



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuisblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS + 1c AVB 20c PRICE + 1c GST
BUI TELANDS 30c ABROAD
POSVRY · POST FREE

Vol. 169]

KAAPSTAD, 13 JULIE 1979

[No. 6567

CAPE TOWN, 13 JULY 1979

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1530.

13 Julie 1979.

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

No. 102 van 1979: Wysigingswet op Inkomstewette, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 1530.

13 July 1979.

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

No. 102 of 1979: Revenue Laws Amendment Act, 1979.

Act No. 102, 1979

REVENUE LAWS AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Marketable Securities Tax Act, 1948, so as to reduce the rate of tax payable in respect of the purchase of marketable securities; to amend the provisions of the Transfer Duty Act, 1949, relating to the calculation of transfer duty in respect of certain conversions of rights of occupancy into rights of ownership; to amend the Estate Duty Act, 1955, so as to provide for an exemption from estate duty in respect of certain annuities; to increase certain amounts that may be deducted from the total value of all property included in an estate in the determination of the net value of the estate; and to increase the amounts that may be deducted from the net value of an estate in the determination of the dutiable amount of the estate; to amend the Stamp Duties Act, 1968, so as to reduce the rate of duty payable in respect of certain instruments; and to effect certain textual amendments; to limit liability for certain succession and estate duties; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 2 July 1979.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 32 of 1948, as substituted by section 1 of Act 114 of 1977.

1. (1) Section 2 of the Marketable Securities Tax Act, 1948, is hereby amended by the substitution for the expression "one and a half per cent" of the expression "one per cent". 5
 (2) Subsection (1) shall be deemed to have come into operation on 1 April 1979.

Amendment of section 9A of Act 40 of 1949, as inserted by section 4 of Act 66 of 1973.

2. (1) Section 9A of the Transfer Duty Act, 1949, is hereby amended— 10
 (a) by the substitution in paragraph (c) for the expression "one year" of the expression "eight years"; and
 (b) by the addition of the following proviso:
"Provided that the said person may elect that the provisions of this section shall not apply in respect of his acquisition of the acquired property." 15
 (2) Subsection (1) shall be deemed to have come into operation on 29 March 1973.

Amendment of section 3 of Act 45 of 1955, as amended by

3. (1) Section 3 of the Estate Duty Act, 1955, is hereby amended by the substitution for paragraph (a)*bis* of subsection (3) of the following paragraph: 20

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Handelseffektebelastingwet, 1948, ten einde die skaal van belasting betaalbaar ten opsigte van die aankoop van handelseffekte te verminder; tot wysiging van die bepalings van die Wet op Hereregte, 1949, betreffende die berekening van hereregte ten opsigte van sekere omskeppings van okkupasieregte tot eiendomsregte; tot wysiging van die Boedelbelastingwet, 1955, ten einde voorsiening te maak vir 'n vrystelling van boedelbelasting ten opsigte van sekere jaargelde; sekere bedrae te verhoog wat afgetrek kan word van die totale waarde van alle eiendom wat by 'n boedel ingesluit word by die bepaling van die netto waarde van die boedel; en die bedrae te verhoog wat afgetrek kan word van die netto waarde van 'n boedel by die bepaling van die belasbare bedrag van die boedel; tot wysiging van die Wet op Seëlregte, 1968, ten einde die skaal van seëlreg betaalbaar ten opsigte van sekere stukke te verminder; en sekere teksveranderings aan te bring; om aanspreeklikheid vir sekere suksessie- en boedelbelastingen en -regte te beperk; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Artikel 2 van die Handelseffektebelastingwet, 1948, 5 word hierby gewysig deur die uitdrukking „een en 'n half persent” deur die uitdrukking „een persent” te vervang.
- (2) Subartikel (1) word geag op 1 April 1979 in werking te getree het. Wysiging van artikel 2 van Wet 32 van 1948, soos vervang deur artikel 1 van Wet 114 van 1977.
2. (1) Artikel 9A van die Wet op Hereregte, 1949, word hierby 10 gewysig—
 - (a) deur in paragraaf (c) die uitdrukking „een jaar” deur die uitdrukking „agt jaar” te vervang; en
 - (b) deur die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat genoemde persoon kan kies 15 dat die bepalings van hierdie artikel nie ten opsigte van sy verkryging van die verkreeë eiendom van toepassing is nie.”
- (2) Subartikel (1) word geag op 29 Maart 1973 in werking te getree het. Wysiging van artikel 9A van Wet 40 van 1949, soos ingevoeg deur artikel 4 van Wet 66 van 1973.
3. (1) Artikel 3 van die Boedelbelastingwet, 1955, word hierby 20 gewysig deur paragraaf (a)bis van subartikel (3) deur die volgende paragraaf te vervang: Wysiging van artikel 3 van Wet 45 van 1955, soos gewysig deur

