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No. 25047

THE PRESIDENCY

No. 730

31 May 2003

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

No. 12 of 2003: Exchange Control Amnesty and Amendment of Taxation Laws Act, 2003.

DIE PRESIDENSIE

No. 730

31 Mei 2003

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

No. 12 van 2003: Wet op Deviese-beheeramnestie en Wysiging van Belastingwette, 2003.



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Act No. 12, 2003

EXCHANGE CONTROL AMNESTY AND AMENDMENT
OF TAXATION LAWS ACT, 2003**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 on 30 May 2003.)

ACT

To provide for exchange control amnesty with accompanying tax measures in respect of voluntary disclosure by an applicant of any contravention of the Exchange Control Regulations or failure to comply with the provisions of the Estate Duty Act, 1955, or the Income Tax Act, 1962, to the extent that it relates to foreign assets; to amend the Transfer Duty Act, 1949, so as to adjust the rates of duty; to fix the rates of normal tax payable by persons other than companies in respect of taxable income for the years of assessment ending on 29 February 2004 and by companies in respect of taxable income for the years of assessment ending during the 12 months ending on 31 March 2004; to amend the Income Tax Act, 1962, so as to amend a definition; to further regulate the provisions relating to secrecy to provide for exchange of information between the South African Revenue Service and the South African Reserve Bank; to increase the primary and secondary rebates; to further regulate the exemption in respect of interest and foreign dividends; to increase the income threshold of small business corporations; to further regulate the secondary tax on companies where a company ceases to be a resident; to amend the Customs and Excise Act, 1964, so as to further regulate the provisions relating to secrecy to provide for exchange of information between the South African Revenue Service and the South African Reserve Bank; to increase the rate of the air passenger tax; and to amend Schedule No. 1 to the said Act and the effective date thereof; to amend the Stamp Duties Act, 1968, so as to delete a definition and to amend a definition; to abolish stamp duty on certain instruments; and to effect certain consequential amendments; to amend the South African Reserve Bank Act, 1989, so as to further regulate the provisions relating to secrecy to provide for exchange of information between the South African Reserve Bank and the South African Revenue Service; to amend the Value-Added Tax Act, 1991, so as to increase the threshold of rental income in the definition of "commercial accommodation"; to further regulate the provisions relating to secrecy to provide for exchange of information between the South African Revenue Service and the South African Reserve Bank; to amend the Tax on Retirement Funds Act, 1996, so as to reduce the rate at which the tax on retirement funds is imposed; to provide for the continuation of amendments to the Schedules to the Customs and Excise Act, 1964; to provide for a short title and commencement date of this Act; and to provide for matters connected therewith.

WET OP DEVIESEBEHEERAMNESTIE EN
WYSIGING VAN BELASTINGWETTE, 2003

Wet No. 12, 2003

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.

(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Mei 2003.)

WET

Ten einde voorsiening te maak vir deviesebeheeramnestie met meegaande belastingmaatreëls ten opsigte van vrywillige openbaarmaking deur 'n applikant van enige oortreding van die Deviesebeheerregulasies of versuim om aan die bepalings van die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, te voldoen in die mate wat dit op buitelandse bates betrekking het; tot wysiging van die Wet op Hereregte, 1949, ten einde die skale van reg aan te pas; die skale van normale belasting betaalbaar deur persone behalwe maatskappye ten opsigte van belasbare inkomste vir die jare van aanslag eindigende 29 Februarie 2004 en deur maatskappye ten opsigte van belasbare inkomste vir die jare van aanslag eindigende gedurende die 12 maande wat op 31 Maart 2004 eindig, vas te stel; tot wysiging van die Inkomstebelastingwet, 1962, ten einde 'n woordomskrywing te wysig; die bepalings met betrekking tot geheimhouding verder te reël om vir die uitruil van inligting tussen die Suid-Afrikaanse Inkomstediens en die Suid-Afrikaanse Reserwebank voorsiening te maak; die primêre en sekondêre kortings te verhoog; die vrystelling ten opsigte van rente en buitelandse dividende verder te reël; die inkomstedrempel van kleinsakekorporasies te verhoog; die sekondêre belasting op maatskappye verder te reël waar 'n maatskappy ophou om 'n inwoner te wees; tot wysiging van die Doeane- en Aksynswet, 1964, ten einde die bepalings met betrekking tot geheimhouding verder te reël om vir die uitruil van inligting tussen die Suid-Afrikaanse Inkomstediens en die Suid-Afrikaanse Reserwebank voorsiening te maak; die skaal van die lugpassasiersbelasting te verhoog; en Bylae No. 1 by genoemde Wet en die effektiewe datum daarvan te wysig; tot wysiging van die Wet op Seëlregte, 1968, ten einde 'n woordomskrywing te skrap en 'n woordomskrywing te wysig; seëlreg op sekere instrumente af te skaf; en sekere gevolglike wysigings aan te bring; tot wysiging van die Wet op die Suid-Afrikaanse Reserwebank, 1989, ten einde die bepalings met betrekking tot geheimhouding verder te reël om vir die uitruil van inligting tussen die Suid-Afrikaanse Reserwebank en die Suid-Afrikaanse Inkomstediens voorsiening te maak; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde die drempel van huurinkomste in die omskrywing van "kommersiële huisvesting" te verhoog; die bepalings met betrekking tot geheimhouding verder te reël om vir die uitruil van inligting tussen die Suid-Afrikaanse Inkomstediens en die Suid-Afrikaanse Reserwebank voorsiening te maak; tot wysiging van die Wet op Belasting op Uittreefondse, 1996, ten einde die skaal waarteen belasting op uittreefondse gehê word te verlaag; en vir die voortdurende wysigings aan die Bylaes by die Doeane- en Aksynswet, 1964, voorsiening te maak; ten einde vir 'n kort titel en datum van inwerkingtreding van hierdie Wet voorsiening te maak; en om vir aangeleenthede wat daarmee in verband staan voorsiening te maak.

**Act No. 12, 2003 EXCHANGE CONTROL AMNESTY AND AMENDMENT
OF TAXATION LAWS ACT, 2003**

PREAMBLE

RECOGNISING that the objectives of the exchange control amnesty and accompanying tax measures are—

- (a) to enable violators of Exchange Control Regulations and certain tax Acts to regularise their affairs in respect of foreign assets attributable to those violations;
- (b) to ensure maximum disclosure of foreign assets and to facilitate repatriation thereof to the Republic; and
- (c) to extend the tax base by disclosing previously unreported foreign assets.

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

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AANHEF

IN ERKENNING daarvan dat die deviesebeheeramnestie en meegaande belastingmaatreëls ten doel het—

- (a) om oortreders van die Deviesebeheerregulasies en sekere belastingwette in staat te stel om hulle sake ten opsigte van buitelandse bates wat aan daardie oortredings toeskryfbaar is, reg te stel;
- (b) om maksimum openbaarmaking van buitelandse bates te verseker en repatriasie daarvan na die Republiek te fasiliteer; en
- (c) om die belastingbasis uit te brei deur voorheen onverklaarde buitelandse bates te openbaar,

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

INDEKS

Artikel

HOOFSTUK I

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CHAPTER I

**EXCHANGE CONTROL AMNESTY AND ACCOMPANYING TAX
MEASURES**

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Part A

Definitions, Administration and Application

Definitions

1. For purposes of this Chapter, unless the context indicates otherwise, any meaning ascribed to any word or expression in section 1 of the Income Tax Act, 1962, must bear the meaning so ascribed, and—

- “amnesty unit” means the amnesty unit established in terms of section 22;
“applicant” means any person contemplated in section 3(1)(a) or (b);
“application” means the application contemplated in section 5;
“authorised dealer” means an authorised dealer as defined in the Exchange Control Regulations; 45

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HOOFSTUK I**DEVIESEBEHEERAMNESTIE EN MEEGAANDE BELASTINGMAATREËLS****Deel A**

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Woordoms krywing, Administrasie en Toepassing**Woordoms krywing**

1. By die toepassing van hierdie Hoofstuk, tensy uit die samehang anders blyk, dra enige woord of uitdrukking waaraan in artikel 1 van die Inkomstebelastingwet, 1962, 'n betekenis toegeskryf is, die betekenis aldus toegeskryf en beteken—

40

“aansoek” die aansoek in artikel 5 beoog;

“amnestie-eenheid” die amnestie-eenheid ingevolge artikel 22 ingestel;

“applikant” ’n persoon in artikel 3(1)(a) of (b) beoog;

“Boedelbelastingwet, 1955” die Boedelbelastingwet, 1955 (Wet No. 45 van 1955);

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“Commissioner” means the Commissioner for the South African Revenue Service appointed in terms of section 13 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997);

“date of approval” means the date on which the notice of approval was delivered by the amnesty unit to the applicant as contemplated in section 9(6);

“deliver”, in relation to a document, means—

- (a) handing that document to the relevant person;
- (b) sending that document to the relevant person by registered post to that person’s last known address, which may be his or her last known place of residence, office, place of business or post office box number;

(c) transmitting that document to the relevant person by facsimile; or

(d) transmitting that document to the relevant person by electronic means:

Provided that in the case of paragraphs (c) and (d), the document must be handed to the relevant person or sent by registered post to that person as contemplated in paragraph (b), within ten days of it being so transmitted by facsimile or electronic means;

“domestic tax amnesty levy” means the levy imposed in terms of section 16;

“Estate Duty Act, 1955” means the Estate Duty Act, 1955 (Act No. 45 of 1955);

“exchange control amnesty levy” means the levy imposed in terms of section 11;

“Exchange Control Regulations” means the Exchange Control Regulations, 1961, issued in terms of section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933);

“facilitator” means a person contemplated in section 3(1)(c);

“foreign asset” means—

- (a) any funds held in foreign currency; and
- (b) any asset transferred from or accumulated outside the Republic, but does not include any foreign bearer instrument;

“foreign bearer instrument” means a financial instrument issued by a person who is not a resident where the identity of the beneficial owner thereof cannot be determined by reference to either that instrument or the person who issued that financial instrument, but does not include an instrument if the beneficial owner can prove that the financial instrument is derived from that beneficial owner’s own funds which had been held for a period of at least 18 months prior to the acquisition of that financial instrument;

“General Manager” means the General Manager of the Exchange Control Department of the South African Reserve Bank or any person to whom the powers, functions and duties have been delegated by the Minister in terms of the Exchange Control Regulations;

“Governor” means the person appointed as the Governor of the South African Reserve Bank under section 4 or 6(1)(a) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989);

“held”, “hold” or “holding” in relation to a foreign asset means direct beneficial ownership in that foreign asset, and includes a deemed holding of that foreign asset in terms of section 4;

“Income Tax Act, 1962” means the Income Tax Act, 1962 (Act No. 58 of 1962);

“leviable amount” means the leviable amount contemplated in section 11(2);

“market value” in relation to a foreign asset of a person, means the market value as contemplated in paragraph 31 of the Eighth Schedule to the Income Tax Act, 1962;

“Minister” means the Minister of Finance;

“related party” in relation to an applicant means—

- (a) a company, none of the shares or interests of which is held by any person other than—
 - (i) that applicant; or
 - (ii) in the case where the applicant is a natural person, by that applicant or relatives of that applicant; or
- (b) a trust or deceased estate of which the applicant is a beneficiary;

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“buitelandse bate” enige—

(a) fondse in buitelandse geldeenheid gehou; en

(b) bate oorgeplaas vanuit of geakkumuleer buite die Republiek,

maar sluit nie enige buitelandse toonderinstrument in nie;

“buitelandse toonderinstrument” ’n finansiële instrument uitgereik deur ’n persoon 5

wat nie ’n inwoner is nie waar die identiteit van die voordelige eienaar daarvan nie

met verwysing na óf daardie instrument óf die persoon wat daardie finansiële

instrument uitgereik het, vasgestel kan word nie, maar sluit nie in nie ’n instrument

waar die voordelige eienaar kan bewys dat die finansiële instrument verkry is uit

daardie voordelige eienaar se eie fondse wat vir ’n tydperk van minstens 18 maande 10

voor die verkryging van daardie finansiële instrument gehou is;

“datum van goedkeuring” die datum waarop die kennisgewing van goedkeuring

deur die amnestie-eenheid aan die applikant gelewer is soos in artikel 9(6) beoog;

“deviesebeheeramnestie-heffing” die heffing ingevolge artikel 11 opgelê;

“Deviesebeheerregulasies” die Deviesebeheerregulasies, 1961, uitgereik 15

ingevolge artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No.

