is included in the income of the taxpayer in the current or any previous year of assessment; and

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 en artikel 19 van Wet 17 van 2017

25. (1) Artikel 11 van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in paragraaf (f) subparagraaf (v) deur die volgende subparagraaf te vervang:
- “(v) die reg van gebruik van enige pyplyn, transmissielyn of -kabel of spoorlyn beoog in die omskrywing van ‘geaffekteerde bate’ in artikel 12D[:]buiten ’n bate beoog in paragraaf (c) van daardie omskrywing; of”;
- (b) deur in paragraaf (f) na subparagraaf (v) die volgende subparagraaf by te voeg:
- “(vi) die reg van gebruik van enige lyn of kabel gebruik vir die transmissie van elektroniese kommunikasies beoog in paragraaf (c) in die omskrywing van ‘geaffekteerde bate’ in artikel 12D:”;
- (c) deur in die voorbehoudsbepaling tot paragraaf (f) in item (dd) die woorde wat op subitem (A) volg deur die volgende woorde te vervang:
- “waar die termyn van die reg van gebruik [15] 10 jaar of meer is;”;
- (d) deur in die voorbehoudsbepaling tot paragraaf (f) na paragraaf (dd) die volgende paragraaf by te voeg:
- “(ee) die vermindering ingevolge subparagraaf (vi) nie in ’n enkele jaar so ’n gedeelte van die bedrag van die aldus betaalde premie of teenprestasie te bowe gaan nie as wat gelyk is aan genoemde bedrag gedeel deur die getal jare waarvoor die belastingpligtige op die gebruik of okkupering geregtig is, of een tiende van genoemde bedrag, watter ook al die meeste is;”;
- (e) deur paragraaf (j) deur die volgende paragraaf te vervang:
- “(j) ’n toelae ten opsigte van enige skuld verskuldig aan die belastingpligtige, indien daardie skuld toegelaat sou wees as aftrekking kragtens enige ander bepaling van hierdie Deel indien daardie skuld oninbaar geword het, van ’n bedrag gelykstaande aan—
- (i) indien IFRS 9 toegepas is op daardie skuld deur daardie persoon by die toepassing van finansiële verslaggewing, die som van—
- (aa) 40 persent van die somtotaal van—
- (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
- (B) die bedrae van skulde openbaar as slegte skulde afgeskryf vir doeleindes van finansiële verslaggewing wat nie toegelaat is nie as aftrekking kragtens artikel 11(i) vir die huidige of enige vorige jaar van aanslag en die skuld is ingesluit in die inkomste van die belastingpligtige in die huidige of enige vorige jaar van aanslag; en

- (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
- (ii) if IFRS is not applied to that debt by that person for financial reporting purposes, the sum of—
- (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; 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:
- Provided that an allowance under this paragraph must be included in the income of the taxpayer in the following year of assessment: Provided further that the Commissioner may, on application by a taxpayer, issue a directive that the percentage contemplated in subparagraph (i)(aa) or (ii)(aa) may be increased, to a percentage not exceeding 85 per cent after taking into account—
- (A) the history of a debt owed to that taxpayer, including the number of repayments not met, and the duration of the debt;
- (B) steps taken to enforce repayment of the debt;
- (C) the likelihood of the debt being recovered;
- (D) any security available in respect of that debt;
- (E) the criteria applied by the taxpayer in classifying debt as bad; and
- (F) such other considerations as the Commissioner may deem relevant.”;
- (f) 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, if the person is a covered person, other than a person that is a holding 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).”;
- (g) by the substitution for paragraph (l) of the following paragraph:
- “(l) any amount contributed by a person that is an employer during the year of assessment for the benefit of or on behalf of any employee or former employee of the employer or for any dependant or nominee of a deceased employee or former employee of that employer to any pension fund, provident fund or retirement annuity fund in terms of the rules of that fund: Provided that for the purposes of this paragraph a partner in a partnership must be deemed to be an employee of the partnership and a partnership must be deemed to be the employer of the partners in that partnership.”;
- (h) by the substitution for paragraph (nB) of the following paragraph:
- “(nB) so much of any amount contemplated in paragraph (cA) or (cB) of the definition of “gross income” received by or accrued to any person as is refunded by that person.”; and

- (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 5
- (ii) indien IFRS nie toegepas is op daardie skuld deur daardie persoon vir finansiële verslaggewing nie, die som van—
- (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; en 10
- (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: 15
- Met dien verstande dat toelae kragtens hierdie paragraaf in die inkomste van die belastingpligtige ingesluit word in die daaropvolgende jaar van aanslag: Met dien verstande voorts dat die kommissaris, op aansoek deur ’n belastingpligtige, ’n aanwysing kan uitreik dat die persentasies beoog in subparagraawe (i)(aa) of (ii)(aa) vermeerder kan word, na ’n persentasie wat nie 85 persent te bowe gaan nie na inagneming van— 20
- (A) die geskiedenis van ’n skuld verskuldig aan daardie belastingpligtige, met insluiting van die aantal lening-terugbetalings nie gedek nie, en die duur van die lening; 25
- (B) stappe geneem ter afdwinging van terugbetaling van die skuld;
- (C) die waarskynlikheid van die skuld verhaal te word;
- (D) enige sekerheidstelling beskikbaar ten opsigte van daardie skuld; 30
- (E) die kriteria toegepas deur die belastingpligtige in klassifisering van die skuld as oninbaar; en
- (F) sodanige ander oorwegings as wat die Kommissaris ter sake ag;”; 35
- (f) deur in paragraaf (jA) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 40
- “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’ soos omskryf in IFRS 9, indien die persoon ’n gedekte persoon is, buiten ’n persoon wat ’n houer maatskappy is soos omskryf in die Bankwet, soos bepaal deur die kriteria in die omskrywing (c)(i) tot (iii) en (d) van die omskrywing van ‘gedekte persoon’ in artikel 24JB(1) toe te pas.”; 45
- (g) deur paragraaf (l) deur die volgende paragraaf te vervang: 50
- “(l) enige bedrag bygedra deur ’n persoon wat ’n werkgewer is gedurende die jaar van aanslag namens of ten behoeve van enige werknemer of voormalige werknemer van die werkgewer of van enige afhanklike of benoemde van ’n afgestorwe werknemer of voormalige werknemer van daardie werkgewer tot enige pensioen-fonds, voorsorgsfonds of uittredingannuïteitsfonds ingevolge die reëls van daardie fonds: Met dien verstande dat by die toepassing van hierdie paragraaf ’n vennoot in ’n vennootskap geag moet word ’n werknemer van die vennootskap te wees en ’n vennootskap geag moet word die werkgewer van die vennote in daardie vennootskap te wees.”; 55
- (h) deur paragraaf (nB) deur die volgende paragraaf te vervang: 60
- “(nB) soveel van enige bedrag beoog in paragraaf (cA) of (cB) van die omskrywing van “bruto inkomste” ontvang deur of toegeval aan enige persoon wat deur daardie persoon terugbetaal word;” en

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

“(i) which qualified for an allowance or deduction in terms of section 11(e), [11B,] 11D, 12B, 12C, 12DA, 12E[, 14, 14bis] or 37B(2)(a); and”.

(2) Paragraph (a) of subsection (1) comes into operation on 1 April 2019 and applies in respect of assets brought into use on or after that date.

(3) Paragraphs (c) and (d) of subsection (1) come into operation on 1 April 2019.

(4) Paragraph (e) of subsection (1) comes into operation on 1 January 2019 and applies in respect of years of assessment commencing on or after that date.

(5) Paragraph (f) of subsection (1) is deemed to have come into operation on 1 January 2018 and applies in respect of years of assessment commencing on or after that date.

(6) Paragraph (g) of subsection (1) is deemed to have come into operation on 1 March 2018.

Amendment of section 11F of Act 58 of 1962, as inserted by section 21 of Act 17 of 2017

26. (1) Section 11F of the Income Tax Act, 1962, is hereby amended—

(a) by the deletion in subsection (2) at the end of paragraph (a) of the word “or” and the insertion of the word “or” at the end of paragraph (b);

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

“(ii) taxable income (other than in respect of any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit) as determined before allowing any deduction under this section and [section] sections 6quat(1C) and 18A [.]; or”;

(c) by the substitution in subsection (2)(c) for the words preceding subparagraph (i) and that subparagraph of the following words and subparagraph:

“the taxable income (other than in respect of any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit) of that person before—

(i) allowing any deduction under this section and sections 6quat(1C) and 18A; and”;

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

“(c) taken into account in determining the amounts exempt under section 10C.”; and

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

“(4) Any amount paid or contributed by an employer of the person on behalf of or for the benefit of that person must be deemed—

(a) (i) to be equal to the amount of the cash equivalent of the value of the taxable benefit contemplated in paragraph 2(l) of the Seventh Schedule determined in accordance with paragraph 12D of that Schedule; or

(ii) if that amount is paid by an employer to a retirement annuity fund, to be equal to the amount of the cash equivalent of the value of the taxable benefit contemplated in paragraph 2(h) of the Seventh Schedule determined in accordance with paragraph 13 of that Schedule; and

(b) to have been contributed by that person.”.

(2) Paragraphs (a), (b) and (c) of subsection (1) come into operation on 1 March 2019.

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,

- (i) deur in in paragraaf (o) subparagraaf (i) deur die volgende subparagraaf te vervang:
- “(i) wat vir ’n vermindering of aftrekking ingevolge artikel 11(e), [11B,] 11D, 12B, 12C, 12DA, 12E[, 14, 14bis] of 37B(2)(a) kwalifiseer; en”.
- (2) Paragraaf (a) van subartikel (1) tree in werking op 1 April 2019 en is van toepassing ten opsigte van bates in gebruik gebring op of na daardie datum.
- (3) Paragraaf (c) en (d) van subartikel (1) tree in werking op 1 April 2019.
- (4) Paragraaf (e) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (5) Paragraaf (f) van subartikel (1) word geag in werking te getree het op 1 Januarie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (6) Paragraaf (g) van subartikel (1) word geag in werking te getree het op 1 Maart 2018.

Wysiging van artikel 11F in Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 17 van 2017

26. (1) Artikel 11F van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (2) aan die einde van paragraaf (a) die woord “of” te skrap en deur die woord “of” aan die einde van paragraaf (b) in te voeg;
- (b) deur in subartikel (2)(b) subparagraaf (ii) deur die volgende subparagraaf te vervang:
- “(ii) belasbare inkomste (buiten ten opsigte van enige uitreefondsenkelbedragvoordeel, uitreefondsenkelbedragonttrekkingsvoordeel en skeidingsvoordeel) soos bepaal voordat enige aftrekking kragtens hierdie artikel en [artikel] artikels 6quat(1C) en 18A toegelaat word[.]; of”;
- (c) deur in subartikel (2)(c) die woorde wat subparagraaf (i) voorafgaan en daardie subparagraaf deur die volgende woorde en subparagraaf te vervang:
- “die belasbare inkomste (buiten ten opsigte van enige uitreefondsenkelbedragvoordeel, uitreefondsenkelbedragonttrekkingsvoordeel en skeidingsvoordeel) van daardie persoon voor—
- (i) enige aftrekking ingevolge hierdie artikel en artikels 6quat(1C) en 18A toegelaat word; en”;
- (d) deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang:
- “(c) in ag geneem by die berekening van die bedrae wat kragtens artikel 10C vrygestel is;” en
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Enige bedrag bygedra of betaal deur die werkgewer van die persoon namens of ten behoeve van die persoon word geag—
- (a) (i) gelyk te wees aan die bedrag van die kontantekwivalent van die waarde van die belasbare voordeel beoog in paragraaf 2(l) van die Sewende Bylae bereken ooreenkomstig paragraaf 12D van daardie Bylae; of
- (ii) indien daardie bedrag betaal is deur ’n werkgewer aan ’n uittredingannuïteitsfonds, om gelykstaande te wees aan die bedrag van die kontantekwivalent van die waarde van die belasbare voordeel beoog in paragraaf 2(h) van die sewende bylae vasgestel in ooreenstemming met paragraaf 12D van daardie Bylae; en
- (b) deur daardie persoon bygedra te wees.”.
- (2) Paragraaf (a), (b) en (c) van subartikel (1) tree in werking op 1 Maart 2019.

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

section 32 of Act 31 of 2013, section 20 of Act 25 of 2015 and section 23 of Act 17 of 2017

27. Section 12C of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution for the heading of the following heading: 5
“Deduction in respect of assets used by manufacturers or [hotelkeepers] hotel keepers and in respect of aircraft and ships, and in respect of assets used for storage and packing of agricultural products”;
- (b) by the substitution in subsection (1) for paragraph (d) of the following paragraph: 10
“(d) machinery, implement, utensil or article (other than any machinery, implement, utensil or article in respect of which an allowance has been granted to the taxpayer under paragraph (e)) 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 brought into use for the first time by the taxpayer for the purposes of the taxpayer’s trade as [hotelkeeper] hotel keeper and is used by the taxpayer in a hotel, except any vehicle or equipment for offices or managers’ or servants’ rooms;”; 20
 and
- (c) by the substitution in subsection (1) for paragraph (e) of the following paragraph: 25
“(e) machinery, implement, utensil or article (other than any machinery, implement, utensil or article in respect of which an allowance has been granted to the taxpayer under paragraph (d)) 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 let by the taxpayer and was or is brought into use for the first time by the lessee for the purposes of the lessee’s trade as [hotelkeeper] hotel keeper and used by the lessee in a hotel, except any vehicle or equipment for offices or managers’ or servants’ rooms;”. 30

Amendment of section 12D of Act 58 of 1962, as amended by section 23 of Act 30 of 2000, section 19 of Act 59 of 2000, section 28 of Act 60 of 2001, section 16 of Act 30 of 2002, section 23 of Act 35 of 2007, section 12 of Act 3 of 2008, section 21 of Act 60 of 2008, section 20 of Act 17 of 2009, section 22 of Act 7 of 2010, section 33 of Act 31 of 2013, section 19 of Act 43 of 2014 and section 24 of Act 17 of 2017 35

28. (1) Section 12D of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3) for paragraph (c) of the following paragraph: 40

“(c) [6.67] 10 per cent of the cost incurred in respect of any asset contemplated in paragraph (c) of the definition of ‘affected asset’.”

(2) Subsection (1) comes into operation on 1 April 2019 and applies in respect of assets acquired on or after that date. 45

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 and 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 and section 28 of Act 17 of 2017 50

29. (1) Section 12J of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) in the definition of “qualifying company” for paragraph (b) of the following paragraph: 55
“(b) the company is not a controlled group company in relation to a group of companies of which a venture capital company to which that company has issued any share forms part;”;

Wet 22 van 2012, artikel 32 van Wet 31 van 2013, artikel 20 van Wet 25 van 2015 en artikel 23 van Wet 17 van 2017

27. Artikel 12C van die Engelse teks van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur die opskrif deur die volgende opskrif te vervang: 5
“Deduction in respect of assets used by manufacturers or [hotel-keepers] hotel keepers and in respect of aircraft and ships, and in respect of assets used for storage and packing of agricultural products”;
- (b) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang: 10
**“(d) machinery, implement, utensil or article (other than any machinery, implement, utensil or article in respect of which an allowance has been granted to the taxpayer under paragraph (e)) owned by the taxpayer or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph (a) in the definition of 15
 ‘instalment credit agreement’ in section 1 of the Value-Added Tax Act and which was or is brought into use for the first time by the taxpayer for the purposes of the taxpayer’s trade as [hotelkeeper] hotel keeper and is used by the taxpayer in a hotel, except any vehicle or equipment for offices or managers’ or servants’ rooms;”;** 20
 en
- (c) deur in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang:
**“(e) machinery, implement, utensil or article (other than any machinery, implement, utensil or article in respect of which an allowance has been granted to the taxpayer under paragraph (d)) owned by the taxpayer or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph (a) in the definition of 25
 ‘instalment credit agreement’ in section 1 of the Value-Added Tax Act and which was or is let by the taxpayer and was or is brought into use for the first time by the lessee for the purposes of the lessee’s trade as [hotelkeeper] hotel keeper and used by the lessee in a hotel, except any vehicle or equipment for offices or managers’ or servants’ rooms;”.** 30

**Wysiging van artikel 12D van Wet 58 van 1962, soos gewysig deur artikel 23 van Wet 30 van 2000, artikel 19 van Wet 59 van 2000, artikel 28 van Wet 60 van 2001, 35
 artikel 16 van Wet 30 van 2002, artikel 23 van Wet 35 van 2007, artikel 12 van Wet 3 van 2008, artikel 21 van Wet 60 van 2008, artikel 20 van Wet 17 van 2009, artikel 22 van Wet 7 van 2010, artikel 33 van Wet 31 van 2013, artikel 19 van Wet 43 van 2014 en artikel 24 van Wet 17 van 2017**

28. (1) Artikel 12D van die Inkomstebelastingwet, 1962, word hierby gewysig deur in 40
 subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang:

- “(c) [6.67] 10 persent van die koste aangegaan ten opsigte van enige bate beoog in paragraaf (c) van die omskrywing van ‘geaffekteerde bate’.”

(2) Subartikel (1) tree in werking op 1 April 2019 en is van toepassing ten opsigte van 45
 bates verkry op of na daardie datum.

**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 en artikel 28 50
 van Wet 17 van 2017**

29. (1) Artikel 12J van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur in subartikel (1) in die omskrywing van “kwalifiserende maatskappy” paragraaf (b) deur die volgende paragraaf te vervang:
**“(b) die maatskappy nie ’n beheerde groepmaatskappy met betrekking 55
 tot ’n groep van maatskappye is nie waarvan ’n waagkapitaal-
 maatskappy waaraan daardie maatskappy aandeel uitgereik het ’n
 deel vorm;”;**

- (b) by the substitution in subsection (1) in the definition of “qualifying company” for paragraph (f) of the following paragraph:
- “(f) during any year of assessment of that company that ends after the expiry of a period of 36 months commencing on the first date on which that company issued any share to a venture capital company— 5
- (i) the sum of the investment income, as defined in section 12E(4)(c), derived by that company [**during any year of assessment**] does not exceed an amount equal to 20 per cent of the gross income of that company for that year; and 10
- (ii) not more than 50 per cent of the aggregate amount received by or that accrued to that company from the carrying on of any trade was derived, directly or indirectly, from a person— 15
- (aa) who holds a share in that venture capital company; or
- (bb) who is a connected person in relation to a person referred to in item (aa);”;
- (c) by the deletion in subsection (1) at the end of paragraph (e) of the definition of “qualifying company” of the word “and” and by the addition of the following paragraph:
- “(g) no person who holds a share in a venture capital company to which that company has issued any share holds, directly or indirectly and whether alone or together with any connected person in relation to that person, more than 50 per cent of the participation rights, as defined in section 9D(1), or of the voting rights in that company; and”; 20 25
- (d) by the addition in subsection (1) to the definition of “qualifying company” of the following paragraph:
- “(h) that company does not carry on any trade in relation to a venture, business or undertaking or part thereof that was acquired by that company, directly or indirectly, from a person— 30
- (i) who holds a share in a venture capital company to which that company has issued any share; or
- (ii) who is a connected person in relation to a person referred to in subparagraph (i);”;
- (e) by the substitution in subsection (1) in the definition of “qualifying share” for paragraph (b) of the following paragraph: 35
- “(b) would have constituted a hybrid equity instrument, as defined in section 8E(1), but for the three-year period requirement contemplated in paragraph [(a)](b)(i) of the definition of ‘hybrid equity instrument’ in that section; or”; 40
- (f) by the substitution in subsection (1) for the definition of “venture capital company” of the following definition:
- “**‘venture capital company’** means a company that has been approved by the Commissioner in terms of subsection (5) and in respect of which such approval has not been withdrawn in terms of subsection (3A), (3B), (6) or (6A);”;
- (g) by the substitution in subsection (1) in the definition of “venture capital share” for the words preceding paragraph (b) of the following words: 45
- “**‘venture capital share’** means an equity share held by a taxpayer in a venture capital company which [**is**] ~~was~~ issued to that taxpayer by that venture capital company, and does not include any share which—”;
- (h) by the substitution in subsection (1) in the definition of “venture capital share” for paragraph (b) of the following paragraph: 50
- “(b) would have constituted a hybrid equity instrument, as defined in section 8E(1), but for the three-year period requirement contemplated in paragraph [(a)](b)(i) of the definition of ‘hybrid equity instrument’ in that section; [or]”; 55
- (i) by the substitution in subsection (1) in the definition of “venture capital share” for the full stop after paragraph (c) of the expression “; or” and the addition of the following paragraph: 60
- “(d) was issued to that taxpayer solely in respect or by reason of services rendered or to be rendered by that taxpayer in respect of the”

- (b) deur in subartikel (1) in die omskrywing van “kwalifiserende maatskappy” paragraaf (f) deur die volgende paragraaf te vervang:
- “(f) tydens enige jaar van aanslag van daardie maatskappy wat eindig na die verstryking van ’n tydperk van 36 maande wat aanvang neem op die eerste datum waarop daardie maatskappy enige aandeel uitgereik het aan ’n waagkapitaalmaatskappy— 5
- (i) die som van die beleggingsinkomste, soos omskryf in artikel 12E(4)(c), deur daardie maatskappy **[gedurende enige jaar van aanslag]** verkry nie ’n bedrag gelyk aan 20 persent van die bruto inkomste van daardie maatskappy vir daardie jaar oorskry nie; en 10
- (ii) nie meer nie as 50 persent van die totale bedrag ontvang deur of wat toegeval het aan daardie maatskappy van die beoefening van enige bedryf verkry is, regstreeks of onregstreeks, van ’n persoon— 15
- (aa) wat ’n aandeel in daardie waagkapitaalmaatskappy hou; of
- (bb) wat ’n verbonde persoon is met betrekking tot ’n verbonde persoon beoog in item (aa);”;
- (c) deur in subartikel (1) aan die einde van paragraaf (e) in die omskrywing van “kwalifiserende maatskappy” die woord “en” te skrap, en deur die volgende paragraaf by te voeg: 20
- “(g) geen persoon wat ’n aandeel in ’n waagkapitaalaandeelmaatskappy hou waaraan daardie maatskappy enige aandele uitgereik het, hou, regstreeks of onregstreeks en hetsy alleen of gesamentlik met enige verbonde persoon met betrekking tot daardie persoon, meer as 50 persent van die deelnemende regte nie, soos omskryf in artikel 9D(1), of van die stemregte in daardie maatskappy nie; en”;
- (d) deur in subartikel (1) in die omskrywing van “kwalifiserende maatskappy” die volgende paragraaf by te voeg: 30
- “(h) daardie maatskappy nie ’n bedryf beoefen nie met betrekking tot enige spekulasie, besigheid of onderneming of deel daarvan wat verkry is, deur daardie maatskappy, regstreeks of onregstreeks, van ’n persoon— 35
- (i) wat ’n aandeel in ’n waagkapitaalmaatskappy hou aan wie daardie maatskappy enige aandeel uitgereik het; of
- (ii) wat ’n verbonde persoon is met betrekking tot ’n persoon beoog in subparagraaf (i);”;
- (e) deur in subartikel (1) in die omskrywing van “kwalifiserende aandeel” paragraaf (b) deur die volgende paragraaf te vervang: 40
- “(b) ’n hibriede ekwiteitsinstrument, soos omskryf in artikel 8E(1), sou uitgemaak het by ontstentenis van die vereiste van ’n drie-jaar tydperk beoog in paragraaf [(a)](b)(i) van die omskrywing van ‘hibriede ekwiteitsinstrument’ in daardie artikel; of”;
- (f) deur in subartikel (1) die omskrywing van “waagkapitaalmaatskappy” deur die volgende omskrywing te vervang: 45
- “**‘waagkapitaalmaatskappy’** ’n maatskappy wat deur die Kommissaris ingevolge subartikel (5) goedgekeur is en ten opsigte waarvan sodanige goedkeuring nie ingevolge subartikel (3A), (3B), (6) of (6A) teruggetrek is nie;”;
- (g) deur in subartikel (1) in die omskrywing van “waagkapitaalaandeel” die woorde wat paragraaf (b) voorafgaan deur die volgende woorde te vervang: 50
- “waagkapitaalaandeel ’n ekwiteitsaandeel gehou deur ’n belastingpligtige in ’n waagkapitaalmaatskappy wat uitgereik is aan daardie belastingpligtige deur ’n waagkapitaalmaatskappy, maar nie ook nie ’n aandeel wat—”;
- (h) deur in subartikel (1) die omskrywing van “waagkapitaalaandeel” paragraaf (b) deur die volgende paragraaf te vervang: 60
- “(b) ’n hibriede ekwiteitsinstrument, soos omskryf in artikel 8E(1), sou uitgemaak het by ontstentenis van die vereiste van ’n drie-jaar tydperk beoog in paragraaf [(a)](b)(i) van die omskrywing van ‘hibriede ekwiteitsinstrument’ in daardie artikel; [of]”;
- (i) deur in subartikel (1) in die omskrywing van “waagkapitaalaandeel” die punt na paragraaf (c) deur die uitdrukking “; of” te vervang en deur die volgende paragraaf by te voeg: 65
- “(d) uitgereik aan daardie belastingpligtige alleenlik ten opsigte van of as gevolg van dienste gelewer of gelewer te word deur daardie”

- incorporation, marketing, management or administration of that venture capital company or of any qualifying company in which that venture capital company holds or acquires any share.”;
- (j) by the insertion after subsection (3A) of the following subsection: 5
 “(3B) If any taxpayer holds, at the end of any year of assessment following the expiry of a period of 36 months commencing on the first date of the issue by a venture capital company of venture capital shares of any class, more than 20 per cent of the venture capital shares of that class—
- (a) no deduction must be allowed in terms of subsection (2) in respect of that year of assessment in respect of any expenditure incurred by the taxpayer in acquiring any venture capital share of that class issued to that taxpayer by that venture capital company; 10
- (b) the Commissioner must, after due notice to the venture capital company, withdraw any approval in terms of subsection (5) with effect from the commencement of that year of assessment; and 15
- (c) an amount equal to 125 per cent of the expenditure incurred by any person to acquire shares issued by the company must be included in the income of the company in the year of assessment in which the approval is withdrawn by the Commissioner under paragraph (b).”; 20
- (k) by the substitution in subsection (5) for paragraph (g) of the following paragraph: 25
 “(g) the company is licensed in terms of section [7] 8(5) of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002).”; and
- (l) by the substitution in subsection (6A) for the words following paragraph (c) of the following words: 30
 “the Commissioner must after due notice to the company withdraw that approval with effect from **[the date of approval by the Commissioner of that company as a venture capital company]** the commencement of the year of assessment during which the period ends that is stated in that notice during which corrective steps acceptable to the Commissioner must be taken if corrective steps acceptable to the Commissioner are not taken by the company within **[a]** the period stated in **[the]** that notice.”.
- (2) Paragraphs (a), (e), (f), (g), (h), (k) and (l) of subsection (1) come into operation on 1 January 2019 and apply in respect of years of assessment commencing on or after that date. 35
- (3) Paragraphs (b) and (i) of subsection (1) are deemed to have come into operation on 24 October 2018.
- (4) Paragraph (c) of subsection (1) comes into operation on 1 January 2019 and applies in respect of participation rights acquired on or after that date. 40
- (5) Paragraph (d) of subsection (1) comes into operation on 1 January 2019 and applies in respect of any trade carried on which commenced on or after that date.
- (6) Paragraph (j) of subsection (1) is deemed to have come into operation on 24 October 2018 and applies in respect of any share issued on or after that date. 45

Amendment of section 12N of Act 58 of 1962, as inserted by section 29 of Act 7 of 2010 and amended by section 31 of Act 31 of 2013 and section 24 of Act 43 of 2014

- 30.** Section 12N of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for the words following paragraph (e) of the following words: 50
 “the taxpayer must, for the purposes of any deduction contemplated in section 11D, 12B, 12C, 12D, 12F, 12I, 12S, 13, **[13bis,]** 13ter, 13quat, 13quin, 13sex or 36, and for the purposes of the Eighth Schedule, be deemed to be the owner of the improvement so completed.”.

- belastingpligtige ten opsigte van die inlywing, bemarking, bestuur of administrasie van daardie waagkapitaalmaatskappy of van enige kwalifiserende maatskappy waarin daardie waagkapitaalmaatskappy aandeel hou of verkry.”;
- (j) deur na subartikel (3A) die volgende subartikel in te voeg: 5
 “(3B) Indien enige belastingpligtige, aan die einde van enige jaar van aanslag wat volg op die verstryking van ’n tydperk van 36 maande wat begin op die eerste datum van die uitreiking deur ’n waagaandeelmaatskappy van waagkapitaalaandeel van enige klas, meer as 20 persent van die waagkapitaalaandeel van daardie klas hou— 10
 (a) word geen aftrekking ingevolge artikel (2) toegelaat ten opsigte van daardie jaar van aanslag ten opsigte van enige uitgawes aangegaan deur die belastingpligtige in die verkryging van enige waagkapitaalaandeel van daardie klas uitgereik aan daardie belastingpligtige deur daardie waagkapitaalmaatskappy nie; 15
 (b) die Kommissaris moet, na behoorlike kennisgewing aan die waagkapitaalmaatskappy, enige goedkeuring intrek ingevolge subartikel (5) met ingang van daardie jaar van aanslag; en
 (c) word ’n bedrag gelykstaande aan 125 persent van die uitgawes aangegaan deur enige persoon om aandeel te verkry uitgereik deur die maatskappy ingesluit in die inkomste van die maatskappy in die jaar van aanslag waarin die goedkeuring ingetrek word deur die Kommissaris kragtens paragraaf (b).”;
- (k) deur in subartikel (5) paragraaf (g) deur die volgende paragraaf te vervang: 25
 “(g) die maatskappy ingevolge artikel [7] 8(5) van die Wet op Finansiële Advies- en Tussengangersdienste, 2002 (Wet No. 37 van 2002), gelisensieer is.”; en
- (l) deur in subartikel (6A) die woorde wat op paragraaf (c) volg deur die volgende woorde te vervang: 30
 “moet die Kommissaris na behoorlike kennisgewing aan die maatskappy daardie goedkeuring intrek met ingang van **[die datum van goedkeuring deur die Kommissaris van daardie maatskappy-]** die begin van die jaar van aanslag waartydens die tydperk eindig wat vermeld word in daardie kennisgewing waartydens korrektiewe stappe aanvaarbaar vir die Kommissaris gedoen moet word as ’n waagkapitaalmaatskappy 35
 indien korrektiewe stappe aanvaarbaar vir die Kommissaris nie binne [’n] die tydperk in [die] daardie kennisgewing vermeld deur die maatskappy gedoen word nie.”.
- (2) Paragrafe (a), (e), (f), (g), (h), (k) en (l) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat begin op of na daardie datum. 40
- (3) Paragrafe (b) en (i) van subartikel (1) word geag in werking te getree het op 24 Oktober 2018.
- (4) Paragraaf (c) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van deelnemende regte verkry op of na daardie datum. 45
- (5) Paragraaf (d) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van enige bedryf beoefen wat aanvang geneem het op of na daardie datum.
- (6) Paragraaf (j) van subartikel (1) word geag in werking te getree het op 24 Oktober 2018 en is van toepassing ten opsigte van enige aandeel uitgereik op of na daardie datum. 50

Wysiging van artikel 12N van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 7 van 2010 en gewysig deur artikel 31 van Wet 31 van 2013 en artikel 24 van Wet 43 van 2014

30. Artikel 12N van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (e) volg deur die volgende woorde te vervang: 55

“moet die belastingpligtige, by die toepassing van enige aftrekking beoog in artikel 11D, 12B, 12C, 12D, 12F, 12I, 12S, 13, [13bis,] 13ter, 13quat, 13quin, 13sex of 36, en by die toepassing van die Agtste Bylae, geag word die eienaar van die 60 verbetering aldus voltooi te wees.”.