Act No. 102, 1979

REVENUE LAWS AMENDMENT ACT, 1979.

section 2 of
Act 65 of 1960,
section 8 of
Act 77 of 1964,
section 2 of
Act 81 of 1965,
section 4 of
Act 92 of 1971 and
section 3 of
Act 89 of 1972.

“(a)bis so much of any benefit which is due and payable by any fund (excluding any annuity payable by a pension fund as defined in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962)), on or as a result of the death of the deceased as exceeds the aggregate amount of any contributions or consideration proved to the satisfaction of the Secretary to have been paid by the beneficiary, together with interest at six per cent per annum calculated upon such contributions or consideration from the date of payment to the date of death;”.

(2) The amendment effected by subsection (1) shall apply in respect of the estate of any person who died or dies on or after 1 April 1979.

Amendment of
section 4 of
Act 45 of 1955,
as amended by
section 2 of
Act 59 of 1957,
section 3 of
Act 65 of 1960,
section 9 of
Act 71 of 1961,
section 9 of
Act 77 of 1964,
section 3 of
Act 81 of 1965,
section 2 of
Act 94 of 1967,
section 5 of
Act 92 of 1971,
section 2 of
Act 70 of 1975 and
section 1 of
Act 104 of 1976.

4. (1) Section 4 of the Estate Duty Act, 1955, is hereby amended—

- (a) by the substitution in paragraph (k) for the expression “thirty-five thousand rand” of the expression “R40 000”;
- (b) by the substitution in paragraph (l) for the expression “seventy thousand rand” of the expression “R80 000”.

(2) The amendment effected by subsection (1) shall apply in respect of the estate of any person who died or dies on or after 1 April 1979.

Amendment of
section 4A of
Act 45 of 1955,
as inserted by
section 6 of
Act 92 of 1971
and amended by
section 3 of
Act 95 of 1978.

5. (1) Section 4A of the Estate Duty Act, 1955, is hereby amended by the substitution for the expression “thirty thousand 25 rand”, wherever it occurs, of the expression “R35 000”.

(2) The amendment effected by subsection (1) shall apply in respect of the estate of any person who died or dies on or after 1 April 1979.

Amendment of
section 22 of
Act 77 of 1968,
as amended by
section 19 of
Act 103 of 1969,
section 11 of
Act 114 of 1977 and
section 6 of
Act 95 of 1978.

6. (1) Section 22 of the Stamp Duties Act, 1968, is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) [Subject to the provisions of section 5 (3),] The duty on a lease shall be denoted on the original instrument, which shall be retained by the lessor.”.

(2) Subsection (1) shall be deemed to have come into operation on 29 July 1977.

Amendment of
Item 11 of
Schedule 1 to
Act 77 of 1968,
as amended by
section 12 of
Act 89 of 1972 and
section 16 of
Act 114 of 1977.

7. Item 11 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended by the substitution for paragraph (d) of the following paragraph:

“(d) Any [document of entry relating to any goods imported under the provisions of Item 407.03 of Schedule 4 to the Customs and Excise Act, 1964 (Act No. 91 of 1964)] triptyques, Carnet de Passages en Douane, A.T.A. carnets, temporary import permits and tourist baggage receipts relating to any goods imported under the provisions of Schedule No. 4 to the Customs and Excise Act, 1964 (Act No. 91 of 1964).”.