9 van 1933);

“fasiliteerder” ’n persoon in artikel 3(1)(c) beoog;

“gemagtigde handelaar” ’n gemagtigde handelaar in die Deviesebeheerregulasies

omskryf; 20

“hefbare bedrag” die hefbare bedrag in artikel 11(2) beoog;

“Hoofbestuurder” die Hoofbestuurder van die Departement Deviesebeheer van

die Suid-Afrikaanse Reserwebank of enige persoon aan wie die bevoegdhede,

funksies en pligte deur die Minister ingevolge die Deviesebeheerregulasies

gedelegeer is; 25

“hou” of “gehou”, met betrekking tot ’n buitelandse bate, regstreekse voordelige

eienaarskap van daardie buitelandse bate, en ook ’n buitelandse bate wat ingevolge

artikel 4 geag word gehou te wees;

“Inkomstebelastingwet, 1962” die Inkomstebelastingwet, 1962 (Wet No. 58 van

1962); 30

“inwoner”—

(a) vir doeleindes van belastingaangeleenthede, ’n inwoner soos in artikel 1 van

die Inkomstebelastingwet, 1962, omskryf; en

(b) vir doeleindes van deviesebeheeraangeleenthede, ’n persoon hetsy van

Suid-Afrikaanse of ander nasionaliteit, wat in die Republiek woonagtig of 35

gedomisileer is by die toepassing van die Deviesebeheerregulasies;

“Kommissaris” die Kommissaris van die Suid-Afrikaanse Inkomstediens

ingevolge artikel 13 van die Wet op die Suid-Afrikaanse Inkomstediens, 1997 (Wet

No. 34 van 1997), aangestel;

“lewer”, met betrekking tot ’n dokument— 40

(a) die oorhandiging van daardie dokument aan die betrokke persoon;

(b) die versending van daardie dokument aan die betrokke persoon per

geregistreerde pos na daardie persoon se laaste bekende adres, wat sy of haar

laaste bekende woonplek, kantoor, plek van besigheid of posbusadres kan

wees; 45

(c) die versending van daardie dokument aan die betrokke persoon per

faksimile; of

(d) die elektroniese versending van daardie dokument aan die betrokke persoon:

Met dien verstande dat in die geval van paragrafe (c) en (d), die dokument aan die

betrokke persoon oorhandig moet word of per geregistreerde pos aan daardie 50

persoon versend moet word soos in paragraaf (b) beoog binne tien dae nadat dit

aldus per faksimile of elektronies versend is;

“markwaarde”, met betrekking tot ’n buitelandse bate van ’n persoon, die

markwaarde soos in paragraaf 31 van die Agtste Bylae by die Inkomste-

belastingwet, 1962, beoog; 55

“Minister” die Minister van Finansies;

“ongemagtigde bate” enige buitelandse bate wat as buitelandse bates

geakkumuleer of vanuit die Republiek oorgeplaas is strydig met die

Deviesebeheerregulasies;

“onregmatige aktiwiteit” enige onregmatige aktiwiteit soos in die Wet op die 60

Voorkoming van Georganiseerde Misdad, 1998 (Wet No. 121 van 1998), omskryf,

behalwe—

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“resident” means—

- (a) for purposes of tax matters, a resident as defined in section 1 of the Income Tax Act, 1962; and
- (b) for purposes of exchange control matters, a person whether of South African or other nationality, who has taken up residence or is domiciled in the Republic, for purposes of the Exchange Control Regulations; 5

“South African Revenue Service” means the South African Revenue Service established in terms of the South African Revenue Service Act, 1997 (Act No. 34 of 1997); 10

“unauthorised asset” means any foreign asset which was accumulated as foreign assets or transferred from the Republic in contravention of the Exchange Control Regulations; and

“unlawful activity” means an unlawful activity as defined in the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), other than—

- (a) any exchange control contravention or failure to comply with the Estate Duty Act, 1955, or the Income Tax Act, 1962; or 15
- (b) any activity constituting a misrepresentation or non-disclosure that was necessary to facilitate the contravention or failure contemplated in paragraph (a).

Administration of Chapter

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2. The amnesty process of this Chapter is administered by the Chairperson of the amnesty unit.

Persons who may apply for exchange control or tax relief in terms of amnesty

3. (1) The following persons who are resident on 28 February 2003 may apply for amnesty in terms of this Chapter: 25

- (a) Any natural person (including the deceased estate of a natural person), a close corporation or trust, holding any foreign asset on 28 February 2003, the value of which has been wholly or partly derived from any unauthorised asset;
- (b) Any natural person (including the deceased estate of a natural person), a close corporation or trust, holding any foreign asset on 28 February 2003, the value of which has been wholly or partly derived from any amount that was not declared to the Commissioner as required in terms of the Estate Duty Act, 1955, or the Income Tax Act, 1962; and 30
- (c) Any natural person (including the deceased estate of a natural person) or any related party in relation to an applicant contemplated in paragraph (a), which on or before 28 February 2003 assisted that applicant (otherwise than solely in an advisory capacity)— 35
 - (i) by accumulating foreign assets; or
 - (ii) by transferring funds or assets from the Republic, for the benefit of that applicant in a manner that involves either any contravention of the Exchange Control Regulations or a failure to comply with the Estate Duty Act, 1955, or the Income Tax Act, 1962, and those foreign assets, funds or assets are no longer held by that natural person or related party. 40

(2) This Chapter does not apply in respect of any amount not declared to the Commissioner or any failure to comply with the requirements of the Income Tax Act, 1962, as contemplated in subsection (1)(b) and (c) where that amount constitutes, or that failure relates to— 45

- (a) an amount withheld or deducted by the natural person, close corporation, trust or facilitator, as the case may be, from an employee in terms of paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962; or 50
- (b) an amount of withholding tax on royalties which must be paid to the Commissioner in terms of section 35 of the Income Tax Act, 1962.

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- (a) enige deviesebeheeroortreding of versuim om aan die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, te voldoen; of
- (b) enige aktiwiteit wat 'n wanvoorstelling of nie-openbaring uitmaak wat noodsaaklik was om die oortreding of versuim in paragraaf (a) beoog te fasiliteer; 5
- “plaaslike belastingamnestieheffing” die heffing ingevolge artikel 16 opgelê;
- “President” die persoon as President van die Suid-Afrikaanse Reserwebank aangestel kragtens artikel 4 of 6(1)(a) van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989);
- “Suid-Afrikaanse Inkomstediens” die Suid-Afrikaanse Inkomstediens ingevolge die Wet op die Suid-Afrikaanse Inkomstediens, 1997 (Wet No. 34 van 1997), ingestel; en 10
- “verwante party”, met betrekking tot 'n applikant—
- (a) 'n maatskappy waar geen van die aandele of belange daarin gehou word nie deur 'n persoon behalwe— 15
 - (i) daardie applikant; of
 - (ii) indien daardie applikant 'n natuurlike persoon is, daardie applikant of familieledede van daardie applikant; of
- (b) 'n trust of bestorwe boedel ten aansien waarvan die applikant 'n begunstigde is. 20

Administrasie van Hoofstuk

2. Die amnestieproses van hierdie Hoofstuk word deur die Voorsitter van die amnestie-eenheid geadministreer.

Persone wat om deviesebeheer- of belastingverligting ingevolge amnestie kan aansoek doen 25

3. (1) Die volgende persone wat op 28 Februarie 2003 inwoners is, kan om amnestie ingevolge hierdie Hoofstuk aansoek doen:

- (a) 'n Natuurlike persoon (waarby ingesluit die bestorwe boedel van 'n natuurlike persoon), 'n beslote korporasie of trust, wat op 28 Februarie 2003 'n buitelandse bate gehou het waarvan die waarde in geheel of gedeeltelik uit 'n ongemagtigde bate verkry is; 30
- (b) 'n Natuurlike persoon (waarby ingesluit die bestorwe boedel van 'n natuurlike persoon), 'n beslote korporasie of trust, wat op 28 Februarie 2003 'n buitelandse bate gehou het waarvan die waarde in geheel of gedeeltelik uit 'n bedrag verkry is wat nie aan die Kommissaris verklaar is nie, soos ingevolge die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, vereis word; en 35
- (c) 'n Natuurlike persoon (waarby ingesluit die bestorwe boedel van 'n natuurlike persoon) of 'n verwante party met betrekking tot 'n applikant in paragraaf (a) beoog, wat voor of op 28 Februarie 2003 daardie applikant bygestaan het (anders as uitsluitlik in 'n adviserende hoedanigheid)— 40
 - (i) deur buitelandse bates te akkumuleer; of
 - (ii) deur fondse of bates vanuit die Republiek oor te plaas, vir die voordeel van daardie applikant op 'n wyse wat óf 'n oortreding van die Deviesebeheerregulasies óf 'n versuim om aan die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, te voldoen, behels en daardie buitelandse bates, fondse of bates nie meer deur daardie natuurlike persoon of verwante party gehou word nie. 45

(2) Hierdie Hoofstuk is nie van toepassing nie ten opsigte van enige bedrag wat nie aan die Kommissaris verklaar is nie of enige versuim om aan die vereistes van die Inkomstebelastingwet, 1962, te voldoen, soos in subartikel (1)(b) en (c) beoog, waar daardie bedrag 'n bedrag uitmaak of daardie versuim verband hou met— 50

- (a) 'n bedrag deur daardie natuurlike persoon, beslote korporasie, trust of fasiliteerder, na gelang van die geval, teruggehou of afgetrek van 'n werknemer ingevolge paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962; of 55
- (b) 'n bedrag van terughoudingsbelasting op tantième wat aan die Kommissaris betaal moet word ingevolge artikel 35 van die Inkomstebelastingwet, 1962.

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Special rules for donors to discretionary trust

4. (1) A person who is a donor (or the deceased estate of a donor) in relation to a discretionary trust which is not a resident, may elect that any foreign asset contemplated in subsection (2), which was held by that discretionary trust on 28 February 2003, must be deemed to be held by that person. 5
- (2) Subsection (1) applies in respect of a foreign asset of a discretionary trust which—
- (a) was acquired by that discretionary trust by way of a donation made by the person contemplated in subsection (1);
 - (b) has been wholly or partly derived from any unauthorised asset or from any amount not declared by that donor to the Commissioner as required by the Estate Duty Act, 1955, or the Income Tax Act, 1962; and 10
 - (c) has not at the time of that election vested in any beneficiary of that discretionary trust.
- (3) Where a person has made an election as contemplated in subsection (1) in relation to a foreign asset— 15
- (a) that person must be deemed to have held that foreign asset—
 - (i) for purposes of this Chapter, from the date that the discretionary trust acquired that foreign asset; and
 - (ii) for the purposes of the Income Tax Act, 1962, from the first day of the last year of assessment ending on or before 28 February 2003, 20
 until that foreign asset is disposed of by that discretionary trust to any other person, in which case that person shall be deemed to have disposed of that foreign asset for consideration equal to its market value on the date of disposal; and
 - (b) the provisions of sections 7(5), 7(8) and 25B of the Income Tax Act, 1962, and paragraphs 70, 72 and 80 of the Eighth Schedule to that Act, shall not apply in respect of any income, expenditure or capital gain relating to that foreign asset, while it is so deemed to be held by that person. 25
- (4) In order to make the election contemplated in subsection (1), the person must submit the founding document of the discretionary trust as at 28 February 2003 with the application in terms of section 5. 30

Part B

Application, Evaluation and Approval Process

Application for amnesty and period for application

5. An applicant or facilitator applying for amnesty contemplated in this Chapter must submit an application by way of a sworn affidavit or solemn declaration which must be delivered to the amnesty unit during the period commencing 1 June 2003 and ending 30 November 2003, at the address and in the form and manner as may be prescribed by the amnesty unit. 35

Required information for application by applicant 40

6. (1) An applicant contemplated in section 3(1)(a) who applies for exchange control relief, as contemplated in Part C, in respect of any foreign asset which is held by that applicant on 28 February 2003 wholly or partly in contravention of the Exchange Control Regulations, must—
- (a) disclose the market value on that date of that foreign asset in the foreign currency of the country in which that foreign asset is situated; 45
 - (b) include a description of the identifying characteristics and the location of that foreign asset;
 - (c) submit in respect of the market value in foreign currency of that foreign asset— 50
 - (i) a valuation certificate by a valuator of the country where that foreign asset is located;