Amendment of section 12Q of Act 58 of 1962, as inserted by section 41 of Act 31 of 2013 and amended by section 42 of Act 31 of 2014, section 27 of Act 25 of 2015 and section 29 of Act 17 of 2017

31. (1) Section 12Q of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (1) for the definition of “international shipping income” of the following definition: 5
- “**‘international shipping income’** means the receipts and accruals of a person derived from international shipping mainly from the operation of one or more ships contemplated in paragraph (a) of the definition of ‘South African ship’”; and 10
- (b) by the substitution in subsection (1) for the definition of “South African ship” of the following definition:
- “**‘South African ship’** means a ship—
- (a) which is registered in the Republic in accordance with Part 1 of Chapter 4 of the Ship Registration Act, 1998 (Act No. 58 of 1998); 15
- or
- (b) another ship or ships used temporarily in lieu of the ship contemplated in paragraph (a) by virtue of that ship being subject to repair or maintenance.”
- (2) Subsection (1) comes into operation on 1 April 2019 and applies in respect of 20 years of assessment commencing on or after that date.

Amendment of section 12T of Act 58 of 1962, as amended by section 29 of Act 25 of 2015 and section 9 of Act 14 of 2017

32. (1) Section 12T of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (9) of the following subsection: 25
- “(9) (a) The [**Financial Services Board established under the Financial Services Board Act (hereafter Financial Services Board)**] Financial Sector Conduct Authority shall be responsible for supervising and enforcing of compliance with any regulations made by the Minister in terms of subsection (8). 30
- (b) The supervising and enforcing compliance contemplated in paragraph (a) shall form part of the legislative mandate of the [**Financial Services Board**] Financial Sector Conduct Authority. 30
- (c) The [**Financial Services Board**] Financial Sector Conduct Authority, acting through the Registrar, as defined in section 1 of the Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001), in supervising and enforcing compliance as contemplated in paragraph (a), shall exercise any power afforded to the Registrar as defined in section 1 of that Act and in any of the Acts contemplated in the definition of ‘law’ in section 1 of that Act.”. 35
- (2) Subsection (1) is deemed to have come into operation on 1 April 2018 and applies in respect of years of assessment commencing on or after that date. 40

Amendment of section 13bis of Act 58 of 1962, as inserted by section 15 of Act 88 of 1965 and amended by section 18 of Act 55 of 1966, section 14 of Act 95 of 1967, section 14 of Act 88 of 1971, section 14 of Act 69 of 1975, section 13 of Act 94 of 1983, section 46 of Act 97 of 1986, section 13 of Act 90 of 1988, section 13 of Act 113 of 1993, section 12 of Act 21 of 1994, section 21 of Act 59 of 2000, section 4 of Act 4 of 2008, section 31 of Act 7 of 2010 and section 31 of Act 25 of 2015 45

33. Section 13bis of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (e) of the following paragraph: 50
- “(e) of such portion of any building improvements (other than repairs and other than improvements in respect of the cost of which, or of any portion thereof, an allowance under the preceding provisions of this subsection is or was deductible from the income of the taxpayer for the current or any previous year of assessment) commenced on or after 1 January 1964, as was during the year of assessment in question used by the taxpayer for the purposes of 55

Wysiging van artikel 12Q van Wet 58 van 1962, soos ingevoeg deur artikel 41 van Wet 31 van 2013 en gewysig deur artikel 42 van Wet 31 van 2014, artikel 27 van Wet 25 van 2015 en artikel 29 van Wet 17 van 2017

31. (1) Artikel 12Q van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) die omskrywing van “internasionale skeepvaart-inkomste” deur die volgende omskrywing te vervang: 5
 “**‘internasionale skeepvaartinkomste’** die ontvangste en toevallings van persoon verkry vanaf internasionale skeepvaart hoofsaaklik van die bedryf van een of meer skepe beoog in paragraaf (a) in die omskrywing van ‘Suid-Afrikaanse skip’;” en 10
- (b) deur in subartikel (1) van die omskrywing van “Suid-Afrikaanse skip” deur die volgende omskrywing te vervang: 15
 “**‘Suid-Afrikaanse skip’**—
 (a) ’n skip wat in die Republiek ooreenkomstig Deel 1 van Hoofstuk 4 van die Wet op Skeepsregistrasie, 1998 (Wet No. 58 van 1998), geregistreer is; of 15
 (b) ’n ander skip of skepe tydelik gebruik in plaas van die skip beoog in paragraaf (a) uit hoofde van daardie skip synde onderworpe aan herstelwerk of onderhoud.” 20
- (2) Subartikel (1) tree in werking op 1 April 2019 en is van toepassing ten opsigte van 20
 jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 12T van Wet 58 van 1962, soos gewysig deur artikel 29 van Wet 25 van 2015 en artikel 9 van Wet 14 van 2017

32. (1) Artikel 12T van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (9) deur die volgende subartikel te vervang: 25
 “(9)(a) Die [**Raad op Finansiële Dienste wat ingevolge die Wet op die Raad op Finansiële Dienste ingestel is (hierna die Raad op Finansiële Dienste),**] ‘Financial Sector Conduct Authority’ is verantwoordelik vir toesig oor en afdwinging van voldoening aan enige regulasie ingevolge subartikel (8) deur die Minister gemaak. 30
 (b) Die toesig oor en afdwinging van voldoening beoog in paragraaf (a) vorm deel van die wetgewende mandaat van die [**Raad op Finansiële Dienste**] ‘Financial Sector Conduct Authority’.
 (c) Die [**Raad op Finansiële Dienste**] ‘Financial Sector Conduct Authority’ wat optree deur die Registrateur, soos omskryf in artikel 1 van die Wet op Finansiële Instellings (Beskerming van Fondse), 2001 (Wet No. 28 van 2001) in toesig oor en afdwinging van voldoening soos beoog in paragraaf (a), moet enige magte aan die Registrateur verleen uitoefen soos omskryf in artikel 1 van daardie Wet en in enige van die Wette beoog in die omskrywing van ‘reg’ in artikel 1 van daardie Wet.” 35 40
- (2) Subartikel (1) word geag in werking te getree het op 1 April 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 13bis van Wet 58 van 1962, soos ingevoeg deur artikel 15 van Wet 88 van 1965 en gewysig deur artikel 18 van Wet 55 van 1966, artikel 14 van Wet 95 van 1967, artikel 14 van Wet 88 van 1971, artikel 14 van Wet 69 van 1975, artikel 13 van Wet 94 van 1983, artikel 46 van Wet 97 van 1986, artikel 13 van Wet 90 van 1988, artikel 13 van Wet 113 van 1993, artikel 12 van Wet 21 van 1994, artikel 21 van Wet 59 van 2000, artikel 4 van Wet 4 van 2008, artikel 31 van Wet 7 van 2010 en artikel 31 van Wet 25 van 2015 45

33. Artikel 13bis van die Inkomstebelastingwet, 1962, word hierby gewysig— 50
 (a) deur in die Engelse teks in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang: 55
 “(e) of such portion of any building improvements (other than repairs and other than improvements in respect of the cost of which, or of any portion thereof, an allowance under the preceding provisions of this subsection is or was deductible from the income of the taxpayer for the current or any previous year of assessment) commenced on or after 1 January 1964, as was during the year of assessment in question used by the taxpayer for the purposes of his

[his] the taxpayer's trade of [hotelkeeper] hotel keeper or was during the year of assessment in question let by the taxpayer and used by the lessee for the purposes of the lessee's trade of [hotelkeeper] hotel keeper:";

- (b) by the deletion of subsection (1A); and 5
 (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"The allowance under subsection (2) in respect of the cost (as reduced in terms of that subsection) of any building (or portion thereof) or of any improvements (or a portion thereof) shall be such percentage of such 10
 cost as may be fixed by the Minister of Finance by regulation under subsection (4) for the grade of hotel which is, in terms of a determination of the board referred to in subsection (2), applicable in respect of the hotel in question on the last day of the year of assessment: Provided that where such hotel is graded by the said board for the first time during any 15
 year of assessment (hereinafter referred to as the subsequent year) subsequent to any year of assessment (hereinafter referred to as the earlier year) during which such building (or the relevant portion thereof) or such improvements (or the relevant portion thereof) was or were used 20
 in carrying on the trade of [hotelkeeper] hotel keeper, and the taxpayer is entitled to the said allowance in respect of the subsequent year, the allowance for the subsequent year (as determined in accordance with the said regulation) shall, if—".

**Amendment of section 13quat of Act 58 of 1962, as inserted by section 33 of Act 45 25
 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 and section 38 of Act 15 of 2016**

34. Section 13quat of the Income Tax Act, 1962, is hereby amended by the 30
 substitution in subsection (7) for paragraph (bA) of the following paragraph:

"(bA) Where a municipality has a population of less than 1 million persons, the Minister may by notice in the *Gazette* approve that municipality for the purposes of paragraph (b) in terms of subsection (6)[(c)](b).".

**Amendment of section 18A of Act 58 of 1962, as substituted by section 24 of Act 30 35
 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, 40
 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 and section 31 of Act 17 of 2017**

35. (1) Section 18A of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1)(c) for paragraph (B) of the following 45
 paragraph:

"(B) in any other case, ten per cent of the taxable income (excluding any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit) of the taxpayer as calculated before allowing any deduction under this section or 50
 section 6quat(1C):";

- (b) by the substitution in subsection (2)(a) for the words preceding subparagraph (i) of the following words:

"a receipt issued by the public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or 55
organisation or the department concerned, [on which the following details are given, namely] containing—";

trade of **[hotelkeeper]** hotel keeper or was during the year of assessment in question let by the taxpayer and used by the lessee for the purposes of the lessee's trade of **[hotelkeeper]** hotel keeper.”;

- (b) deur subartikel (1A) te skrap; en 5
 (c) deur in die Engelse teks in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“The allowance under subsection (2) in respect of the cost (as reduced in terms of that subsection) of any building (or portion thereof) or of any improvements (or a portion thereof) shall be such percentage of such cost as may be fixed by the Minister of Finance by regulation under subsection (4) for the grade of hotel which is, in terms of a determination of the board referred to in subsection (2), applicable in respect of the hotel in question on the last day of the year of assessment: Provided that where such hotel is graded by the said board for the first time during any year of assessment (hereinafter referred to as the subsequent year) subsequent to any year of assessment (hereinafter referred to as the earlier year) during which such building (or the relevant portion thereof) or such improvements (or the relevant portion thereof) was or were used in carrying on the trade of **[hotelkeeper]** hotel keeper, and the taxpayer is entitled to the said allowance in respect of the subsequent year, the allowance for the subsequent year (as determined in accordance with the said regulation) shall, if—” 10 15 20

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 en artikel 38 van Wet 15 van 2016 25 30

34. Artikel 13quat van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (7) paragraaf (bA) deur die volgende paragraaf te vervang:

“(bA) Waar ’n munisipaliteit ’n populasiesyfer van minder as 1 miljoen persone het, mag die Minister by kennisgewing in die *Staatskoerant* daardie munisipaliteit goedkeur vir die doeleindes van paragraaf (b) ingevolge subartikel (6)[(c)](b).” 35

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, 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 en artikel 31 van Wet 17 van 2017 40

35. (1) Artikel 18A van die Inkomstebelastingwet, 1962, word hierby gewysig— 45

- (a) deur in subartikel (1)(c) subparagraaf (B) deur die volgende subparagraaf te vervang:

“(B) in enige ander geval, tien persent van die belasbare inkomste (uitgesluit enige uitreefons enkelbedragvoordeel, uitreefons enkelbedragonttrekkingsvoordeel en skeidingsvoordeel) van die belastingpligtige soos bereken voordat ’n aftrekking ingevolge hierdie artikel toegelaat word, te bowe gaan nie of artikel 6quat(1C):”;

- (b) deur in subartikel (2)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang 55

“ ’n kwitansie uitgereik deur die betrokke openbare weldaads-organisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie of die betrokke departement [waarop die volgende besonderhede verstrek word, naamlik]—”; 60

- (c) by the substitution in subsection (2)(a) for subparagraphs (i), (iii) and (vi) of the following subparagraphs respectively:
- “(i) the reference number of the public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation or the department issued by the Commissioner for the purposes of this section; 5
 - (iii) the name of the public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation or the department which received the donation, together with an address to which enquiries may be directed in connection therewith; 10
 - (vi) a certification to the effect that the receipt is issued for the purposes of section 18A of the Income Tax Act, 1962, and that the donation has been or will be used exclusively for the object of the public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation concerned or, in the case of a department in carrying on the relevant public benefit activity; or”; 15
- (d) by the substitution in subsection (3A) for paragraph (d) of the formula of the following paragraph: 20
- “(d) ‘D’ represents ~~[66,6]~~ 60 per cent in the case of a natural person or special trust or ~~[33,3]~~ 20 per cent in any other case.”;
- (e) by the substitution in subsection (3B) for paragraph (b) of the following paragraph: 25
- “(b) issued by ~~[a financial institution]~~ an eligible financial institution as defined in section 1 of the ~~[Financial Services Board]~~ Financial Sector Regulation Act.”; and
- (f) by the substitution for subsection (5) of the following subsection: 30
- “(5) If the Commissioner has reasonable grounds for believing that any person who is in a fiduciary capacity responsible for the management or control of the income or assets of any public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation (other than an institution, board or body in respect of which subsection (5B) applies) has—
- (a) in any material way failed to ensure that the objects for which the public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation was established are carried out or has expended moneys belonging to the public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation for purposes not covered by such objects; 35
 - (b) issued or allowed a receipt to be issued to any taxpayer for the purposes of this section in respect of any fees or other emoluments payable to that organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation by that taxpayer; or 40
 - (c) issued or allowed a receipt to be issued in contravention of subsection (2A) or utilised a donation in respect of which a receipt was issued for any purpose other than the purpose contemplated in that subsection, 45
- the Commissioner may by notice in writing addressed to that person direct that— 50
- (i) any donation in respect of which a receipt was issued by that public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation during any year of assessment specified in that notice, will be deemed to be taxable income of that public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation in that year; and 55

- (c) deur in subartikel (2)(a) subparagrafe (i), (iii) en (vi) onderskeidelik deur die volgende subparagrafe te vervang:
- “(i) die verwysingsnommer van die openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie wat vir die doeleindes van hierdie artikel deur die Kommissaris uitgereik is; 5
- (iii) die naam van die openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie of die departement wat die skenking ontvang het tesame met ’n adres waartoe navrae in verband daarmee gerig kan word; 10
- (vi) ’n sertifisering ten effekte dat die kwitansie uitgereik word vir die doeleindes van artikel 18A van die Inkomstebelastingwet, 1962, en dat die skenking uitsluitlik vir die doeleindes van die betrokke openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie of in die geval van ’n departement in die beoefening van die betrokke openbare weldaadsaktiwiteit gebruik is of sal word; of”;
- (d) deur in subartikel (3B) paragraaf (d) van die formule deur die volgende paragraaf te vervang: 20
- “(d) ‘D’ [66,6] 60 persent voorstel in die geval van ’n natuurlike persoon of spesiale trust of [33,3] 20 persent voorstel in enige ander geval.”;
- (e) deur in subartikel (3B) paragraaf (b) deur die volgende paragraaf te vervang: 25
- “(b) uitgereik is deur ’n geskikte finansiële instelling soos in artikel 1 van die [Wet op die Raad op Finansiële Dienste] ‘Financial Sector Regulation Act’ bedoel, uitmaak.”;
- (f) deur subartikel (5) deur die volgende subartikel te vervang: 30
- “(5) Indien die Kommissaris rede het om te glo dat enige persoon wat in ’n fidusiële hoedanigheid vir die bestuur of beheer van die inkomste of bates van enige openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie (behalwe ’n instelling, raad of liggaam ten opsigte waarvan subartikel (5B) van toepassing is) verantwoordelik is— 35
- (a) in enige wesenlike opsig nagelaat het om toe te sien dat die doelstellings waarvoor die openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie ingestel is, nagekom word of gelde wat aan die openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie behoort, uitgegee het vir doeleindes wat nie binne daardie doelstellings val nie; 40
- (b) ’n kwitansie aan enige belastingpligtige vir die doeleindes van hierdie artikel uitgereik het of toegelaat het om uitgereik te word ten opsigte van enige gelde of ander vergoeding deur daardie belastingpligtige aan daardie organisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie betaalbaar; of 45
- (c) ’n kwitansie uitgereik het of toegelaat het dat dit uitgereik word in stryd met subartikel (2A) of ’n skenking ten opsigte waarvan ’n kwitansie uitgereik is gebruik het vir enige doel anders as die doel in daardie subartikel beoog, 50
- kan die Kommissaris deur skriftelike kennisgewing aan daardie persoon gerig, gelas dat— 55
- (i) enige skenking ten opsigte waarvan ’n kwitansie deur daardie openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie uitgereik is gedurende ’n jaar van aanslag in daardie kennisgewing vermeld, geag word belasbare inkomste te wees wat aan daardie openbare weldaadsorganisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie in daardie jaar toegeval het; en 60

- (ii) if corrective steps are not taken by that public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation within a period stated by the Commissioner in that notice, any receipt issued by that public benefit organisation, institution, board, body or agency, programme, fund, High Commissioner, office, entity or organisation in respect of any donation made on or after the date specified in that notice shall not qualify as a valid receipt for purposes of subsection (2).” 5

(2) Paragraph (a) of subsection (1) is deemed to have come into operation on 1 March 2018. 10

(3) Paragraph (b) of subsection (1) is deemed to have come into operation on 1 March 2017.

(4) Paragraph (e) of subsection (1) is deemed to have come into operation on 1 April 2018.

Amendment of section 19 of Act 58 of 1962, as substituted by section 32 of Act 17 of 2017 15

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

- (a) by the substitution in subsection (1) for the definition of “concession or compromise” of the following definition:

“**‘concession or compromise’** means any arrangement in terms of which— 20

(a) a debt is—

(i) cancelled or waived; or

(ii) extinguished by—

(aa) redemption of the claim in respect of that debt by the person owing that debt or by any person that is a connected person in relation to that person; or 25

(bb) merger by reason of the acquisition by the person owing that debt of the claim in respect of that debt,

otherwise than as the result or by reason of the implementation of an arrangement described in paragraph (b); 30

(b) a debt owed by a company is settled, directly or indirectly—

(i) by being converted to or exchanged for shares in that company; or

(ii) by applying the proceeds from shares issued by that company;” 35

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

“**‘debt’** means any amount that is owed by a person in respect of— 40

(a) expenditure incurred by that person; or

(b) a loan, advance or credit that was used, directly or indirectly, to fund any expenditure incurred by that person,

but does not include a tax debt as defined in section 1 of the Tax Administration Act;” 45

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

“**‘debt benefit’**, in respect of a debt owed by a person to another person, means—

(a) in the case of an arrangement described in paragraph (a)(i) of the definition of ‘concession or compromise’, the amount cancelled or waived; 50

(b) in the case of the extinction of that debt by means of an arrangement described in paragraph (a)(ii) of the definition of ‘concession or compromise’, the amount by which the face value of the claim in respect of that debt held by the person to whom the debt is owed prior to the entering into of that arrangement exceeds the expenditure incurred in respect of— 55

- (ii) indien regstellende stappe nie deur daardie openbare weldaads-organisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie gedoen word binne 'n tydperk deur die Kommissaris in daardie kennisgewing vermeld nie, enige kwitansie deur daardie openbare weldaads-organisasie, instelling, raad, liggaam of agentskap, program, fonds, Hoë Kommissaris, kantoor, entiteit of organisasie ten opsigte van enige skenking op of na die datum in daardie kennisgewing gespesifiseer nie as 'n geldige kwitansie by die toepassing van artikel (2) kwalifiseer nie.”; en 10
- (2) Paragraaf (a) van subartikel (1) word geag in werking te getree het op 1 Maart 2018. 5
- (3) Paragraaf (b) van subartikel (1) word geag in werking te getree het op 1 Maart 2017. 10
- (4) Paragraaf (e) van subartikel (1) word geag in werking te getree het op 1 April 2018. 15

Wysiging van artikel 19 van Wet 58 van 1962, soos vervang deur artikel 32 van Wet 17 van 2017

36. (1) Artikel 19 van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) die omskrywing van “toegewing of kompromis” deur die volgende omskrywing te vervang: 20
- “**‘toegewing of kompromis’** enige reëling ingevolge waarvan—
- (a) 'n skuld—
- (i) gekanselleer word of van afstand gedoen word; of 25
- (ii) uitgewis word deur—
- (aa) aflossing van die eis ten opsigte van daardie skuld deur die persoon wat daardie skuld verskuldig is of deur enige persoon wat 'n verbonde persoon met betrekking tot daardie persoon is; of
- (bb) skuldvermenging as gevolg van die verkryging deur die persoon wat daardie skuld verskuldig is van die eis ten opsigte van daardie skuld, 30
- buiten as die resultaat of as gevolg van die inwerkingstelling van 'n ooreenkoms beskryf in paragraaf (b);
- (b) 'n skuld verskuldig deur 'n maatskappy vereffen word, direk of indirek,— 35
- (i) deur omgeskakel te word of verruil te word vir aandele in daardie maatskappy; of
- (ii) deur die opbrengs van aandele uitgereik deur daardie maatskappy aan te wend;”;
- (b) deur in subartikel (1) die omskrywing van “skuld” deur die volgende omskrywing te vervang: 40
- “**‘skuld’** enige bedrag wat verskuldig is deur 'n persoon ten opsigte van—
- (a) uitgawes aangegaan deur daardie persoon; of 45
- (b) 'n lening, voorskot of krediet wat gebruik was, direk of indirek, om enige uitgawes aangegaan deur daardie persoon te befonds, maar sluit nie belastingskuld in nie soos omskryf in artikel 1 van die Wet op Belastingadministrasie;”;
- (c) deur in subartikel (1) die omskrywing van “skuldvoordeel” deur die volgende omskrywing te vervang: 50
- “**‘skuldvoordeel’**, ten opsigte van 'n skuld deur 'n persoon verskuldig aan 'n ander persoon—
- (a) in die geval van 'n reëling in paragraaf (a)(i) van die omskrywing van ‘toegewing of kompromis’ beskryf, die bedrag gekanselleer of waarvan afstand gedoen is; 55
- (b) in die geval van die uitwissing van daardie skuld deur middel van 'n reëling beskryf in paragraaf (a)(ii) van die omskrywing van ‘toegewing of kompromis’, die bedrag waardeur die sigwaarde van die eis ten opsigte van daardie skuld gehou deur die persoon waaraan die skuld verskuldig is voor die aangaan van daardie ooreenkoms die uitgawes oorskry aangegaan ten opsigte van— 60

- (i) the redemption of that debt; or
(ii) the acquisition of the claim in respect of that debt;
- (c) in the case of the settling of that debt by means of an arrangement described in paragraph (b) of the definition of ‘concession or compromise’, where the person who acquired shares in a company in terms of that arrangement did not hold an effective interest in the shares of that company prior to the entering into of that arrangement, the amount by which the face value of the claim held in respect of that debt prior to the entering into of that arrangement exceeds the market value of the shares acquired by reason or as a result of the implementation of that arrangement; or
- (d) in the case of the settling of that debt by means of an arrangement described in paragraph (b) of the definition of ‘concession or compromise’, where the person who acquired shares in a company in terms of that arrangement held an effective interest in the shares of that company prior to the entering into of that arrangement, the amount by which the face value of the claim held in respect of that debt prior to the entering into of that arrangement exceeds the amount by which the market value of any effective interest held by that person in the shares of that company immediately after the implementation of that arrangement exceeds, solely as a result of the implementation of that arrangement, the market value of the effective interest held by that person in the shares of that company immediately prior to the entering into of that arrangement;”;
- (d) by the insertion in subsection (1) after the definition of “group of companies” of the following definition:
“**‘market value’**, in relation to shares acquired or held by reason or as a result of implementing a concession or compromise in respect of a debt, means the market value of those shares immediately after the implementation of that concession or compromise.”;
- (e) by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs:
“(a) a debt benefit in respect of a debt owed by a person arises in respect of a year of assessment by reason or as a result of a concession or compromise in respect of that debt during that year of assessment;
and
(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 in respect of which a deduction or allowance was granted in terms of this Act.”;
- (f) by the substitution in subsections (3) and (4) for paragraph (b) of the following paragraph:
“(b) the amount of that debt is owed in respect of or was used as contemplated in paragraph (b) of that subsection to fund expenditure incurred in respect of trading stock that is held and not disposed of by that person at the time the debt benefit arises.”;
- (g) by the substitution in subsection (5) for paragraph (b) of the following paragraph:
“(b) the amount of that debt is owed in respect of or was used as contemplated in paragraph (b) of that subsection to fund expenditure other than expenditure incurred—”;
- (h) by the substitution in subsection (6) for paragraph (b) of the following paragraph:
“(b) the amount of that debt is owed in respect of or was used as contemplated in paragraph (b) of that subsection to fund expenditure incurred in respect of an allowance asset that was not disposed of in a year of assessment prior to that in which that debt benefit arises;”;
- (i) by the insertion after subsection (6) of the following subsection:
“(6A) Where—
(a) a debt benefit arises during any year of assessment in respect of a debt owed by a person as contemplated in subsection (2); and

- (i) die aflossing van daardie skuld; of
(ii) die verkryging van die eis ten opsigte van daardie skuld;
- (c) in die geval van die vereffening van daardie skuld deur middel van 'n reëling beskryf in paragraaf (b) van die omskrywing van 'toegewing of kompromis', waar die persoon wat aandeel verkry het in 'n maatskappy ingevolge daardie reëling nie 'n effektiewe belang in die aandeel van daardie maatskappy gehad het nie voor die aangaan van daardie reëling, die bedrag waardeur die sigwaarde van die eis gehou ten opsigte van daardie skuld voor die aangaan van daardie reëling die markwaarde oorskry van die aandeel verkry as gevolg van of as die resultaat van die inwerkingstelling van daardie reëling; of 5
- (d) in die geval van die vereffening van daardie skuld deur middel van 'n reëling beskryf in paragraaf (b) van die omskrywing van 'toegewing of kompromis', waar die persoon wat aandeel verkry het in 'n maatskappy ingevolge daardie reëling 'n effektiewe belang in die aandeel van daardie maatskappy gehad het voor die aangaan van daardie reëling, die bedrag waarmee die sigwaarde van die eis gehou ten opsigte van daardie skuld voor die aangaan van daardie reëling die bedrag oorskry waarmee die markwaarde van enige effektiewe belang gehou deur daardie persoon in die aandeel van daardie maatskappy onmiddellik na die inwerkingstelling van daardie reëling die markwaarde oorskry, alleenlik as gevolg van die inwerkingstelling van daardie reëling, van die effektiewe belang gehou deur daardie persoon in die aandeel van daardie maatskappy onmiddellik voor die aangaan van daardie reëling;"; 10
- (d) deur in subartikel (1) na die omskrywing van "groep van maatskappye" die volgende omskrywing in te voeg:
" 'markwaarde' met betrekking tot aandeel verkry of gehou as gevolg van of as resultaat van die inwerkingstelling van 'n toegewing of kompromis ten opsigte van skuld, die markwaarde van daardie aandeel onmiddellik na die inwerkingstelling van daardie toegewing of kompromis;"; 15
- (e) deur in subartikel (2) paragrafe (a) en (b) deur die volgende paragrafe te vervang: 20
- "(a) 'n skuldvoordeel ten opsigte van 'n skuld verskuldig deur 'n persoon ontstaan ten opsigte van 'n jaar van aanslag op grond van of as 'n resultaat van 'n toegewing of kompromis ten opsigte van daardie skuld; en 25
- (b) die bedrag van daardie skuld deur daardie persoon verskuldig is ten opsigte van of deur daardie persoon aangewend is, direk of indirek, om enige uitgawes aangegaan te befonds ten opsigte waarvan 'n aftrekking of toelae ingevolge hierdie Wet toegelaat was."; 30
- (f) deur in subartikels (3) en (4) paragraaf (b) deur die volgende paragraaf te vervang: 35
- "(b) die bedrag van daardie skuld verskuldig is ten opsigte van of gebruik is soos beoog in paragraaf (b) van daardie subartikel om uitgawes aangegaan ten opsigte van handelsvoorraad wat gehou word en nie oor beskik is deur daardie persoon nie ten tye wat die skuldvoordeel ontstaan; en"; 40
- (g) deur in subartikel (5) paragraaf (b) deur die volgende paragraaf te vervang:
"(b) die bedrag van daardie skuld wat verskuldig is ten opsigte van of gebruik is soos beoog in paragraaf (b) van daardie subartikel om enige uitgawes te befonds buiten uitgawes aangegaan—"; 45
- (h) deur in subartikel (6) paragraaf (b) deur die volgende paragraaf te vervang:
"(b) die bedrag van daardie skuld wat verskuldig is ten opsigte van of gebruik soos beoog in paragraaf (b) van daardie subartikel om uitgawes aangegaan ten opsigte van 'n afskryfbare bate te befonds waarvoor nie beskik is nie in 'n jaar van aanslag voor die jaar van aanslag waarin daardie voordeel ontstaan;"; 50
- (i) deur na subartikel (6) die volgende subartikel in te voeg:
"(6A) Waar— 55
- (a) 'n skuldvoordeel ontstaan tydens enige jaar van aanslag ten opsigte van 'n skuld verskuldig deur 'n persoon soos beoog in subartikel (2); en 60

- (b) the amount of that debt is owed in respect of or was used as contemplated in paragraph (b) of that subsection to fund expenditure incurred in respect of an allowance asset that was disposed of in a year of assessment prior to that in which that debt benefit arises, that person must, if the amount determined in respect of that disposal as a recovery or recoupment of a deduction or allowance is less than the amount that would have been so determined had that debt benefit been taken into account in the year of assessment in which the disposal occurred, treat the amount of that difference as an amount recovered or recouped for purposes of section 8(4)(a) in the year of assessment in which that debt benefit arises.”;
- (j) by the substitution in subsection (8) for paragraph (b) of the following paragraph:
 “(b) to the extent that the debt is reduced by way of—
 (i) a donation as defined in section 55(1); or
 (ii) any transaction to which section 58 applies; or”;
- (k) by the deletion in subsection (8) of the word “or” after paragraph (d), the insertion of the word “or” after paragraph (e) and the addition of the following paragraph:
 “(f) to the extent that the debt so owed—
 (i) is settled by means of an arrangement described in paragraph (b) of the definition of ‘concession or compromise’; and
 (ii) does not consist of or represent an amount owed by that person in respect of any interest incurred by that person during any year of assessment.”.
- (2) Paragraphs (a) to (h) and (k) of subsection (1) are deemed to have come into operation on 1 January 2018 and apply in respect of years of assessment commencing on or after that date.
- (3) Paragraphs (i) and (j) of subsection (1) come into operation on 1 January 2019 and apply in respect of years of assessment commencing on or after that date.