Amendment of
Item 15 of
Schedule 1 to
Act 77 of 1968,
as substituted by

8. (1) Item 15 of Schedule 1 to the Stamp Duties Act, 1968, is hereby amended—

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

WYSIGINGSWET OP INKOMSTEWETTE, 1979.

Wet No. 102, 1979

- „(a)bis soveel van enige voordeel wat deur enige fonds (behalwe 'n jaargeld betaalbaar deur 'n pensioenfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962)), by of as gevolg van die dood van die oorledene verskuldig en betaalbaar is as wat die totale bedrag van enige bydraes of vergoeding wat tot bevrediging van die Sekretaris bewys word betaal te gewees het deur die begunstigde, saam met rente teen ses persent per jaar bereken op sodanige bydraes of vergoeding vanaf die datum van betaling tot die datum van dood, te bowe gaan;”.
- (2) Die wysiging deur subartikel (1) aangebring, is van toepassing ten opsigte van die boedel van iemand wat op of na 1 April 1979 te sterwe gekom het of te sterwe kom.
- 15 4. (1) Artikel 4 van die Boedelbelastingwet, 1955, word hierby gewysig—
- (a) deur in paragraaf (k) die uitdrukking „vyf-en-dertigduisend rand” deur die uitdrukking „R40 000” te vervang;
- 20 (b) deur in paragraaf (l) die uitdrukking „sewentigduisend rand” deur die uitdrukking „R80 000” te vervang.
- (2) Die wysiging deur subartikel (1) aangebring, is van toepassing ten opsigte van die boedel van iemand wat op of na 1 April 1979 te sterwe gekom het of te sterwe kom.
- 25 5. (1) Artikel 4A van die Boedelbelastingwet, 1955, word hierby gewysig deur die uitdrukking „dertigduisend rand”, waar dit ook al voorkom, deur die uitdrukking „R35 000” te vervang.
- (2) Die wysiging deur subartikel (1) aangebring, is van toepassing ten opsigte van die boedel van iemand wat op of na 1 April 1979 te sterwe gekom het of te sterwe kom.
- 30 6. (1) Artikel 22 van die Wet op Seëlregte, 1968, word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:
- 35 „(7) **[Behoudens die bepalings van artikel 5 (3), moet]** Die seëlreg op 'n huurooreenkoms **moet** op die oorspronklike stuk aangedui word en **[moet]** dié stuk **moet** deur die verhuurder behou word.”.
- (2) Subartikel (1) word geag op 29 Julie 1977 in werking te getree het.
- 40 7. Item 11 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:
- 45 „(d) **[’n Klaringsdokument met betrekking tot goedere wat ingevolge die bepalings van Item 407.03 en Bylae 4 by die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), ingevoer word]** Enige triptieke, Carnet de Passages en Douane, A.T.A. carnets, tydelike invoerpermittie en toeristebagasiëkwitansies met betrekking tot goedere ingevoer kragtens die bepalings van Bylae No. 4 by die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964).”.
- 50 8. (1) Item 15 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby gewysig—
- (a) deur in paragraaf (3) (c) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
- 55

artikel 2 van
Wet 65 van 1960,
artikel 8 van
Wet 77 van 1964,
artikel 2 van
Wet 81 van 1965,
artikel 4 van
Wet 92 van 1971
en artikel 3 van
Wet 89 van 1972.

Wysiging van
artikel 4 van
Wet 45 van 1955,
soos gewysig deur
artikel 2 van
Wet 59 van 1957,
artikel 3 van
Wet 65 van 1960,
artikel 9 van
Wet 71 van 1961,
artikel 9 van
Wet 77 van 1964,
artikel 3 van
Wet 81 van 1965,
artikel 2 van
Wet 94 van 1967,
artikel 5 van
Wet 92 van 1971,
artikel 2 van
Wet 70 van 1975 en
artikel 1 van
Wet 104 van 1976.

Wysiging van
artikel 4A van
Wet 45 van 1955,
soos ingevoeg deur
artikel 6 van
Wet 92 van 1971
en gewysig deur
artikel 3 van
Wet 95 van 1978.