Spesiale reëls vir skenkers aan diskresionêre trust

4. (1) 'n Persoon wat 'n skenker (of die bestorwe boedel van 'n skenker) is met betrekking tot 'n diskresionêre trust wat nie 'n inwoner is nie, kan 'n keuse uitoefen dat 'n buitelandse bate in subartikel (2) beoog, wat op 28 Februarie 2003 deur daardie diskresionêre trust gehou is, geag word deur daardie persoon gehou te wees. 5

(2) Subartikel (1) is van toepassing ten opsigte van 'n buitelandse bate van 'n diskresionêre trust wat—

- (a) deur daardie diskresionêre trust verkry is by wyse van 'n skenking gemaak deur die persoon in subartikel (1) beoog; 10
- (b) in geheel of gedeeltelik verkry is uit enige ongemagtigde bate of van enige bedrag wat nie deur daardie skenker aan die Kommissaris verklaar is nie soos deur die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, vereis word; en 15
- (c) op die tydstip waarop daardie keuse uitgeoefen is nie in enige begunstigde van daardie diskresionêre trust gevestig het nie. 15

(3) Waar 'n persoon 'n keuse met betrekking tot 'n buitelandse bate uitgeoefen het soos in subartikel (1) beoog—

- (a) word daardie persoon geag daardie buitelandse bate te gehou het—
 - (i) by die toepassing van hierdie Hoofstuk, vanaf die datum wat die diskresionêre trust daardie buitelandse bate verkry het; en 20
 - (ii) by die toepassing van die Inkomstebelastingwet, 1962, vanaf die eerste dag van die laaste jaar van aanslag wat voor of op 28 Februarie 2003 eindig, 20

tot daardie diskresionêre trust oor daardie buitelandse bate beskik aan 'n ander persoon, in welke geval daardie persoon geag word oor daardie buitelandse bate te beskik het vir 'n teenprestasie gelykstaande aan die markwaarde op die datum van beskikking; en 25

- (b) is die bepalings van artikels 7(5), 7(8) en 25B van die Inkomstebelastingwet, 1962, en paragrawe 70, 72 en 80 van die Agtste Bylae by daardie Wet, nie van toepassing nie ten opsigte van enige inkomste, onkoste of kapitaalwins met betrekking tot daardie buitelandse bate, terwyl dit aldus geag word deur daardie persoon gehou te word. 30

(4) Ten einde 'n keuse in subartikel (1) beoog te maak, moet die persoon die stigtingsdokument van die diskresionêre trust soos op 28 Februarie 2003 tesame met die aansoek ingevolge artikel 5 indien. 35

Deel B**Aansoek, Evaluering en Goedkeuringsproses****Aansoek om amnestie en tydperk vir aansoek**

5. 'n Applikant of fasiliteerder wat om amnestie in hierdie Hoofstuk beoog aansoek doen, moet 'n aansoek by wyse van 'n eedsverklaring of bevestigende verklaring indien wat aan die amnestie-eenheid gelewer moet word gedurende die tydperk wat op 1 Junie 2003 'n aanvang neem en op 30 November 2003 eindig, by die adres en in die vorm en op die wyse wat die amnestie-eenheid voorskryf. 40

Vereiste inligting vir aansoek deur applikant

6. (1) 'n Applikant in artikel 3(1)(a) beoog, wat vir deviesebeheerverligting soos in Deel C beoog ten opsigte van 'n buitelandse bate wat op 28 Februarie 2003 geheel of gedeeltelik deur daardie applikant in stryd met die Deviesebeheerregulasies gehou word, aansoek doen, moet— 45

- (a) die markwaarde op daardie datum van daardie buitelandse bate in buitelandse geldeenheid van die land waar daardie buitelandse bate geleë is, verklaar; 50
- (b) 'n beskrywing van die identifiserende eienskappe en ligging van daardie buitelandse bate insluit;
- (c) ten opsigte van die markwaarde in buitelandse geldeenheid van daardie buitelandse bate—
 - (i) 'n waardasiesertifikaat deur 'n waardeerder van die land waar daardie buitelandse bate geleë is, indien; 55

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- (ii) a valuation by a sphere of government of the country where that foreign asset is located;
 - (iii) which constitutes a financial instrument, an original or certified copy of a statement of account indicating the balance or market value as at 28 February 2003; or 5
 - (iv) any other form of proof of value of that foreign asset as the amnesty unit may on good cause shown allow.
- (2) An applicant contemplated in section 3(1)(b) who applies for the tax relief in respect of foreign income, as contemplated in section 15, must—
- (a) disclose the receipts and accruals for the last year of assessment of that applicant ending on or before 28 February 2003, which relate to any foreign asset held by that applicant on 28 February 2003, the value of which has been wholly or partly derived from receipts or accruals from a source outside the Republic that were not declared to the Commissioner in any previous year of assessment, as required by the Income Tax Act, 1962; and 10 15
 - (b) include a description of the identifying characteristics and the location of that foreign asset.
- (3) An applicant contemplated in section 3(1)(b) who applies for the domestic tax relief, as contemplated in section 17, must—
- (a) disclose the amounts that were not declared to the Commissioner, as required by the Estate Duty Act, 1955, or the Income Tax Act, 1962, (other than receipts and accruals contemplated in subsection (2)(a)), to the extent that those amounts were accumulated as or converted to foreign assets; 20
 - (b) disclose the dates on which those amounts were initially accumulated as or converted to foreign assets; and 25
 - (c) submit documentary proof of those dates and those amounts which were accumulated as or converted to foreign assets after 28 February 1998.
- (4) An applicant contemplated in subsections (1), (2) and (3) must confirm in the application that no foreign asset or foreign bearer instrument held by that applicant on 28 February 2003 was derived wholly or partly from the proceeds of any unlawful 30 activities.

Statement of foreign assets and liabilities for tax relief

7. (1) An applicant contemplated in section 6(2) and (3) applying for tax relief contemplated in Part D, must attach to the application a statement of assets and liabilities as at the last day of the last year of assessment ending on or before 28 February 2002, in respect of all disclosed foreign assets and liabilities of that applicant outside the Republic, reflecting all such foreign assets at both historic cost and estimated market value in the foreign currency of the country in which that foreign asset is situated or liability is incurred. 35
- (2) Where an applicant fails to comply with subsection (1), the Commissioner may, for purposes of the Income Tax Act, 1962, estimate the historic cost and market value of all foreign assets and the amount of liabilities of that applicant outside the Republic as at the last day of the last year of assessment contemplated in subsection (1). 40

Required information for application by facilitator

8. A facilitator who applies for the amnesty in terms of this Chapter, must— 45
- (a) apply jointly with an applicant on the prescribed form submitted by that applicant;
 - (b) confirm that there is no reason for that facilitator to believe that any of the foreign assets, funds or assets contemplated in section 3(1)(c) represented or were derived from proceeds of unlawful activities; and 50
 - (c) where that facilitator applies for the domestic tax relief, as contemplated in section 17, with respect to a foreign asset of the applicant contemplated in paragraph (a)—
 - (i) disclose the amounts that were not declared to the Commissioner, as required by the Estate Duty Act, 1955, or the Income Tax Act, 1962, to 55

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- (ii) 'n waardasie deur 'n regeringsfeer van die land waar daardie buitelandse bate geleë is, indien;
 - (iii) wat 'n finansiële instrument uitmaak, 'n oorspronklike of gesertifiseerde afskrif van 'n rekeningstaat wat die balans of markwaarde soos op 28 Februarie 2003 aandui, indien; of
 - (iv) enige ander vorm van bewys van die waarde van daardie buitelandse bate wat die amnestie-eenheid op goeie gronde aangetoon toelaat, indien.
- (2) 'n Applikant in artikel 3(1)(b) beoog wat vir belastingverligting ten aansien van buitelandse inkomste soos in artikel 15 beoog aansoek doen, moet—
- (a) die ontvangste en toevallings vir die laaste jaar van aanslag van daardie applikant wat voor of op 28 Februarie 2003 eindig, wat verband hou met enige buitelandse bate op 28 Februarie 2003 deur daardie applikant gehou, waarvan die waarde in geheel of gedeeltelik verkry is uit ontvangste of toevallings vanuit 'n bron buite die Republiek wat nie in enige voorafgaande jaar van aanslag aan die Kommissaris verklaar is nie soos deur die Inkomstebelastingwet, 1962, vereis word, verklaar; en
 - (b) 'n beskrywing van die identifiserende eienskappe en ligging van daardie buitelandse bate insluit.
- (3) 'n Applikant in artikel 3(1)(b) beoog wat om plaaslike belastingverligting soos in artikel 17 beoog aansoek doen, moet—
- (a) die bedrae wat nie aan die Kommissaris verklaar is nie, soos deur die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, vereis, (behalwe ontvangste en toevallings in subartikel (2)(a) beoog) verklaar, in die mate wat daardie bedrae opgehoop is as of omgeskakel is na buitelandse bates;
 - (b) die datums openbaar waarop daardie bedrae aanvanklik opgehoop is as of omgeskakel is na buitelandse bates; en
 - (c) dokumentêre bewys lewer van daardie datums en daardie bedrae na 28 Februarie 1998 opgehoop as of omgeskakel na buitelandse bates.
- (4) 'n Applikant in subartikels (1), (2) en (3) beoog moet in die aansoek bevestig dat geen buitelandse bates of buitelandse toonderinstrument deur daardie applikant op 28 Februarie 2003 gehou in geheel of gedeeltelik verkry is uit die opbrengs van enige onregmatige aktiwiteite nie.

Staat van buitelandse bates en verpligtinge vir belastingverligting

7. (1) 'n Applikant in artikel 6(2) en (3) beoog wat om belastingverligting in Deel D beoog aansoek doen, moet 'n staat van bates en verpligtinge soos op die laaste dag van die laaste jaar van aanslag wat voor of op 28 Februarie 2002 eindig by die aansoek aanheg, ten opsigte van alle verklaarde buitelandse bates en verpligtinge van daardie applikant buite die Republiek, waarin alle sodanige buitelandse bates teen beide historiese koste en geraamde markwaarde aangedui word in die buitelandse geldeenheid van die land waar daardie buitelandse bate geleë is of verpligting aangegaan is.

(2) Waar 'n applikant versuim om aan subartikel (1) te voldoen, kan die Kommissaris, by die toepassing van die Inkomstebelastingwet, 1962, die historiese koste en die markwaarde van alle buitelandse bates en die bedrag van verpligtinge van daardie applikant buite die Republiek soos op die laaste dag van die laaste jaar van aanslag in subartikel (1) beoog, raam.

Vereiste inligting vir aansoek deur fasiliteerder

8. 'n Fasiliteerder wat om die amnestie ingevolge hierdie Hoofstuk aansoek doen, moet—

- (a) gesamentlik met 'n applikant op die voorgeskrewe vorm deur daardie applikant ingedien, aansoek doen;
- (b) bevestig dat daar geen rede vir daardie fasiliteerder is om te glo dat enige van die buitelandse bates, fondse of bates in artikel 3(1)(c) beoog, opbrengs uit onregmatige aktiwiteite uitgemaak het of daaruit verkry is nie; en
- (c) waar daardie fasiliteerder om die plaaslike belastingverligting in artikel 17 beoog aansoek doen ten opsigte van 'n buitelandse bate van die applikant in paragraaf (a) beoog—
 - (i) die bedrae wat nie aan die Kommissaris verklaar is nie soos deur die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, vereis

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- the extent those amounts were accumulated as or converted to foreign assets;
- (ii) disclose the dates on which those amounts were so accumulated as or converted to foreign assets; and
 - (iii) submit documentary proof of those dates and those amounts which were accumulated as or converted to foreign assets after 28 February 1998. 5

Evaluation and Approval

9. (1) If an applicant applying for exchange control relief, as contemplated in Part C, complies with section 6(1) in relation to a foreign asset, the amnesty unit must, subject to section 10, grant approval that Part C applies to the extent of the disclosure in terms of section 6(1) in respect of that foreign asset. 10

(2) To the extent that an applicant applying for tax relief in respect of foreign income, as contemplated in section 15, complies with section 6(2) in respect of any foreign asset, the amnesty unit must, subject to section 10, grant approval that section 15 applies in respect of the receipts or accruals from a source outside the Republic from which that foreign asset has been derived. 15

(3) To the extent that an applicant applying for domestic tax relief as contemplated in section 17, complies with section 6(3) in respect of any amount not declared to the Commissioner as required by the Estate Duty Act, 1955, or the Income Tax Act, 1962, which relates to a foreign asset, the amnesty unit must, subject to section 10, grant approval that section 17 applies in respect of that amount. 20

(4) To the extent that a facilitator applying for exchange control relief, as contemplated in Part C, complies with section 8, the amnesty unit must, subject to section 10, grant approval that Part C applies in respect of that facilitator.