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 and section 33 of Act 17 of 2009

37. Section 20A of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (2)(b) at the end of subparagraph (vii) of the word “or”, the substitution at the end of subparagraph (viii) for the full stop of the expression “; or” and the addition of the following subparagraph:

“(ix) the acquisition or disposal of any cryptocurrency.”.

Amendment of section 22B of Act 58 of 1962, as substituted by section 34 of Act 17 of 2017

38. (1) Section 22B of the Income Tax Act, 1962, is hereby amended—
- (a) by the insertion in subsection (1) before the definition of “exempt dividend” of the following definition:
 “‘**deferral transaction**’ means a transaction in respect of which the provisions of PART III of this Chapter were applied;”;
- (b) by the substitution in subsection (1) for paragraph (a) of the definition of “extraordinary dividend” of the following paragraph:
 “(a) a preference share, so much of the amount of any dividend received or accrued in respect of that share as exceeds the amount that would have accrued in respect of that share had that amount been determined with reference to the consideration for which that share was issued by applying an interest rate of 15 per cent per annum for the period in respect of which that dividend was received or accrued;”;
- (c) by the insertion in subsection (1) after the definition of “extraordinary dividend” of the following definition:
 “‘**preference share**’ means a preference share as defined in section 8EA(1);”;

- (b) die bedrag ten opsigte van daardie skuld verskuldig is ten opsigte van of gebruik was soos beoog in paragraaf (b) van daardie subparagraaf om uitgawes te befonds aangegaan ten opsigte van 'n afskryfbare bate waarvoor beskik is in 'n jaar van aanslag voor die jaar van aanslag waarin daardie skuldvoordeel ontstaan, moet daardie persoon, indien die bedrag bepaal ten opsigte van daardie beskikking as verhaling of vergoeding van aftrekking of toelae minder is as die bedrag wat so bepaal sou word indien daardie skuldvoordeel in ag geneem was in die jaar van aanslag waarin die beskikking plaasgevind het, die bedrag van daardie verskil ag 'n bedrag verhaal of vergoed te wees by die toepassing van artikel 8(4)(a) in die jaar van aanslag waarin daardie skuldvoordeel ontstaan.”;
- (j) deur in subartikel (8) paragraaf (b) deur die volgende paragraaf te vervang:
- (b) tot die mate wat die skuld verminder word by wyse van—
- (i) 'n skenking soos omskryf in artikel 55(1); of
- (ii) enige transaksie waarop artikel 58 van toepassing is [**;** of], ten opsigte waarvan belasting op geskenke betaalbaar is; of”;
- (k) deur in subartikel (8) die woord “of” na paragraaf (d) te skrap, die woord “of” na paragraaf (e) in te voeg en die volgende paragraaf by te voeg:
- “(f) namate die skuld aldus verskuldig—
- (i) vereffen word deur middel van 'n reëling na verwys in paragraaf (b) van die omskrywing van ‘toegewing of kompromis’; en
- (ii) nie bestaan uit of 'n bedrag verteenwoordig verskuldig deur daardie persoon ten opsigte van enige rente aangegaan deur daardie persoon tydens enige jaar van aanslag nie.”.
- (2) Paragrawe (a) tot (h) en (k) van subartikel (1) word geag in werking te getree het op 1 Januarie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (3) Paragrawe (i) en (j) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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 en artikel 33 van Wet 17 van 2009

37. Artikel 20A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2)(b) aand die einde van subparagraaf (vii) die woord “of”, te skrap, deur aan die einde van subparagraaf (viii) die punt deur die uitdrukking “; of” te vervang en deur die volgende subparagraaf by te voeg:
- “(ix) die verkryging van of beskikking oor enige kriptovaluta.”.

Wysiging van artikel 22B van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 17 van 2017

38. (1) Artikel 22B van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur die invoeging in subartikel (1) na die omskrywing van “kwalifiserende belang” van die volgende omskrywing:
- “**‘uitgestelde ooreenkoms’** 'n ooreenkoms ten opsigte waarvan die bepalinge van DEEL III van hierdie hoofstuk toegepas is;”;
- (b) deur in subartikel (1) paragraaf (a) in die omskrywing van “buitengewone dividend” deur die volgende paragraaf te vervang:
- “(a) 'n voorkeuraandeel, soveel van die bedrag van enige dividend ontvang of toegeval ten opsigte van daardie aandeel as wat die bedrag te bowe gaan wat sou toegeval het vir daardie aandeel indien daardie bedrag bepaal sou wees met verwysing na die teenprestasie waarteen daardie aandeel uitgereik is deur 'n rentekoers toe te pas teen 15 persent per jaar vir die tydperk ten opsigte waarvan daardie dividend ontvang is of toegeval het;”;
- (c) deur in subartikel (1) na die omskrywing van “kwalifiserende aandeel” die volgende omskrywing in te voeg:
- “**‘voorkeuraandeel’** voorkeuraandeel soos omskryf in artikel 8EA(1); en”;

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

“**[Where]** Subject to subsection (3), where a company disposes of shares in another company in terms of a transaction that is not a deferral transaction and that company held a qualifying interest in that other company at any time during the period of 18 months prior to that disposal, the amount of any exempt dividend received by or that accrued to that company in respect of the shares disposed of must—”; and

- (e) by the addition after subsection (2) of the following subsection:

“(3) Where a company disposes of shares in terms of a transaction that is not a deferral transaction within a period of 18 months after having acquired those shares in terms of a deferral transaction, other than an unbundling transaction and—

- (a) within a period of 18 months prior to the disposal of those shares by that company an exempt dividend in respect of those shares accrued to or was received by a person that—

- (i) disposed of those shares in terms of a deferral transaction; and
(ii) was a connected person in relation to that company at any time within that period,

that dividend must for purposes of this section be treated as a dividend that accrued to or was received by that company in respect of those shares within the period during which that company held those shares; and

- (b) if that company acquired those shares (hereinafter referred to as ‘new shares’) in terms of that deferral transaction in return for or by virtue of the holding, by that company, of other shares (hereinafter referred to as ‘old shares’) that were disposed of in terms of that deferral transaction and an exempt dividend in respect of the old shares, other than a dividend consisting of new shares, accrued to or was received by that company within a period of 18 months prior to the disposal by that company of the new shares, that dividend must for purposes of this section be treated as an amount that accrued to or was received by that company as an exempt dividend in respect of the new shares.”

(2) Paragraphs (a), (d) and (e) of subsection (1) come into operation on 1 January 2019 and apply in respect of disposals on or after that date.

(3) Paragraphs (b) and (c) of subsection (1) are deemed to have come into operation on 19 July 2017 and apply in respect of disposals on or after that date.

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 and section 35 of Act 17 of 2017

39. (1) Section 23 of the Income Tax Act, 1962, is hereby amended by the deletion in paragraph (o) of the word “or” at the end of subparagraph (i), the insertion of the word “or” at the end of subparagraph (ii) and the addition of the following subparagraph:

“(iii) any expenditure incurred constituting fruitless and wasteful expenditure as defined in section 1 of the Public Finance Management Act, determined in accordance with that Act;”.

(2) Subsection (1) comes into operation on 1 April 2019 and applies in respect of years of assessment commencing on or after that date.

- (d) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “**[Waar]** Behoudens subartikel (3), waar ’n maatskappy oor aandele in ’n ander maatskappy beskik ingevolge ’n transaksie wat nie ’n uitgestelde ooreenkoms is nie en daardie ander maatskappy het ’n kwalifiserende belang in daardie ander maatskappy gehou te eniger tyd gedurende die tydperk van 18 maande voor daardie beskikking, word die bedrag van enige vrygestelde dividend ontvang deur of toegeval aan daardie maatskappy ten opsigte van die aandele oor beskik”; en
- (e) deur na subartikel (2) die volgende subartikel by te voeg:
- “(3) Waar ’n maatskappy beskik oor aandele ingevolge ’n ooreenkoms wat nie ’n uitgestelde transaksie is nie binne ’n tydperk van 18 maande na daardie aandele verkry is ingevolge ’n uitgestelde ooreenkoms behalwe ’n ontbondelingsooreenkoms en—
- (a) binne ’n tydperk van 18 maande voor die beskikking oor daardie aandele deur daardie maatskappy ’n vrygestelde dividend ten opsigte van daardie aandele toegeval het aan of ontvang is deur ’n persoon wat—
- (i) beskik het oor daardie aandele ingevolge ’n uitgestelde ooreenkoms; en
- (ii) ’n verbonde persoon was met betrekking tot daardie maatskappy te eniger tyd binne daardie tydperk, word daardie dividend by toepassing van hierdie artikel geag ’n dividend te wees wat toegeval het aan of ontvang is deur daardie maatskappy ten opsigte van daardie aandele binne die tydperk waartydens daardie maatskappy daardie aandele gehou het; en
- (b) indien daardie maatskappy daardie aandele (hierna ‘nuwe aandele’ genoem) verkry het ingevolge daardie uitgestelde transaksie in ruil vir of uit hoofde van die hou, deur daardie maatskappy, van ander aandele (hierna ‘ou aandele’ genoem) waarvoor beskik is ingevolge daardie uitgestelde ooreenkoms en ’n vrygestelde dividend ten opsigte van die ou aandele, buiten ’n dividend wat bestaan uit nuwe aandele, wat toegeval het aan of ontvang is deur daardie maatskappy binne ’n tydperk van 18 maande voor die beskikking deur die maatskappy oor die nuwe aandele, word daardie dividend by die toepassing van hierdie artikel behandel soos ’n bedrag wat toegeval het aan of ontvang is deur daardie maatskappy as ’n vrygestelde dividend ten opsigte van die nuwe aandele.”.
- (2) Paragrafe (a), (d) en (e) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van beskikkings op of na daardie datum.
- (3) Paragrafe (b) en (c) van subartikel (1) word geag in werking te getree het op 19 Julie 2017 en is van toepassing ten opsigte van beskikkings op of na daardie datum.

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 en artikel 35 van Wet 17 van 2017

39. (1) Artikel 23 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in paragraaf (o) die woord “of” aan die einde van subparagraaf (i) te skrap, die woord “of” aan die einde van subparagraaf (ii) in te voeg en die volgende subparagraaf by te voeg:

“(iii) enige uitgawes aangegaan wat vrugtelose en verkwistende besteding uitmaak soos omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, ooreenkomstig daardie Wet vasgestel;”.

(2) Subartikel (1) tree in werking op 1 April 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Amendment of section 23G of Act 58 of 1962, as inserted by section 16 of Act 28 of 1997 and amended by section 30 of Act 31 of 2005 and section 35 of Act 35 of 2007

40. Section 23G of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph:

- “(b) such lessor shall, notwithstanding the provisions of this Act, not be entitled to any deduction in terms of section 11(e), (f) [or] (gA)[,] or (gC)[,] or sections 12B, 12C, 12DA, 13 or 13quin in respect of an asset which is the subject matter of such sale and leaseback arrangement.”. 5

Amendment of section 23M of Act 58 of 1962, as inserted by section 16 of Act 31 of 2013 and amended by section 37 of Act 43 of 2014, section 41 of Act 15 of 2016 and section 39 of Act 17 of 2017 10

41. Section 23M of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (1) in the definition of “adjusted taxable income” for the words preceding paragraph (a) of the following words:
 “‘**adjusted taxable income**’ means taxable income calculated before applying this section—”; 15
- (b) by the substitution in subsection (1) in paragraph (a) of the definition of “adjusted taxable income” for subparagraph (i) of the following subparagraph:
 “(i) any amount of interest received or accrued that forms part of taxable income;”; 20
- (c) by the substitution in subsection (1) in paragraph (b) of the definition of “adjusted taxable income” for subparagraph (i) of the following subparagraph:
 “(i) any amount of interest incurred that has been allowed as a deduction from income;”; and 25
- (d) by the substitution in subsection (6) for paragraph (ii) of the following paragraph:
 “(ii) that interest is determined with reference to a rate of interest that does not exceed the official rate of interest plus 100 basis points; or.”. 30

Amendment of section 23N of Act 58 of 1962, as inserted by section 63 of Act 31 of 2013, amended by section 38 of Act 43 of 2014, section 40 of Act 25 of 2015, section 42 of Act 15 of 2016 and section 40 of Act 17 of 2017

42. (1) Section 23N of the Income Tax Act, 1962, is hereby amended— 35

- (a) by the substitution in subsection (1) in the definition of “adjusted taxable income” for the words preceding paragraph (a) of the following words:
 “‘**adjusted taxable income**’ means taxable income calculated before applying this section—”; 40
- (b) by the substitution in subsection (1) in paragraph (a) of the definition of “adjusted taxable income” for subparagraph (i) of the following subparagraph:
 “(i) any amount of interest received or accrued that forms part of taxable income;”; 45
- (c) by the substitution in subsection (1) in paragraph (b) of the definition of “adjusted taxable income” for subparagraph (i) of the following subparagraph:
 “(i) any amount of interest incurred that has been allowed as a deduction from income;”; and 50
- (d) by the deletion of subsection (5).

(2) Paragraph (d) of subsection (1) comes into operation on 1 January 2019 and applies in respect of amounts incurred on or after that date.

Amendment of section 24I of Act 58 of 1962, as inserted by section 21 of Act 113 of 1993 and amended by section 11 of Act 140 of 1993, section 18 of Act 21 of 1994, section 13 of Act 36 of 1996, section 18 of Act 28 of 1997, section 35 of Act 30 of 1998, section 26 of Act 53 of 1999, section 31 of Act 59 of 2000, section 36 of Act 60 of 2001, section 27 of Act 74 of 2002, section 42 of Act 45 of 2003, section 23 of Act 32 of 2004, 55

Wysiging van artikel 23G van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 28 van 1997 en gewysig deur artikel 30 van Wet 31 van 2005 en artikel 35 van Wet 35 van 2007

40. Artikel 23G van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang: 5

“(b) is bedoelde verhuurder, ondanks die bepalings van hierdie Wet, nie op enige aftrekking ingevolge artikel 11(e), (f) [of], (gA)[,] of (gC)[,] of artikels 12B, 12C, 12DA, 13 van 13quin geregtig nie ten opsigte van ’n bate wat die onderwerp van bedoelde verkoop en terughuur reëling uitmaak.”.

Wysiging van artikel 23M van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 31 van 2013 en gewysig deur artikel 37 van Wet 43 van 2014, artikel 41 van Wet 15 van 2016 en artikel 39 van Wet 17 van 2017 10

41. Artikel 23M van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van “aangepaste belasbare inkomste” die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 15

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

(b) deur in subartikel (1) in paragraaf (a) in die omskrywing van “aangepaste belasbare inkomste” subparagraaf (i) deur die volgende subparagraaf te vervang: 20

“(i) enige bedrag van rente ontvang of toegeval wat deel vorm van belasbare inkomste;”;

(c) deur in subartikel (1) in paragraaf (b) in die omskrywing van “aangepaste belasbare inkomste” subparagraaf (i) deur die volgende subparagraaf te vervang: 25

“(i) enige bedrag van rente ontvang of toegeval wat toegelaat was as ’n aftrekking van inkomste;”;

(d) deur in subartikel (6) paragraaf (ii) deur die volgende paragraaf te vervang: 30

“(ii) daardie rente bepaal word met verwysing na ’n rentekoers wat nie die amptelike rentekoers plus 100 basispunte oorskry nie; of.”.

Wysiging van artikel 23N van Wet 58 van 1962, soos ingevoeg deur artikel 63 van Wet 31 van 2013 en gewysig deur artikel 38 van Wet 43 van 2014, artikel 40 van Wet 25 van 2015, artikel 42 van Wet 15 van 2016 en artikel 40 van Wet 17 van 2017

42. (1) Artikel 23N van die Inkomstebelastingwet, 1962, word hierby gewysig— 35

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

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

(b) deur in subartikel (1) in paragraaf (a) in die omskrywing van “aangepaste belasbare inkomste” subparagraaf (i) deur die volgende subparagraaf te vervang: 40

“(i) enige bedrag van rente ontvang of toegeval wat deel vorm van belasbare inkomste;”;

(c) deur in subartikel (1) in paragraaf (b) in die omskrywing van “aangepaste belasbare inkomste” subparagraaf (i) deur die volgende subparagraaf te vervang: 45

“(i) enige bedrag van rente aangegaan wat toegelaat was as aftrekking van inkomste;”;

(d) deur subartikel (5) te skrap. 50

(2) Paragraaf (d) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.

Wysiging van artikel 24I van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 113 van 1993 en gewysig deur artikel 11 van Wet 140 van 1993, artikel 18 van Wet 21 van 1994, artikel 13 van Wet 36 van 1996, artikel 18 van Wet 28 van 1997, artikel 35 van Wet 30 van 1998, artikel 26 van Wet 53 van 1999, artikel 31 van 55

section 33 of Act 31 of 2005, section 26 of Act 9 of 2006, section 19 of Act 20 of 2006, section 23 of Act 8 of 2007, section 40 of Act 35 of 2007, section 20 of Act 3 of 2008, section 38 of Act 17 of 2009, section 47 of Act 7 of 2010, section 52 of Act 24 of 2011, section 53 of Act 22 of 2012, section 68 of Act 31 of 2013, section 40 of Act 43 of 2014, section 44 of Act 25 of 2015, section 44 of Act 15 of 2016 and section 42 of Act 17 of 2017 5

43. (1) Section 24I of the Income Tax Act, 1962, is hereby amended—

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

“(4) Subject to section 11, in determining the taxable income of any person contemplated in subsection (2) in respect of a debt owing to that person as referred to in paragraph (b) of the definition of ‘exchange item’—

(a) to the extent that on realisation the debt was irrecoverable by reason of becoming bad; or

(b) the realisation of the debt resulted in a loss determined in the foreign currency due to a decline in the market value of that debt, the amount of—

(i) any foreign exchange gain, relating to the debt as described in paragraph (a) or (b), that is or was included in the income of that person in the current or any previous year of assessment must be deducted from the income of that person; and

(ii) the amount of any foreign exchange loss, relating to the debt as described in paragraph (a) or (b), that is or was deducted from the income of that person in the current or any previous year of assessment must be included in the income of that person.”; and

(b) by the substitution in subsection (7)(a) for subparagraph (ii) of the following subparagraph:

“(ii) the devising, developing, creation, production, acquisition or restoration of any invention, patent, design, trade mark, copyright or other similar property or knowledge contemplated in section 11[(gA) or] (gC)[, as the case may be];”.

(2) Paragraph (a) of subsection (1) comes into operation on 1 January 2019 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 and section 44 of Act 17 of 2017 35

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

“(2A) A covered person must include in or deduct from income for a year of assessment a realised gain or a realised loss that is recognised in a statement of other comprehensive income as contemplated in IFRS 9 if that realised gain or realised loss is attributable to a change in the credit risk of the financial liability as contemplated in IFRS 9 and that instrument was issued in any year of assessment commencing on or after 1 January 2018.”.

(2) Subsection (1) is deemed to have come into operation on 1 January 2018 and applies in respect of years of assessment commencing on or after that date. 45

Amendment of section 24L of Act 58 of 1962, as inserted by section 28 of Act 53 of 1999

45. (1) Section 24L of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (3) for the words preceding the proviso of the following words: 50

“The amount of any premium or like consideration received or receivable by a person in terms of an option contract, other than an amount of a capital nature, shall for the purposes of this Act be deemed to have accrued to such person on a day to day basis during the term of such option contract.”. 55

Wet 59 van 2000, artikel 36 van Wet 60 van 2001, artikel 27 van Wet 74 van 2002, artikel 42 van Wet 45 van 2003, artikel 23 van Wet 32 van 2004, artikel 33 van Wet 31 van 2005, artikel 26 van Wet 9 van 2006, artikel 19 van Wet 20 van 2006, artikel 23 van Wet 8 van 2007, artikel 40 van Wet 35 van 2007, artikel 20 van Wet 3 van 2008, artikel 38 van Wet 17 van 2009, artikel 47 van Wet 7 van 2010, artikel 52 van Wet 24 van 2011, artikel 53 van Wet 22 van 2012, artikel 68 van Wet 31 van 2013, artikel 40 van Wet 43 van 2014, artikel 44 van Wet 25 van 2015, artikel 44 van Wet 15 van 2016 en artikel 42 van Wet 17 van 2017 5

43. (1) Artikel 24I van die Inkomstebelastingwet, 1962, word hierby gewysig— 10

(a) deur subartikel (4) deur die volgende subartikel te vervang: 10

“(4) Behoudens artikel 11, by die berekening van die belasbare inkomste van enige persoon beoog in subartikel (2) ten opsigte van ’n skuld aan daardie persoon verskuldig soos bedoel in paragraaf (b) van die omskrywing van ‘valuta-item’—

(a) tot die mate wat by realisasie die skuld oninbaar geword het as gevolg daarvan dat dit slegte skuld geword het; of 15

(b) die realisasie van die skuld uitgeloop het op ’n verlies bereken in die buitelandse valuta as gevolg van vermindering in die markwaarde van daardie skuld, 20

moet die bedrag van— 20

(i) enige buitelandse valutawins, met betrekking tot daardie skuld soos beoog in paragraaf (a) en (b) wat ingesluit word of was in die inkomste van daardie persoon in die huidige of enige vorige jaar van aanslag afgetrek word van die inkomste van daardie persoon; en 25

(ii) die bedrag van enige buitelandse valutaverlies, soos beoog in paragraaf (a) en (b) wat afgetrek word of was van die inkomste van daardie persoon in die huidige of enige vorige jaar van aanslag ingesluit word in die inkomste van daardie persoon.”; en 25

(b) deur in subartikel (7)(a) subparagraaf (ii) deur die volgende subparagraaf te vervang: 30

“(ii) die uitdink, ontwikkeling, skepping, voortbrenging, verkryging of herstel van enige uitvinding, patent, model, handelsmerk, outeursreg of ander soortgelyke eiendom of kennis beoog in artikel 11[(gA) of] (gC)[, na gelang van die geval];”.

(2) Paragraaf (a) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin. 35

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 en artikel 44 van Wet 17 van 2017 40

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

“(2A) ’n Gedekte persoon moet van inkomste aftrek of insluit vir ’n jaar van aanslag ’n gerealiseerde wins of gerealiseerde verlies wat erken is in ’n staat van ander omvattende inkomste soos beoog in IFRS 9 indien daardie gerealiseerde wins of gerealiseerde verlies toeskryfbaar is aan ’n verandering in die krediet risiko van die finansiële las soos beoog in IFRS 9 en daardie instrument is uitgereik in enige jaar van aanslag wat begin op of na 1 Januarie 2018.”. 45

(2) Subartikel (1) word geag in werking te getree het op 1 Januarie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin. 50

Wysiging van artikel 24L van Wet 58 van 1962, soos ingevoeg deur artikel 28 van Wet 53 van 1999

45. (1) Artikel 24L van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (3) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 55

“Die bedrag van enige premie of dergelyke vergoeding ontvang of ontvangbaar deur ’n persoon ingevolge ’n opsiekontrak, buiten ’n bedrag van ’n kapitale aard, word by die toepassing van hierdie Wet geag op ’n dag-tot-dag-grondslag gedurende die termyn van daardie opsiekontrak aan daardie persoon toe te geval het:”.

60

(2) Subsection (1) comes into operation on 1 January 2019 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 24O of Act 58 of 1962, as substituted by section 46 of Act 25 of 2015

46. (1) Section 24O of the Income Tax Act, 1962, is hereby amended— 5
- (a) by the substitution in subsection (1) in the definition of “operating company” for paragraph (a) of the following paragraph: 10
- “(a) at least 80 per cent of the **[receipts and accruals constitute]** aggregate amount received by or that accrued to that company during a year of assessment constitutes income in the hands of that company; and”;
- (b) by the substitution in subsection (1) in paragraph (b) of the definition of “operating company” for subparagraph (ii) of the following subparagraph: 15
- “(ii) in the course or furtherance of **[providing]** which goods or **[rendering]** services **[for consideration]** are provided or rendered by that company for consideration.”;
- (c) by the substitution for subsection (2) of the following subsection: 20
- “(2) Subject to subsection (3), where during any year of assessment any interest is incurred by a company in respect of a debt issued, assumed or used by that company—
- (a) for the purpose of financing the acquisition by that company, in terms of an acquisition transaction, of an equity share; or
- (b) in substitution for a debt issued, assumed or used as contemplated in paragraph (a), 25
- the interest incurred by that company in respect of that debt must, to the extent to which the amount thereof relates to a period during which—
- (i) that company held that equity share; and
- (ii) that equity share constituted a qualifying interest in an operating company, as determined— 30
- (aa) in the case of an equity share held by that company at the end of that year, at the date on which that year ends; or
- (bb) if that equity share was disposed of by that company during that year, at the date of that disposal,
- be deemed to have been so incurred in the production of the income of that company and laid out or expended by that company for the purposes of trade.”; 35
- (d) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: 40
- “An equity share in a company constitutes a qualifying interest in an operating company **[, on the date of acquisition,]** if that equity share is an equity share on the date referred to in subsection (2) in—”;
- (e) by the substitution in subsection (3) for paragraph (a) of the following paragraph: 45
- “(a) a company that qualified as an operating company in its latest year of assessment that ended prior to or on the date referred to in subsection (2); or”;
- (f) by the substitution in subsection (3)(b) for the words preceding subparagraph (i) of the following words: 50
- “any other company, to the extent that the value of that equity share is derived from an equity share or equity shares held by that company in **[an operating]** a company or **[operating]** companies described in paragraph (a)—”; and
- (g) by the deletion of subsection (4).
- (2) Subsection (1) comes into operation on 1 January 2019 and applies in respect of years of assessment ending on or after that date. 55

(2) Subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 24O van Wet 58 van 1962, soos vervang deur artikel 46 van Wet 25 van 2015

46. (1) Artikel 24O van die Inkomstebelastingwet, 1962, word hierby gewysig— 5
- (a) deur in subartikel (1) in die omskrywing van “bedryfsmaatskappy” paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) ten minste 80 persent van die **[ontvangste en toevallings]** somtotaal van die bedrag ontvang deur of toegeval aan daardie maatskappy tydens ’n jaar van aanslag inkomste in die hande van daardie maatskappy uitmaak; en”;
- (b) deur in subartikel (1) in paragraaf (b) van die omskrywing van “bedryfsmaatskappy” subparagraaf (ii) deur die volgende subparagraaf te vervang:
- “(ii) in die loop of bevordering van **[verskaffing van]** welke goedere of **[lewing van]** dienste **[vir oorweging]** voorsien word of gelewer word deur daardie maatskappy as teenprestasie.”;
- (c) deur artikel (2) deur die volgende artikel te vervang:
- “(2) Behoudens subartikel (3), waar tydens enige jaar van aanslag enige rente aangegaan word deur ’n maatskappy ten opsigte van ’n skuld uitgereik, aanvaar of gebruik deur daardie maatskappy— 20
- (a) met die doel om die verkryging deur daardie maatskappy van ’n ekwiteitsaandeel in ’n bedryfsmaatskappy ingevolge ’n verkrygingstransaksie te finansier; of
- (b) ter vervanging van ’n skuld uitgereik, aanvaar of gebruik soos beoog in paragraaf (a), 25
- word enige rente aangegaan deur daardie maatskappy ten opsigte van daardie skuld, in die mate waarin die bedrag daarvan verband hou met ’n tydperk waartydens—
- (i) daardie maatskappy daardie ekwiteitsaandeel gehou het; en
- (ii) daardie ekwiteitsaandeel ’n kwalifiserende belang uitgemaak het in ’n bedryfsmaatskappy, soos bepaal— 30
- (aa) in die geval van ’n ekwiteitsaandeel gehou deur daardie maatskappy aan die einde van daardie jaar, op die datum waarop daardie jaar eindig; of
- (bb) indien daardie ekwiteitsaandeel oor beskik is deur daardie maatskappy tydens daardie jaar, op die datum van daardie beskikking, 35
- geag wees om aldus aangegaan te wees by die voortbrenging van inkomste van daardie maatskappy en vir handelsdoeleindes bestee of uitgegee is deur daardie maatskappy.”;
- (d) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 40
- “ ’n Ekwiteitsaandeel in ’n maatskappy maak ’n kwalifiserende belang uit in ’n bedryfsmaatskappy[, op die datum van verkryging,] indien daardie ekwiteitsaandeel ’n ekwiteitsaandeel is [in] op die datum beoog in subartikel (2)—”;
- (e) deur in subartikel (3) paragraaf (a) deur die volgende subparagraaf te vervang: 45
- “(a) maatskappy wat gekwalifiseer het as ’n bedryfsmaatskappy in die laaste jaar van aanslag daarvan wat geëindig het voor of op die datum beoog in subartikel (2); of”;
- (f) deur in subartikel (3)(b) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang: 50
- “ ’n ander maatskappy, tot die mate waarin die waarde van daardie ekwiteitsaandeel afkomstig is van ’n ekwiteitsaandeel of ekwiteitsaandeel gehou deur daardie maatskappy in ’n **[bedryfsmaatskappy of bedryfsmaatskappye]** maatskappy of maatskappye beoog in paragraaf (a)—”;
- (g) deur subartikel (4) te skrap. 55
- (2) Subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig. 60

Amendment of section 25 of Act 58 of 1962, as substituted by section 22 of Act 113 of 1993, section 48 of Act 25 of 2015 and section 47 of Act 15 of 2016

47. Section 25 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (5) of the following subsection:

- “(5) A deceased estate must— 5
- (a) other than for the purposes of section 6, section 6A and section 6B, be treated as if that estate were a natural person; and
- (b) if the deceased person was a resident at the time of his or her death, be treated as if that estate were a resident.”.

Amendment of section 25B of Act 58 of 1962, as substituted by section 27 of Act 32 of 2004 10

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

- (a) by the substitution in subsection (2A) for paragraph (a) of the following paragraph: 15
- “(a) that capital [**arose**] consists of or is derived, directly or indirectly, from any receipts and accruals of such trust which would have constituted income if such trust had been a resident, in any previous year of assessment during which that resident had a contingent right to that amount; and”; and
- (b) by the insertion after subsection (2A) of the following subsection: 20
- “(2B) In determining, for purposes of subsection (2A), whether an amount received by or that accrued to a trust which is not a resident would have constituted income had that trust been a resident, the provisions of section 10B(2)(a) must be disregarded in respect of an amount received or accrued consisting of or derived, directly or indirectly, from a foreign dividend— 25
- (i) paid or payable by a company if—
- (aa) more than 50 per cent of the total participation rights, as defined in section 9D(1), or of the voting rights in that company are directly or indirectly held or are exercisable, as the case may be, by that trust whether alone or together with any one or more persons that are connected persons in relation to that trust; and 30
- (bb) that resident or any person that is a connected person in relation to that resident is a connected person in relation to that trust; and 35
- (ii) to the extent to which that foreign dividend is not derived from an amount that must be included in the income of or that must be attributed as a capital gain to— 40
- (aa) the resident who acquired the vested right to the amount referred to in subsection (2A); or
- (bb) a resident who is a connected person in relation to the resident referred to in item (aa).”.