Wysiging van
artikel 22 van
Wet 77 van 1968,
soos gewysig deur
artikel 19 van
Wet 103 van 1969,
artikel 11 van
Wet 114 van 1977
en artikel 6 van
Wet 95 van 1978.

Wysiging van
Item 11 van
Bylae 1 by
Wet 77 van 1968,
soos gewysig deur
artikel 12 van
Wet 89 van 1972
en artikel 16 van
Wet 114 van 1977.

Wysiging van
Item 15 van
Bylae 1 by
Wet 77 van 1968,
soos vervang deur

Act No. 102, 1979

REVENUE LAWS AMENDMENT ACT, 1979.

section 13 of
Act 89 of 1972
and amended by
section 16 of
Act 66 of 1973,
section 21 of
Act 88 of 1974,
section 3 of
Act 104 of 1976,
section 20 of
Act 114 of 1977 and
section 8 of
Act 95 of 1978.

“**[in any other case]** if the marketable security was sold or disposed of after 31 March 1977 but not later than 31 March 1979 and the date of the sale or disposal is noted on the relevant instrument of transfer referred to in section 23 of this Act by the transferee or his agent and such note is signed by the transferee or his agent.”;

(b) by the addition to paragraph (3) of the following subparagraph:

“(d) in any other case:

(i) if transfer is registered before the expiry of a period of six months from the date of execution of the relevant instrument of transfer referred to in section 23 of this Act: for every R10, or part thereof, of the amount or value of the consideration given or, where no consideration is given, of the value of the marketable security transferred ... 0 10

(ii) if transfer is registered after the expiry of the said period ... Three times the duty which would have been payable under (d) (i) if transfer had been registered before the expiry of the said period of six months.”;

(c) by the substitution in paragraph (4) in the column “Amount of Duty” for the amount “0 15” of the amount “0 10”; and

(d) by the substitution for subparagraphs (ii) and (iii) of paragraph (5) of the following subparagraphs:

“(ii) if the date of acquisition of such marketable security falls on or after 1 April 1977, but not later than 31 March 1979, and **[if]** the relevant deed or declaration referred to in section 23 (15) of this Act is duly stamped before the expiry of a period of six months from the date of such acquisition: for every R10, or part thereof, of the amount or value of the consideration given or, where no consideration is given, of the value of the marketable security ... 0 15

(iii) if the date of acquisition of such marketable security falls on or after 1 April 1979 and the relevant deed or declaration referred to in section 23 (15) of this Act is duly stamped before the expiry of a period of six months from the date of such acquisition: for every R10, or part thereof, of the amount or value of the consideration given or, where no consideration is given, of the value of the marketable security ... 0 10

[(iii)](iv) if the relevant deed or declaration is not duly stamped within the period of six months referred to in subparagraph (i) **[or]**, (ii) or (iii), as the case may be ... Three times the duty which would have

WYSIGINGSWET OP INKOMSTEWETTE, 1979.

Wet No. 102, 1979

„[in enige ander geval] indien die handelseffekte verkoop of vervreem is na 31 Maart 1977 maar nie later nie as 31 Maart 1979 en die datum van die verkoop of vervreemding op die betrokke oordragstuk in artikel 23 van hierdie Wet bedoel, aangeteken is deur die oordragnemer of sy verteenwoordiger en daardie aantekening deur die oordragnemer of sy verteenwoordiger onderteken is:”;

artikel 13 van Wet 89 van 1972 en gewysig deur artikel 16 van Wet 66 van 1973, artikel 21 van Wet 88 van 1974, artikel 3 van Wet 104 van 1976, artikel 20 van Wet 114 van 1977 en artikel 8 van Wet 95 van 1978.