(5) To the extent that a facilitator applying for domestic tax relief, as contemplated in section 17, complies with section 8 in respect of any amount not declared to the Commissioner as required by the Estate Duty Act, 1955, or the Income Tax Act, 1962, the amnesty unit must, subject to section 10, grant approval that section 17 applies in respect of that amount. 25

(6) The amnesty unit must deliver to an applicant or facilitator a notice of its decision to approve the application. 30

(7) The approval contemplated in subsections (1), (3), (4) and (5) is granted subject to payment of the full amount of the exchange control amnesty levy or the domestic tax amnesty levy, as the case may be, within the period prescribed in this Chapter.

Circumstances where amnesty unit may not grant approval 35

10. (1) The amnesty unit shall grant approval in terms of section 9 in respect of an applicant, only where—

- (a) that applicant delivered the application to the amnesty unit within the period commencing 1 June 2003 and ending 30 November 2003;
- (b) neither the General Manager nor the Commissioner has, before the submission of the application in terms of section 5, delivered a notice to that applicant or any facilitator in relation to that applicant, as the case may be, (or their representatives) that the applicant or facilitator, as the case may be, is subject to an audit, investigation or other enforcement action relating to—
 - (i) any contravention of the Exchange Control Regulations; or 45
 - (ii) failure to comply with the Income Tax Act, 1962, in respect of his or her foreign assets or foreign bearer instruments; or
 - (iii) undeclared amounts arising in the Republic which were accumulated as or converted to foreign assets as contemplated in section 6(3)(a), unless that notice is subsequently withdrawn by the General Manager or the Commissioner, as the case may be, by the last day of the period contemplated in paragraph (a); and 50

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- word, verklaar, in die mate wat daardie bedrae opgehoop is as of omgeskakel is na buitelandse bates;
- (ii) die datums openbaar waarop daardie bedrae aldus opgehoop is as of omgeskakel is na buitelandse bates; en
 - (iii) dokumentêre bewys lewer van daardie datums en daardie bedrae na 28 Februarie 1998 opgehoop as of omgeskakel na buitelandse bates.

Evaluering en Goedkeuring

9. (1) Indien 'n applikant wat om deviesebeheerverligting soos in Deel C beoog aansoek doen, aan artikel 6(1) voldoen met betrekking tot 'n buitelandse bate, moet die amnestie-eenheid, behoudens artikel 10, goedkeuring verleen dat Deel C van toepassing is in die mate van die verklaring ingevolge artikel 6(1) ten opsigte van daardie buitelandse bate.

(2) In die mate wat 'n applikant wat om belastingverligting ten opsigte van buitelandse inkomste soos in artikel 15 beoog aansoek doen, aan artikel 6(2) voldoen ten opsigte van 'n buitelandse bate, moet die amnestie-eenheid, behoudens artikel 10, goedkeuring verleen dat artikel 15 van toepassing is ten opsigte van die ontvangste of toevallings vanuit 'n bron buite die Republiek waaruit daardie buitelandse bate verkry is.

(3) In die mate wat 'n applikant wat om plaaslike belastingverligting soos in artikel 17 beoog aansoek doen, aan artikel 6(3) voldoen ten opsigte van 'n bedrag wat nie aan die Kommissaris verklaar is nie soos deur die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, vereis word, wat op 'n buitelandse bate betrekking het, moet die amnestie-eenheid, behoudens artikel 10, goedkeuring verleen dat artikel 17 van toepassing is ten opsigte van daardie bedrag.

(4) In die mate wat 'n fasiliteerder wat om deviesebeheeramnestie soos in Deel C beoog aansoek doen, aan artikel 8 voldoen, moet die amnestie-eenheid, behoudens artikel 10, goedkeuring verleen dat Deel C ten opsigte van daardie fasiliteerder van toepassing is.

(5) In die mate wat 'n fasiliteerder wat om plaaslike belastingverligting soos in artikel 17 beoog aansoek doen, aan artikel 8 voldoen ten opsigte van 'n bedrag wat nie aan die Kommissaris verklaar is nie, soos deur die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, vereis word, moet die amnestie-eenheid, behoudens artikel 10, goedkeuring verleen dat artikel 17 ten opsigte van daardie bedrag van toepassing is.

(6) Die amnestie-eenheid moet 'n kennisgewing van die beslissing om die aansoek goed te keur aan die applikant of fasiliteerder lewer.

(7) Die goedkeuring in subartikels (1), (3), (4) en (5) beoog word verleen onderhewig aan die betaling van die volle bedrag van die deviesebeheeramnestie-heffing of die plaaslike belastingamnestieheffing, na gelang van die geval, binne die tydperk in hierdie Hoofstuk voorgeskryf.

Omstandighede waar amnestie-eenheid nie goedkeuring mag verleen nie

10. (1) Die amnestie-eenheid verleen goedkeuring ingevolge artikel 9 ten opsigte van 'n applikant, slegs waar—

- (a) daardie applikant die aansoek binne die tydperk wat op 1 Junie 2003 begin en op 30 November 2003 eindig, aan die amnestie-eenheid gelewer het;
- (b) nóg die Hoofbestuurder nóg die Kommissaris voor die indiening van die aansoek ingevolge artikel 5, aan daardie applikant of enige fasiliteerder met betrekking tot daardie applikant, na gelang van die geval, (of hulle verteenwoordigers) 'n kennisgewing gelewer het dat die applikant of fasiliteerder, na gelang van die geval, onderhewig is aan 'n audit, ondersoek of ander afdwingingsaksie wat betrekking het op—
 - (i) enige oortreding van die Deviesebeheerregulasies; of
 - (ii) versuim om aan die Inkomstebelastingwet, 1962, te voldoen, ten opsigte van sy of haar buitelandse bates of buitelandse toonderinstrumente; of
 - (iii) onverklaarde bedrae wat in die Republiek ontstaan het wat opgehoop is as of omgeskakel is na buitelandse bates soos in artikel 6(3)(a) beoog, tensy daardie kennisgewing daarna deur die Hoofbestuurder of die Kommissaris, na gelang van die geval, ingetrek is teen die laaste dag van die tydperk in paragraaf (a) beoog; en

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- (c) that applicant or facilitator, as the case may be, has confirmed that no foreign assets or foreign bearer instruments have been derived wholly or partly from the proceeds of any unlawful activities, as respectively required by sections 6(4) and 8(b).

(2) The amnesty unit shall not grant approval in terms of section 9 in respect of an applicant or facilitator, as the case may be, for tax relief contemplated in Part D, if the Commissioner has indicated that the applicant or facilitator, as the case may be, has not yet submitted an income tax return for the last year of assessment ending on or before 28 February 2003 and no extension for the submission of that return was granted by the Commissioner.

(3) The amnesty unit shall grant approval in terms of section 9 in respect of a facilitator in relation to an applicant, only where—

- (a) that facilitator submits the application jointly with that applicant as contemplated in section 8(a); and

- (b) the application of that applicant is approved.

(4) The amnesty unit must deliver to an applicant or facilitator a notice of its decision not to approve the application and must set out the reasons therefor.

Part C

Exchange Control Relief in terms of Amnesty

Imposition of exchange control amnesty levy

11. (1) An applicant with approval in terms of section 9(1) is subject to an exchange control amnesty levy in respect of the leviable amount determined in terms of subsection (2).

(2) The leviable amount equals the total market value of all foreign assets disclosed as contemplated in section 6(1)(a), reduced by—

- (a) so much of the market value of all those foreign assets as is proved by the applicant not to be held by that applicant in contravention of the Exchange Control Regulations; and

- (b) in the case of a natural person, the permissible foreign capital allowance in terms of the Exchange Control Regulations, translated to the relevant foreign currency at the exchange rate as published by the South African Reserve Bank for 28 February 2003 (to the extent that the allowance has not otherwise been availed of by the applicant).

Amount of exchange control amnesty levy

12. (1) The exchange control amnesty levy is equal to—

- (a) 5 per cent of so much of the leviable amount as is repatriated to the Republic through an authorised dealer within three months after the date of approval (otherwise than for purposes of paying the levy contemplated in paragraph (b) from foreign assets as required by section 13(2)(b)); and

- (b) 10 per cent of the leviable amount remaining after deducting the amount repatriated as contemplated in paragraph (a).

(2) The amnesty unit may extend the period contemplated in subsection (1)(a) by a further period of no more than three months—

- (a) to the extent that an applicant proves that an amount which that applicant wishes to repatriate cannot reasonably be converted into Rand within that period; or

- (b) in anticipation of an amendment to the Income Tax Act, 1962, in respect of the exemption of certain foreign dividends, where the repatriation will be effected by way of a foreign dividend.

(3) The leviable amount on which the levy is calculated in terms of subsection (1), is determined before taking into account any fees or commissions.

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- (c) daardie applikant of fasiliteerder, na gelang van die geval, bevestig het dat geen buitelandse bates of buitelandse toonderinstrumente in geheel of gedeeltelik verkry is uit die opbrengs van onregmatige aktiwiteite nie, soos onderskeidelik deur artikels 6(4) en 8(b) vereis.
- (2) Die amnestie-eenheid mag nie goedkeuring ingevolge artikel 9 verleen nie ten opsigte van 'n aansoek deur 'n applikant of 'n fasiliteerder, na gelang van die geval, om belastingverligting in Deel D beoog, indien die Kommissaris aangedui het dat die applikant of fasiliteerder, na gelang van die geval, nog nie 'n inkomstebelastingopgawe vir die laaste jaar van aanslag wat voor of op 28 Februarie 2003 eindig ingedien het nie en geen uitstel vir die indiening van daardie opgawe deur die Kommissaris verleen is nie.
- (3) Die amnestie-eenheid mag goedkeuring ingevolge artikel 9 ten opsigte van 'n fasiliteerder met betrekking tot 'n applikant verleen, slegs waar—
- (a) daardie fasiliteerder die aansoek gesamentlik met daardie applikant ingedien het soos in artikel 8(a) beoog; en
- (b) die aansoek van daardie applikant goedgekeur is.
- (4) Die amnestie-eenheid moet 'n kennisgewing van sy beslissing om die aansoek nie goed te keur nie aan die applikant of fasiliteerder lewer en moet die redes daarvoor uiteensit.

Deel C**Deviesebeheerverligting ingevolge Amnestie****Oplegging van deviesebeheeramnestie-heffing**

11. (1) 'n Applikant met goedkeuring ingevolge artikel 9(1) is aan 'n deviesebeheeramnestie-heffing onderhewig ten opsigte van die hefbare bedrag ingevolge subartikel (2) bepaal.
- (2) Die hefbare bedrag is gelykstaande aan die totale markwaarde van alle buitelandse bates verklaar soos in artikel 6(1)(a) beoog, verminder met—
- (a) soveel van die markwaarde van al daardie buitelandse bates as wat deur die applikant bewys word nie deur daardie applikant in stryd met die Deviesebeheerregulasies gehou word nie; en
- (b) in die geval van 'n natuurlike persoon, die toelaatbare buitelandse kapitaal-toelae ingevolge die Deviesebeheerregulasies, omgerek na die betrokke buitelandse geldeenheid teen die wisselkoers soos deur die Suid-Afrikaanse Reserwebank gepubliseer vir 28 Februarie 2003 (in die mate wat die toelae nie andersins deur die applikant gebruik is nie).

Bedrag van deviesebeheeramnestie-heffing

12. (1) Die deviesebeheeramnestie-heffing is gelykstaande aan—
- (a) 5 persent van soveel van die hefbare bedrag wat na die Republiek gerepatrieer word deur 'n gemagtigde handelaar binne drie maande na die datum van goedkeuring (behalwe vir doeleindes van die betaling van die heffing in paragraaf (b) beoog uit buitelandse bates soos deur artikel 13(2)(b) vereis word); en
- (b) 10 persent van die hefbare bedrag na aftrekking van die bedrag gerepatrieer soos in paragraaf (a) beoog.
- (2) Die amnestie-eenheid kan die tydperk in subartikel (1)(a) beoog met 'n verdere tydperk van hoogstens drie maande verleng—
- (a) in die mate wat 'n applikant bewys dat 'n bedrag wat daardie applikant wil repatrieer nie redelikerwys binne daardie tydperk na Rand omgeskakel kan word nie; of
- (b) in afwagting van 'n wysiging aan die Inkomstebelastingwet, 1962, ten opsigte van die vrystelling van sekere buitelandse dividende, waar die repatriasie by wyse van 'n buitelandse dividend bewerkstellig sal word.
- (3) Die hefbare bedrag waarop die heffing ingevolge subartikel (1) bereken word, word bepaal voordat enige gelde of kommissies in berekening gebring is.