(2) Subsection (1) comes into operation on 1 March 2019 and applies in respect of any year of assessment commencing on or after that date. 45

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 and section 45 of Act 17 of 2017

49. Section 25BB of the Income Tax Act, 1962, is hereby amended— 50

- (a) by the substitution in subsection (1) in the definition of “qualifying distribution” for paragraph (a) of the following paragraph: 55
- “(a) that year of assessment is the first year of assessment and at least 75 per cent of the gross income received by or accrued to a company during [**the**] that first year of assessment that the company qualifies as a REIT or controlled company, consists of rental income; [**or**] and”; and

Wysiging van artikel 25 van Wet 58 van 1962, soos vervang deur artikel 22 van Wet 113 van 1993, artikel 48 van Wet 25 van 2015 en artikel 47 van Wet 15 van 2016

47. Artikel 25 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- “(5) ’n Bestorwe boedel moet[,]— 5
- (a) buiten by die toepassing van artikel 6, artikel 6A en artikel 6B, behandel word asof daardie boedel ’n natuurlike persoon is; en
- (b) indien die gestorwe persoon ’n inwoner was ten tye van sy of haar dood, behandel word asof daardie boedel ’n inwoner is.”

Wysiging van artikel 25B van Wet 58 van 1962, soos vervang deur artikel 27 van Wet 32 van 2004 10

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

- (a) deur in subartikel (2A) paragraaf (a) deur die volgende paragraaf te vervang: 15
- “(a) daardie kapitaal **[ontstaan het]** bestaan uit of regstreeks of onregstreeks verkry is uit enige ontvangste en toevallings van daardie trust wat inkomste sou daargestel het indien daardie trust ’n inwoner was, in ’n voorafgaande jaar van aanslag waartydens daardie inwoner ’n voorwaardelike reg gehad het tot daardie bedrag; en”; en
- (b) deur na subartikel (2A) die volgende subartikel in te voeg: 20
- “(2B) In die berekening, by die toepassing van subartikel (2A), of ’n bedrag ontvang deur of toegeval aan ’n trust wat nie ’n inwoner is nie, inkomste sou uitmaak indien daardie trust ’n inwoner was, word die bepalinge van artikel 10B(2)(a) verontagsaam ten opsigte van ’n bedrag ontvang of toegeval wat bestaan uit of verkry is, direk of indirek, van ’n 25
- buitelandse dividend—
- (i) betaal of betaalbaar deur ’n maatskappy indien—
- (aa) meer as 50 persent van die totale deelnemende regte, soos omskryf in artikel 9D(1), of indien die stemregte in daardie maatskappy direk of indirek gehou word of uitoefenbaar is, na 30
- gelang van die geval, deur daardie trust hetsy deur een of meer persone wat verbonde persone is met betrekking tot daardie trust;
- (bb) ’n inwoner of enige persoon wat ’n verbonde persoon is met betrekking tot daardie inwoner ’n verbonde persoon is met 35
- betrekking tot daardie trust; en
- (ii) namate daardie buitelandse dividend nie verkry is nie vanaf ’n bedrag wat ingesluit word in die inkomste van of wat toegeskryf word as kapitaalwins aan—
- (aa) die inwoner wat die gevestigde reg verkry het tot die bedrag in 40
- subartikel (2A) bedoel; of
- (bb) ’n inwoner wat ’n verbonde persoon is in verband met die inwoner in item (aa) bedoel.”

(2) Subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van ’n jaar van aanslag wat op of na daardie datum begin. 45

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 en artikel 45 van Wet 17 van 2017

49. Artikel 25BB van die Inkomstebelastingwet, 1962, word hierby gewysig— 50

- (a) deur in subartikel (1) in die omskrywing van “kwalifiserende uitkering” paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) daardie jaar van aanslag is die eerste jaar van aanslag en ten minste 75 persent van die bruto inkomste ontvang deur of toegeval aan ’n maatskappy gedurende **[die]** daardie eerste jaar van aanslag wat die maatskappy kwalifiseer as ’n EIT of beheerde maatskappy uit huurinkomste bestaan; **[of]** en”; en 55

- (b) by the substitution in subsection (2A) for the words in paragraph (a) for the words following subparagraph (ii) of the following words:
- “so much of any amount of tax on income proved to be payable by that trust to the government of a country other than the Republic as is attributable to the interest of that REIT or controlled company in that trust, without any right of recovery of that tax by any person, other than a right of recovery in terms of any entitlement to carry back losses arising during any year of assessment, limited to the amount of taxable income that is attributable to those amounts, must be allowed to be deducted by that REIT or controlled company before taking into account any deduction in terms of subsection (2)(a).”

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

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

- (a) by the substitution in subsection (1) for the definition of “short-term insurance business” of the following definition:
- “**‘short-term insurance business’** means—
- (a) short-term insurance business as defined in the Short-term Insurance Act;
- (b) micro-insurance business as defined in section 1 of the Insurance Act; or
- (c) business conducted by a foreign reinsurer as contemplated in paragraph (c) of the definition of ‘short-term insurer’;”
- (b) by the substitution in subsection (1) for the definition of “short-term insurer” of the following definition:
- “**‘short-term insurer’** means—
- (a) a short-term insurer as defined in the Short-term Insurance Act;
- (b) a micro-insurer as defined in section 1 of the Insurance Act; or
- (c) a foreign reinsurer conducting insurance business through a branch in the Republic in terms of section 6 of the Insurance Act;”
- (c) by the substitution in subsection (1) for the definition of “short-term policy” of the following definition:
- “**‘short-term policy’** means—
- (a) a short-term policy as defined in the Short-term Insurance Act;
- (b) a policy issued by a micro-insurer as defined in section 1 of the Insurance Act; or
- (c) a policy issued by a foreign reinsurer as contemplated in paragraph (c) in the definition of ‘short-term insurer’;”
- (d) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “For the purpose of determining the taxable income derived during a year of assessment by any short-term insurer **[that is a resident]** from carrying on short-term insurance business—”; and
- (e) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- “Notwithstanding section 23(e), for the purpose of determining the taxable income derived during any year of assessment by any short-term insurer **[that is a resident]** from carrying on short-term insurance business, there shall be allowed as a deduction from the income of that short-term insurer an amount equal to the sum of liabilities on investment contracts relating to short-term insurance business in accordance with

- (b) deur in subartikel (2A) die woorde in paragraaf (a) wat op subparagraaf (ii) volg deur die volgende woorde te vervang:
- “moet soveel van enige bedrag van belasting op inkomste bewys om betaalbaar te wees deur daardie trust aan die regering van ’n land buiten die Republiek soos wat toeskryfbaar is aan die belang van daardie EIT of beheerde maatskappy in daardie trust, sonder enige reg van verhaling van daardie belasting deur enige persoon, behalwe ’n reg van verhaal ingevolge ’n reg om enige verliese wat gedurende enige jaar van aanslag ontstaan terug te dra, beperk tot die bedrag van belasbare inkomste wat aan daardie bedrae toeskryfbaar is, toegelaat word om afgetrek te word deur daardie EIT of beheerde maatskappy voor enige aftrekking ingevolge subartikel (2)(a) in ag geneem word;”.

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

50. (1) Artikel 28 van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) die omskrywing van “korttermynversekeringsbesigheid” deur die volgende omskrywing te vervang:
- “**‘korttermynversekeringsbesigheid’**—
- (a) korttermynversekeringsbesigheid soos omskryf in die Korttermynversekeringswet;
- (b) mikroversekeringsbesigheid soos omskryf in artikel 1 van die Versekeringswet; of
- (c) besigheid bedryf deur ’n buitelandse herversekeraar soos beoog in paragraaf (c) in die omskrywing van ‘korttermynversekeraar’;”;
- (b) deur in subartikel (1) die omskrywing van “korttermynversekeraar” deur die volgende omskrywing te vervang:
- “**‘korttermynversekeraar’**—
- (a) ’n korttermynversekeraar soos omskryf in die Korttermynversekeringswet;
- (b) ’n mikroversekeraar soos omskryf in artikel 1 van die Versekeringswet; of
- (c) buitelandse herversekeraar wat ’n versekeringsbesigheid bedryf deur ’n tak in die Republiek ingevolge artikel 6 van die Versekeringswet;”;
- (c) deur in subartikel (1) die omskrywing van “korttermynpolis” deur die volgende omskrywing te vervang:
- “**‘korttermynpolis’**—
- (a) ’n korttermynpolis soos omskryf in die Korttermynversekeringswet;
- (b) ’n polis uitgereik deur ’n korttermynpolis soos omskryf in die Korttermynversekeringswet; of
- (c) ’n polis uitgereik deur ’n buitelandse herversekeraar soos beoog in paragraaf (c) in die omskrywing van ‘korttermynversekeraar’;”;
- (d) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “By die bepaling van die belasbare inkomste wat gedurende ’n jaar van aanslag verkry word deur ’n korttermynversekeraar [**wat ’n inwoner is**] van die dryf van korttermynversekeringsbesigheid—”; en
- (e) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Ondanks artikel 23(e), vir die doel van die berekening van die belasbare inkomste verkry tydens enige jaar van aanslag deur enige korttermynversekeraar [**wat ’n inwoner is**] vanuit die voortsetting van korttermynversekeringsbesigheid, word daar toegelaat as ’n aftrekking van die

IFRS as reported by that short-term insurer in its audited annual financial statements, and amounts recognised as insurance liabilities, in accordance with IFRS by that short-term insurer in its audited annual financial statements, relating to—”.

(2) Subsection (1) is deemed to have come into operation on 1 July 2018 and applies in respect of years of assessment ending on or after that date. 5

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 and section 46 of Act 17 of 2017 10

51. Section 29A of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (15) for the proviso of the following proviso: 15

“: Provided that the reduction of negative liabilities recognised as an asset must **[only]** apply only where the positive liabilities reduced by the negative liabilities result in a net asset for that fund which is **[disclosed]** recognised for financial reporting purposes.”.

Amendment of section 30C of Act 58 of 1962, as inserted by section 49 of Act 43 of 2014 and amended by section 55 of Act 25 of 2015 20

52. (1) Section 30C of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1)(d) for subparagraph (vi) of the following subparagraph:

“(vi) the small business funding entity must **[during any]** within 12 months after the end of the relevant year of assessment distribute or incur the obligation to distribute at least 25 per cent of all amounts received or accrued in respect of assets held, other than any amount received or accrued in respect of the disposal of any of those assets, during that year of assessment;”.

(2) Subsection (1) comes into operation on 1 January 2019.

Amendment of section 37D of Act 58 of 1962, as inserted by section 53 of Act 43 of 2014 and amended by section 53 of Act 15 of 2016 30

53. Section 37D of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in the definition of “declared land” for paragraph (b) of the following paragraph:

“(b) land in respect of which an endorsement is effected to the title deed of that land that reflects the declaration contemplated in paragraph (a) and has a duration of at least 99 years.”;

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

“if that expenditure is not less than the lower of market value or municipal value of that declared land; or”;

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

“if the lower of market value of the declared land or municipal value of that declared land exceeds the expenditure contemplated in paragraph (a).”;

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

“(3) If a person retains a right of use of the declared land, the deduction to be allowed in terms of this section must be limited to an amount that bears to the amount determined as contemplated in subsection (2) the same ratio as the market value of the declared land subject to the right of use bears to the market value of the declared land had that declared land not been subject to that right of use.”.

inkomste van daardie korttermynversekeraar 'n bedrag gelykstaande aan 'n som van laste op beleggingskontrakte met betrekking tot korttermynversekeringsbesigheid in ooreenstemming met IFRS soos oor verslag gedoen deur daardie korttermynversekeraar in sy ouditeerde finansiële jaarstate, en bedrae erken as versekeringslaste, ingevolge IFRS deur daardie korttermynversekeraar in sy ouditeerde finansiële jaarstate, met betrekking tot—". 5

(2) Subartikel (1) word geag in werking te getree het op 1 Julie 2018 en is van toepassing ten opsigte van jare van aanslag wat eindig op of na daardie datum.

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 en artikel 46 van Wet 17 van 2017 10

51. Artikel 29A van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (15) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang: 20

“: Met dien verstande dat die vermindering van negatiewe verpligtinge erken as 'n bate [slegs] van toepassing is slegs waar die positiewe verpligtinge verminder deur die negatiewe verpligtinge die gevolg het van 'n netto bate vir daardie fonds wat [blootgelê] erken word vir doeleindes van finansiële verslagdoening.”.

Wysiging van artikel 30C van Wet 58 van 1962, soos ingevoeg deur artikel 49 van Wet 43 van 2014 en gewysig deur artikel 55 van Wet 25 van 2015 25

52. (1) Artikel 30C van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1)(d) subparagraaf (vi) deur die volgende subparagraaf te vervang:

“(vi) die kleinsake befondsingsentiteit [gedurende enige] binne 12 maande na die einde van die betrokke jaar van aanslag ten minste 25 persent van alle bedrae ontvang of toegeval ten opsigte van bates gehou moet uitkeer of die verpligting aangaan om dit uit te keer, buiten enige bedrag ontvang of toegeval ten opsigte van die beskikking van enige van daardie bates gedurende daardie jaar van aanslag;”.

(2) Subartikel (1) tree in werking op 1 Januarie 2019. 35

Wysiging van artikel 37D van Wet 58 van 1962, soos ingevoeg deur artikel 53 van Wet 43 van 2014 en gewysig deur artikel 53 van Wet 15 van 2016

53. Artikel 37D van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang: 40

“(b) grond ten opsigte waarvan 'n endossement aangebring is aan die titelakte van daardie grond wat die verklaring beoog in paragraaf (a) aandui en het 'n lewensduur van ten minste 99 jaar.”;

(b) deur in subartikel (2) die woorde wat op paragraaf (a) volg deur die volgende woorde te vervang:

“indien daardie uitgawes nie minder is as die laere van die markwaarde of munisipale waarde van daardie verklaarde grond nie; of”;

(c) deur in subartikel (2) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

“indien die laere van die markwaarde van die verklaarde grond of munisipale waarde van daardie verklaarde grond die uitgawes in paragraaf (a) oorskry.”;

(d) deur subartikel (3) in die Engelse teks deur die volgende subartikel te vervang: 50

“(3) If a person retains a right of use of the declared land, the deduction to be allowed in terms of this Artikel must be limited to an amount that bears to the amount determined as contemplated in subsection (2) the same ratio as the market value of the declared land subject to the right of use bears to the market value of the declared land had that declared land not been subject to that right of use.”. 55

Amendment of section 41 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 49 of Act 45 of 2003, section 32 of Act 32 of 2004, section 37 of Act 31 of 2005, section 28 of Act 20 of 2006, sections 32 and 103 of Act 8 of 2007, section 52 of Act 35 of 2007, section 25 of Act 3 of 2008, section 48 of Act 60 of 2008, section 47 of Act 17 of 2009, section 61 of Act 7 of 2010, section 67 of Act 24 of 2011, section 73 of Act 22 of 2012, section 90 of Act 31 of 2013, section 54 of Act 43 of 2014, section 61 of Act 25 of 2015, section 54 of Act 15 of 2016 and section 50 of Act 17 of 2017 5

54. (1) Section 41 of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection: 10
- “(2) The provisions of this Part must, subject to subsection (3), apply in respect of an asset-for-share transaction, a substitutive share-for-share transaction, an amalgamation transaction, an intra-group transaction, an unbundling transaction and a liquidation distribution as contemplated in sections 42, 43, 44, 45, 46 and 47, respectively, notwithstanding any provision to the contrary contained in the Act, other than sections 22B, 24BA, 25BB(4) and 103, Part IIA of Chapter III and paragraphs 11(1)(g) and 43A of the Eighth Schedule.”; and 15
- (b) by the substitution for subsection (2) of the following subsection: 20
- “(2) The provisions of this Part must, subject to subsection (3), apply in respect of an asset-for-share transaction, a substitutive share-for-share transaction, an amalgamation transaction, an intra-group transaction, an unbundling transaction and a liquidation distribution as contemplated in sections 42, 43, 44, 45, 46 and 47, respectively, notwithstanding any provision to the contrary contained in the Act, other than sections [22B, 24BA, 25BB(4) and 103, Part IIA of Chapter III and [paragraphs] paragraph 11(1)(g) [and 43A] of the Eighth Schedule.”. 25
- (2) Paragraph (a) of subsection (1) is deemed to have come into operation on 18 December 2017.
- (3) Paragraph (b) of subsection (1) comes into operation on 1 January 2019. 30

Amendment of section 42 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 50 of Act 45 of 2003, section 33 of Act 32 of 2004, section 38 of Act 31 of 2005, section 29 of Act 20 of 2006, section 33 of Act 8 of 2007, section 53 of Act 35 of 2007, section 26 of Act 3 of 2008, section 49 of Act 60 of 2008, section 48 of Act 17 of 2009, section 62 of Act 7 of 2010, section 68 of Act 24 of 2011, section 74 of Act 22 of 2012, section 91 of Act 31 of 2013, section 55 of Act 43 of 2014, section 62 of Act 25 of 2015 and section 51 of Act 17 of 2017 35

55. (1) Section 42 of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution in subsection (3)(a) for the words preceding subparagraph (i) of the following words: 40
- “an asset that constitutes an allowance asset in that person’s hands to a company as part of an asset-for-share transaction and that company acquires that asset as an allowance asset or that company is a REIT or a controlled company, as defined in section 25BB(1), that acquires that asset as a capital asset or an allowance asset—”; 45
- (b) by the substitution in subsection (3)(a)(ii) for item (bb) of the following item: 50
- “(bb) that is to be recovered or recouped by or included in the income of that company [, other than a company that is a REIT or a controlled company as defined in section 25BB(1),] in respect of that asset;”; 55
- (c) by the substitution in subsection (3A) for the words preceding paragraph (a) of the following words:
- “For the purposes of the definition of ‘contributed tax capital’, if an asset is disposed of by a person to a company in terms of an asset-for-share transaction contemplated in paragraph (a) of the definition of ‘asset-for-share transaction’ and that person at the close of the day on which that asset is disposed of holds a qualifying interest in that company as contemplated in paragraph [(a)(iii)] (c) of the definition of ‘qualifying

Wysiging van artikel 41 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 49 van Wet 45 van 2003, artikel 32 van Wet 32 van 2004, artikel 37 van Wet 31 van 2005, artikel 28 van Wet 20 van 2006, artikels 32 en 103 van Wet 8 van 2007, artikel 52 van Wet 35 van 2007, artikel 25 van Wet 3 van 2008, artikel 48 van Wet 60 van 2008, artikel 47 van Wet 17 van 2009, artikel 61 van Wet 7 van 2010, artikel 67 van Wet 24 van 2011, artikel 73 van Wet 22 van 2012, artikel 90 van Wet 31 van 2013, artikel 54 van Wet 43 van 2014, artikel 61 van Wet 25 van 2015, artikel 54 van Wet 15 van 2016 en artikel 50 van Wet 17 van 2017

54. (1) Artikel 41 van die Inkomstebelastingwet, 1962, word hierby gewysig— 10

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

“(2) Die bepalings van hierdie Deel moet, behoudens subartikel (3), toegepas word ten opsigte van ’n bate-vir-aandeel-transaksie, ’n vervangende aandeel-vir-aandeel-transaksie, ’n amalgamasietransaksie, ’n intragroeptransaksie, ’n ontbondelingstransaksie en ’n likwidasië-uitkering soos onderskeidelik beoog in artikels 42, 43, 44, 45, 46 en 47, ondanks enige andersluidende bepaling vervat in hierdie Wet, behalwe artikels 22B, 24BA, 25BB(4) en 103, Deel IIA van Hoofstuk III en paragrawe 11(1)(g) en 43A van die Agtste Bylae.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang: 20

“(2) Die bepalings van hierdie Deel moet, behoudens subartikel (3), toegepas word ten opsigte van ’n bate-vir-aandeel-transaksie, ’n vervangende aandeel-vir-aandeel-transaksie, ’n amalgamasietransaksie, ’n intragroeptransaksie, ’n ontbondelingstransaksie en ’n likwidasië-uitkering soos onderskeidelik beoog in artikels 42, 43, 44, 45, 46 en 47, ondanks enige andersluidende bepaling vervat in hierdie Wet, behalwe artikels [22B,] 24BA, 25BB(4) en 103, Deel IIA van Hoofstuk III en [paragrawe] paragraaf 11(1)(g) [en 43A] van die Agtste Bylae.”.

(2) Paragraaf (a) van subartikel (1) word geag in werking te getree het op 18 Desember 2017. 30

(3) Paragraaf (b) van subartikel (1) tree in werking op 1 Januarie 2019.

Wysiging van artikel 42 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 50 van Wet 45 van 2003, artikel 33 van Wet 32 van 2004, artikel 38 van Wet 31 van 2005, artikel 29 van Wet 20 van 2006, artikel 33 van Wet 8 van 2007, artikel 53 van Wet 35 van 2007, artikel 26 van Wet 3 van 2008, artikel 49 van Wet 60 van 2008, artikel 48 van Wet 17 van 2009, artikel 62 van Wet 7 van 2010, artikel 68 van Wet 24 van 2011, artikel 74 van Wet 22 van 2012, artikel 91 van Wet 31 van 2013, artikel 55 van Wet 43 van 2014, artikel 62 van Wet 25 van 2015 en artikel 51 van Wet 17 van 2017

55. (1) Artikel 42 van die Inkomstebelastingwet, 1962, word hierby gewysig— 40

(a) deur in subartikel (3)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“ ’n bate wat ’n afskryfbare bate in daardie persoon se hande uitmaak aan ’n maatskappy as deel van ’n bate-vir-aandeel transaksie en daardie maatskappy daardie bate as ’n afskryfbare bate verkry of daardie maatskappy is ’n EIT of beheerde maatskappy, soos omskryf in artikel 25BB(1), wat daardie bate as ’n kapitale bate of afskryfbare bate verkry—”;

(b) deur in subartikel (3)(a)(ii) item (bb) deur die volgende item te vervang:

“(bb) wat verhaal of vergoed of ingesluit moet word by die inkomste van die maatskappy[, **buiten ’n maatskappy wat ’n EIT of beheerde maatskappy is, soos omskryf in artikel 25BB(1),**] ten opsigte van daardie bate;”;

(c) deur in subartikel (3A) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 55

“By die toepassing van die omskrywing van ‘toegevoegde belastingkapitaal’, indien oor ’n bate beskik word deur ’n persoon aan ’n maatskappy ingevolge ’n bate-vir-aandeel-transaksie beoog in paragraaf (a) van die omskrywing van ‘bate-vir-aandeel-transaksie’ en daardie persoon teen die einde van die dag waarop oor daardie bate beskik word 60

interest', or is a natural person who will be engaged on a full-time basis in the business of that company or a controlled group company in relation to that company of rendering a service, the amount received by or accrued to the company for the issue of the shares is deemed to be equal to—"; and

(d) by the substitution in subsection (8) for paragraph (B) of the following paragraph:

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

(2) Paragraphs (a) and (b) of subsection (1) are deemed to have come into operation on 18 December 2017.

Amendment of section 44 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 52 of Act 45 of 2003, section 40 of Act 31 of 2005, section 34 of Act 8 of 2007, section 55 of Act 35 of 2007, section 27 of Act 3 of 2008, section 50 of Act 60 of 2008, section 49 of Act 17 of 2009, section 63 of Act 7 of 2010, section 69 of Act 24 of 2011, section 76 of Act 22 of 2012, section 93 of Act 31 of 2013, section 57 of Act 43 of 2014, section 63 of Act 25 of 2015, section 55 of Act 15 of 2016 and section 52 of Act 17 of 2017

56. (1) Section 44 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (3)(a) for the words preceding subparagraph (i) of the following words:

“an asset that constitutes an allowance asset **[in]** for that amalgamated **[company's hands]** company to a resultant company as part of an amalgamation transaction and that resultant company acquires that asset as an allowance asset or that resultant company is a REIT or a controlled company, as defined in section 25BB (1), that acquires that asset as a capital asset or an allowance asset—”;

(b) by the substitution in subsection (3)(a)(ii) for item (bb) of the following item:

“(bb) that is to be recovered or recouped by or included in the income of that resultant company **[, other than a resultant company that is a REIT or a controlled company, as defined in section 25BB(1),]** in respect of that asset;”;

(c) by the deletion of subsection (9).

(2) Paragraphs (a) and (b) of subsection (1) are deemed to have come into operation on 18 December 2017.

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 and section 53 of Act 17 of 2017

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

(a) by the substitution in subsection (3)(a) for the words preceding subparagraph (i) of the following words:

“an asset that constitutes an allowance asset **[in]** for that transferor **[company's hands]** company to a transferee company in terms of an intra-group transaction contemplated in paragraph (a) of the definition of ‘intra-group transaction’ and that transferee company acquires that asset as an allowance asset or that transferee company is a REIT or a controlled company, as defined in section 25BB (1), that acquires that asset as a capital asset or an allowance asset—”;

'n kwalifiserende belang hou in daardie maatskappy soos beoog in paragraaf [(a)(iii)] (c) van die omskrywing van 'kwalifiserende belang', of 'n natuurlike persoon is wat voltyds betrokke sal wees by die besigheid van daardie maatskappy of 'n beheerde groepmaatskappy met betrekking tot daardie maatskappy om 'n diens te lewer, word die bedrag ontvang deur of toegeval aan die maatskappy vir die uitreik van aandele geag gelykstaande te wees aan—"; en

- (d) deur in subartikel (8) paragraaf (B) deur die volgende paragraaf te vervang:
 “(B) indien daardie ekwiteitsaandeel as handelsvoorraad gehou word, hanteer as **[inkomste]** 'n bedrag wat in daardie persoon se inkomste ingesluit moet word vir die jaar van aanslag waartydens oor daardie ekwiteitsaandeel deur daardie persoon beskik word.”.

(2) Paragrafe (a) en (b) van subartikel (1) word geag in werking te getree het op 18 Desember 2017.

Wysiging van artikel 44 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 52 van Wet 45 van 2003, artikel 40 van Wet 31 van 2005, artikel 34 van Wet 8 van 2007, artikel 55 van Wet 35 van 2007, artikel 27 van Wet 3 van 2008, artikel 50 van Wet 60 van 2008, artikel 49 van Wet 17 van 2009, artikel 63 van Wet 7 van 2010, artikel 69 van Wet 24 van 2011, artikel 76 van Wet 22 van 2012, artikel 93 van Wet 31 van 2013, artikel 57 van Wet 43 van 2014, artikel 63 van Wet 25 van 2015, artikel 55 van Wet 15 van 2016 en artikel 52 van Wet 17 van 2017

56. (1) Artikel 44 van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur in subartikel (3)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“ 'n bate wat 'n afskryfbare bate **[in]** vir daardie geamalgameerde maatskappy **[se hande]** uitmaak, beskik aan 'n gevolglike maatskappy as deel van 'n amalgamasietransaksie en daardie gevolglike maatskappy daardie bate as 'n afskryfbare bate verkry of daardie gevolglike maatskappy is 'n EIT of beheerde maatskappy, soos omskryf in artikel 25BB(1), wat daardie bate as 'n kapitale bate of 'n afskryfbare bate verkry—”;

- (b) deur in subartikel (3)(a)(ii) item (bb) deur die volgende item te vervang:
 “(bb) wat verhaal of vergoed of ingesluit moet word by die inkomste van daardie gevolglike maatskappy[, **buiten 'n gevolglike maatskappy wat 'n EIT of beheerde maatskappy is, soos omskryf in artikel 25BB(1), ten opsigte van daardie bate**];”;

(c) deur subartikel (9) te skrap.

(2) Paragrafe (a) and (b) van subartikel (1) word geag in werking te getree het op 18 Desember 2017

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 en artikel 53 van Wet 17 van 2017

57. (1) Artikel 45 van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur in subartikel (3)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“ 'n bate wat 'n afskryfbare bate **[in]** vir daardie oordraggewende maatskappy **[se hande]** uitmaak aan 'n oordragnemende maatskappy ingevolge 'n intragroeptransaksie beoog in paragraaf (a) van die omskrywing van 'intragroeptransaksie' oordra en daardie oordragnemende maatskappy daardie bate as 'n afskryfbare bate verkry of daardie oordragnemende maatskappy is 'n EIT of beheerde maatskappy, soos omskryf in artikel 25BB (1), wat daardie bate verkry as kapitale bate of afskryfbare bate—”;

- (b) by the substitution in subsection (3)(a)(ii) for item (bb) of the following item:
 “(bb) that is to be recovered or recouped by or included in the income of that transferee company in respect of that asset **[other than a transferee company that is a REIT or a controlled company, as defined in section 25BB(1)]**.” 5

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

Amendment of section 47 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 55 of Act 45 of 2003, section 37 of Act 32 of 2004, section 43 of Act 31 of 2005, section 31 of Act 20 of 2006, section 37 of Act 8 of 2007, section 58 of Act 35 of 2007, section 31 of Act 3 of 2008, section 53 of Act 60 of 2008, section 50 of Act 17 of 2009, section 66 of Act 7 of 2010, section 72 of Act 24 of 2011, section 79 of Act 22 of 2012, section 96 of Act 31 of 2013, section 59 of Act 43 of 2012, section 66 of Act 25 of 2015 and section 55 of Act 17 of 2017 10

58. (1) Section 47 of the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subsection (3)(a) for the words preceding subparagraph (i) of the following words: 15

“an asset that constitutes an allowance asset **[in] for** that liquidating **[company’s hands] company** to its holding company in terms of a liquidation distribution and that holding company acquires that asset as an allowance asset **or that holding company is a REIT or a controlled company, as defined in section 25BB(1), that acquires that asset as a capital asset or allowance asset—**”; and 20

- (b) by the substitution in subsection (3)(a)(ii) for item (bb) of the following item:
 “(bb) that is to be recovered or recouped by or included in the income of that holding company **[, other than a holding company that is a REIT or a controlled company, as defined in section 25BB(1),]** in respect of that asset; or”. 25

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

Amendment of section 50D of Act 58 of 1962, as inserted by section 98 of Act 31 of 2013, amended by section 71 of Act 25 of 2015 and section 56 of Act 15 of 2016 30

59. Section 50D of the Income Tax Act, 1962, is hereby amended by the deletion in subsection (1) at the end of paragraph (c) of the word “or”, the substitution at the end of paragraph (d) for the full stop of the expression “; or” and the addition of the following paragraph:

- “(e) included in the income of a resident as is attributable to a donation, settlement or other disposition made by a resident as contemplated in section 7(8)(a).” 35

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 and section 73 of Act 25 of 2015

60. (1) Section 64D of the Income Tax Act, 1962, is hereby amended— 40

- (a) 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), that is—”; and 45

- (b) by the deletion in subsection (1) of the definitions of “dividend cycle” and “STC credit”.

(2) Paragraph (a) of subsection (1) comes into operation on 1 January 2019 and applies in respect of years of assessment commencing on or after that date.

(b) deur in subartikel (3)(a)(ii) item (bb) deur die volgende item te vervang:

“(bb) wat verhaal of vergoed of ingesluit moet word by die inkomste van die oordragnemende maatskappy ten opsigte van daardie bate [buiten ’n oordragnemende maatskappy wat ’n EIT of beheerde maatskappy is, soos omskryf in artikel 25BB(1)];”.