(b) deur die volgende subparagraaf by paragraaf (3) te voeg:

„(d) in enige ander geval:

(i) indien oordrag geregistreer word binne 'n tydperk van ses maande vanaf die datum van verlyding van die betrokke oordragstuk in artikel 23 van hierdie Wet bedoel: vir elke R10, of deel daarvan, van die bedrag of waarde van die vergoeding gegee of, waar geen vergoeding gegee word nie, van die waarde van die handelseffekte wat oorgedra word 0 10

(ii) indien oordrag na verstryking van genoemde tydperk geregistreer word Drie maal die seëlreg wat ingevolge (d) (i) betaalbaar sou gewees het indien oordrag binne bedoelde tydperk van ses maande geregistreer was.”;

(c) deur in paragraaf (4) in die kolom „Bedrag van Seëlreg” die bedrag „0 15” deur die bedrag „0 10” te vervang; en

(d) deur subparagraawe (ii) en (iii) van paragraaf (5) deur die volgende subparagraawe te vervang:

„(ii) indien die datum van verkryging van bedoelde handelseffekte op of na 1 April 1977, maar nie later nie as 31 Maart 1979, val en [indien] die betrokke akte of verklaring bedoel in artikel 23 (15) van hierdie Wet behoorlik geseël word voor die verstryking van 'n tydperk van ses maande vanaf die datum van sodanige verkryging: vir elke R10, of deel daarvan, van die bedrag of waarde van die vergoeding gegee of, waar geen vergoeding gegee word nie, van die waarde van die handelseffekte 0 15

(iii) indien die datum van verkryging van bedoelde handelseffekte op of na 1 April 1979 val en die betrokke akte of verklaring bedoel in artikel 23 (15) van hierdie Wet behoorlik geseël word voor die verstryking van 'n tydperk van ses maande vanaf die datum van sodanige verkryging: vir elke R10, of deel daarvan, van die bedrag of waarde van die vergoeding gegee of, waar geen vergoeding gegee word nie, van die waarde van die handelseffekte 0 10

[(iii)] (iv) indien die betrokke akte of verklaring nie binne die tydperk van ses maande bedoel in subparagraaf (i), [of] (ii) of (iii), na gelang van die geval, behoorlik geseël word nie . . . Drie maal die seëlreg wat

Act No. 102, 1979

REVENUE LAWS AMENDMENT ACT, 1979.

been payable
under (i)
for, (ii) or
(iii)
(whichever is 5
applicable), if
the deed or
declaration
had been duly
stamped 10
within the
period of six
months
referred to in
subparagraph 15
(i) **for**, (ii)
or (iii), as the
case may
be.”

(2) Subsection (1) shall be deemed to have come into operation 20
on 1 April 1979.

Limitation of
liability for
duty due under
certain repealed
laws.

9. Notwithstanding anything to the contrary in any law
contained no person shall be liable for the payment of any unpaid
amount of any succession duty or estate duty imposed under the
provisions of the Death Duties Act, 1922 (Act No. 29 of 1922), or 25
any law repealed by that Act, unless such amount was determined
under the provisions of any such law prior to the commencement
of this Act.

Short title.

10. This Act shall be called the Revenue Laws Amendment
Act, 1979. 30

WYSIGINGSWET OP INKOMSTEWETTE, 1979.

Wet No. 102, 1979

5
10
15
20

ingevoelge (i),
[of] (ii) of
(iii) betaalbaar
sou gewees
het (watter
ook al van
toepassing is),
indien die akte
of verklaring
binne die
tydperk van
ses maande
bedoel in
subparagraaf
(i), [of] (ii)
of (iii), na
gelang van die
geval,
behoorlik
geseël
was.”

(2) Subartikel (1) word geag op 1 April 1979 in werking te
getree het.

9. Ondanks andersluidende wetsbepalings is geen persoon aanspreeklik nie vir die betaling van enige onbetaalde bedrag van enige suksessiereg of -belasting of boedelbelasting wat opgelê is kragtens die „Sterfrechten Wet, 1922” (Wet No. 29 van 1922), of ’n wet wat deur daardie Wet herroep is, tensy bedoelde bedrag kragtens die een of ander van genoemde wette vasgestel is voor die inwerkingtreding van hierdie Wet.

Beperking op aanspreeklikheid vir belasting of reg verskuldig ingevolge sekere herroepe wette.

10. Hierdie Wet heet die Wysigingswet op Inkomstewette, Kort titel. 1979.