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Payment of exchange control amnesty levy

- 13.** (1) All amounts of the exchange control amnesty levy must be paid by an applicant to an authorised dealer by no later than—
- (a) in the case of the exchange control amnesty levy contemplated in section 12(1)(a), the date of repatriation and must be converted into Rand by using the ruling spot exchange rate on the date of repatriation; and 5
 - (b) in the case of the exchange control amnesty levy contemplated in section 12(1)(b), three months after the date of approval and must be converted into Rand by using the ruling spot exchange rate on the date of payment. 10
- (2) The exchange control amnesty levy—
- (a) contemplated in section 12(1)(a), must be paid from foreign funds repatriated; and 10
 - (b) contemplated in section 12(1)(b), must be paid—
 - (i) from any foreign funds not otherwise repatriated in terms of section 12(1)(a), which are accepted by an authorised dealer; or 15
 - (ii) to the extent that the applicant no longer holds any foreign assets, from any foreign funds so repatriated.
- (3) The authorised dealer must pay all amounts received in terms of subsection (1) into an account held for that purpose at the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), within the period and under the terms prescribed by the Chairperson of the amnesty unit, for subsequent transfer to the National Revenue Fund. 20
- (4) The amnesty unit may extend the period contemplated in subsection (1)(b) by a further period of no more than three months—
- (a) to the extent that an applicant proves that an amount which that applicant must pay from foreign funds cannot reasonably be converted to Rand within that period; or 25
 - (b) in anticipation of an amendment to the Income Tax Act, 1962, in respect of the exemption of certain foreign dividends, where the payment of the levy will be effected by way of a foreign dividend. 30
- (5) For the purposes of this section, “foreign funds” excludes any funds denominated in the currency of any country which forms part of the Common Monetary Area for purposes of the Exchange Control Regulations or any assets held in any such country.

Exchange Control Relief

- 14.** (1) An applicant with approval in terms of section 9(1) is deemed not to have contravened the Exchange Control Regulations in respect of— 35
- (a) so much of the market value of any foreign assets disclosed in terms of section 6(1); and
 - (b) all other foreign assets which are no longer held by that applicant as at 28 February 2003, otherwise than as a result of a donation of that foreign asset by that applicant. 40
- (2) A facilitator with approval in terms of section 9(4) is deemed not to have contravened the Exchange Control Regulations in respect of any foreign asset contemplated in subsection (1) of an applicant in relation to that facilitator.

Part D

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Tax Relief in terms of Amnesty

Exemption for undeclared foreign income

- 15.** An applicant with approval in terms of section 9(2), shall not be liable for the payment of any amount in terms of the Income Tax Act, 1962, and shall be deemed not to have committed any offence in terms of that Act, in respect of any receipts or accruals from a source outside the Republic during any year of assessment ending on or before 28 February 2002, which were not declared to the Commissioner, to the extent that those receipts or accruals represent or are included in— 50

Betaling van deviesebeheeramnestie-heffing

13. (1) Alle bedrae van die deviesebeheeramnestie-heffing moet deur 'n applikant aan 'n gemagtigde handelaar betaal word nie later nie as—
- (a) in die geval van die deviesebeheeramnestie-heffing in artikel 12(1)(a) beoog, die datum van repatriasie en moet na Rand omgeskakel word teen die heersende kontantkoers op die datum van repatriasie; en 5
 - (b) in die geval van die deviesebeheeramnestie-heffing in artikel 12(1)(b) beoog, drie maande na die datum van goedkeuring en moet na Rand omgeskakel word teen die heersende kontantkoers op die datum van betaling. 10
- (2) Die deviesebeheeramnestie-heffing—
- (a) in artikel 12(1)(a) beoog, moet uit buitelandse fondse wat gerepatrieer word, betaal word; en
 - (b) in artikel 12(1)(b) beoog, moet betaal word uit—
 - (i) enige buitelandse fondse nie andersins ingevolge artikel 12(1)(a) gerepatrieer nie, wat deur 'n gemagtigde handelaar aanvaar word; of 15
 - (ii) in die mate wat die applikant nie meer enige buitelandse bates hou nie, enige buitelandse fondse aldus gerepatrieer.
- (3) Die gemagtigde handelaar moet alle bedrae ingevolge subartikel (1) ontvang in 'n rekening vir daardie doel gehou by die Korporasie vir Openbare Deposito's ingestel ingevolge artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), inbetaal binne die tydperk en kragtens die voorwaardes deur die Voorsitter van die amnestie-eenheid bepaal, vir daaropvolgende oorplasing na die Nasionale Inkomstefonds. 20
- (4) Die amnestie-eenheid kan die tydperk in subartikel (1)(b) vir 'n verdere tydperk van hoogstens drie maande verleng—
- (a) in die mate wat 'n applikant bewys dat 'n bedrag wat daardie applikant uit buitelandse fondse moet betaal nie redelikerwys binne daardie tydperk na Rand omgeskakel kan word nie; of 25
 - (b) in afwagting van 'n wysiging aan die Inkomstebelastingwet, 1962, ten opsigte van die vrystelling van sekere buitelandse dividende, waar die betaling van die heffing by wyse van 'n buitelandse dividend bewerkstellig sal word. 30
- (5) By die toepassing van hierdie artikel sluit "buitelandse fondse" nie in nie enige fondse wat in die geldeenheid van 'n land wat vir doeleindes van die Deviesebeheerregulasies deel van die Gemeenskaplike Monetêre Gebied uitmaak, aangedui is of enige bates in so 'n land gehou. 35

Deviesebeheerverligting

14. (1) 'n Applikant met goedkeuring ingevolge artikel 9(1) word geag nie die Deviesebeheerregulasies te oortree het nie ten opsigte van—
- (a) soveel van die markwaarde van 'n buitelandse bate ingevolge artikel 6(1) verklaar; en 40
 - (b) alle ander buitelandse bates wat nie meer deur daardie applikant op 28 Februarie 2003 gehou is nie, behalwe weens 'n skenking van daardie buitelandse bate deur daardie applikant.
- (2) 'n Fasiliteerder met goedkeuring ingevolge artikel 9(4) word geag nie die Deviesebeheerregulasies te oortree het nie ten opsigte van 'n buitelandse bate in subartikel (1) beoog van 'n applikant met betrekking tot daardie fasiliteerder. 45

Deel D**Belastingverligting ingevolge Amnestie****Vrystelling vir onverklaarde buitelandse inkomste**

15. 'n Applikant met goedkeuring ingevolge artikel 9(2) is nie aanspreeklik vir die betaling van enige bedrag ingevolge die Inkomstebelastingwet, 1962, nie en word geag nie enige misdryf ingevolge daardie Wet te gepleeg het nie, ten opsigte van enige ontvangste of toevallings vanuit 'n bron buite die Republiek gedurende enige jaar van aanslag wat voor of op 28 Februarie 2002 geëindig het, wat nie aan die Kommissaris verklaar is nie, in die mate wat daardie ontvangste of toevallings— 50 55

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- (a) any foreign asset in respect of which that applicant has made disclosure in terms of section 6(2); or
- (b) any other foreign asset which is no longer held by that applicant as at 28 February 2003, otherwise than as a result of a donation of that foreign asset by that applicant.

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Imposition and payment of domestic tax amnesty levy

16. (1) An applicant or facilitator with approval in terms of section 9(3) or 9(5), as the case may be, is subject to a domestic tax amnesty levy equal to 2 per cent of the amount disclosed in terms of section 6(3) or 8(c), as the case may be, converted to Rand at the exchange rate as published by the South African Reserve Bank for the date of accumulation or conversion contemplated in that section.

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(2) The applicant or facilitator, as the case may be, must pay the domestic tax amnesty levy into the account contemplated in section 13(3) held at the Corporation for Public Deposits, within a period of three months after the date of approval, for subsequent transfer to National Revenue Fund.

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Exemption for undeclared amounts arising in Republic

17. (1) An applicant with approval in terms of section 9(3) shall not be liable for the payment of any tax or duty—

- (a) in respect of any amount which is equal to the amount accumulated as or converted to foreign assets, as disclosed in terms of section 6(3); and
- (b) which could have been imposed in terms of the Estate Duty Act, 1955, or the Income Tax Act, 1962, on or before the date of that accumulation or conversion,

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and that applicant shall be deemed not to have committed any offence in terms of those Acts to the extent of any amount so disclosed.

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(2) A facilitator with approval in terms of section 9(5) shall not be liable for the payment of any tax or duty—

- (a) in respect of any amount which is equal to the amount accumulated as or converted to foreign assets, as disclosed in terms of section 8(c); and
- (b) which could have been imposed in terms of the Estate Duty Act, 1955, or the Income Tax Act, 1962, on or before the date of that accumulation or conversion,

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and that facilitator shall be deemed not to have committed any offence in terms of those Acts to the extent of any amount so disclosed.

Circumstances where tax relief does not apply

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18. This Part does not apply in respect of any amount which—

- (a) had already been paid as at the date of application contemplated in section 5; or
- (b) is payable or becomes payable by an applicant or facilitator in consequence of any return or information furnished to the Commissioner by that applicant or facilitator, as the case may be, or any representative of that applicant or facilitator, as the case may be, before the date of that application.

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Disallowance of deductions, allowances, losses and rebates

19. An applicant or facilitator may not claim any—

- (a) deduction, allowance, assessed loss or assessed capital loss; or
- (b) rebate in respect of any foreign taxes payable,

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which relates to any amount in respect of which section 15 or 17 applies.

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- (a) 'n buitelandse bate ten opsigte waarvan daardie applikant ingevolge artikel 6(2) 'n verklaring gedoen het, uitmaak of daarby ingesluit is; of
- (b) enige ander buitelandse bate wat nie meer deur daardie applikant op 28 Februarie 2003 gehou is nie behalwe weens 'n skenking van daardie buitelandse bate deur daardie applikant, uitgemaak het of daarby ingesluit was. 5

Oplegging en betaling van plaaslike belastingamnestieheffing

16. (1) 'n Applikant of fasiliteerder met goedkeuring ingevolge artikel 9(3) of 9(5), na gelang van die geval, is onderhewig aan 'n plaaslike belastingamnestieheffing gelykstaande aan 2 persent van die bedrag verklaar ingevolge artikel 6(3) of 8(c), na gelang van die geval, omgeskakel na Rand teen die wisselkoers soos deur die Suid-Afrikaanse Reserwebank gepubliseer vir die datum van ophoping of omskakeling in daardie artikel beoog. 10

(2) Die applikant of fasiliteerder, na gelang van die geval, moet die plaaslike belastingamnestieheffing in die rekening in artikel 13(3) beoog by die Korporasie vir Openbare Deposito's inbetaal binne 'n tydperk van drie maande na die datum van goedkeuring, vir daaropvolgende oorplasing na die Nasionale Inkomstefonds. 15

Vrystelling vir onverklaarde bedrae wat in Republiek ontstaan

17. (1) 'n Applikant met goedkeuring ingevolge artikel 9(3) is nie aanspreeklik vir die betaling van enige belasting of reg nie— 20

- (a) ten aansien van 'n bedrag gelykstaande aan die bedrag opgehoop as of omgeskakel na buitelandse bates soos ingevolge artikel 6(3) verklaar; en
- (b) wat ingevolge die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, voor of op die datum van daardie ophoping of omskakeling opgelê kon word, 25

en daardie applikant word geag nie enige misdryf ingevolge daardie Wette te gepleeg het nie in die mate van enige sodanige bedrag aldus verklaar.

(2) 'n Fasiliteerder met goedkeuring ingevolge artikel 9(5) is nie aanspreeklik vir die betaling van enige belasting of reg nie—

- (a) ten aansien van enige bedrag wat gelykstaande is aan die bedrag opgehoop as of omgeskakel na buitelandse bates soos ingevolge artikel 8(c) verklaar; en 30
- (b) wat ingevolge die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, voor of op die datum van daardie ophoping of omskakeling opgelê kon word, 35

en daardie fasiliteerder word geag nie enige misdryf ingevolge daardie Wette te gepleeg het nie in die mate van enige sodanige bedrag aldus verklaar.