(2) Subartikel (1) word geag in werking te getree het op 18 Desember 2017.

Wysiging van artikel 47 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 55 van Wet 45 van 2003, artikel 37 van Wet 32 van 2004, artikel 43 van Wet 31 van 2005, artikel 31 van Wet 20 van 2006, artikel 37 van Wet 8 van 2007, artikel 58 van Wet 35 van 2007, artikel 31 van Wet 3 van 2008, artikel 53 van Wet 60 van 2008, artikel 50 van Wet 17 van 2009, artikel 66 van Wet 7 van 2010, artikel 72 van Wet 24 van 2011, artikel 79 van Wet 22 van 2012, artikel 96 van Wet 31 van 2013, artikel 59 van Wet 43 van 2012, artikel 66 van Wet 25 van 2015 en artikel 55 van Wet 17 van 2017

58. (1) Artikel 47 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (3)(a) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“ ’n bate wat ’n afskryfbare bate [in die hande van] vir daardie likwiderende maatskappy uitmaak, aan sy houermaatskappy beskik ingevolge ’n likwidasië-uitkering en daardie houermaatskappy daardie bate as ’n afskryfbare bate verkry of daardie houermaatskappy is ’n EIT of beheerde maatskappy, soos omskryf in artikel 25BB(1), wat daardie bate verkry as kapitale bate of afskryfbare bate—”; en

(b) deur in subartikel (3)(a)(ii) item (bb) deur die volgende item te vervang:

“(bb) wat ten opsigte van daardie bate verhaal of vergoed of ingesluit moet word by die inkomste van daardie houermaatskappy [buiten ’n houermaatskappy wat ’n EIT of beheerde maatskappy is, soos omskryf in artikel 25BB(1)]; of”.

(2) Subartikel (1) word geag in werking te getree het op 18 Desember 2017.

Wysiging van artikel 50D van Wet 58 van 1962, soos ingevoeg deur artikel 98 van Wet 31 van 2013 en gewysig deur artikel 71 van Wet 25 van 2015 en artikel 56 van Wet 15 van 2016

59. Artikel 50D van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) aan die einde van paragraaf (c) die woord “of” te skrap, deur aan die einde van paragraaf (d) die punt deur die uitdrukking “; of” te vervang en deur die volgende paragraaf by te voeg:

“(e) ingesluit in die inkomste van die inwoner as wat toeskryfbaar is aan ’n skenking, oormaking of ander beskikking gemaak deur ’n inwoner soos beoog in artikel 7(8)(a).”.

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 en artikel 73 van Wet 25 van 2015

60. (1) Artikel 64D van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) 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), wat—”; en

(b) deur in subartikel (1) die omskrywings van “dividendsiklus” en “SBM krediet” te skrap.

(2) Paragraaf (a) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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

61. (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
- “For the purposes of this Part, where—
- (a) a person **[that is]** contemplated in section 64F(1) acquires the right to a dividend in respect of a share, including a dividend that has not yet been declared or has not yet accrued, by way of cession; and 10
- (b) **an amount in respect of that dividend [is either announced or declared before that acquisition]** is received by or accrues to the person who acquired that right, the person ceding that right is deemed to be the beneficial owner of that dividend.”; 15
- (b) by the substitution in subsection (2)(a) for the words following subparagraph (xiv) of the following words: 20
- “**[borrows]** holds a share in a listed company that was borrowed from another person or acquired 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: 25
- “(b) a dividend in respect of that share is received by or accrues to that person.”;
- (d) by the substitution in subsection (2) for the words following paragraph (b) of the following words: 30
- “any amount paid by that person to that other person not exceeding that dividend in respect of that **[borrowed]** share is deemed to be a dividend paid by that person for the benefit of that other person.”;
- (e) by the substitution in subsection (3) for subparagraph (a) of the following subparagraph: 35
- “(a) a person that is contemplated in section 64F (1) acquires a share in a listed company (or any right in respect of that share) from another person **[after a dividend is announced or declared in respect of that share]**; and”;
- (f) by the deletion in subsection (3) at the end of paragraph (a) of the word “and”, the substitution for the comma at the end of paragraph (b) of the expression “; and” and the addition after paragraph (b) of the following paragraph: 40
- “(c) a dividend in respect of that share is received by or accrues to that person.”.
- (2) Subsection (1) comes into operation on 1 January 2019 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 64F of Act 58 of 1962, as substituted by section 53 of Act 17 of 2009 and amended by sections 72 and 148 of Act 7 of 2010, section 78 of Act 24 of 2011, section 86 of Act 22 of 2012, section 104 of Act 31 of 2013 and section 75 of Act 25 of 2015

62. Section 64F of the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution for the heading of the following heading: 50
- “**Exemption from tax in respect of dividends other than dividends comprising distribution of assets in specie**”;
- (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 55
- “Any dividend is exempt from the dividends tax to the extent that it does not consist of a dividend that comprises a distribution of an asset *in specie* if the beneficial owner is—”;
- (c) by the deletion in subsection (1) of paragraph (k); and
- (d) by the substitution for subsection (2) of the following subsection: 60
- “(2) Any dividend paid by a REIT or a controlled company, as defined in section 25BB, and received or accrued before 1 January 2014 is exempt from the dividends tax to the extent that the dividend does not consist of a dividend that comprises a distribution of an asset *in specie*.”.

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 en artikel 74 van Wet 25 van 2015

61. (1) Artikel 64EB van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan 5
deur die volgende woorde te vervang:
“(1) By die toepassing van hierdie Deel, waar—
- (a) ’n persoon in artikel 64F(1) beoog die reg op ’n dividend ten opsigte 10
van ’n aandeel, insluitende ’n dividend wat nog nie verklaar is nie of
nog nie toegeval het nie, verkry by wyse van sedering ten opsigte
van ’n aandeel; en
- (b) ’n bedrag ten opsigte van daardie dividend **[of aangekondig word 15**
of verklaar word voor daardie verkryging] ontvang is deur of
toegeval het aan daardie persoon wat daardie reg verkry het,
word die 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 20
volgende woorde te vervang:
“is ’n aandeel in ’n genoteerde maatskappy wat van ’n ander persoon
[leen] geleen was of verkry is ingevolge kollaterale ooreenkoms 20
aangegaan met ’n ander persoon; en”;
- (c) deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang:
“**(b) ’n dividend ten opsigte van daardie aandeel is ontvang deur of** 25
toegeval aan daardie persoon,”;
- (d) deur in subartikel (2) die woorde wat op paragraaf (b) volg deur die volgende 25
woorde te vervang:
“enige bedrag betaal deur daardie persoon aan daardie ander persoon
wat nie daardie dividend te bowe gaan nie ten opsigte van daardie
[geleende] aandeel word geag ’n dividend te wees betaal deur daardie 30
persoon ten bate van daardie ander persoon.”;
- (e) deur in subartikel (3) subparagraaf (a) deur die volgende subparagraaf te 30
vervang:
“(a) ’n persoon beoog in artikel 64F **[is]** ’n aandeel in ’n genoteerde
maatskappy (of ’n reg ten opsigte van daardie aandeel) vanaf ’n
ander persoon verkry **[nadat ’n dividend aangekondig is of** 35
verklaar is ten opsigte van daardie aandeel]; en”; en
- (f) deur in subartikel (3) aan die einde van paragraaf (a) die woord “en” te skrap 40
deur die komma aan die einde van paragraaf (b) deur die uitdrukking “; en”
te vervang, en deur na paragraaf (b) die volgende paragraaf by te voeg:
“**(c) ’n dividend ten opsigte van daardie aandeel is ontvang deur of val** 40
toe aan daardie persoon,”.
- (2) Subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte
van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 64F van Wet 58 van 1962, soos vervang deur artikel 53 van 45
Wet 17 van 2009 en gewysig deur artikels 72 en 148 van Wet 7 van 2010, artikel 78
van Wet 24 van 2011, artikel 86 van Wet 22 van 2012, artikel 104 van Wet 31 van
2013 en artikel 75 van Wet 25 van 2015

62. Artikel 64F van die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur die opskrif deur die volgende opskrif te vervang:
“**Vrystelling van belasting ten opsigte van dividende behalwe** 50
dividende wat uitkering van bates in specie uitmaak”;
- (b) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die 55
volgende woorde te vervang:
“Enige dividend namate dit nie ’n uitkering van ’n dividend wat die
uitkering van ’n bate in specie uitmaak nie word van die dividend-
belasting vrygestel indien die uiteindelik geregtigde—”;
- (c) deur in subartikel (1) paragraaf (k) te skrap; en
- (d) deur subartikel (2) deur die volgende subartikel te vervang:
“(2) Enige dividend betaal deur ’n EIT of ’n beheerde maatskappy,
soos in artikel 25BB omskryf, en ontvang of toegeval voor 1 Januarie 60
2014 word vrygestel van die dividendbelasting namate die dividend nie
bestaan uit ’n dividend wat die uitkering van ’n bate in specie uitmaak
.”

Repeal of section 64J of Act 58 of 1962

63. Section 64J of the Income Tax Act, 1962, is hereby repealed.

Amendment of paragraph 12 of First Schedule to Act 58 of 1962, as amended by section 27 of Act 55 of 1966, section 42 of Act 89 of 1969, section 24 of Act 113 of 1977, section 24 of Act 104 of 1980, section 27 of Act 96 of 1981, section 28 of Act 91 of 1982, section 39 of Act 90 of 1988, section 45 of Act 113 of 1993, section 80 of Act 45 of 2003, section 2 of Act 8 of 2007 and section 57 of Act 60 of 2008

64. Paragraph 12 of the First Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (3) of the following subparagraph:

“(3) The amount by which the total expenditure incurred by any farmer during any year of assessment in respect of the matters referred to in items (c) to [(j)] (i), inclusive, of subparagraph (1) exceeds the taxable income (as calculated before allowing the deduction of such expenditure and before the inclusion as hereinafter provided of the said amount in the farmer’s income) derived by him from farming operations during that year of assessment shall be included in his income from such operations for that year and be carried forward and be deemed for the purposes of subparagraph (1) to be expenditure which has been incurred by him during the next succeeding year of assessment in respect of the matters referred to in the said items.”.

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

65. (1) Paragraph 6 of the Second Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (1)(a)(i) for sub-subitem (dd) of the following sub-subitem:

“(dd) provident preservation fund into any pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; and”;

(b) by the substitution in subparagraph (1)(a)(ii) for sub-subitem (dd) of the following sub-subitem:

“(dd) provident preservation fund into any pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; and”;

(c) by the substitution in subparagraph (1)(b)(v) for sub-subitem (bb) of the following sub-subitem:

“(bb) transferred into a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund directly from a fund contemplated in [subitem] sub-subitem (aa) for the person’s benefit, less the amount represented by symbol A when applying that formula.”.

(2) Paragraphs (a) and (b) of subsection (1) come into operation on 1 March 2019.

(3) Paragraph (c) of subsection (1) is deemed to have come into operation on 1 March 2018.

Amendment of paragraph 6A of Second Schedule to Act 58 of 1962, as inserted by section 65 of Act 17 of 2017

66. (1) Paragraph 6A of the Second Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraphs (a) and (b) of the following subparagraphs respectively:

“(a) pension fund into a pension preservation fund or a retirement annuity fund; or

Herroeping van artikel 64J van Wet 58 van 1962

63. Artikel 64J van die Inkomstebelastingwet, 1962, word hierby herroep.

Wysiging van paragraaf 12 van Eerste Bylae by Wet 58 van 1962, soos gewysig deur artikel 27 van Wet 55 van 1966, artikel 42 van Wet 89 van 1969, artikel 24 van Wet 113 van 1977, artikel 24 van Wet 104 van 1980, artikel 27 van Wet 96 van 1981, artikel 28 van Wet 91 van 1982, artikel 39 van Wet 90 van 1988, artikel 45 van Wet 113 van 1993, artikel 80 van Wet 45 van 2003, artikel 2 van Wet 8 van 2007 en artikel 57 van Wet 60 van 2008

64. Paragraaf 12 van die Eerste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (3) deur die volgende subparagraaf te vervang:

“(3) Die bedrag waarmee die totale onkoste gedurende ’n jaar van aanslag ten opsigte van die in items (c) tot en met [(j)] (i) van subparagraaf (1) bedoelde aangeleenthede deur ’n boer aangegaan, die belasbare inkomste (soos bereken voor die toestaan van die aftrekking van bedoelde onkoste en voor die insluiting soos hierna bepaal van bedoelde bedrag in die boer se inkomste) gedurende daardie jaar van aanslag deur hom uit boerdery verkry, te bowe gaan, word ingesluit by sy inkomste uit bedoelde boerdery vir daardie jaar en oorgedra en by die toepassing van subparagraaf (1) geag onkoste te wees wat gedurende die eersvolgende jaar van aanslag deur hom aangegaan is ten opsigte van die in genoemde items bedoelde aangeleenthede.”.

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

65. (1) Paragraaf 6 van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf (1)(a)(i) sub-subitem (dd) deur die volgende sub-subitem te vervang:

“(dd) pensioenbewaringsfonds in enige pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds; en”;

(b) deur in subparagraaf (1)(a)(ii) sub-subitem (dd) deur die volgende sub-subitem te vervang:

“(dd) pensioenbewaringsfonds in enige pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds; en”;

(c) deur in subparagraaf (1)(b)(v) sub-subitem (bb) deur die volgende sub-subitem te vervang:

“(bb) oorgedra is na ’n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds vir die persoon se voordeel deur ’n openbare sektor fonds direk vanaf ’n fonds beoog in [subitem] sub-subitem (i) vir die persoon se voordeel.”.

(2) Paragrafe (a) en (b) van subartikel (1) tree in werking op 1 Maart 2019.

(3) Paragraaf (c) van subartikel (1) word geag in werking te getree het op 1 Maart 2018.

Wysiging van paragraaf 6A van Tweede Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 65 van Wet 17 van 2017

66. (1) Paragraaf 6A van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subparagrafe (a) en (b) onderskeidelik deur die volgende subparagraaf te vervang:

“(a) pensioenfonds in ’n pensioenbewaringsfonds of ’n uittredingannuïteitsfonds; of

- (b) provident fund into a pension preservation fund, provident preservation fund or a retirement annuity fund[.]”;
- (b) by the substitution for the words following subparagraph (b) of the following words:
- “into **[any]** a retirement annuity fund.”; and 5
- (c) by the deletion of the words following subparagraph (b).
- (2) Paragraphs (a) and (c) of subsection (1) come into operation on 1 March 2019 and apply 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 1 March 2018. 10

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

67. (1) Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (4) for item (bA) of the following item:
- “(bA) any contribution made or amount paid by the employer to any retirement annuity fund on behalf of or for the benefit of the employee, but limited to the deduction to which the employee is entitled under section 11F having regard to the remuneration and the period in respect of which it is payable;”.
- (2) Subsection (1) is deemed to have come into operation on 1 March 2018. 25 30

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

68. Paragraph 1 of the Sixth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1) in the definition of “investment income” for paragraph (i) of the following paragraph: 35
- “(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”.

Amendment of paragraph 2 of Seventh Schedule to Act 58 of 1962, as inserted by section 46 of Act 121 of 1984 and amended by section 27 of Act 96 of 1985, section 56 of Act 101 of 1990, section 49 of Act 28 of 1997, section 54 of Act 30 of 1998, section 50 of Act 32 of 2004, section 55 of Act 31 of 2005, section 64 of Act 17 of 2009, section 102 of Act 24 of 2011, section 100 of Act 22 of 2012, section 118 of Act 31 of 2013 and section 94 of Act 25 of 2015 40 45

69. (1) Paragraph 2 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended—
- (a) by the substitution for subparagraph (l) of the following paragraph and proviso:
- “(l) the employer has made any contribution for the benefit of any employee to any pension fund[.] or provident fund [or retirement annuity fund]: Provided that this subparagraph shall not apply to the transfer of any surplus as contemplated in section 15E(1)(b), (d) and (e) of the Pension Funds Act.”; and 50

- (b) voorsorgfonds in 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds [.]”;
- (b) deur in die Engelse teks die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:
- “into [any] a retirement annuity fund.”; en 5
- (c) deur die woorde wat op subparagraaf (b) volg te skrap.
- (2) Paragrafe (a) en (c) van subartikel (1) tree in werking op 1 Maart 2019 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 1 Maart 2018 in werking te getree het. 10

Wysiging van paragraaf 2 van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 30 van Wet 103 van 1976, artikel 28 van Wet 113 van 1977, artikel 29 van Wet 104 van 1980, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 45 van Wet 101 van 1990, artikel 45 van Wet 129 van 1991, artikel 38 van Wet 21 van 1995, artikel 45 van Wet 28 van 1997, artikel 53 van Wet 30 van 2000, artikel 54 van Wet 59 van 2000, artikel 20 van Wet 19 van 2001, artikel 21 van Wet 16 van 2004, artikel 50 van Wet 31 van 2005, artikel 40 van Wet 20 van 2006, artikel 55 van Wet 8 van 2007, artikel 65 van Wet 35 van 2007, artikel 18 van Wet 18 van 2009, artikel 94 van Wet 24 van 2011, artikel 19 van Wet 21 van 2012, artikel 13 van Wet 26 van 2013, artikel 8 van Wet 39 van 2013, artikel 68 van Wet 44 van 2014 en artikel 6 van Wet 16 van 2016 15 20

67. (1) Paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (4) item (bA) deur die volgende item te vervang: 25
- “(bA) enige bydrae of bedrag deur die werkgewer aan enige uittredingannuïteitsfonds namens of tot die voordeel van die werknemer gemaak of betaal, maar beperk tot die aftrekking waartoe die werknemer ingevolge artikel 11F geregtig is met inagneming van die besoldiging en die tydperk ten opsigte waarvan dit betaalbaar is;”.
- (2) Subartikel (1) word geag op 1 Maart 2018 in werking te getree het. 30

Wysiging van paragraaf 1 van Sesde Bylae by Wet 58 van 1962, soos gewysig deur artikel 85 van Wet 7 van 2010, artikel 88 van Wet 25 van 2015 en artikel 64 van Wet 15 van 2016

68. Paragraaf 1 van die Sesde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (1) in die omskrywing van “beleggingsinkomste” paragraaf (i) deur die volgende paragraaf te vervang: 35
- “(i) inkomste in die vorm van jaargelde, dividende, buitelandse dividende, rente, huur verkry ten opsigte van onroerende eiendom, tantième, of inkomste van 'n soortgelyke aard; en”.
- 40

Wysiging van paragraaf 2 van Sewende Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 46 van Wet 121 van 1984 en gewysig deur artikel 27 van Wet 96 van 1985, artikel 56 van Wet 101 van 1990, artikel 49 van Wet 28 van 1997, artikel 54 van Wet 30 van 1998, artikel 50 van Wet 32 van 2004, artikel 55 van Wet 31 van 2005, artikel 64 van Wet 17 van 2009, artikel 102 van Wet 24 van 2011, artikel 100 van Wet 22 van 2012, artikel 118 van Wet 31 van 2013 en artikel 94 van Wet 25 van 2015 45

69. (1) Paragraaf 2 van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—
- (a) deur subparagraaf (l) deur die volgende paragraaf en voorbehoudsbepaling te vervang: 50
- “(l) die werkgewer enige bydrae ten behoeve van of namens enige werknemer aan enige pensioenfonds of voorsorgfonds [of uittredingannuïteitsfonds] gemaak het. Met dien verstande dat hierdie subparagraaf nie van toepassing is nie op die oordrag van enige oorskot soos beoog in artikel 15E(1)(b), (d) en (e) van die Wet op Pensioenfondse.”; en 55

(b) by the deletion at the end of subparagraph (k) of the word “or”, the substitution after subparagraph (l) for the full stop of the expression “or;” and the addition of the following subparagraph:

“(m) the employer has made any contribution for the benefit of any employee to any bargaining council established under section 27 of the Labour Relations Act, 1995 (Act No. 66 of 1995), in respect of a scheme or fund as contemplated in section 28(1)(g) of that Act, other than any payment to a pension fund or provident fund as contemplated in subparagraph (l).”

(2) Paragraph (a) of 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) Paragraph (b) of subsection (1) comes into operation on 1 March 2019 and applies in respect of years of assessment commencing on or after that date.

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, and section 98 of Act 25 of 2015

70. (1) Paragraph 11 of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (4) after item (b) for the full stop of a semi-colon and the addition of the following item:

“(c) a debt owed to his or her employer in consequence of a loan by that employer to that employee as does not exceed the amount of R450 000 if—

- (i) the debt was assumed for the purposes of acquiring immovable property by the employee;
- (ii) the market value of the immovable property acquired does not exceed R450 000 in relation to the year of assessment during which the property is acquired;
- (iii) the remuneration proxy of the employee does not exceed R250 000 in relation to the year of assessment during which the loan is granted; and
- (iv) the employee is not a connected person in relation to the employer.”

(2) Subsection (1) comes into operation on 1 March 2019 and applies in respect of years of assessment commencing on or after that date.

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

71. (1) Paragraph 12D of the Seventh Schedule to the Income Tax Act, 1962, is hereby amended by the deletion in subparagraph (4) of the word “or” at the end of item (b) and the addition of the following items:

“(c) where an error occurred in calculating the fund member category factor contemplated in subparagraph (5)(a), a corrected contribution certificate must be supplied to the employer and that corrected certificate will have effect from the first day of the month following the month during which that corrected certificate was received; or

(d) where the fund member category factor changed during the year of assessment, the contribution certificate must be supplied to the employer no later than one month after the day on which those changes become effective.”

(2) Subsection (1) is deemed to have come into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date.

- (b) deur aan die einde van subparagraaf (k) die woord “of” te skrap, deur na subparagraaf (l) die punt deur die uitdrukking “; of” te vervang en deur die volgende subparagraaf by te voeg:

“(m) die werkgewer enige bydrae gemaak het ten behoeve van enige werknemer aan enige bedingingskamer wat gestig is kragtens artikel 27 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), buiten ’n betaling ten opsigte van ’n pensioenfonds of voorsorgfonds soos in subparagraaf (l) beoog.”.

5

(2) Paragraaf (a) van subartikel (1) word geag in werking te getree het op 1 Maart 2017 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

10

(3) Paragraaf (b) van subartikel (1) tree in werking op 1 Maart 2019 is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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 en artikel 98 van Wet 25 van 2015

15

70. (1) Paragraaf 11 van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (4) na item (b) die punt deur kommapunt te vervang en die volgende item by te voeg:

20

“(c) skuld verskuldig aan sy of haar werkgewer as gevolg van ’n lening deur daardie werkgewer aan daardie werknemer wat nie die bedrag van R450 000 oorskry nie indien—

(i) die skuld deur die werknemer aangeneem is vir die doel om onroerende eiendom te verkry;

25

(ii) die markwaarde van die onroerende eiendom verkry nie R 450 000 oorskry nie met betrekking tot die jaar van aanslag waarin die eiendom verkry word;

(iii) die besoldigingsplaasvervanger van die werknemer nie die bedrag van R250 000 oorskry nie met betrekking tot die jaar van aanslag waarin die lening toegestaan word; en

30

(iv) die werknemer nie ’n verbonde persoon in verhouding tot die werkgewer is nie.”.

(2) Subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

35

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

71. (1) Paragraaf 12D van die Sewende Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (4) die woord “of” aan die einde van item (b) te skrap en die volgende items by te voeg:

40

“(c) waar ’n fout begaan is by die berekening van die fondslid kategoriefaktor beoog in subparagraaf (5)(a), moet ’n verbeterde fondslidsertifikaat voorsien word aan die werkgewer en daardie verbeterde sertifikaat word van krag vanaf die eerste dag van die maand wat volg op die maand waartydens daardie verbeterde sertifikaat ontvang is; of

45

(d) waar die fondslid kategoriefaktor verander het tydens die jaar van aanslag, moet die bydraesertifikaat aan die werkgewer voorsien word nie later nie as een maand na die dag waarop daardie veranderinge van krag word.”.

(2) Subartikel (1) word geag in werking te getree het op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

50

Insertion of paragraph 12E in Seventh Schedule to Act 58 of 1962

72. (1) The following paragraph is hereby inserted in the Seventh Schedule to the Income Tax Act, 1962, after paragraph 12D:

“Contribution to bargaining council

12E. (1) The cash equivalent of the value of the taxable benefit contemplated in paragraph 2(m) is the amount of any contribution or payment made by the employer in respect of a year of assessment, directly or indirectly, to any bargaining council that is established in terms of section 27 of the Labour Relations Act, 1995 (Act No. 66 of 1995), in respect of a scheme or fund as contemplated in section 28(1)(g) of that Act.

(2) Where an appropriate portion of any expenditure contemplated in subparagraph (1) cannot be attributed to the employee for whose benefit the amount is paid, the amount of that expenditure in relation to that employee is deemed, for the purposes of subparagraph (1), to be an amount equal to the total expenditure incurred by the employer during that year of assessment for the benefit of all employees divided by the number of employees in respect of whom the expenditure is incurred.”

(2) Subsection (1) comes into operation on 1 March 2019 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 1 of Eighth Schedule to Act 58 of 1962, as amended by section 65 of Act 60 of 2001, section 63 of Act 74 of 2002, section 90 of Act 45 of 2003, section 25 of Act 16 of 2004, section 51 of Act 32 of 2004, section 63 of Act 31 of 2005, section 49 of Act 3 of 2008, section 102 of Act 22 of 2012 and section 78 of Act 43 of 2014

73. Paragraph 1 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution for the definition of “disposal” of the following definition: “‘**disposal**’ means an event, act, forbearance or operation of law envisaged in paragraph 11 or an event, act, forbearance or operation of law which is in terms of this [Schedule] Act treated as the disposal of an asset, and ‘**dispose**’ must be construed accordingly;” and
- (b) by the insertion after the definition of “insurer” of the following definition: “‘**market value**’ means market value as defined in paragraph 31;”.

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 and section 102 of Act 25 of 2015

74. 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 [otherwise than as trading stock]; and”.

Amendment of paragraph 5 of Eighth Schedule to Act 58 of 1962, as amended by section 32 of Act 9 of 2006, section 2 of Act 8 of 2007, section 1 of Act 3 of 2008, section 67 of Act 17 of 2009, section 107 of Act 24 of 2011 and section 8 of Act 13 of 2012

75. Paragraph 5 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the addition after subparagraph (2) of the following subparagraph:

Invoeging van paragraaf 12E in Sewende Bylae by Wet 58 van 1962

72. (1) Die volgende paragraaf word hierby in die Sewende Bylae by die Inkomstebelastingwet, 1962, ingevoeg na paragraaf 12D:

“Bydrae aan bedingsraad

12E. (1) Die kontantekwivalent van die waarde van die belasbare voordeel beoog in paragraaf 2(m) is die bedrag van enige bydrae of betaling gemaak deur die werkgewer ten opsigte van ’n jaar van aanslag, regstreeks of onregstreeks, aan enige bedingsraad wat gestig is kragtens artikel 27 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), ten opsigte van ’n skema of fonds soos beoog in artikel 28(1)(g) van daardie Wet. 5 10

(2) Waar ’n gepaste deel van enige uitgawes beoog in subparagraaf (1) nie toegereken kan word aan die werknemer vir wie se voordeel die bedrag betaal word nie, word die bedrag van daardie uitgawes met betrekking tot daardie werknemer geag, by die toepassing van subparagraaf (1), om ’n bedrag te wees gelykstaande aan die totale uitgawes aangegaan deur die werkgewer tydens daardie jaar van aanslag ten behoeve van al die werknemers gedeel deur die getal werknemers ten opsigte van wie die uitgawes aangegaan is.”. 15

(2) Subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van 20
jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 1 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 65 van Wet 60 van 2001, artikel 63 van Wet 74 van 2002, artikel 90 van Wet 45 van 2003, artikel 25 van Wet 16 van 2004, artikel 51 van Wet 32 van 2004, artikel 63 van Wet 31 van 2005, artikel 49 van Wet 3 van 2008, artikel 102 van Wet 22 van 2012 en artikel 78 van Wet 43 van 2014 25

73. Paragraaf 1 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur die omskrywing van “beskikking” deur die volgende omskrywing te vervang: 30

“**‘beskikking’** enige gebeurtenis, daad, toegeeflikheid of werking van die reg beoog in paragraaf 11 van ’n gebeurtenis, daad, toegeeflikheid of werking van die reg wat ingevolge hierdie [Bylae] Wet geag word ’n beskikking oor ’n bate te wees, en **‘beskik’** word dienooreenkomstig uitgelê;” en 35

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

“**‘markwaarde’** markwaarde soos omskryf in paragraaf 31;”.

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 en artikel 102 van Wet 25 van 2015 40

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

“(a) 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 gehou [anders as handelsvoorraad] toeskryfbaar is; en”.

Wysiging van paragraaf 5 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 32 van Wet 9 van 2006, artikel 2 van Wet 8 van 2007, artikel 1 van Wet 3 van 2008, artikel 67 van Wet 17 van 2009, artikel 107 van Wet 24 van 2011 en artikel 8 van Wet 13 van 2012 50

75. Paragraaf 5 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur na subparagraaf (2) die volgende subparagraaf by te voeg: 55

“(3) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act that, with effect from a date or dates mentioned in that announcement, the annual exclusion of the person mentioned in subparagraph (1) or (2) will be altered to the extent mentioned in the announcement.

(b) If the Minister makes an announcement of an alteration contemplated in item (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”.

Amendment of paragraph 10 of Eighth Schedule to Act 58 of 1962, as amended by section 66 of Act 74 of 2002, section 9 of Act 13 of 2012, section 105 of Act 22 of 2012, section 79 of Act 43 of 2012 and section 12 of Act 13 of 2016

76. Paragraph 10 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

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

“(1) A person’s taxable capital gain for the year of assessment is—”;
and

(b) by the addition of the following subparagraph:

“(2) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act that, with effect from a date or dates mentioned in that announcement, the percentage used in determining a person’s taxable capital gain for the year of assessment under subparagraph (1) will be altered to the extent mentioned in the announcement.

(b) If the Minister makes an announcement of an alteration contemplated in item (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”.