Omstandighede waar belastingverligting nie van toepassing is nie

18. Hierdie Deel is nie van toepassing nie ten opsigte van enige bedrag wat—

- (a) reeds op die datum van aansoek in artikel 5 beoog betaal is; of
- (b) betaalbaar is of word deur 'n applikant of fasiliteerder weens 'n opgawe of inligting voor die datum van daardie aansoek deur daardie applikant of fasiliteerder, na gelang van die geval, of enige verteenwoordiger van daardie applikant of fasiliteerder, na gelang van die geval, aan die Kommissaris voorsien. 40

Nie-toelating van aftrekkings, verminderings, verliese en kortings 45

19. 'n Applikant of fasiliteerder kan nie enige—

- (a) aftrekking, vermindering, vasgestelde verlies of vasgestelde kapitaalverlies; of 40
- (b) korting ten opsigte van enige buitelandse belasting wat betaalbaar is, wat betrekking het op enige bedrag ten opsigte waarvan artikel 15 of 17 van toepassing is, eis nie. 50

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Part E

Invalidity of Approval and Review of Decision

Invalidity of approval

- 20.** (1) Any approval granted in terms of section 9 in respect of an applicant or facilitator shall be void— 5
- (a) in respect of the tax relief contemplated in section 15 or 17, where the applicant or facilitator, as the case may be, fails to submit the tax return for the last year of assessment ending on or before 28 February 2003 by 29 February 2004; or
 - (b) where it is at any stage determined that any foreign asset or foreign bearer instrument of an applicant wholly or partly represents or has been derived from the proceeds of any unlawful activities. 10
- (2) Where any approval is void by virtue of the provisions of subsection (1)(b), any amount of the exchange control amnesty levy or domestic tax amnesty levy which has been paid by an applicant or facilitator based on any such approval shall not be refunded to that applicant or facilitator, as the case may be. 15

Objection against decision of amnesty unit

- 21.** (1) Any applicant or facilitator aggrieved by a decision of the amnesty unit under this Chapter to deny approval, may lodge an objection to the Chairperson of the amnesty unit and must deliver notice of the objection to the Chairperson within 30 days after the date of delivery of the notice contemplated in section 10(4). 20
- (2) The Chairperson must refer the matter to a panel consisting of one senior person each from the South African Revenue Service and the Exchange Control Department respectively, co-opted by the amnesty unit for the purpose of reconsidering the application. 25
- (3) An applicant or facilitator who is dissatisfied with the decision of the panel contemplated in subsection (2), may appeal against the decision of the Chairperson to the tax court contemplated in section 83(2) of the Income Tax Act, 1962, and the provisions of Part III of Chapter III of that Act and the rules relating thereto shall apply *mutatis mutandis*. 30
- (4) The tax court contemplated in subsection (3) shall have the jurisdiction to hear any appeal noted in terms of this Chapter.

Part F

Establishment and Procedures relating to Amnesty Unit

Establishment

- 22.** (1) There is hereby established a body to be known as the amnesty unit. 35
- (2) The amnesty unit acts as an independent body that evaluates all applications for amnesty and grants or denies approval in respect of any such application.

Constitution

- 23.** (1) The amnesty unit consists of— 40
- (a) a Chairperson appointed by the Minister;
 - (b) at least four persons from the South African Reserve Bank and at least four persons from the South African Revenue Service, respectively appointed by the Minister to evaluate the applications for amnesty;
 - (c) support personnel seconded by the South African Reserve Bank and the South African Revenue Service, respectively, to deal with the administrative functions of the amnesty unit; and 45
 - (d) any other support personnel appointed by the Chairperson.
- (2) The Minister must consult the Governor and the Commissioner before appointing the persons contemplated in subsection (1)(a) and (b). 50

Deel E**Ongeldigheid van Goedkeuring en Hersiening van Beslissing****Ongeldigheid van goedkeuring**

20. (1) Enige goedkeuring ingevolge artikel 9 verleen ten opsigte van 'n applikant of 'n fasiliteerder is ongeldig— 5
- (a) ten opsigte van die belastingverligting in artikel 15 of 17 beoog, waar die applikant of fasiliteerder, na gelang van die geval, versuim om die belastingopgawe vir die laaste jaar van aanslag wat op of voor 28 Februarie 2003 eindig, teen 29 Februarie 2004 in te dien; of
 - (b) waar daar op enige stadium vasgestel word dat 'n buitelandse bate of buitelandse toonderinstrument van 'n applikant in geheel of gedeeltelik bestaan of verkry is uit die opbrengs van onregmatige aktiwiteite. 10
- (2) Waar enige goedkeuring uit hoofde van die bepalings van subartikel (1)(b) nietig is, word enige bedrag van die deviesebeheeramnestie-heffing of plaaslike belasting-amnestieheffing wat deur 'n applikant of fasiliteerder betaal is op grond van daardie goedkeuring, nie aan die applikant of fasiliteerder, na gelang van die geval, terugbetaal nie. 15

Beswaar teen beslissing van amnestie-eenheid

21. (1) 'n Applikant of fasiliteerder wat veronreg is deur 'n beslissing om goedkeuring te weier van die amnestie-eenheid kragtens hierdie Hoofstuk, kan 'n beswaar by die Voorsitter van die amnestie-eenheid indien en moet kennis van die beswaar binne 30 dae na die datum van lewering van die kennisgewing in artikel 10(4) beoog, aan die Voorsitter lewer. 20
- (2) Die Voorsitter moet die aangeleentheid verwys na 'n paneel wat bestaan uit een senior persoon elk van onderskeidelik die Suid-Afrikaanse Inkomstediens en die Departement Deviesebeheer, wat vir doeleindes van heroorweging van die aansoek deur die amnestie-eenheid gekoöpteer is. 25
- (3) 'n Applikant of fasiliteerder wat ontevrede is met die beslissing van die paneel in subartikel (2) beoog, kan na die belastinghof in artikel 83(2) van die Inkomste-belastingwet, 1962, beoog, appelleer teen die beslissing van die Voorsitter, en die bepalings van Deel III van Hoofstuk III van daardie Wet en die reëls wat daarop betrekking het, geld *mutatis mutandis*. 30
- (4) Die belastinghof in subartikel (3) beoog het regsbevoegdheid om enige appèl ingevolge hierdie Hoofstuk aan te hoor. 35

Deel F**Instelling en Prosedures wat met Amnestie-eenheid verband hou****Instelling**

22. (1) Daar word hierby ingestel 'n liggaam wat as die amnestie-eenheid bekend staan. 40
- (2) Die amnestie-eenheid tree op as onafhanklike liggaam wat alle aansoeke vir amnestie evalueer en goedkeuring ten opsigte van sodanige aansoeke verleen of weier.

Samestelling

23. (1) Die amnestie-eenheid bestaan uit—
- (a) 'n Voorsitter deur die Minister aangestel;
 - (b) minstens vier persone van die Suid-Afrikaanse Reserwebank en minstens vier persone van die Suid-Afrikaanse Inkomstediens, onderskeidelik deur die Minister aangestel, om die aansoeke om amnestie te evalueer; 45
 - (c) ondersteuningspersoneel, onderskeidelik deur die Suid-Afrikaanse Reserwebank en die Suid-Afrikaanse Inkomstediens gesekondeer om met die administratiewe funksies van die amnestie-eenheid te handel; en
 - (d) enige ander ondersteuningspersoneel deur die Voorsitter aangestel. 50
- (2) Die Minister moet met die President en die Kommissaris oorleg pleeg voor die aanstelling deur die Minister van die persone in subartikel (1)(a) en (b) beoog.

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Powers, functions and duties

24. (1) The amnesty unit—
- (a) evaluates all applications for amnesty contemplated in section 5; and
 - (b) grants or denies approval of an application in terms of this Chapter.
- (2) The powers and functions of the amnesty unit must not, subject to Parts C and D, be construed to interfere with the powers and functions assigned to the General Manager by the Minister in terms of the Exchange Control Regulations or assigned to the Commissioner in terms of any Act administered by him or her, in so far as those powers and functions of the General Manager or Commissioner relate to—
- (a) the interpretation of those Regulations or any such Act;
 - (b) the exercise of a discretion conferred on the General Manager or Commissioner by those Regulations or any such Act; or
 - (c) the determination by the Commissioner of the liability of a person for any tax or duty in terms of any such Act.
- (3) The provisions of section 4 of the Income Tax Act, 1962, (but excluding section 4(1)(c)(iii)) relating to secrecy and the waiver thereof shall, subject to the provisions of this Chapter, apply *mutatis mutandis* in respect of any member of the amnesty unit.
- (4) Despite section 4 of the Income Tax Act, 1962, and section 33 of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), the Commissioner and the General Manager may provide such information to the amnesty unit as is necessary for it to perform its functions in terms of this Chapter.
- (5) Any action taken by the amnesty unit outside its authority under this Chapter shall be void.

Disclosure of interest

25. A member of the amnesty unit who has a personal or financial interest in any matter on which the amnesty unit must decide, must disclose that interest and withdraw from the proceedings of the amnesty unit when that matter is being considered and evaluated.

Records, provision and use of information

26. (1) A copy of the approved application (including all information submitted therewith, but without reflecting any names of persons who have not jointly applied with the applicant for amnesty) granted in terms of—
- (a) section 9(1) and 9(4) must be submitted to the General Manager, which shall be used by the General Manager to amend the records of the South African Reserve Bank; and
 - (b) section 9(2), 9(3) and 9(5) must be submitted to the Commissioner to update the register of the South African Revenue Service,
- to give effect to the objectives of the exchange control amnesty and accompanying tax measures.
- (2) Notwithstanding any provision of any other Act, the amnesty unit, the Commissioner and the General Manager may not request details from the applicant or facilitator with regard to any person—
- (a) who advised an applicant in respect of whom approval has been granted on the method of accumulating foreign assets or transferring funds or assets from the Republic; or
 - (b) who assisted that applicant by accumulating foreign assets or transferring funds or assets from the Republic, other than a facilitator in respect of whom approval is granted.
- (3) Any information submitted by an applicant in terms of section 6 or 7 or by a facilitator in terms of section 8, may not be disclosed to any person where approval in respect of that applicant was not approved as contemplated in section 10, and that information must be submitted to the National Treasury on the date of termination of the existence of the amnesty unit to be retained by the National Treasury for a period of at

Bevoegdhede, funksies en pligte**24. (1) Die amnestie-eenheid—**

- (a) evalueer alle aansoeke om amnestie in artikel 5 beoog; en
- (b) verleen of weier goedkeuring van 'n aansoek ingevolge hierdie Hoofstuk.

(2) Die bevoegdhede en funksies van die amnestie-eenheid word, behoudens Deel C en D, nie so uitgelê nie dat dit inbreuk maak op die bevoegdhede en funksies ingevolge die Deviesebeheerregulasies deur die Minister aan die Hoofbestuurder verleen of aan die Kommissaris verleen ingevolge enige Wet deur hom of haar geadministreer, in die mate wat daardie bevoegdhede en funksies van die Hoofbestuurder of Kommissaris verband hou met—

- (a) die uitleg van daardie Regulasies of enige sodanige Wet;
- (b) die uitoefening van 'n diskresie aan die Hoofbestuurder of Kommissaris by daardie Regulasies of enige sodanige Wet verleen; of
- (c) die bepaling deur die Kommissaris van die aanspreeklikheid van 'n persoon vir enige belasting of reg ingevolge enige sodanige Wet.

(3) Die bepalings van artikel 4 van die Inkomstebelastingwet, 1962, (maar uitgesluit artikel 4(1)(c)(iii)) wat op geheimhouding en die afstanddoening daarvan verband hou is, behoudens die bepalings van hierdie Hoofstuk, *mutatis mutandis* van toepassing ten opsigte van enige lid van die amnestie-eenheid.

(4) Ondanks artikel 4 van die Inkomstebelastingwet, 1962, en artikel 33 van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (Wet No. 90 van 1989), kan die Kommissaris en die Hoofbestuurder die inligting aan die amnestie-eenheid voorsien wat nodig is om sy funksies ingevolge hierdie Hoofstuk te verrig.