Amendment of paragraph 12A of Eighth Schedule to Act 58 of 1962, as substituted by section 70 of Act 17 of 2017

77. (1) Paragraph 12A of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (1) for the definition of “concession or compromise” of the following definition:

“‘**concession or compromise**’ means any arrangement in terms of which—

(a) a debt is—

(i) cancelled or waived; or

(ii) extinguished by—

(aa) redemption of the claim in respect of that debt by the person owing that debt or by any person that is a connected person in relation to that person; or

(bb) merger by reason of the acquisition, by the person owing that debt, of the claim in respect of that debt,

otherwise than as the result or by reason of the implementation of an arrangement described in paragraph (b);

(b) a debt owed by a company to a person is settled, directly or indirectly—

(i) by being converted to or exchanged for shares in that company; or

(ii) by applying the proceeds from shares issued by that company;”;

“(3) (a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die jaarlikse uitsluiting van die persoon beoog in subparagraaf (1) of (2) gewysig sal word in die mate wat in daardie aankondiging vermeld word. 5

(b) Indien die Minister ’n aankondiging beoog in item (a) maak, word daardie wysiging van krag op die datum deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”. 10

Wysiging van paragraaf 10 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 66 van Wet 74 van 2002, artikel 9 van Wet 13 van 2012, artikel 105 van Wet 22 van 2012, artikel 79 van Wet 43 van 2012 en artikel 12 van Wet 13 van 2016

76. Paragraaf 10 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig— 15

- (a) deur die woorde wat subparagraaf (a) voorafgaan deur die volgende woorde te vervang:
- “(1) ’n Persoon se belasbare kapitaalwins vir die jaar van aanslag is—”; en
- (b) deur die volgende subparagraaf by te voeg: 20
- “(2) (a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die persentasie gebruik in die vasstelling van ’n persoon se belasbare kapitaalwins vir die jaar van aanslag kragtens item (a) gewysig sal word in die mate wat in daardie aankondiging vermeld word. 25
- (b) Indien die Minister ’n aankondiging beoog in item (a) oor ’n wysiging maak, word daardie wysiging van krag op die datum of datums deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum of daardie datums, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.”. 30

Vervanging van paragraaf 12A van Agtste Bylae by Wet 58 van 1962, soos vervang deur artikel 70 van Wet 17 van 2017 35

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

- (a) deur in subparagraaf (1) die omskrywing van “toegewing of kompromis” deur die volgende omskrywing te vervang: 40
- “**toegewing of kompromis**’ enige reëling ingevolge waarvan—
- (a) ’n skuld—
- (i) gekanselleer word of van afstand gedoen word; of
- (ii) uitgewis word deur—
- (aa) aflossing van die eis ten opsigte van daardie skuld deur die persoon wat daardie skuld verskuldig is of deur enige persoon wat ’n verbonde persoon met betrekking tot daardie persoon is; of 45
- (bb) skuldvermenging as gevolg van die verkryging deur die persoon wat daardie skuld verskuldig is, van die eis ten opsigte van daardie skuld, 50
- buiten as die resultaat of as gevolg van die inwerkingstelling van ’n ooreenkoms beskryf in paragraaf (b);
- (b) ’n skuld verskuldig deur ’n maatskappy vereffen word, direk of indirek,—
- (i) deur omgeskakel te word na of verruil te word vir aandele in daardie maatskappy; of 55
- (ii) deur die opbrengs van aandele uitgereik deur daardie maatskappy aan te wend;”;

- (b) by the substitution in subparagraph (1) for the definition of “debt” of the following definition:
- “**‘debt’** means any amount that is owed by a person in respect of—
- (a) expenditure incurred by that person; or
- (b) a loan, advance or credit that was used, directly or indirectly, to fund any expenditure incurred by that person, but does not include a tax debt as defined in section 1 of the Tax Administration Act;”;
- (c) by the substitution in subparagraph (1) for the definition of “debt benefit” of the following definition:
- “**‘debt benefit’**, in respect of a debt owed by a person to another person, means—
- (a) in the case of an arrangement described in paragraph (a)(i) of the definition of ‘concession or compromise’, the amount cancelled or waived;
- (b) in the case of the extinction of that debt by means of an arrangement described in paragraph (a)(ii) of the definition of ‘concession or compromise’, the amount by which the face value of the claim in respect of that debt held by the person to whom the debt is owed prior to the entering into of that arrangement exceeds the expenditure incurred in respect of—
- (i) the redemption of that debt; or
- (ii) the acquisition of the claim in respect of that debt;
- (c) in the case of the settling of that debt by means of an arrangement described in paragraph (b) of the definition of ‘concession or compromise’, where the person who acquired shares in a company in terms of that arrangement held no effective interest in the shares of that company prior to the entering into of that arrangement, the amount by which the face value of the claim held in respect of that debt prior to the entering into of that arrangement exceeds the market value of the shares acquired by reason or as a result of the implementation of that arrangement; or
- (d) in the case of the settling of that debt by means of an arrangement described in paragraph (b) of the definition of ‘concession or compromise’, where the person who acquired shares in a company in terms of that arrangement held an effective interest in the shares of that company prior to the entering into of that arrangement, the amount by which the face value of the claim held in respect of that debt prior to the entering into of that arrangement exceeds the amount by which the market value of the effective interest held by that person in the shares of that company immediately after the implementation of that arrangement exceeds, solely as a result of the implementation of that arrangement, the market value of the effective interest held by that person in the shares of that company immediately prior to the entering into of that arrangement;”;
- (d) by the insertion in subparagraph (1) after the definition of “group of companies” of the following definition:
- “**‘market value’**, in relation to shares acquired or held by reason or as a result of implementing a concession or compromise in respect of a debt, means the market value of those shares immediately after the implementation of that concession or compromise.”;
- (e) by the substitution in subparagraph (2) for items (a) and (b) of the following items:
- “(a) a debt benefit in respect of a debt owed by a person arises in respect of a year of assessment by reason or as a result of a concession or compromise in respect of that debt during that year of assessment; and
- (b) the amount of that debt is owed by that person in respect of or was used by that person to fund, directly or indirectly, any expenditure, other than expenditure in respect of trading stock in respect of which a deduction or allowance was granted in terms of this Act.”;

- (b) deur in subartikel (1) die omskrywing van skuld deur die volgende omskrywing te vervang:
- “**‘skuld’** enige bedrag deur ’n persoon verskuldig ten opsigte van—
- (a) uitgawes deur daardie persoon aangegaan; of
- (b) ’n lening, verskot of krediet wat gebruik is, direk of indirek, om enige uitgawe deur daardie persoon aangegaan, te dek, maar nie ook ’n belastingskuld soos omskryf in artikel 1 van die Wet op Belastingadministrasie nie;”;
- (c) deur in subparagraaf (1) die omskrywing van “skuldvoordeel” deur die volgende omskrywing te vervang:
- “**‘skuldvoordeel’**, ten opsigte van ’n skuld deur ’n persoon verskuldig aan ’n ander persoon—
- (a) in die geval van ’n reëling in paragraaf (a)(i) van die omskrywing van ‘toegewing of kompromis’ beskryf, die bedrag gekanselleer of waarvan afstand gedoen was;
- (b) in die geval van die uitwissing van daardie skuld deur middel van ’n reëling beskryf in paragraaf (a)(ii) van die omskrywing van ‘toegewing of kompromis’, die bedrag waardeur die sigwaarde van die eis ten opsigte van daardie skuld gehou deur die persoon waaraan die skuld verskuldig is voor die aangaan van daardie ooreenkoms die uitgawes oorskry aangegaan ten opsigte van—
- (i) die aflossing van daardie skuld; of
- (ii) die verkryging van die eis ten opsigte van daardie skuld;
- (c) in die geval van die vereffening van daardie skuld deur middel van ’n reëling beskryf in paragraaf (b) van die omskrywing van ‘toegewing of kompromis’, waar die persoon wat aandeel verkry het in ’n maatskappy ingevolge daardie reëling nie ’n effektiewe belang in die aandeel van daardie maatskappy gehad het nie voor die aangaan van daardie reëling, die bedrag waardeur die sigwaarde van die eis gehou ten opsigte van daardie skuld voor die aangaan van daardie reëling die markwaarde van die aandeel oorskry verkry as gevolg van of as die resultaat van die inwerkingstelling van daardie reëling; of
- (d) in die geval van die vereffening van daardie skuld deur middel van ’n reëling beskryf in paragraaf (b) van die omskrywing van ‘toegewing of kompromis’, waar die persoon wat aandeel verkry het in ’n maatskappy ingevolge daardie reëling ’n effektiewe belang in die aandeel van daardie maatskappy gehad het voor die aangaan van daardie reëling, die bedrag waarmee die sigwaarde van die eis gehou ten opsigte van daardie skuld voor die aangaan van daardie reëling die bedrag oorskry waarmee die markwaarde van enige effektiewe belang gehou deur daardie persoon in die aandeel van daardie maatskappy onmiddellik na die inwerkingstelling van daardie reëling die markwaarde oorskry, alleenlik as gevolg van die inwerkingstelling van daardie reëling, van die effektiewe belang gehou deur daardie persoon in die aandeel van daardie maatskappy onmiddellik voor die aangaan van daardie reëling;”;
- (d) deur in subparagraaf (1) na die omskrywing van “kapitaalbate” die volgende omskrywing in te voeg:
- “**‘markwaarde’** met betrekking tot aandeel verkry of gehou as gevolg van of as resultaat van die inwerkingstelling van ’n toegewing of kompromis ten opsigte van skuld, die markwaarde van daardie aandeel onmiddellik na die inwerkingstelling van daardie toegewing of kompromis;”;
- (e) deur in subparagraaf (2) items (a) en (b) deur die volgende items te vervang:
- “(a) ’n skuldvoordeel ten opsigte van ’n skuld verskuldig deur ’n persoon ontstaan ten opsigte van ’n jaar van aanslag op grond van of as ’n resultaat van ’n toegewing of kompromis ten opsigte van daardie skuld tydens daardie jaar van aanslag; en
- (b) die bedrag van daardie skuld deur daardie persoon verskuldig is deur daardie persoon ten opsigte van of aangewend is, direk of indirek, om enige uitgawes aangegaan, behalwe uitgawes ten opsigte van handelsvoorraad te befonds ten opsigte waarvan ’n aftrekking of toelae ingevolge hierdie Wet toegestaan is.”;

- (f) by the substitution in subparagraph (3) for item (b) of the following item:
 “(b) the amount of that debt is owed in respect of or was used as contemplated in **[paragraph] item (b)** of that **[subsection] subparagraph** to fund expenditure incurred in respect of an asset that **[is held and]** was not disposed of by that person **[at the time]** in a year of assessment prior to that in which **[the]** that debt benefit arises.”; 5
- (g) by the substitution in subparagraph (4) for item (b) and the words following item (b) of the following item:
 “(b) the amount of that debt is owed in respect of or was used as contemplated in item (b) of that subparagraph to fund expenditure incurred in respect of an asset that was disposed of in a year of assessment prior to that in which that debt benefit arises, that person must if the amount determined in respect of that disposal as—
 (i) a capital gain; or
 (ii) a capital loss, 15
 differs from the amount that would have been determined, whether as a capital gain or as a capital loss, in respect of that disposal had that debt benefit been taken into account in the year of the disposal of that asset, treat that absolute difference as a capital gain to be taken into account in respect of the year of assessment in which the debt benefit arises: Provided that in taking that debt benefit into account in respect of the year of disposal of that asset that person must take into account the extent to which the expenditure in respect of that asset has been reduced by any other debt benefit taken into account, in terms of this subparagraph, in respect of that disposal.”; 25
- (h) by the substitution in subparagraph (6) for item (b) of the following item:
 “(b) to the extent that the debt is reduced by way of—
 (i) donation as defined in section 55 (1); or
 (ii) any transaction to which section 58 applies[;],
 in respect of which donations tax is payable.”; 30
- (i) by the deletion in subparagraph (6) of the word “or” after item (e), the insertion of the word “or” after item (f) and the insertion of the following item after item (f):
 “(g) to the extent that the debt so owed—
 (i) is settled by means of an arrangement described in paragraph (b) of the definition of ‘concession or compromise’; and
 (ii) does not consist of or represent an amount owed by that person in respect of any interest incurred by that person during any year of assessment.”. 35

(2) Paragraphs (a) to (f) and (i) of subsection (1) are deemed to have come into operation on 1 January 2018 and apply in respect of years of assessment commencing on or after that date. 40

(3) Paragraphs (g) and (h) of subsection (1) come into operation on 1 January 2019 and apply in respect of years of assessment commencing on or after that date.

Amendment of paragraph 35 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 86 of Act 60 of 2001, section 133 of Act 31 of 2013 and section 111 of Act 25 of 2015 45

78. Paragraph 35 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of subparagraph (1A).

Amendment of paragraph 39 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 88 of Act 60 of 2001, section 100 of Act 45 of 2003, section 26 of Act 16 of 2004 and section 73 of Act 31 of 2015 50

79. Paragraph 39 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the addition after subparagraph (4) of the following subparagraph:

- “(5) For the purposes of subparagraph (1), where a company redeems its shares, the holder of those shares must be treated as having disposed of them to that company.”. 55

- (f) deur in subparagraaf (3) item (b) deur die volgende item te vervang:
 “(b) die bedrag van daardie skuld verskuldig ten opsigte van of gebruik is soos beoog in item (b) van daardie subparagraaf om uitgawes te befonds aangegaan ten opsigte van ’n bate [wat gehou word] waaroor nie beskik was nie deur daardie persoon [ten tye] in ’n jaar van aanslag voor die jaar van aanslag waarin daardie [wat die] skuldvoordeel ontstaan het.”;
- (g) deur in subparagraaf (4) item (b) deur die volgende item te vervang:
 “(b) die bedrag van daardie skuld is verskuldig ten opsigte van of was gebruik soos beoog in item (b) van daardie subparagraaf om uitgawes te befonds aangegaan ten opsigte van ’n bate waaroor beskik is in ’n jaar van aanslag voor die jaar van aanslag waarin daardie skuldvoordeel ontstaan, moet daardie persoon indien die bedrag vasgestel ten opsigte van daardie beskikking as—
 (i) kapitaalwins; of
 (ii) kapitaalverlies,
 verskil van die bedrag wat bepaal sou word, hetsy as kapitaalwins of kapitaalverlies, ten opsigte van daardie beskikking indien daardie skuldvoordeel in ag geneem was in die jaar van beskikking oor daardie bate, daardie absolute verskil as kapitaalwins ag wat in berekening gebring word ten opsigte van die jaar van aanslag waarin die skuldvoordeel ontstaan: Met dien verstande dat met inagneming van daardie skuldvoordeel ten opsigte van die jaar van beskikking oor daardie bate, daardie persoon die mate waartoe die uitgawes ten opsigte van daardie bate verminder is deur enige ander skuldvoordeel in ag geneem, ten opsigte van daardie beskikking.”;
- (h) deur in subparagraaf (6) item (b) deur die volgende item te vervang:
 “(b) tot die mate wat die skuld verminder word by wyse van—
 (i) ’n skenking soos omskryf in artikel 55(1); of
 (ii) enige transaksie waarop artikel 58 van toepassing is[;], ten opsigte waarvan geskenkebelasting betaalbaar is;”;
- (i) deur in subparagraaf (6) die woord “of” na item (e) te skrap, die woord “of” na item (f) by te voeg en die volgende item na item (f) in te voeg:
 “(g) namate die skuld aldus verskuldig—
 (i) vereffen word deur middel van ’n reëling na verwys in paragraaf (b) van die omskrywing van ‘toegewing of kompromis’; en
 (ii) nie bestaan uit of ’n bedrag verteenwoordig verskuldig deur daardie persoon ten opsigte van enige rente aangegaan deur daardie persoon tydens enige jaar van aanslag nie.”;
- (2) Paragrafe (a) tot (f) en (i) van subartikel (1) word geag in werking te getree het op 1 Januarie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.
- (3) Paragrafe (g) en (h) van subartikel 1 tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 35 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 86 van Wet 60 van 2001, artikel 133 van Wet 31 van 2013 en artikel 111 van Wet 25 van 2015

78. Paragraaf 35 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur subparagraaf (1A) te skrap. 50

Wysiging van paragraaf 39 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 88 van Wet 60 van 2001, artikel 100 van Wet 45 van 2003, artikel 26 van Wet 16 van 2004 en artikel 73 van Wet 31 van 2015

79. Paragraaf 39 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur na subparagraaf (4) die volgende subparagraaf by te voeg:
 “(5) By die toepassing van subparagraaf (1), waar ’n maatskappy die aandeel daarvan aflos, word die houer van daardie aandeel geag aan daardie maatskappy oor daardie aandeel te beskik het.”

Amendment of paragraph 43A of Eighth Schedule to Act 58 of 1962, as substituted by section 72 of Act 17 of 2017

80. (1) Paragraph 43A of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

- (a) by the substitution in subparagraph (1) for the words preceding the definition of “exempt dividend” of the following words: 5
 “For purposes of this [section] paragraph—”;
- (b) by the insertion in subparagraph (1) before the definition of “exempt dividend” of the following definition: 10
 “**‘deferral transaction’** means a transaction in respect of which the provisions of PART III of Chapter II were applied;”;
- (c) by the substitution in subparagraph (1) for paragraph (a) of the definition of “extraordinary dividend” of the following paragraph: 15
 “(a) a preference share, so much of the amount of any dividend received or accrued in respect of that share as exceeds the amount that would have accrued in respect of that share had it been determined with reference to the consideration for which that share was issued by applying an interest rate of 15 per cent per annum for the period in respect of which that dividend was received or accrued;”;
- (d) by the insertion in subparagraph (1) after the definition of “extraordinary dividend” of the following definition: 20
 “**‘preference share’** means a preference share as defined in section 8EA(1); and”;
- (e) by the substitution in subparagraph (2) for the words preceding item (a) of the following words: 25
 “[Where] Subject to subparagraph (3), where a company disposes of shares in another company in terms of a transaction that is not a deferral transaction and that company held a qualifying interest in that other company at any time during the period of 18 months prior to that disposal, the amount of any exempt dividend received by or that accrued to that company in respect of the shares disposed of must—”; and 30
- (f) by the addition after subparagraph (2) of the following subparagraph: 35
 “(3) Where a company disposes of shares in terms of a transaction that is not a deferral transaction within a period of 18 months after having acquired those shares in terms of a deferral transaction, other than an unbundling transaction and—
 (a) within a period of 18 months prior to the disposal of those shares by that company an exempt dividend in respect of those shares accrued to or was received by a person that— 40
 (i) disposed of those shares in terms of a deferral transaction; and
 (ii) was a connected person in relation to that company at any time within that period or immediately after that disposal, that dividend must for purposes of this paragraph be treated as a dividend that accrued to or was received by that company in respect of those shares within the period during which that company held those shares; and 45
 (b) if that company acquired those shares (hereinafter referred to as ‘new shares’) in terms of that deferral transaction in return for or by virtue of the holding, by that company, of other shares (hereinafter referred to as ‘old shares’) that were disposed of in terms of that deferral transaction and an exempt dividend in respect of the old shares, other than a dividend consisting of new shares, accrued to or was received by that company within a period of 18 months prior to the disposal of the new shares, that dividend must for purposes of this paragraph be treated as an amount that accrued to or was received by that company as an exempt dividend in respect of the new shares.” 50
 55

(2) Paragraphs (b), (e) and (f) of subsection (1) come into operation on 1 January 2019 and apply in respect of disposals on or after that date.

Vervanging van paragraaf 43A van Agtste Bylae by Wet 58 van 1962, soos vervang deur artikel 72 van Wet 17 van 2017

80. (1) Paragraaf 43A van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat die omskrywing van “vrygestelde dividend” voorafgaan deur die volgende woorde te vervang: 5
 “By die toepassing van hierdie [artikel] paragraaf beteken—”;
- (b) deur in subparagraaf (1) na die omskrywing van “kwalifiserende belang” die volgende omskrywing in te voeg: 10
 “**‘uitgestelde ooreenkoms’** ooreenkoms ten opsigte waarvan die bepalings van DEEL III van Hoofstuk II toegepas is;”;
- (c) deur in subparagraaf (1) paragraaf (a) van die omskrywing van “buitengewone dividend” deur die volgende paragraaf te vervang: 15
 “(a) ’n voorkeuraandeel, soveel van die bedrag van enige dividend ontvang of toegeval ten opsigte van daardie aandeel as wat die bedrag te bowe gaan bepaal met verwysing na die teenprestasie waarteen daardie aandeel uitgereik is deur ’n rentekoers toe te pas teen 15 persent per jaar vir die tydperk ten opsigte waarvan daardie dividend ontvang is of toegeval het;”;
- (d) deur in subparagraaf (1) die volgende omskrywing by te voeg: 20
 “**‘voorkeuraandeel’** voorkeuraandeel soos omskryf in artikel 8EA(1); en”;
- (e) deur in subparagraaf (2) die woorde wat item (a) voorafgaan deur die volgende woorde te vervang: 25
 “Behoudens paragraaf (3), waar ’n maatskappy oor aandele in ’n ander maatskappy beskik ingevolge ’n transaksie wat nie ’n uitgestelde transaksie is nie en daardie ander maatskappy het te eniger tyd gedurende die tydperk van 18 maande voor daardie beskikking ’n kwalifiserende belang in daardie ander maatskappy gehou, word die bedrag van enige vrygestelde dividend ontvang deur of toegeval aan daardie maatskappy ten opsigte van die aandele oor beskik—”; en 30
- (f) deur na subparagraaf (2) die volgende subparagraaf by te voeg: 35
 “(3) Waar ’n maatskappy beskik oor aandele ingevolge ’n ooreenkoms wat nie ’n uitgestelde transaksie is nie binne ’n tydperk van 18 maande van daardie aandele verkry is ingevolge ’n uitgestelde ooreenkoms behalwe ’n ontbondelingsooreenkoms en— 40
 (a) binne ’n tydperk van 18 maande voor die beskikking oor daardie aandele deur daardie maatskappy ’n vrygestelde dividend ten opsigte van daardie aandele toegeval het aan of ontvang was deur ’n persoon wat— 45
 (i) beskik het oor daardie aandele ingevolge ’n uitgestelde ooreenkoms; en
 (ii) ’n verbonde persoon was met betrekking tot daardie maatskappy te eniger tyd binne daardie tydperk of onmiddellik na daardie beskikking, 50
 word daardie dividend by toepassing van hierdie artikel geag ’n dividend te wees wat toegeval het of ontvang is deur daardie maatskappy ten opsigte van daardie aandele binne die tydperk waartydens daardie maatskappy daardie aandele gehou het; en 55
 (b) indien daardie maatskappy daardie aandele (hierna ‘nuwe aandele’ genoem) verkry het ingevolge daardie uitgestelde transaksie in ruil vir of uit hoofde van die hou, deur daardie maatskappy, van ander aandele (hierna ‘ou aandele’ genoem) waarvoor beskik is ingevolge daardie uitgestelde ooreenkoms en ’n vrygestelde dividend ten opsigte van die ou aandele, buiten ’n dividend wat bestaan uit nuwe aandele, wat toegeval het aan of ontvang is deur daardie maatskappy binne ’n tydperk van 18 maande voor die beskikking van die nuwe aandele word by die toepassing van hierdie artikel geag te wees ’n bedrag wat toegeval het aan of ontvang is deur daardie maatskappy as ’n vrygestelde dividend ten opsigte van die nuwe aandele.”. 60

(2) Paragrawe (b), (e) en (f) van subartikel (1) tree in werking op 1 Januarie 2019 en is van toepassing ten opsigte van beskikkings op of na daardie datum.

(3) Paragraphs (c) and (d) of subsection (1) are deemed to have come into operation on 19 July 2017 and apply in respect of disposals on or after that date.

Amendment of paragraph 45 of Eighth Schedule to Act 58 of 1962, as substituted by section 93 of Act 60 of 2001 and amended by section 33 of Act 9 of 2006, section 2 of Act 8 of 2007, section 73 of Act 17 of 2009, section 103 of Act 7 of 2010 and section 10 of Act 13 of 2012 5

81. Paragraph 45 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the addition after subparagraph (1) of the following subparagraph:

“(1A) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act, that, with effect from a date or dates mentioned in that announcement, the amount of the capital gain or capital loss determined in terms of subparagraph (1)(a) or the amount of the capital gain determined in terms of subparagraph (1)(b) will be altered to the extent mentioned in the announcement. 10

(b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”. 15

Amendment of paragraph 55 of Eighth Schedule to Act 58 of 1962, as amended by section 31 of Act 19 of 2001, section 98 of Act 60 of 2001, section 87 of Act 74 of 2002, section 102 of Act 45 of 2003, section 76 of Act 31 of 2005, section 57 of Act 3 of 2008, section 114 of Act 24 of 2011, section 115 of Act 25 of 2015 and section 73 of Act 17 of 2017 20

82. Paragraph 55 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in paragraph (1)(c) for the words preceding subitem (i) of the following words: 25

“in respect of a policy that was taken out to insure against the death, disability or illness of that person by any other person who was a partner of that person, or held any shares or similar interest in a company in which that person held any share or similar interest, for the purpose of enabling that other person to acquire, upon the death, disability or [severe] illness of that person, the whole or part of—”. 30

Amendment of paragraph 57 of Eighth Schedule to Act 58 of 1962, as amended by section 89 of Act 74 of 2002, section 34 of Act 9 of 2006, section 115 of Act 24 of 2011 and section 11 of Act 13 of 2013 35

83. Paragraph 57 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the addition of the following subparagraph:

“(7) (a) The Minister may announce in the national annual budget contemplated in section 27(1) of the Public Finance Management Act, that, with effect from a date or dates mentioned in that announcement, the market value of all assets referred to in the definition of ‘small business’ in subparagraph (1), the sum of the amounts referred to in subparagraph (3) or the total market value of all assets referred to in subparagraph (6) will be altered to the extent mentioned in the announcement. 40

(b) If the Minister makes an announcement of an alteration contemplated in paragraph (a), that alteration comes into effect on the date or dates determined by the Minister in that announcement and continues to apply for a period of 12 months from that date or those dates subject to Parliament passing legislation giving effect to that announcement within that period of 12 months.”. 45

Amendment of paragraph 64B of Eighth Schedule to Act 58 of 1962, as substituted by section 123 of Act 22 of 2012 and amended by section 144 of Act 31 of 2013 and section 117 of Act 25 of 2017 50

84. Paragraph 64B of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (3)(c)(iii) for sub-subitem (bb) of the following sub-subitem: 55

(3) Paragrafe (c) en (d) van subartikel (1) word geag in werking te getree het op 19 Julie 2017 en is van toepassing ten opsigte van beskikkings op of na daardie datum.

Wysiging van paragraaf 45 van Agtste Bylae by Wet 58 van 1962, soos vervang deur artikel 93 van Wet 60 van 2001 en gewysig deur artikel 33 van Wet 9 van 2006, artikel 2 van Wet 8 van 2007, artikel 73 van Wet 17 van 2009, artikel 103 van Wet 7 van 2010 en artikel 10 van Wet 13 van 2012 5

81. Paragraaf 45 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur na subparagraaf (1) die volgende subparagraaf by te voeg:

“(1A)(a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die bedrag van die kapitaalwins of kapitaalverlies bepaal ingevolge subparagraaf (1)(a) of die bedrag van die kapitaalwins bepaal ingevolge subparagraaf (1)(b) gewysig sal word in die mate wat in daardie aankondiging vermeld word. 10

(b) Indien die Minister ’n aankondiging beoog in paragraaf (a) maak, word daardie wysiging van krag op die datum deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.” 15

Wysiging van paragraaf 55 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 31 van Wet 19 van 2001, artikel 98 van Wet 60 van 2001, artikel 87 van Wet 74 van 2002, artikel 102 van Wet 45 van 2003, artikel 76 van Wet 31 van 2005, artikel 57 van Wet 3 van 2008, artikel 114 van Wet 24 van 2011, artikel 115 van Wet 25 van 2015 en artikel 73 van Wet 17 van 2017 20

82. Paragraaf 55 van die Engelse teks van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in paragraaf (1)(c) die woorde wat subitem (i) voorafgaan deur die volgende woorde te vervang: 25

“in respect of a policy that was taken out to insure against the death, disability or illness of that person by any other person who was a partner of that person, or held any shares or similar interest in a company in which that person held any share or similar interest, for the purpose of enabling that other person to acquire, upon the death, disability or [severe] illness of that person, the whole or part of—” 30

Wysiging van paragraaf 57 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 89 van Wet 74 van 2002, artikel 34 van Wet 9 van 2006, artikel 115 van Wet 24 van 2011 en artikel 11 van Wet 13 van 2013 35

83. Paragraaf 57 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende subparagraaf by te voeg:

“(7)(a) Die Minister kan in die nasionale jaarlikse begroting beoog in artikel 27(1) van die Wet op Openbare Finansiële Bestuur aankondig dat, met ingang van ’n datum of datums in daardie aankondiging vermeld, die markwaarde van alle bates in die omskrywing van ‘kleinbesigheid’ in subparagraaf (1), die som van die bedrae beoog in subparagraaf (3) of die totale markwaarde van alle bates beoog in subparagraaf (6) gewysig sal word in die mate wat in daardie aankondiging vermeld word. 40

(b) Indien die Minister ’n aankondiging oor ’n wysiging beoog in paragraaf (a) maak, word daardie wysiging van krag op die datum deur die Minister in daardie aankondiging bepaal en bly van toepassing vir ’n tydperk van 12 maande vanaf daardie datum, onderworpe daaraan dat die Parlement binne daardie tydperk van 12 maande wetgewing deurvoer om aan daardie aankondiging gevolg te gee.” 45

Wysiging van paragraaf 64B van Agtste Bylae by Wet 58 van 1962, soos vervang deur artikel 123 van Wet 22 van 2012 en gewysig deur artikel 144 van Wet 31 van 2013 en artikel 117 van Wet 25 van 2017 50

84. Paragraaf 64B van die Engelse Teks van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (3)(c)(ii) sub-subitem (bb) deur die volgende sub-subitem te vervang: 55

“(bb) by means of a distribution by a company, unless the full amount of that distribution[—

(A) was subject to or would, but for the provisions of section 64B(5)(f), have been subject to secondary tax on companies; or

(B) was included in the income of a holder of shares in that company or would, but for the provisions of section 10B(2)(a) or (b), have been so included; and”.

Repeal of paragraph 67 of Eighth Schedule to Act 58 of 1962

85. Paragraph 67 of the Eighth Schedule to the Income Tax Act, 1962, is hereby repealed.

Substitution of paragraph 72 of Eighth Schedule to Act 58 of 1962, as inserted by section 38 of Act 5 of 2001 and amended by section 94 of Act 54 of 2002, section 112 of Act 45 of 2003 and section 80 of Act 31 of 2005

86. (1) The following paragraph is hereby substituted for paragraph 72 of the Eighth Schedule to the Income Tax Act, 1962:

“Attribution of capital gain and other amounts vesting in person that is not a resident

72. (1) This paragraph applies where—

(a) a resident has made a donation, settlement or other disposition to any person (other than an entity which is not resident and which is similar to a public benefit organisation contemplated in section 30);

(b) a capital gain (including any amount that would have constituted a capital gain had that person been a resident) attributable to that donation, settlement or other disposition has arisen during a year of assessment; and

(c) an amount consisting of or derived, directly or indirectly, from—
 (i) that capital gain; or
 (ii) the amount that would have constituted a capital gain, has during that year vested in or is treated as having vested in any person who is not a resident (other than a controlled foreign company, in relation to that resident).

(2) In determining, for purposes of subparagraph (1), whether an amount would have constituted a capital gain had a person been a resident, the provisions of paragraph 64B(1) and (4) must be disregarded in respect of an amount derived by that person, directly or indirectly, from the disposal of an equity share in a foreign company if—

(a) more than 50 per cent of the total participation rights, as defined in section 9D(1), or of the voting rights in that company are directly or indirectly held or are exercisable, as the case may be, by that person whether alone or together with any one or more persons that are connected persons in relation to that person; and

(b) the resident who made the donation, settlement or other disposition or any person that is a connected person in relation to that resident is a connected person in relation to the person who is not a resident; and

(c) to the extent to which that amount is not included in the income of or attributed as a capital gain to—

(i) the resident who made that donation, settlement or other disposition; or

(ii) a resident who is a connected person in relation to the resident referred to in subitem (i).