(5) Enige handeling deur die amnestie-eenheid buite sy bevoegdheid kragtens hierdie Hoofstuk is nietig.

Openbaarmaking van belang

25. 'n Lid van die amnestie-eenheid met 'n persoonlike of finansiële belang in enige aangeleentheid wat deur die amnestie-eenheid beslis moet word, moet daardie belang openbaar en van die verrigtinge van die amnestie-eenheid onttrek wanneer daardie aangeleentheid oorweeg en geëvalueer word.

Rekords, voorsiening en gebruik van inligting

26. (1) 'n Afskrif van die goedgekeurde aansoek (waarby ingesluit alle inligting daarmee ingedien, maar sonder verwysing na enige name van persone wat nie gesamentlik met die applikant om amnestie aansoek gedoen het nie) toegestaan ingevolge—

- (a) artikel 9(1) en 9(4) moet aan die Hoofbestuurder oorhandig word, wat deur die Hoofbestuurder gebruik word om die rekords van die Suid-Afrikaanse Reserwebank aan te pas; en

(b) artikel 9(2), 9(3) en 9(5) moet aan die Kommissaris oorhandig word om die register van die Suid-Afrikaanse Inkomstediens op te dateer, ten einde aan die doelstellings van die deviesebeheeramnestie en meegaande belastingmaatreëls gevolg te gee.

(2) Ondanks enige bepaling van enige ander Wet, mag die amnestie-eenheid, die Kommissaris en die Hoofbestuurder nie besonderhede van 'n applikant of fasiliteerder aanvra met betrekking tot enige persoon—

- (a) wat 'n applikant ten opsigte van wie goedkeuring verleen is, geadviseer het ten aansien van die wyse van ophoping van buitelandse bates of oorpasing van fondse of bates uit die Republiek; of
- (b) wat daardie applikant bygestaan het deur buitelandse bates op te hoop of fondse of bates uit die Republiek oor te plaas, behalwe 'n fasiliteerder ten opsigte van wie goedkeuring verleen is.

(3) Enige inligting ingedien deur 'n applikant ingevolge artikel 6 of 7 of deur 'n fasiliteerder ingevolge artikel 8, mag nie aan enige persoon bekendgemaak word nie waar die aansoek ten opsigte van daardie applikant nie goedgekeur is nie soos in artikel 10 beoog, en daardie inligting moet aan die Nasionale Tesourie oorhandig word op die datum van beëindiging van die bestaan van die amnestie-eenheid om deur die Nasionale Tesourie gehou te word vir 'n tydperk van minstens vyf jaar na daardie datum en die

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least five years after that date and the secrecy provisions as applicable to the amnesty unit shall continue to apply to the National Treasury in respect of that information.

Termination of existence of amnesty unit

27. The Minister shall terminate the existence of the amnesty unit by notice in the *Gazette* at the later of all applications having been either approved or the appeals in respect of those applications which have not been approved, having been finalised. 5

Part G

Miscellaneous

Limitation for purposes of Income Tax Act

28. (1) For purposes of section 22 of the Income Tax Act, 1962, the value or cost of any foreign asset on 28 February 2003 in respect of which approval for amnesty was granted in terms of section 9, may not exceed the value in foreign currency of that foreign asset as disclosed for purposes of the determination of the exchange control amnesty levy. 10

(2) For purposes of the Eighth Schedule to the Income Tax Act, 1962, the base cost of any foreign asset in respect of which approval for amnesty was granted in terms of section 9, may not exceed the sum of the value in foreign currency of that foreign asset on 28 February 2003 as disclosed for purposes of the determination of the exchange control amnesty levy and any expenditure allowable in terms of paragraph 20 of the Eighth Schedule to the Income Tax Act, 1962, as is incurred after that date. 15 20

(3) The aggregate of deductions and allowance in terms of the Income Tax Act, 1962, in respect of an allowance asset, as defined in section 41 of that Act, for all years of assessment ending on or after 28 February 2003, shall not exceed the sum of the value in foreign currency of that foreign asset as disclosed for purposes of the determination of the exchange control amnesty levy and the cost of any additions and improvements after 28 February 2003. 25

Reporting

29. (1) The Chairperson of the amnesty unit must provide to—

- (a) the Minister a list of all applications for the exchange control relief in terms of the amnesty— 30
 - (i) indicating in respect of each application whether or not it was approved;
 - (ii) containing the details of the amounts of the relief granted; and
 - (iii) containing details of the amounts of levy payable in terms of Part C in respect of each such application; and
- (b) the Minister and the Auditor-General a list of all applications for the tax relief in terms of the amnesty— 35
 - (i) indicating in respect of each application whether or not it was approved;
 - (ii) containing the details of the total amount of receipts and accruals from foreign sources disclosed in terms of section 6(2)(a) and amounts disclosed in terms of section 6(3)(a); and 40
 - (iii) containing details of the amounts of levy payable in terms of Part D in respect of each such application.

(2) The list contemplated in subsection (1) must—

- (a) be in a form that does not disclose the identity of any applicant or facilitator concerned; and 45
- (b) be submitted at such times as may be agreed between the Chairperson and the Minister or Auditor-General, as the case may be.

(3) The Minister must report to Parliament on—

- (a) the number of applicants and facilitators, respectively, who have applied for amnesty; 50

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geheimhoudingsbepalings op die amnestie-eenheid van toepassing, gaan voort om vir die Nasionale Tesourie ten opsigte van daardie inligting te geld.

Beëindiging van bestaan van amnestie-eenheid

27. Die Minister moet die bestaan van die amnestie-eenheid by kennisgewing in die *Staatskoerant* beëindig op die laatste van wanneer alle aansoeke of goedgekeur is of die appelle ten opsigte van daardie aansoeke wat nie goedgekeur is nie, afgehandel is. 5

Deel G**Diverse****Beperking by toepassing van Inkomstebelastingwet**

28. (1) By die toepassing van artikel 22 van die Inkomstebelastingwet, 1962, mag die waarde of koste van enige buitelandse bate op 28 Februarie 2003, ten aansien waarvan goedkeuring vir amnestie ingevolge artikel 9 verleen is, nie hoër wees nie as die waarde van daardie buitelandse bate in buitelandse geldeenheid, soos vir doeleindes van die vasstelling van die deviesebeheeramnestie-heffing verklaar. 10

(2) By die toepassing van die Agtste Bylae by die Inkomstebelastingwet, 1962, mag die basiskoste van enige buitelandse bate, ten aansien waarvan goedkeuring vir amnestie ingevolge artikel 9 verleen is, nie hoër wees nie as die somtotaal van die waarde in buitelandse geldeenheid van daardie buitelandse bate op 28 Februarie 2003, soos vir doeleindes van die vasstelling van die deviesebeheeramnestie-heffing verklaar, en enige onkoste na daardie datum aangegaan wat ingevolge paragraaf 20 van die Agtste Bylae by die Inkomstebelastingwet, 1962, toelaatbaar is. 15 20

(3) Die totaal van die aftrekkings en verminderings ingevolge die Inkomstebelastingwet, 1962, ten aansien van 'n afskryfbare bate, soos in artikel 41 van daardie Wet omskryf, vir alle jare van aanslag wat op of na 28 Februarie 2003 eindig, mag nie hoër wees nie as die somtotaal van die waarde van daardie buitelandse bate in buitelandse geldeenheid soos vir doeleindes van die vasstelling van die deviesebeheeramnestie-heffing verklaar, en die koste van enige toevoegings en verbeteringe na 28 Februarie 2003 aangebring. 25

Verslagdoening

29. (1) Die Voorsitter van die amnestie-eenheid moet aan— 30

- (a) die Minister 'n lys van alle aansoeke om deviesebeheerverligting ingevolge die amnestie voorsien—
 - (i) waarin aangedui word ten opsigte van elke aansoek of dit goedgekeur is aldan nie;
 - (ii) wat besonderhede van die bedrae van die verligting verleen uiteensit; en 35
 - (iii) wat besonderhede van die bedrae van die heffing ingevolge Deel C betaalbaar ten opsigte van elke sodanige aansoek uiteensit; en
- (b) die Minister en die Ouditeur-generaal 'n lys van alle aansoeke om belastingverligting ingevolge die amnestie voorsien—
 - (i) waarin aangedui word ten opsigte van elke aansoek of dit goedgekeur is aldan nie; 40
 - (ii) wat besonderhede van die totale bedrag van ontvangste en toevallings van buitelandse bronne ingevolge artikel 6(2)(a) verklaar en bedrae ingevolge artikel 6(3)(a) verklaar, uiteensit; en
 - (iii) wat besonderhede van die bedrae van die heffing ingevolge Deel D betaalbaar ten opsigte van elke sodanige aansoek uiteensit. 45

(2) Die lys in subartikel (1) beoog moet—

- (a) in 'n vorm wees wat nie die identiteit van 'n betrokke applikant of fasiliteerder openbaar nie; en
- (b) voorgelê word op die tye waarop die Voorsitter en die Minister of Ouditeur-generaal, na gelang van die geval, ooreenkom. 50

(3) Die Minister moet aan die Parlement verslag doen oor—

- (a) die getal applikante en fasiliteerders, onderskeidelik, wat om amnestie aansoek gedoen het;

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- (b) the total market value of all foreign assets which have been disclosed in terms of the amnesty;
- (c) the total amount of all levies payable by all applicants and facilitators; and
- (d) the total amount of receipts and accruals from foreign sources disclosed in terms of section 6(2)(a) and amounts disclosed in terms of section 6(3)(a). 5

Regulations

30. The Minister may make regulations for generally giving effect to the objects and purposes of this Chapter, including to address any unintended consequences, anomalies or incongruities that may arise with regard to—

- (a) the application of these provisions to foreign assets held by a discretionary trust which is not a resident, as contemplated in section 4; 10
- (b) foreign assets held by an applicant indirectly by way of shareholding in a company which is not a resident;
- (c) the change in residence of any applicant or determination of residence of a discretionary trust contemplated in section 4; or 15
- (d) the determination of the extent to which any foreign asset represents or was derived from—
 - (i) any unauthorised assets; or
 - (ii) any amount which was not declared to the Commissioner in terms of the Estate Duty Act, 1955, or the Income Tax Act, 1962, as contemplated in section 6, 7 or 8(c). 20

CHAPTER II

GENERAL AMENDMENTS TO TAXATION LAWS

Amendment of section 2 of Act 40 of 1949, as substituted by section 2 of Act 77 of 1964 and amended by section 1 of Act 56 of 1966, section 2 of Act 66 of 1973, section 3 of Act 88 of 1974, section 5 of Act 106 of 1980, section 3 of Act 87 of 1988, section 2 of Act 136 of 1992, section 3 of Act 97 of 1993, section 1 of Act 37 of 1995, section 9 of Act 37 of 1996, section 2 of Act 32 of 1999 and section 2 of Act 30 of 2002 25

31. (1) Section 2 of the Transfer Duty Act, 1949, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph: 30

“(b) subject to the provisions of subsection (5)—

- (i) 0 per cent of so much of the said value or the said amount, as the case may be, as does not exceed **[R100 000]** R140 000;
- (ii) 5 per cent of so much of the said value or the said amount, as the case may be, as exceeds **[R100 000]** R140 000 but does not exceed **[R300 000]** R320 000; and 35
- (iii) 8 per cent of so much of the said value or the said amount, as the case may be, as exceeds **[R300 000]** R320 000,
if the person **[by whom]** who acquires the property **[is acquired]** or in whose favour or for whose benefit the said interest or restriction is renounced is a 40
natural person.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 March 2003 and shall apply in respect of any property acquired, or interest or restriction in any property renounced, in terms of an agreement formally and finally signed on or after that date.

Fixing of rates of normal tax in terms of Act 58 of 1962 45

32. The rates of normal tax to be levied in terms of section 5(2) of the Income Tax Act, 1962, in respect of—

- (a) the taxable income of any person (other than a company) for the year of assessment ending on 29 February 2004; and
- (b) the taxable income of any company for any year of assessment ending during the period of 12 months ending on 31 March 2004, 50

shall be as set out in Schedule 1 to this Act.