(3) An amount that is equal to so much of the amount described in item (c) of subparagraph (1) that has vested in or is treated as having vested in

“(bb) by means of a distribution by a company, unless the full amount of that distribution[—

(A) was subject to or would, but for the provisions of Artikel 64B(5)(f), have been subject to secondary tax on companies; or

(B) was included in the income of a holder of shares in that company or would, but for the provisions of section 10B(2)(a) or (b), have been so included; and”.

Herroeping van paragraaf 67 van Agtste Bylae by Wet 58 van 1962

85. Paragraaf 67 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby herroep.

Vervanging van paragraaf 72 van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 38 van Wet 5 van 2001 en gewysig deur artikel 94 van Wet 54 van 2002, artikel 112 van Wet 45 van 2003 en artikel 80 van Wet 31 van 2005

86. (1) Paragraaf 72 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby deur die volgende paragraaf vervang:

“Toerekening van kapitaalwins en ander bedrae wat vestig in persoon wat nie inwoner is nie

72. (1) Hierdie paragraaf is van toepassing waar—

(a) ’n inwoner ’n skenking, oormaking of ander beskikking gemaak het aan enige persoon (buiten ’n entiteit, wat nie ’n inwoner is nie en soortgelyk is aan ’n openbare weldaadsorganisasie beoog in artikel 30);

(b) ’n kapitaalwins (insluitende enige bedrag wat ’n kapitaalwins sou uitmaak indien daardie persoon ’n inwoner was) toeskryfbaar aan daardie skenking, oormaking of ander beskikking ontstaan het tydens ’n jaar van aanslag; en

(c) ’n bedrag wat ontstaan het uit of verkry was, direk of indirek, van—
(i) daardie kapitaalwins; of
(ii) die bedrag wat ’n kapitaalwins sou uitmaak, tydens daardie jaar gevestig het in of geag word as gevestig het in enige persoon wat nie ’n inwoner is nie (buiten ’n beheerde buitelandse maatskappy, met betrekking tot daardie inwoner).

(2) Vir die vasstelling, by die toepassing van subparagraaf (1), of ’n bedrag ’n kapitaalwins sou uitmaak indien daardie persoon ’n inwoner was, word die bepalings van paragraaf 64B(1) en (4) verontagsaam ten opsigte van ’n bedrag verkry deur daardie persoon, direk of indirek, van die beskikking van enige ekwiteitsaandeel in ’n buitelandse maatskappy indien—

(a) meer as 50 persent van die gesamentlike deelnemende regte, soos omskryf in artikel 9D(1), of van die stemregte in daardie maatskappy direk of indirek gehou word of uitoefenbaar is, na gelang van die geval, deur daardie persoon hetsy alleen of saam met enige een of meer persone wat verbonde persone met betrekking tot daardie persoon is; en

(b) die inwoner wat die skenking, oormaking of ander beskikking gemaak het of enige persoon wat ’n verbonde persoon is met betrekking tot daardie inwoner ’n verbonde persoon is met betrekking tot die persoon wat nie ’n inwoner is nie; en

(c) namate daardie buitelandse dividend nie verkry is nie van ’n bedrag wat in die inkomste ingesluit word van of as kapitaalwins toegeskryf word aan—

(i) die inwoner wat daardie skenking, oormaking of ander beskikking gemaak het; of

(ii) ’n inwoner wat ’n verbonde persoon is met betrekking tot die inwoner beoog in subitem (i).

(3) ’n Bedrag wat gelykstaande is aan soveel van die bedrag beoog in item (c) van subparagraaf (1) wat gevestig het in of geag word as gevestig

the person who is not a resident as consists of or is derived, directly or indirectly, from—

- (a) the capital gain must be disregarded when determining the aggregate capital gain or aggregate capital loss of that person; and
- (b) the capital gain or the amount that would have constituted a capital gain must be taken into account as a capital gain when determining the aggregate capital gain or aggregate capital loss of the resident who made the donation, settlement or other disposition described in subparagraph (1).”

(2) Subsection (1) comes into operation on 1 March 2019 and applies in respect of amounts vesting 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 and section 75 of Act 17 of 2017

87. (1) The following paragraph is hereby substituted for paragraph 80 of the Eighth Schedule to the Income Tax Act, 1962:

“Capital gain attributed to beneficiary

80. (1) Subject to paragraphs 68, 69 [,] and 71 [and 72], where a **capital gain is determined in respect of the vesting by a trust of an asset in a trust beneficiary** trust vests an asset in a beneficiary of that trust (other than any person contemplated in paragraph 62(a) to (e) or a person who acquires that asset as an equity instrument as contemplated in section 8C(1)) who is a resident, **[that gain]** and determines a capital gain in respect of that disposal or, if that trust is not a resident, would have determined a capital gain in respect of that disposal had it been a resident—

- (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 the beneficiary to whom that asset was so disposed of.

(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 **[by a trust]** in a year of assessment during which a **[trust]** 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, **[the disposal of which gave rise to the capital gain,]** an amount that is equal to so much of [the capital gain as is equal to] the amount to which that [trust] 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 **[the] that beneficiary [who is entitled to that amount].**

het in die persoon wat nie 'n inwoner is nie wat bestaan uit of verkry is, direk of indirek, van—

- (a) die kapitaalwins, moet verontagsaam word wanneer die totale kapitaalwins of totale kapitaalverlies van daardie persoon vasgestel word; en
- (b) die kapitaalwins of die bedrag wat 'n kapitaalwins sou uitmaak, word in ag geneem as kapitaalwins wanneer die totale kapitaalwins of totale kapitaalverlies van die inwoner bepaal word wat die skenking, oormaking of ander beskikking gemaak het soos beoog in subparagraaf (1).”

(2) Subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van bedrae wat vestig 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 en artikel 75 van Wet 17 van 2017

87. (1) Paragraaf 80 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby deur die volgende paragraaf vervang:

“Kapitaalwins aan begunstigde toegereken

80. (1) Behoudens paragrawe 68, 69[,] en 71 [en 72], waar 'n **[kapitaalwins vasgestel word ten opsigte van die vestiging deur 'n trust van 'n bate in 'n trustbegunstigde]** trust 'n bate vestig in 'n trustbegunstigde van daardie trust (buiten 'n persoon beoog in paragraaf 62(a) tot (e)) of 'n persoon wat 'n bate verkry wat 'n ekwiteitsinstrument is soos beoog in artikel 8C(1) wat 'n inwoner is en 'n kapitaalwins bereken ten opsigte van daardie beskikking of, indien daardie trust nie 'n inwoner is nie, 'n kapitaalwins sou bereken het ten opsigte van daardie beskikking indien dit 'n inwoner was, moet **[daardie wins]**—

- (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 bepaal sou wees as 'n kapitaalwins in berekening gebring word as kapitaalwins vir doeleindes van die vasstelling van die totale kapitaalwins of totale kapitaalverlies van die begunstigde aan wie oor daardie bate aldus beskik is.

(2) Behoudens paragrawe 64E, 68, 69 en 71, waar 'n trust kapitaalwins bepaal **[word]** (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 **[deur 'n trust]** in 'n jaar van aanslag waartydens 'n **[trustbegunstigde]** 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 waaroor beskik is nie, **[die beskikking waaroor tot die kapitaalwins aanleiding gegee het, nie,]** moet 'n bedrag wat gelykstaande is aan soveel van **[die kapitale wins as wat gelykstaande is aan]** die bedrag waarop daardie **[trustbegunstigde]** 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 **[die]** daardie begunstigde **[wat geregtig is op daardie bedrag]**.

(3) Where during any year of assessment any resident acquires a vested right to any amount representing capital of any trust which is not a resident, and—

(a) that capital **[arose]** consists of or is derived, directly or indirectly, from an amount— 5

(i) determined as a capital gain of that trust; or

(ii) **[any amount]** which would have [constituted] been determined as a capital gain of that trust had that trust been a resident,

[determined] in any previous year of assessment during which that resident had a contingent right to that capital; and 10

(b) that capital gain or the amount that would have been determined as a capital gain has not been subject to tax in the Republic in terms of the provisions of this Act,

that amount must be taken into account as a capital gain when determining the aggregate capital gain or aggregate capital loss of that resident in respect of the year of assessment in which that resident acquired that vested right. 15

(4) In determining, for purposes of subparagraph (1), (2) or (3), whether an amount would have constituted a capital gain had the trust been a resident, the provisions of paragraph 64B(1) and (4) must be disregarded in respect of an amount derived by that trust, directly or indirectly, from the disposal of an equity share in a foreign company if— 20

(a) more than 50 per cent of the total participation rights, as defined in section 9D(1), or of the voting rights in that company are directly or indirectly held or are exercisable, as the case may be, by that trust whether alone or together with any one or more persons that are connected persons in relation to that trust; and 25

(b) to the extent to which that amount is not derived from an amount that must be included in the income of or attributed to— 30

(i) the resident to whom an amount is attributed in terms of subparagraph (1), (2) or (3); or

(ii) a resident who is a connected person in relation to the resident referred to in subitem (i)."

(2) Subsection (1) comes into operation on 1 March 2019 and applies in respect of disposals on or after that date. 35

Continuation of certain amendments of Schedules to Act 91 of 1964

88. Every amendment or withdrawal of or insertion in Schedules No. 1 to 6, 8 and 10 to the Customs and Excise Act, 1964, made under section 48, 49, 56, 56A, 57, 60 or 75(15) of that Act during the period 1 September 2017 up to and including 30 September 2018, shall not lapse by virtue of section 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) or 75(16) of that Act. 40

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 45
50
55

- (3) Waar gedurende enige jaar van aanslag 'n inwoner enige gevestigde reg tot 'n bedrag verkry wat kapitaal van 'n trust wat nie 'n inwoner is nie, en—
- (a) daardie kapitaal **[ontstaan het]** bestaan uit of verkry is, direk of indirek uit 'n bedrag—
- (i) vasgestel as 'n kapitaalwins van daardie trust; of
- (ii) **[enige bedrag]** wat 'n kapitaalwins vir daardie trust bepaal sou **[daargestel het]** word indien daardie trust 'n inwoner was, **[bepaal]** in enige vorige jaar van aanslag waartydens daardie inwoner 'n voorwaardelike reg op daardie kapitaal gehad het; en
- (b) daardie kapitaalwins of die bedrag wat sou bereken word as kapitaalwins nie in die Republiek aan belasting onderhewig was ingevolge hierdie Wet nie, word daardie bedrag in berekening gebring vir doeleindes van die vasstelling van die totale kapitaalwins of totale kapitaalverlies van daardie inwoner **[in]** ten opsigte van daardie jaar van aanslag waarin daardie inwoner daardie gevestigde reg verkry het.
- (4) In die bepaling, by die toepassing van subparagrafe (1), (2) of (3), of 'n bedrag kapitaalwins sou uitmaak indien die trust 'n inwoner was, word die bepalings van paragraaf 64B(1) en (4) verontagsaam ten opsigte van 'n bedrag verkry van daardie trust, regstreeks of onregstreeks, van die beskikking oor 'n ekwiteitsaandeel in 'n buitelandse maatskappy indien—
- (a) meer as 50 persent van die gesamentlike deelnemende regte, soos omskryf in artikel 9D(1), of indien die stemregte in daardie maatskappy direk of indirek gehou word of uitoefenbaar is, na gelang van die geval, deur daardie trust hetsy alleen of saam met enige een of meer persone wat verbonde persone met betrekking tot daardie trust is; en
- (b) namate daardie bedrag nie verkry is nie van 'n bedrag wat ingesluit word in die inkomste van of toegeskryf word aan—
- (i) die inwoner aan wie 'n bedrag ingevolge subparagraaf (1), (2) of (3) toegeskryf word; of
- (ii) 'n inwoner wat 'n verbonde persoon met betrekking tot die inwoner in subitem (i) bedoel is.”
- (2) Subartikel (1) tree in werking op 1 Maart 2019 en is van toepassing ten opsigte van besittings op of na daardie datum.

Voortdoring van sekere wysigings van Bylaes by Wet 91 van 1964

88. Geen wysiging aan of intrekking van of invoeging in Bylae No. 1 tot 6, 8 en 10 by die Doeane- en Aksynswet, 1964, wat aangebring is kragtens artikel 48, 49, 56, 56A, 57, 60 of 75(15) van daardie Wet gedurende die tydperk 1 September 2015 tot en met en insluitende 30 September 2016, 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 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

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 and section 77 of Act 17 of 2017

89. Section 1 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subsection (1) for the definition of “inbound insurance policy” of the following definition: 5

“**‘inbound insurance policy’** means a travel policy which provides insurance cover in respect of a passenger transported from an export country [to South Africa] into the Republic or between two places in [South Africa] the Republic as part of an international journey;” 10

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

“**‘international journey’** means a journey commencing from the ‘point of departure’ in [South Africa] the Republic to a destination outside [South Africa] the Republic (and *vice versa*), including (where applicable) stopovers en route to the destination, time spent in the destination country and the return journey;” and 15

(c) by the substitution in subsection (1) for the definition of “outbound insurance policy” of the following definition:

“**‘outbound insurance policy’** means a travel policy which provides insurance cover in respect of a passenger transported from [South Africa] the Republic to a destination in an export country or from a place outside [South Africa] the Republic to another destination outside [South Africa] the Republic as part of an international journey;” 20

Amendment of section 2 of Act 89 of 1991, as amended by section 22 of Act 136 of 1991, paragraph 2 of Government Notice 2695 of 8 November 1991, section 13 of Act 136 of 1992, section 10 of Act 20 of 1994, section 19 of Act 37 of 1996, section 24 of Act 27 of 1997, section 87 of Act 30 of 1998, section 82 of Act 53 of 1999, section 149 of Act 60 of 2001, section 115 of Act 74 of 2002, section 44 of Act 16 of 2004, section 93 of Act 32 of 2004, section 41 of Act 9 of 2006 and section 130 of Act 24 of 2011 25 30

90. (1) Section 2 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subsection (1) at the end of paragraph (n) for the colon of a semi-colon and the addition of the following paragraph:

“(o) the issue, acquisition, collection, buying or selling or transfer of ownership of any cryptocurrency;” and 35

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

“: Provided that the activities contemplated in paragraphs (a), (b), (c), (d) [and], (f) and (o) shall not be deemed to be financial services to the extent that the consideration payable in respect thereof is any fee, commission, merchant’s discount or similar charge, excluding any discount cost.” 40

(2) Subsection (1) comes into operation on 1 April 2019.

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 and section 177 of Act 31 of 2013 45

91. (1) Section 22 of the Value-Added Tax Act, 1991, is hereby amended by the addition after subsection (6) of the following subsection: 50

“(7) For purposes of this section, **‘face value’** means the amount of the account receivable at the time of transfer less the amount written off by the seller, after adjustments have been made for debit and credit notes and amounts already written off as irrecoverable by the vendor.”

(2) Subsection (1) comes into operation on 1 April 2019. 55

van 2014, artikel 128 van Wet 25 van 2015, artikel 83 van Wet 15 van 2016 en artikel 77 van Wet 17 van 2017

89. Artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur in subartikel (1) die omskrywing van “inkomende versekeringspolis” deur die volgende omskrywing te vervang: 5
 “**‘inkomende versekeringspolis’** ’n reispolis wat versekeringsdekking voorsien ten opsigte van ’n passasier vervoer vanaf ’n uitvoerland na [Suid-Afrika] die Republiek of tussen twee plekke in [Suid-Afrika] die Republiek as deel van ’n internasionale reis;” 10
- (b) deur in subartikel (1) die omskrywing van “internasionale reis” deur die volgende omskrywing te vervang: 15
 “**‘internasionale reis’** ’n reis wat ’n aanvang neem vanaf die ‘vertrekpunt’ in [Suid-Afrika] die Republiek na ’n bestemming buite [Suid-Afrika] die Republiek (en andersom), insluitend (waar van toepassing) stilhouplekke op pad na die bestemming, tyd deurgebring in die land van bestemming en die reis terug;” en 15
- (c) deur in subartikel (1) die omskrywing van “uitgaande versekeringspolis” deur die volgende omskrywing te vervang: 20
 “**‘uitgaande versekeringspolis’** ’n reispolis wat versekeringsdekking voorsien ten opsigte van ’n passasier wat vervoer word vanaf [Suid-Afrika] die Republiek na ’n bestemming in ’n uitvoerland of vanaf ’n plek binne [Suid-Afrika] die Republiek na ’n ander bestemming buite Suid-Afrika as deel van ’n internasionale reis;” 20

Wysiging van artikel 2 van Wet 89 van 1991, soos gewysig deur artikel 22 van Wet 136 van 1991, paragraaf 2 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 13 van Wet 136 van 1992, artikel 10 van Wet 20 van 1994, artikel 19 van Wet 37 van 1996, artikel 24 van Wet 27 van 1997, artikel 87 van Wet 30 van 1998, artikel 82 van Wet 53 van 1999, artikel 149 van Wet 60 van 2001, artikel 115 van Wet 74 van 2002, artikel 44 van Wet 16 van 2004, artikel 93 van Wet 32 van 2004, artikel 41 van Wet 9 van 2006 en artikel 130 van Wet 24 van 2011 25 30

90. (1) Artikel 2 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur in subartikel (1) aan die einde van paragraaf (n) die dubbelpunt deur ’n kommapunt te vervang en deur die volgende paragraaf by te voeg: 35
 “(o) die uitreiking, verkryging, inwinning, koop of verkoop of oordrag van eiendomsreg van enige kriptovaluta;” en
- (b) deur in subartikel (1) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang: 40
 “: Met dien verstande dat die aktiwiteit beoog in paragrawe (a), (b), (c), (d) [en], (f) en (o) nie geag word finansiële dienste te wees nie in die mate wat die vergoeding wat ten opsigte daarvan betaalbaar is enige gelde, kommissie, handelaarskorting of soortgelyke vordering is, maar nie ook enige verdiskonteringskoste nie.” 40
- (2) Subartikel (1) tree in werking op 1 April 2019. 45

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 en artikel 177 van Wet 31 van 2013 50

91. (1) Artikel 22 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur na subartikel (6) die volgende subartikel by te voeg:

- “(7) By die toepassing van hierdie artikel beteken **‘sigwaarde’** die bedrag van die handelsdebiteur ten tye van die oordrag min die bedrag deur die verkoper afgeskryf, nadat aanpassings gemaak is vir debiet- en kredietnotas en bedrae reeds deur die ondernemer as onverhaalbaar afgeskryf.” 55
- (2) Subartikel (1) tree in werking op 1 April 2019.

Special exemption in respect of goods or services supplied by International Telecommunication Union

92. (1) The supply of any goods or services by the International Telecommunication Union in connection with “Telecom World 2018 exhibition” shall be exempt from value-added tax imposed in terms of section 7(1)(a) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991). 5

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

Amendment of section 8 of Act 15 of 2007

93. Section 8 of the Diamond Export Levy Act, 2007, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph: 10

“(b) the sum of the producer’s total gross sales described in section 11(1)(b) during those assessment periods described in paragraph (a) do not exceed **[R3 billion]** USD 295 million.”.

Amendment of section 9 of Act 15 of 2007

94. Section 9 of the Diamond Export Levy Act, 2007, is hereby amended by the substitution in paragraph (a) of the following paragraph: 15

“(a) the sum of a producer’s total gross sales described in section 11(1)(b) during the assessment period and the immediately preceding assessment period do not exceed **[R20 million]** USD 2.2 million;”.

Amendment of section 6 of Act 28 of 2008, as amended by section 99 of Act 17 of 2009 and section 133 of Act 7 of 2010 20

95. (1) Section 6 of the Mineral and Petroleum Resources Royalty Act, 2008, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 25

“(c) as mentioned in paragraph **[(b) or]** (c) of the definition of ‘transfer’ in section 1 is the amount that would have been received or accrued during the year of assessment in respect of the transfer of that mineral resource had that mineral resource been transferred in the condition specified in Schedule 1 for that mineral resource in terms of a transaction entered into at arm’s length.”; 30

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

“(c) as mentioned in paragraph **[(b) or]** (c) of the definition of ‘transfer’ in section 1 is the amount that would have been received or accrued during the year of assessment in respect of the transfer of that mineral resource had that mineral resource been transferred in the condition specified in Schedule 2 for that mineral resource in terms of a transaction entered into at arm’s length.”; and 35

(c) by the substitution in subsection (3) for paragraphs (a) and (b) of the following paragraphs: 40

“(a) For purposes of subsection (1), gross sales is determined **[without regard to]** after deducting any expenditure actually incurred in respect of, insurance and handling of a refined mineral resource after that mineral resource was refined to the condition specified in Schedule 1 for that mineral resource or any amount received or accrued to effect the disposal of that mineral resource. 45

(b) For purposes of subsection (2), gross sales is determined **[without regard to]** after deducting any expenditure actually incurred in respect of transport, insurance and handling of an unrefined mineral resource 50

Spesiale vrystelling ten opsigte van goedere of dienste gelewer deur ‘International Telecommunication Union’

92. (1) Die lewering van enige goedere of dienste deur die “International Telecommunication Union” in verband met “Telecom World 2018 exhibition” word 5
vrygestel van belasting op toegevoegde waarde opgelê ingevolge artikel 7(1)(a) van die
Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991).

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

Tlhabololo ya karolo 8 ya Molao 15 wa 2007

93. Karolo 8 ya Molao wa Lekgethwana la Thomelontle ya Taemane, 2007, e 10
tlhabololwa ka kemisetso mo karolotlaleletsong (1) ya temana (b) ka temana e e
latelang:

“(b) palogotlhe ya dithekiso tsotlhe tsa motlhagisi tse di tlhalositsweng mo 15
karolong 11(1)(b) mo nakong ya dipaka tseo tsa tekanyo tse di tlhalositsweng
mo temaneng (a) ga di fete **[Diranta di le dibilione tse tharo] Didolara tsa
America di le dimilione tse 295,**”.

Tlhabololo ya karolo 9 ya Molao 15 wa 2007

94. Karolo 9 ya Molao wa Lekgethwana la Thomelontle ya Taemane, 2007, e
tlhabololwa ka kemiseso ya temana (a) ka temana e e latelang:

“(a) palogotlhe ya dithekiso tsotlhe tsa motlhagisi tse di tlhalositsweng mo 20
karolong 11(1)(b) mo nakong ya dipaka tsa tekanyo le mo pakeng e e tlang
pele ga paka ya tekanyo ga e fete **[Diranta di le dimilione tse 20] Didolara
tsa America di le dimilione tse 2,2;**”.

Phetošo ya karolo 6 ya Molao 28 wa 2008, bjalo ka ge o fetošitšwe ka karolo 99 ya Molao 17 wa 2009 le karolo 133 ya Molao 7 wa 2010

95. (1) Karolo 6 ya Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 25
2008 o a fetošwa—

(a) ka go tlošwa go lokelwe go karolwana (1) ya tema (c) ya tema ye e latelago: 30
“(c) bjalo ka ge go laeditšwe go tema **[(b) goba]** (c) ya hlalošo ya
‘phetošetšo’ go karolo 1 ke seroto seo se bego se tla hwetšwa ka
nako ya ngwaga wa phetleko malebana le phetišetšo ya mothopo
wa minerale ge nke mothopo woo wa minerale o fetišeditšwe ka
maemo ao a laeditšwego go Šetule 1 bakeng sa mothopo woo wa
minerale go ya ka phetišetšo yeo e dirilwego ka boikemelo.”;

(b) ka go tlošwa go lokelwe go karolwana (2) bakeng sa tema (c) ya tema ye e 35
latelago:

“(c) bjalo ka ge go hlalošitšwe go tema **[(b) goba]** (c) ya hlalošo ya 35
‘phetišetšo’ go karolo 1 ke seroto seo se bego se tla amogelwa goba
sa hwetšwa ka nako ya ngwaga wa phetleko malebana le phetišetšo
ya mothopo woo wa minerale ge nke mothopo woo wa minerale o
fetišeditšwe ka maemo ao a laeditšwego go Šetule 2 bakeng sa 40
mothopo woo wa minerale go ya ka phetišetšo yeo e dirilwego ka
boikemelo.”; le

(c) ka go tlošwa go karolwana (3) bakeng sa ditema (a) le (b) tša ditema tše 45
dilatelago:

“(a) Bakeng sa mohola wa karolwana (1), dithekišo ka moka di laolwa 45
[go sa lebelelwe] morago ga go goga tshenyagalelo efe goba efe yeo e
hweditšwego malebena le, inšorentshe le swaro ya methopo ya dimine-
rale tšeo di hlwekišitšwego **makgonthe** maamong morago ga gore
mothopo woo wa diminerale o hwekišetšwe maamong ao a hlaloši-
tšwego go Šetule 1 bakeng sa mothopo woo wa diminerale goba seroto 50
sefe goba sefe seo se amogelwago goba se hweditšwego bakeng sa go
kgontšha tahlo ya mothopo woo wa diminerale.

(b) Bakeng sa mohola wa karolwana (2), dithekišo ka moka di laolwa 55
[go sa lebelelwe] morago ga go goga tshenyagalelo efe goba efe yeo e
hweditšwego **makgothe** mabapi le dinamelwa, inšorentshe le swaro ya
methopo ya diminerale tšeo di sa hlwekišwago morago ga gore methopo

after that mineral resource was brought to the condition specified in Schedule 2 for that mineral resource or any expenditure actually incurred in respect of transport, insurance and handling to effect the disposal of that mineral resource.”.

(2) Subsection (1) comes into operation on 1 January 2019. 5

Amendment of section 6A of Act 28 of 2008, as inserted by section 134 of Act 7 of 2010 and substituted by section 185 of Act 31 of 2013

96. Section 6A of the Mineral and Petroleum Resources Royalty Act, 2008, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) of the following paragraph: 10

“(b) is transferred **[at] in** a condition beyond the condition specified in Schedule 2 for that mineral resource, the mineral resource must be treated as having been transferred **[at] in** the higher of the condition specified for that mineral resource or the condition in which that mineral resource was extracted.”; 15

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

“(a) **[at] in** a condition below the minimum of the range of conditions specified in Schedule 2 for that mineral resource, the mineral resource must be treated as having been brought to the minimum of the range of conditions specified for that mineral resource;”;
and 20

(c) by the substitution in subsection (1A) for paragraph (c) of the following paragraph: 25

“(c) **[at] in** a condition above the maximum range of conditions specified in Schedule 2, the mineral resource must be treated as having been transferred at the maximum of the range of conditions specified for that mineral resource.”.

Substitution of section 8 of Act 28 of 2008 30

97. The following section is hereby substituted for section 8 of the Mineral and Petroleum Resources Royalty Act, 2008:

“Exemption for sampling

8. An extractor is exempt from the royalty imposed in respect of mineral resources won or recovered by the extractor for purposes of testing, identification, analysis and sampling mentioned in section 20 of the Mineral and Petroleum Resources Development Act pursuant to a prospecting right or an exploration right as defined in section 1 of that Act if the gross sales in respect of those mineral resources **[does] do** not exceed R100 000 during a year of assessment.”. 40

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 and section 93 of Act 17 of 2017

98. (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 2020 and applies in respect of amounts incurred on or after that date.”. 45

(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 and section 94 of Act 17 of 2017

99. (1) Section 15 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection: 50

ya diminerale e tlišwe maemong ao a laeditšwego go Šetule 2 bakeng sa mothopo woo wa diminerale goba tshenyagalelo efe goba efe yeo e hweditšwego makgothe mabapi le dinamelwa, inšorentshe le swaro go kgontšha tahllo ya mothopo woo wa diminerale.”.

(2) Karolwana (1) e thoma go šoma ka la 1 Janeware 2019. 5

Phetošo ya karolo 6A ya Molao 28 wa 2008, bjalo ka ge go loketšwe ka karolo 134 ya Molao 7 wa 2010 mme go tlošitšwe le go lokelwa ga karolo 185 ya Molao 31 wa 2013

96. Karolo 6A ya Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008 e a fatošwa— 10

(a) ka go tlošwa go lokelwe go karolwana (1) ya tema (b) ya tema ye e latelago:
“(b) e fetišeditšwe [go] mo maemong a go feta maemo ao a hlalošitšwego go Šetule 2 bakeng sa mothopo woo wa minerale, mothopo wa minerale o swanetše go swarwa bjalo ka woo o fetišeditšwego [go] mo bogodimong bja maemo ao a hlalošitšwego bakeng sa mothopo wa minerale woo goba maemo ao mothopo wa minerale o gogilwego ka ona.”; 15

(b) ka go tlošwa go lokelwe go karolwana (1A) bakeng sa tema (a) ya tema ye e latelago: 20

“(a) [go] mo maemong ao a lego ka tlase ga bonnyenyane bja maemo ao a hlalošitšwego go Šetule 2 bakeng sa mothopo woo wa diminerale, mothopo wa diminerale o swanetše go bonwa bjalo ka woo o tlišitšwego maemong ao a fapafapanego a bonnyenyane ao a hlalošitšwego bakeng sa mothopo woo wa diminerale;” mme 25

(c) ka go tlošwa go lokelwe go karolwana (1A) bakeng sa tema (c) ya tema ye e latelago: 25

“(c) [go] mo maemong ao a lego godimo ga maemo ao a fapafapanego ao a hlalošitšwego go Šetule 2, mothopo wa diminerale o swanetše go bonwa bjalo ka wo o fetišeditšwego bogodimong bja maemo a fapafapanego ao a hlalošitšwego go mothopo woo wa diminerale.”. 30

Go tlošwa go lokelwe go karolo 8 ya Molao 28 wa 2008

97. Karolo ye e latelago e a tlošwa go lokelwe karolo 8 ya Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008 :

“Go se lefiše go dira disampole 35

8. Morafi ga a lefišwe royalithi ye e tsenyago ya mabapi le methopo ya diminerale tše di thopilwego goba tše di utulotšwego ke morafi mabakeng a ge a dira diteko, a nyaka go di tseba, a dira tshakatsheko le go dira disampole tše go boletšwego ka tšona karolong ya 20 ya Molao wa Tlhabollo ya Methopo ya Diminerale le Petroliamo go latela tokelo ya go rafa goba ya go dira kutullo ya diminerale ka ge go hlalošitšwe karolong ya 1 ya Molao woo ge e le gore ditheko ka moka tša mabapi le methopo yeo ya diminerale ga [e] di fete R100 000 ngwageng wa tekolo.”. 40

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 en artikel 93 van Wet 17 van 2017 45

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

“(2) Subartikel (1) tree in werking op 1 Januarie 2020 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.”.

(2) Subartikel (1) word geag in werking te getree het op 12 Desember 2013. 50

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 en artikel 94 van Wet 17 van 2017

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

- “(2) Subsection (1) comes into operation on 1 January 2020 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

- 100.** (1) Section 62 of the Taxation Laws Amendment Act, 2013, is hereby amended 5
by the substitution for subsection (2) of the following subsection:

- “(2) Subsection (1) comes into operation on 1 January 2020 and applies in respect of amounts of interest incurred on or after that date.”.
- (2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 1 of Act 26 of 2013, as amended by section 112 of Act 43 of 2014 and section 93 of Act 15 of 2016 10

- 101.** (1) Section 1 of the Employment Tax Incentive Act, 2013, is hereby amended by the substitution in section 1 for paragraph (a) of the definition of “employee” of the following definition:

- “(a) who works **[directly]** for another person; and”.
- (2) Subsection (1) is deemed to have come into operation on 26 July 2018. 15

Substitution of section 12 of Act 26 of 2013

- 102.** The following section is hereby substituted for section 12 of the Employment Tax Incentive Act, 2013:

“**Cessation of employment tax incentive** 20

- 12.** An employer may not receive the employment tax incentive after **[28 February 2019]** 28 February 2029.”.

Amendment of section 3 of Act 25 of 2015

- 103.** (1) Section 3 of the Taxation Laws Amendment Act, 2015, is hereby amended—
(a) by the substitution in subsection (1) for paragraph (f) of the following 25
paragraph:

- “(f) by the substitution in subsection (1) in the definition of ‘connected person’ in paragraph (d)(vi) for item (bb) of the following item:
‘**[(vi)] (bb)** any relative of such member or any trust (other than a portfolio of a collective investment scheme **[in securities or a portfolio of a collective investment scheme in property]**) which is a connected person in relation to such member; and’;”;

- (b) by the deletion in subsection (1) of paragraph (i); and
(c) by the deletion of subsection (5). 35
- (2) Subsection (1) is deemed to have come into operation on 8 January 2016.

Amendment of section 13 of Act 25 of 2015

- 104.** (1) Section 13 of the Taxation Laws Amendment Act, 2015, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) Subsection (1) **[comes]** is deemed to have come into operation on **[the date on which the Insurance Act, 2016, comes into operation]** 1 July 2018.”. 40
- (2) Subsection (1) is deemed to have come into operation on 8 January 2016.

Amendment of section 16 of Act 25 of 2015

- 105.** (1) Section 16 of the Taxation Laws Amendment Act, 2015, is hereby amended by the substitution in the Afrikaans text in subsection (1) for paragraph (f) of the following paragraph: 45

- “(f) deur in subartikel (1) in paragraaf (k) in paragraaf (hh) van die voorbehoudsbepaling subparagraaf (B) deur die volgende subparagraaf te vervang:

“(2) Subartikel (1) tree in werking op 1 Januarie 2020 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.”

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

Wysiging van artikel 62 van Wet 31 van 2013

100. (1) Artikel 62 van die Wysigingswet op Belastingwette, 2013, word hierby 5
gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Subartikel (1) tree in werking op 1 Januarie 2020 en is van toepassing ten opsigte van bedrae van rente aangegaan op of na daardie datum.”

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

Ku antswisiwa ka xiyenge xa 1 Nawu wa 26 lembe ra 2013, tani hi loko xi 10 antswisiwile hi xiyenge xa 112 xa Nawu wa 43 lembe ra 2014 na xiyenge xa 93 Nawu wa 15 lembe ra 2016

101. (1) Xiyenge xa 1 xa Nawu wa Ku vuyeriwa hi Xibalo xa Matholelo, 2013, hi lexi 15
xi antswisiweke hi ku siviwa ka xiyenge xa 1 ndzimana ya (a) ka nhlamuselo ya
“muthoriwa” ya tinhlamuselo leti ti landzelaka:

“(a) loyi a tirhaka [hi ku kongoma] eka munhu un’wana; na”.

(2) Xiyengentsongo xa (1) xi fanerile xi sungule ku tirha hi ti 26 Mawuwana 2018.

Ku siviwa ka xiyenge xa 12 Nawu wa 26 lembe ra 2013

102. Xiyenge lexi xi landzelaka hi lexi xi siviweke xa xiyenge xa 12 xa Nawu wa Ku 20
vuyeriwa hi Xibalo xa Matholelo, 2013:

“**Ku herisiwa ka xibalo eka xikhutazo xa vতিরহি**

12. Muthori a nga ka a nga kumi xibalo eka xikhutazo xa vতিরহি endzaku
ka [28 Nyenyenyana 2019] 28 Nyenyenyana 2029.”

Wysiging van artikel 3 van Wet 25 van 2015

103. (1) Artikel 3 van die Wysigingswet op Belastingwette, 2015, word hierby 25
gewysig—

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

“(f) deur in subartikel (1) in die omskrywing van ‘verbonde persoon’ in
paragraaf (d)(vi) item (bb) deur die volgende item te vervang:

“[iv](bb) enige familielid van bedoelde lid van enige trust 30
(behalwe ’n portefeulje van ’n kollektiewe belegging-
skema [in effekte van ’n portefeulje van ’n kollektiewe
beleggingskema in eiendom]) wat ’n verbonde persoon
met betrekking tot bedoelde lid is; en;”;

(b) deur in subartikel (1) paragraaf (i) te skrap; en 35

(c) deur subartikel (5) te skrap.

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

Wysiging van artikel 13 van Wet 25 van 2015

104. (1) Artikel 13 van die Wysigingswet op Belastingwette, 2015, word hierby 40
gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Subartikel (1) [tree in werking] word geag in werking te getree het op [die
datum waarop die Versekeringswet, 2016, in werking tree] 1 Julie 2018.”

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

Wysiging van artikel 16 van Wet 25 van 2015

105. (1) Artikel 16 van die Wysigingswet op Belastingwette, 2015, word hierby 45
gewysig deur in die Afrikaanse teks in subartikel (1) paragraaf (f) deur die volgende
paragraaf te vervang:

“(f) deur in subartikel (1) in paragraaf (k) in paragraaf (hh) van die voorbehouds-
bepaling subparagraaf (B) deur die volgende subparagraaf te vervang:

‘(B) die bedrag van daardie uitgawes of vermindering [**bepaal word**] direk of indirek met verwysing na die dividend ten opsigte van ’n identiese aandeel [**van dieselfde soort en van dieselfde of gelykstaande kwaliteit**] as daardie aandeel bepaal word:’;”

(2) Subsection (1) is deemed to have come into operation on 8 January 2016. 5

Amendment of section 18 of Act 25 of 2015

106. Section 18 of the Taxation Laws Amendment Act, 2015, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) by the substitution in paragraph (e) for the words preceding the proviso of the following words: 10

‘save as provided in paragraph 12(2) of the First Schedule, such sum as [**the Commissioner may think just and reasonable as representing**] represents the amount by which the value of any machinery, plant, implements, utensils and articles (other than machinery, plant, implements, utensils and articles in respect of which a deduction may be granted under section 12B, 12C, 12DA, 12E(1), 12U or 37B) 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 used by the taxpayer for the purpose of his or her trade has been diminished by reason of wear and tear or depreciation during the year of assessment, which amount must be determined on the basis of the periods of use listed for this purpose in a public notice issued by the Commissioner, or a shorter period of use approved by the Commissioner on application in the prescribed form and manner by the taxpayer:’;” 15 20 25

Amendment of section 52 of Act 25 of 2015

107. (1) Section 52 of the Taxation Laws Amendment Act, 2015, is hereby amended—

(a) by the deletion in subsection (1) of paragraphs (a), (b) and (c) respectively; and 30

(b) by the substitution for subsections (2) and (3) of the following subsections respectively:

“(2) Paragraphs (a), (b) and (c) of subsection (1) come into operation on the date on which an insurer qualifies as a micro-insurer as defined in the Insurance Act[, 2016,] in terms of that Act and apply to years of assessment ending on or after that date. 35

(3) Paragraphs (d) and (e) of subsection (1) [**comes**] are deemed to have come into operation on [**the date on which the Insurance Act, 2016, comes into operation**] 1 July 2018 and apply to years of assessment ending on or after that date.” 40

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

Amendment of section 53 of Act 25 of 2015

108. (1) Section 53 of the Taxation Laws Amendment Act, 2015, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Paragraphs (a) and (c) of subsection (1) [**comes**] are deemed to have come into operation on [**the date on which the Insurance Act, 2016, comes into operation**] 1 July 2018 and apply in respect of years of assessment ending on or after that date.” 45

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

Repeal of section 78 of Act 25 of 2015

50

109. (1) Section 78 of the Taxation Laws Amendment Act, 2015, is hereby repealed.

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

“(B) die bedrag van daardie uitgawes of vermindering [**bepaal word**] direk of indirek met verwysing na die dividend ten opsigte van ’n identiese aandeel [**van dieselfde soort en van dieselfde of gelykstaande kwaliteit**] as daardie aandeel bepaal word:”.

(2) Subartikel (1) word geag in werking te getree het op 8 Januarie 2016. 5

Wysiging van artikel 18 van Wet 25 van 2015

106. Artikel 18 van die Wysigingswet op Belastingwette, 2015, word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) deur in paragraaf (e) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 10

‘behoudens die bepalings van paragraaf 12(2) van die Eerste Bylae, so ’n bedrag as wat [**volgens die Kommissaris se oordeel billikerwys en redelikerwys**] die bedrag voorstel waarmee die waarde van masjinerie, installasie, gereedskap, werktuie en artikels (behalwe masjinerie, installasie, gereedskap, werktuie en artikels ten opsigte waarvan ’n aftrekking ingevolge artikel 12B, 12C, 12DA, 12E (1), 12U of 37B toegestaan mag word) waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge ’n ooreenkoms in paragraaf (a) van die omskrywing van ‘paaientkredietooreenkoms’ in artikel 1 van die Wet op Belasting op Toegevoegde Waarde bedoel en wat deur die belastingpligtige vir die doeleindes van sy of haar bedryf gebruik, verminder is ten gevolge van slytasie of waardevermindering gedurende die jaar van aanslag, welke bedrag bepaal word op grond van die tydperke van gebruik gelys vir hierdie doel in ’n openbare kennisgewing uitgereik deur die Kommissaris of ’n korter tydperk van gebruik deur die Kommissaris goedgekeur by aansoek deur die belastingpligtige op die voorgeskrewe vorm en wyse:’;”.

Wysiging van artikel 52 van Wet 25 van 2015

107. (1) Artikel 52 van die Wysigingswet op Belastingwette, 2015, word hierby gewysig— 30

(a) deur in subartikel (1) paragrawe (a), (b) en (c) onderskeidelik te skrap; en
(b) deur subartikels (2) en (3) deur die volgende subartikels onderskeidelik te vervang:

“(2) Paragrawe (a), (b) and (c) van subartikel (1) tree in werking op die datum waarop ’n versekeraar as mikroversekeraar kwalifiseer soos omskryf in die Versekeringswet[, 2016,] ingevolge daardie Wet. 35

(3) Paragrawe (d) en (e) van subartikel (1) [**tree**] word geag in werking te getree het op [**die datum waarop die Insurance Act, 2016, in werking tree**] 1 Julie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.”.

(2) Subartikel (1) word geag in werking te getree het op 8 Januarie 2016. 40

Wysiging van artikel 53 van Wet 25 van 2015

108. (1) Artikel 53 van die Wysigingswet op Belastingwette, 2015, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Paragrawe (a) en (c) van subartikel (1) [**tree**] word geag in werking te getree het op [**die datum waarop die ‘Insurance Act, 2016’, in werking tree**] 1 Julie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.”.

(2) Subartikel (1) word geag in werking te getree het op 8 Januarie 2016. 45

Herroeping van artikel 78 van Wet 25 van 2015

109. (1) Artikel 78 van die Wysigingswet op Belastingwette, 2015, word hierby herroep. 50

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

Amendment of section 1 of Act 2 of 2016, as amended by section 97 of Act 17 of 2017

110. (1) Section 1 of the Revenue Laws Amendment Act, 2016, is hereby amended—

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

“(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’ 5
of the following proviso:

‘: Provided that in respect of any fund contemplated in paragraph (a) or (b)—

(a) 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 10
15

(b) the rules of the fund provide—

(i) that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales; 20

(ii) 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 his or her employment on or after the date upon which— 25
(aa) the fund comes into operation; or
(bb) the employer becomes a participant in that fund;

(iii) 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 employee is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account: 30
35

(aa) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2021— 40

(A) any amount contributed to a provident fund of which that person is a member on 1 March 2021; 45

(B) with addition of any other amounts credited to the member’s individual account of the provident fund prior to 1 March 2021; and

(C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subitem (A) or amounts credited contemplated in subitem (B); or 50

(bb) in any other case of a person who is a member of a provident fund— 55

(A) any amount contributed to a provident fund prior to 1 March 2021;

Wysiging van artikel 1 van Wet 2 van 2016, soos gewysig deur artikel 97 van Wet 17 van 2017

110. (1) Artikel 1 van die Wysigingswet op Inkomstewette, 2016, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang: 5

“(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:

: Met dien verstande dat ten opsigte van enige fonds in paragraaf (a) of (b) beoog— 10

(a) die fonds ’n permanente fonds is wat *bona fide* ingestel is met die oogmerk om vir werknemers by uitdientreding 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; 15 20

(b) die reëls van die fonds bepaal—

(i) dat alle jaarlikse bydraes van terugkerende aard tot die fonds ooreenkomstig aangegeve skale moet wees; 25

(ii) dat lidmaatskap van die fonds gedurende die hele dienstertyn ’n voorwaarde is van die indiensneming deur die werkgever van alle persone in die daarin vermelde kategorie of kategorieë wat op of na die datum waarop— 30

(aa) die fonds in werking tree; of

(bb) die werkgever ’n deelnemer in daardie fonds word,

by die werkgever in diens gaan;

(iii) 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: 35 40

(aa) in die geval van ’n persoon wat ’n lid van ’n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2021— 45

(A) enige bydraes aan ’n voorsorgfonds waarvan daardie persoon op 1 Maart 2021 ’n lid is; 50

(B) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en

(C) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; of 55

(bb) in enige ander geval van ’n persoon wat ’n lid van ’n voorsorgfonds is— 60

(A) enige bydraes voor 1 Maart 2021 aan ’n voorsorgfonds gemaak;

118

- (B) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2021; and
- (C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subitem (A) or amounts credited contemplated in subitem (B), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the provident fund;
- (c) a partner is regarded as an employee of the partnership;
- (d) 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:
- (a) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2021—
- (i) any amount contributed to a provident fund of which that person is a member on 1 March 2021;
- (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2021; and
- (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or
- (b) in any other case of a person who is a member of a provident fund—
- (i) any amount contributed to a provident fund prior to 1 March 2021;
- (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2021; and
- (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the provident fund;'
- (c) by the substitution in subsection (1) in the definition of 'provident fund' for paragraph (b) of the proviso of the following paragraph:
- '(b) that the rules of the fund provide—
- (i) that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales;

119

- (B) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en
- (C) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subartikel (ii) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds; 5 10
- (c) 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; en 15
- (d) 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 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: Met dien verstande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie: 20 25
- (a) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2021— 30
- (i) enige bydraes aan 'n voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2021 'n lid is;
- (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en 35
- (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 40
- (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is—
- (i) enige bydraes voor 1 Maart 2021 aan 'n voorsorgfonds gemaak; 45
- (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 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, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds;'; 50 55
- (c) deur in die omskrywing van 'voorsorgfonds' paragraaf (b) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:
- '(b) dat die reëls van die fonds bepaal—
- (i) dat alle jaarlikse bydraes van terugkerende aard tot die fonds ooreenkomstig aangegewe skale moet wees; 60

120

- (ii) 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 his or her employment on or after the date upon which— 5
(aa) the fund comes into operation; or
(bb) the employer becomes a participant in that fund;
- (iii) that 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, on application made, be permitted to become members of the fund on such conditions as may be specified in the rules; 10
- (iv) 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 employee is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account— 15
(aa) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2021— 25
(A) any amount contributed to a provident fund of which that person is a member on 1 March 2021; 30
(B) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2021; and
(C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subitem (A) or amounts credited contemplated in subitem (B); or 35
(bb) in any other case of a person who is a member of a provident fund— 40
(A) any amount contributed to a provident fund prior to 1 March 2021;
(B) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2021; and 45
(C) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subitem (A) or amounts credited contemplated in subitem (B), 50
reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the provident fund; 55
- (v) that a partner is regarded as an employee of the partnership;
- (vi) that the rules of the fund have been complied with; 60

- (ii) 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— 5
- (aa) die fonds in werking tree; of
- (bb) die werkgewer 'n deelnemer in daardie fonds word,
- by hom of haar in diens tree;
- (iii) 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 binne 'n tydperk van hoogstens 12 maande vanaf genoemde datum gedoen, toegelaat kan word om op die in die reëls vermelde voorwaardes lede van die fonds te word; 10 15
- (iv) 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: 20 25
- (aa) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2021—
- (A) enige bydraes aan 'n voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2021 'n lid is; 30
- (B) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en 35
- (C) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; of 40
- (bb) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is—
- (A) enige bydraes aan 'n voorsorgfonds gemaak voor 1 Maart 2021; 45
- (B) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en
- (C) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, 50
- verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds; 55
- (v) dat 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; en 60
- (vi) dat die reëls van die fonds nagekom is;';

- (d) by the substitution in subsection (1) in the definition of ‘provident preservation fund’ for paragraph (e) of the following paragraph:
- ‘(e) not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) 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:
- (a) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2021—
- (i) any amount contributed to a provident fund of which that person is a member on 1 March 2021;
- (ii) with addition of any other amounts credited to the member’s individual account of the provident fund prior to 1 March 2021; and
- (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or
- (b) in any other case of a person who is a member of a provident fund—
- (i) any amount contributed to a provident fund prior to 1 March 2021;
- (ii) with addition of any other amounts credited to the member’s individual account of the provident fund prior to 1 March 2021; and
- (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), reduced by any amounts permitted in terms of any law to be deducted from the member’s individual account of the provident fund:’; 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:
- ‘(ii) 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:
- (a) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2021—
- (i) any amount contributed to a provident fund of which that person is a member on 1 March 2021;
- (ii) with addition of any other amounts credited to the member’s individual account of the provident fund prior to 1 March 2021; and
- (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or

- (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 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 is en wat 55 jaar of ouer is op 1 Maart 2021—
- (i) enige bydraes aan die voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2021 ’n lid is;
- (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en
- (iii) enige fondsofbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; of
- (b) in enige ander geval van ’n persoon wat ’n lid van ’n voorsorgfonds is—
- (i) enige bydraes aan die voorsorgfonds gemaak voor 1 Maart 2021;
- (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en
- (iii) enige fondsofbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds;’ en
- (e) deur in subartikel (1) in die omskrywing van ‘uitredingsannuïteitsfonds’ in paragraaf (b) van die voorbehoudsbepaling, subparagraaf (ii) deur die volgende paragraaf te vervang:
- ‘(ii) 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 is en wat 55 jaar of ouer is op 1 Maart 2021—
- (i) enige bydraes aan ’n voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2021 ’n lid is;
- (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en
- (iii) enige fondsofbrengs 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 is a member of a provident fund—
- (i) any amount contributed to a provident fund prior to 1 March 2021;
 - (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2021; and
 - (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the provident fund;”;
- (b) by the substitution for subsection (2) of the following subsection: 15
“(2) Subsection (1) comes into operation on 1 March 2021 and applies in respect of years of assessment commencing on or after that date.”; and
- (c) by the substitution in subsection (3) for paragraph (c) of the following paragraph: 20
“(c) The Minister of Finance shall table a report in the National Assembly, not later than 31 August 2020, in respect of the results of the deliberations contemplated in paragraph (a).”.
- (2) Subsection (1) is deemed to have come into operation on 20 May 2016.

Amendment of section 3 of Act 2 of 2016, as amended by section 98 of Act 17 of 2017

- 111.** (1) Section 3 of the Revenue Laws Amendment Act, 2016, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph: 25
“(b) by the substitution for subsection (7) of the following subsection:
‘(7) Paragraphs (k), (l), (o), (q), (r), (u), (w), (x) and (y) of subsection (1) come into operation on 1 March 2021 and apply in respect of years of assessment commencing on or after that date.’ and”.
- (2) Subsection (1) is deemed to have come into operation on 20 May 2016. 30

Amendment of section 49 of Act 15 of 2016

- 112.** (1) Section 49 of the Taxation Laws Amendment Act, 2016, is hereby amended by the substitution for subsection (2) of the following subsection: 35
“(2) Subsection (1) [comes] is deemed to have come into operation on [the date on which the Insurance Act, 2016, comes into operation] 1 July 2018 and applies in respect of years of assessment ending on or after that date.”.
- (2) Subsection (1) is deemed to have come into operation on 19 January 2017.

Amendment of section 50 of Act 15 of 2016

- 113.** (1) Section 50 of the Taxation Laws Amendment Act, 2016, is hereby amended— 40
- (a) by the substitution in subsection (1) for paragraph (h) of the following paragraph:
“(h) by the addition of the following subsections:
‘(14) The amount referred to in the definition of adjusted IFRS value in respect of the phasing-in amount is in respect of— 45
- (a) the first year of assessment ending on or after 1 July 2018, 83.3 per cent of the phasing-in amount;
 - (b) the second year of assessment ending on or after 1 July 2018, 66.7 per cent of the phasing-in amount;
 - (c) the third year of assessment ending on or after 1 July 2018, 50 per cent of the phasing-in amount;
 - (d) the fourth year of assessment ending on or after 1 July 2018, 33.3 per cent of the phasing-in amount; and

- (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is—
- (i) enige bydraes aan 'n voorsorgfonds gemaak voor 1 Maart 2021;
 - (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2021; en
 - (iii) enige fondsofbrenge soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds;'”
- (b) deur subartikel (2) deur die volgende subartikel te vervang: 15
 “(2) Subartikel (1) tree in werking op 1 Maart 2021 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.”; en
- (c) deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang: 20
 “(c) Die Minister van Finansies moet 'n verslag in die Nasionale Vergadering ter tafel lê, nie later nie as 31 Augustus 2020, ten opsigte van die resultate van die beraadslagings in paragraaf (a) beoog.”.
- (2) Subartikel (1) word geag in werking te getree het op 20 Mei 2016.

Wysiging van artikel 3 van Wet 2 van 2016, soos gewysig deur artikel 98 van Wet 17 van 2017 25

111. (1) Artikel 3 van die Wysigingswet op Inkomstewette, 2016, word hierby gewysig deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:
 “(b) deur subartikel (7) deur die volgende subartikel te vervang:
 ‘(7) Paragrafe (k), (l), (o), (q), (r), (u), (w), (x) en (y) van subartikel (1) tree in werking op 1 Maart 2021 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.’ en”.
- (2) Subartikel (1) word geag in werking te getree het op 20 Mei 2016. 30

Wysiging van artikel 49 van Wet 15 van 2016

112. (1) Artikel 49 van die Wysigingswet op Belastingwette, 2016, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 35
 “(2) Subartikel (1) [tree] word geag in werking te getree het op [die datum waarop die Insurance Act, 2016, in werking tree] 1 Julie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.”.
- (2) Subartikel (1) word geag in werking te getree het op 19 Januarie 2017. 40

Wysiging van artikel 50 van Wet 15 van 2016

113. (1) Artikel 50 van die Wysigingswet op Belastingwette, 2016, word hierby gewysig—
- (a) deur in subartikel (1) paragraaf (h) deur die volgende paragraaf te vervang: 45
 “(h) deur die volgende subartikels by te voeg:
 ‘(14) Die bedrag beoog in die omskrywing van aangepaste IFRS-waarde ten opsigte van die infaseringbedrag is ten opsigte van—
- (a) die eerste jaar van aanslag wat eindig op of na 1 Julie 2018, 83.3 persent van die infaseringbedrag; 50
 - (b) die tweede jaar van aanslag wat eindig op of na 1 Julie 2018, 66.7 persent van die infaseringbedrag;
 - (c) die derde jaar van aanslag wat eindig op of na 1 Julie 2018, 50 persent van die infaseringbedrag;
 - (d) die vierde jaar van aanslag wat eindig op of na 1 Julie 2018, 33.3 persent van die infaseringbedrag; en 55

(e) the fifth year of assessment ending on or after 1 July 2018, 16.7 per cent of the phasing-in amount.

(15) For the purposes of subsection (14) ‘phasing-in amount’ in relation to a policyholder fund or the risk policy fund means—

(a) if the amount of negative liabilities that has been recognised in accordance with IFRS as reported by the insurer to shareholders in the audited annual financial statements relating to policies allocated to that fund, reduced by negative liabilities recognised as an asset (adjusted to the manner of disclosure of policy liabilities and assets in the audited annual financial statements for the 2015 year), exceeds the amount of negative liabilities that has been recognised in determining the value of liabilities (adjusted to the manner of disclosure of policy liabilities for tax purposes for the 2015 year of assessment) relating to policies allocated to that fund in respect of the year of assessment of the insurer ending during 2016, the amount of that excess; or

(b) if the amount of negative liabilities that has been recognised in determining the value of liabilities (adjusted to the manner of disclosure of policy liabilities for tax purposes for the 2015 year of assessment) relating to policies allocated to that fund exceeds the amount of negative liabilities that has been recognised in accordance with IFRS as reported by the insurer to shareholders in the audited annual financial statements relating to policies allocated to that fund in respect of the year of assessment of the insurer ending during 2016, reduced by negative liabilities recognised as an asset (adjusted to the manner of disclosure of policy liabilities and assets in the audited annual financial statements for the 2015 year), the amount of that excess.

(16) For purposes of this section, other than for the purposes of subsection (15), ‘asset’ excludes—

- (a) negative liabilities;
- (b) policies of reinsurance;
- (c) a deferred tax asset; or
- (d) goodwill,

recognised as an asset in accordance with IFRS as annually reported by the insurer to shareholders in the audited financial statements’.”; and

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

“(2) Paragraphs (a) and (h) of subsection (1) [come] are deemed to have come into operation on [the date on which the Insurance Act, 2016, comes into operation] 1 July 2018 and apply in respect of years of assessment ending on or after that date.”.

(2) Subsection (1) is deemed to have come into operation on 19 January 2017.

Amendment of section 46 of Act 17 of 2017

114. (1) Section 46 of the Taxation Laws Amendment Act, 2017, is hereby amended—

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

“(2) Paragraphs (a), (b), (e) and (f) of subsection (1) [come] are deemed to have come into operation on [the date on which the Insurance Act, 2016, comes into operation] 1 July 2018 and apply in respect of years of assessment ending on or after that date.”; and

- (e) die vyfde jaar van aanslag wat eindig op of na 1 Julie 2018, 16.7 persent van die infaseringsbedrag.
- (15) By die toepassing van subartikel (14) beteken ‘infaseringsbedrag’ met betrekking tot polishouerfonds of risikopolisfonds— 5
- (a) indien die bedrag van negatiewe verpligtinge wat erken is ooreenkomstig IFRS soos jaarliks deur die versekeraar in die geouditeerde jaarlikse finansiële state aan aandeelhouders gerapporteer met betrekking tot polisse toegeken aan daardie polishouerfonds, verminder deur negatiewe verpligtinge afgetrek teen positiewe verpligtinge of negatiewe verpligtinge erken as ’n bate (aangepas tot die wyse van openbaarmaking van polis bates en laste in die geouditeerde jaarlikse finansiële state vir 2015), die bedrag van negatiewe verpligtinge oorskry wat erken is in die berekening van die waarde van verpligtinge met betrekking tot polisse toegeken aan daardie fonds ten opsigte van die jaar van aanslag van die versekeraar wat eindig tydens 2016, die bedrag van daardie oorskot; of 10
- (b) indien die bedrag van negatiewe verpligtinge wat erken is in die berekening van waarde van verpligtinge aangepas tot die wyse van bekendmaking van polisverpligtinge vir belastingdoeleindes vir die 2015 jaar van aanslag met betrekking tot polisse toegeken aan daardie fonds die bedrag van negatiewe verpligtinge oorskry wat toegeken is aan daardie fonds wat erken is ooreenkomstig IFRS soos jaarliks deur die versekeraar in die geouditeerde jaarlikse finansiële state aan aandeelhouders gerapporteer met betrekking tot polisse toegeken aan daardie fonds ten opsigte van die jaar van aanslag van die versekeraar wat eindig tydens 2016, verminder deur negatiewe verpligtinge afgetrek vanaf positiewe verpligtinge of negatiewe verpligtinge erken as bate (aangepas tot die wyse van openbaarmaking van polis bates en laste in die geouditeerde jaarlikse finansiële state 2016), die bedrag van daardie oorskot. 15
- (16) By die toepassing van hierdie artikel, buiten by die toepassing van subartikel (15), sluit ‘bate’ uit— 20
- (a) negatiewe verpligtinge; 25
- (b) herversekeringspolisse; 30
- (c) uitgestelde belastingbate; of 35
- (d) klandisiewaarde, 40
- erken as bate ooreenkomstig IFRS soos jaarliks deur die versekeraar in die geouditeerde jaarlikse finansiële state aan aandeelhouders gerapporteer.”; en 45
- (b) deur subartikel (2) deur die volgende subartikel te vervang: 50
- “(2) Paragrafe (a) and (h) van subartikel (1) [tree] word geag in werking te getree het op [die datum waarop die Insurance Act, 2016, in werking tree] 1 Julie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.”. 55
- (2) Subartikel (1) word geag in werking te getree het op 19 Januarie 2017.

Wysiging van artikel 46 van Wet 17 van 2017

114. (1) Artikel 46 van die Wysigingswet op Belastingwette, 2017, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang: 55
- “(2) Paragrafe (a), (b), (e) en (f) van subartikel (1) [tree] word geag in werking te getree het op [die datum waarop die Versekeringswet, 2017, in werking tree] 1 Julie 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.”; en

CONTINUES ON PAGE 130 - PART 2



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 643

Cape Town
Kaapstad

17 January 2019

No. 42172

PART 2 OF 2

THE PRESIDENCY

No. 19 17 January 2019

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

Act No. 23 of 2018: Taxation Laws Amendment Act, 2018

DIE PRESIDENSIE

No. 19 17 Januarie 2019

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 2018: Wysigingswet op Belastingwette, 2018

ISSN 1682-5843



9 771682 584003

42172



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

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

“(3) Paragraph (c) of subsection (1) [comes] is deemed to have come into operation on 1 January [2018] 2016 and applies in respect of years of assessment commencing on or after that date.”

(2) Subsection (1) is deemed to have come into operation on 18 December 2017. 5

Amendment of section 105 of Act 17 of 2017

115. (1) Section 105 of the Taxation Laws Amendment Act, 2017, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The exemption contemplated in section [96] 101 and the bargaining council levy 10 contemplated in section [101] 103 do not apply in respect of any amount to the extent that tax in respect of that amount was—”

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

Short title

116. This Act is called the Taxation Laws Amendment Act, 2018. 15

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

“(3) Paragraaf (c) van subartikel (1) [tree] word geag op 1 Januarie [2018] 2016 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.”.

(2) Subartikel (1) word geag in werking te getree het op 18 Desember 2017. 5

Wysiging van artikel 105 van Wet 17 van 2017

115. (1) Artikel 105 van die Wysigingswet op Belastingwette, 2017, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die vrystelling beoog in artikel 101 en die bedingingsraadheffing beoog in artikel [97] 103 is nie van toepassing nie ten opsigte van enige bedrag namate belasting ten opsigte van daardie bedrag—”.

(2) Subartikel (1) word geag in werking te getree het op 18 Desember 2017. 10

Kort titel

116. Hierdie Wet heet die Wysigingswet op Belastingwette, 2018. 15

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065