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- (b) die totale markwaarde van alle buitelandse bates wat ingevolge die amnestie verklaar is;
- (c) die totale bedrag van alle heffings wat deur alle applikante en fasiliteerders betaalbaar is; en
- (d) die totale bedrag van ontvangste en toevallings van buitelandse bronne ingevolge artikel 6(2)(a) verklaar en bedrae ingevolge artikel 6(3)(a) verklaar. 5

Regulasies

30. Die Minister kan regulasies uitvaardig om in die algemeen aan die oogmerke en doelstellings van hierdie Hoofstuk gevolg te gee, waarby ingesluit om enige onvoorsiene gevolge, dubbelsinnighede of teenstrydighede te hanteer wat mag ontstaan met betrekking tot— 10

- (a) die toepassing van hierdie bepalings op buitelandse bates deur 'n diskresionêre trust wat nie 'n inwoner is nie, gehou soos in artikel 4 beoog;
- (b) buitelandse bates onregstreeks deur 'n applikant gehou deur middel van aandeelhouding in 'n maatskappy wat nie 'n inwoner is nie; 15
- (c) die verandering van inwonerskap van 'n applikant of bepaling van inwonerskap van 'n diskresionêre trust in artikel 4 beoog; of
- (d) die bepaling van die mate waarin 'n buitelandse bate bestaan uit of verkry is van—
 - (i) enige ongemagtigde bates; of 20
 - (ii) enige bedrag wat nie ingevolge die Boedelbelastingwet, 1955, of die Inkomstebelastingwet, 1962, aan die Kommissaris verklaar is nie, soos in artikel 6, 7 of 8(c) beoog.

HOOFSTUK II**ALGEMENE WYSIGINGS AAN BELASTINGWETTE**

Wysiging van artikel 2 van Wet 40 van 1949, soos vervang deur artikel 2 van Wet 77 van 1964 en gewysig deur artikel 1 van Wet 56 van 1966, artikel 2 van Wet 66 van 1973, artikel 3 van Wet 88 van 1974, artikel 5 van Wet 106 van 1980, artikel 3 van Wet 87 van 1988, artikel 2 van Wet 136 van 1992, artikel 3 van Wet 97 van 1993, artikel 1 van Wet 37 van 1995, artikel 9 van Wet 37 van 1996, artikel 2 van Wet 32 van 1999 en artikel 2 van Wet 30 van 2002 25 30

31. (1) Artikel 2 van die Wet op Hereregte, 1949, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) behoudens die bepalings van subartikel (5)—

- (i) 0 persent van soveel van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat [R100 000] R140 000 nie te bowe gaan nie; 35
 - (ii) 5 persent van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat [R100 000] R140 000 te bowe gaan maar nie [R300 000] R320 000 te bowe gaan nie; en
 - (iii) 8 persent van bedoelde waarde of bedoelde bedrag, na gelang van die geval, as wat [R300 000] R320 000 te bowe gaan 40
- indien die persoon [deur wie die eiendom verkry word] wat die eiendom verkry of ten gunste of ten voordele van wie van bedoelde belang of beperking afstand gedoen word 'n natuurlike persoon is.”.

(2) Subartikel (1) word geag op 1 Maart 2003 in werking te getree het en is van toepassing ten opsigte van enige eiendom wat verkry is, of 'n belang in of beperking op enige eiendom waarvan daar afstand gedoen is, ingevolge 'n ooreenkoms wat formeel en finaal op of na daardie datum onderteken is. 45

Vasstelling van skale van normale belasting ingevolge Wet 58 van 1962

32. Die skale van normale belasting wat ingevolge artikel 5(2) van die Inkomstebelastingwet, 1962, gehef moet word ten opsigte van— 50

- (a) die belasbare inkomste van 'n persoon (behalwe 'n maatskappy) vir die jaar van aanslag eindigende op 29 Februarie 2004; en
- (b) die belasbare inkomste van 'n maatskappy vir enige jaar van aanslag wat eindig gedurende die tydperk van 12 maande eindigende op 31 Maart 2004, is soos in Bylae 1 by hierdie Wet uiteengesit. 55

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33. (1) Section 1 of the Income Tax Act, 1962, is hereby amended by the addition after paragraph (b) of the definition of "resident" of the following words: 20

"but does not include any person who is deemed to be exclusively a resident of another country for purposes of the application of any agreement entered into between the governments of the Republic and that other country for the avoidance of double taxation;".

(2) Subsection (1) shall be deemed to have come into operation on 26 February 2003. 25

Amendment of section 4 of Act 58 of 1962, as amended by section 6 of Act 55 of 1966, section 4 of Act 104 of 1979, section 32 of Act 104 of 1980, section 3 of Act 96 of 1981, section 3 of Act 85 of 1987, section 3 of Act 70 of 1989, section 4 of Act 21 of 1994, section 3 of Act 36 of 1996, section 34 of Act 34 of 1997, section 21 of Act 30 of 1998, section 11 of Act 53 of 1999, section 14 of Act 30 of 2000, section 19 of Act 60 of 2001 and section 8 of Act 74 of 2002 30

34. Section 4 of the Income Tax Act, 1962, is hereby amended by the addition in subsection (1) to paragraph (c) of the following subparagraph:

"(iii) disclosing to the Governor of the South African Reserve Bank or any other person to whom the powers, functions and duties have been delegated by the Minister in terms of Exchange Control Regulations, 1961, issued in terms of section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), such information as may be required for purposes of exercising any power or performing any function or duty in terms of those Regulations." 35

Amendment of section 6 of Act 58 of 1962, as inserted by section 5 of Act 104 of 1980 and amended by 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 and section 11 of Act 30 of 2002 40 45

35. Section 6 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs: 50

"(a) a primary rebate, an amount of [R4 860] R5 400; and
(b) a secondary rebate, if the taxpayer was or, had the taxpayer lived, would have been over the age of 65 years on the last day of the year of assessment, an amount of [R3 000] R3 100." 50

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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 95 van 1967, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975, artikel 4 van Wet 103 van 1976, artikel 4 van Wet 113 van 1977, artikel 3 van Wet 101 van 1978, artikel 3 van Wet 104 van 1979, artikel 2 van Wet 104 van 1980, artikel 2 van Wet 96 van 1981, artikel 3 van Wet 91 van 1982, artikel 2 van Wet 94 van 1983, artikel 1 van Wet 30 van 1984, artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 van 1988, Goewermentskennisgewing No. R.780 van 14 April 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, 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, 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 en artikel 6 van Wet 74 van 2002

33. (1) Artikel 1 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in die omskrywing van "inwoner" na paragraaf (b) die volgende woorde by te voeg:

"maar sluit nie in nie enige persoon wat geag word uitsluitlik 'n inwoner van 'n ander land te wees vir doeleindes van die toepassing van enige ooreenkoms aangegaan tussen die regerings van die Republiek en van daardie ander land vir die vermyding van dubbele belasting;".

(2) Subartikel (1) word geag op 26 Februarie 2003 in werking te getree het.

Wysiging van artikel 4 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 55 van 1966, artikel 4 van Wet 104 van 1979, artikel 32 van Wet 104 van 1980, artikel 3 van Wet 96 van 1981, artikel 3 van Wet 85 van 1987, artikel 3 van Wet 70 van 1989, artikel 4 van Wet 21 van 1994, artikel 3 van Wet 36 van 1996, artikel 34 van Wet 34 van 1997, artikel 21 van Wet 30 van 1998, artikel 11 van Wet 53 van 1999, artikel 14 van Wet 30 van 2000, artikel 19 van Wet 60 van 2001 en artikel 8 van Wet 74 van 2002

34. Artikel 4 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die volgende subparagraaf by paragraaf (c) te voeg:

"(iii) aan die President van die Suid-Afrikaanse Reserwebank of enige ander persoon aan wie die bevoegdhede, funksies of verpligtinge deur die Minister gedelegeer is ingevolge die Deviesebeheerregulasies, 1961, uitgereik ingevolge artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No. 9 van 1933), die inligting te verskaf wat nodig is vir doeleindes van die uitoefening van enige bevoegdheid of uitvoering van enige funksie of plig ingevolge daardie Regulasies."

Wysiging van artikel 6 van Wet 58 van 1962, soos ingevoeg deur artikel 5 van Wet 104 van 1980 en gewysig deur 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 en artikel 11 van Wet 30 van 2002

35. Artikel 6 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragrawe (a) en (b) van subartikel (2) deur die volgende paragrawe te vervang:

"(a) 'n primêre korting toegelaat 'n bedrag van [R4 860] R5 400; en
(b) 'n sekondêre korting toegelaat, indien die belastingpligtige op die laaste dag van die jaar van aanslag bo die ouderdom van 65 jaar was of sou gewees het

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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 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, section 9 of Act 19 of 2001, section 26 of Act 60 of 2001, section 13 of Act 30 of 2002 and section 18 of Act 74 of 2002

36. Section 10 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for subitems (A) and (B) of item (*bb*) of subparagraph (xv) of paragraph (i) of the following subitems:

- “(A) in the case of any person who was or, had he or she lived, would have been at least 65 years of age on the last day of the year of assessment, the amount of [R10 000] R15 000; or
- (B) in any other case, the amount of [R6 000] R10 000.”.

Amendment of section 12E of Act 58 of 1962, as inserted by section 12 of Act 19 of 2001 and amended by section 17 of Act 30 of 2002 and section 21 of Act 74 of 2002

37. (1) Section 12E of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4) for the expression “R3 million” wherever it may occur in subparagraph (i) of paragraph (a) of the expression “R5 million”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 2003 and shall apply in respect of any year of assessment ending on or after that date.

Amendment of section 64C of Act 58 of 1962, as inserted by section 34 of Act 113 of 1993 and amended by section 13 of Act 140 of 1993, section 25 of Act 21 of 1994, section 30 of Act 21 of 1995, section 22 of Act 36 of 1996, section 40 of Act 30 of 1998, section 36 of Act 53 of 1999, section 40 of Act 30 of 2000, section 43 of Act 59 of 2000 and section 37 of Act 74 of 2002

38. (1) Section 64C of the Income Tax Act, 1962, is hereby amended—

- (a) by the deletion of the word “or” at the end of paragraph (d) of subsection (3) and the addition of the word “or” at the end of paragraph (e) of that subsection; and
- (b) by the addition to subsection (3) of the following paragraph:
 “(f) the company ceases to be a resident to the extent profits and reserves of that company are available for distribution immediately before so ceasing to be a resident (including any amount deemed in terms of the definition of ‘dividend’ in section 1 to be a profit available for distribution): Provided that any prohibition or limitation on any distribution contained in the company’s memorandum and articles of association or founding statement or any agreement must be disregarded.”.

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indien [hy] die belastingpligtige die lewe behou het, 'n bedrag van [R3 000] R3 100.”.

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 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, artikel 9 van Wet 19 van 2001, artikel 26 van Wet 60 van 2001, artikel 13 van Wet 30 van 2002 en artikel 18 van Wet 74 van 2002

36. Artikel 10 van die Inkomstebelastingwet, 1962, word hierby gewysig deur subitem (A) en (B) van item (bb) van subparagraaf (xv) van paragraaf (i) van subartikel (1) deur die volgende subitem te vervang:

- “(A) in die geval van 'n persoon wat op die laaste dag van die jaar van aanslag minstens 65 jaar oud was, of sou wees indien hy of sy gelewe het, die bedrag van [R10 000] R15 000 te bowe gaan; of
- (B) in enige ander geval, die bedrag van [R6 000] R10 000 te bowe gaan.”.

Wysiging van artikel 12E van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 19 van 2001 en gewysig deur artikel 17 van Wet 30 van 2002 en artikel 21 van Wet 74 van 2002

37. (1) Artikel 12E van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) die uitdrukking “R3 miljoen”, waar dit ook al mag voorkom in subparagraaf (i) van paragraaf (a), deur die uitdrukking “R5 miljoen” te vervang.

(2) Subartikel (1) word geag op 1 April 2003 in werking te getree het en is van toepassing ten opsigte van enige jaar van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 64C van Wet 58 van 1962, soos ingevoeg deur artikel 34 van Wet 113 van 1993 en gewysig deur artikel 13 van Wet 140 van 1993, artikel 25 van Wet 21 van 1994, artikel 30 van Wet 21 van 1995, artikel 22 van Wet 36 van 1996, artikel 40 van Wet 30 van 1998, artikel 36 van Wet 53 van 1999, artikel 40 van Wet 30 van 2000, artikel 43 van Wet 59 van 2000 en artikel 37 van Wet 74 van 2002

38. (1) Artikel 64C van die Inkomstebelastingwet, 1962, word hierby gewysig—

- (a) deur die woord “of” aan die einde van paragraaf (d) van subartikel (3) te skrap en die woord “of” aan die einde van paragraaf (e) van daardie subartikel te voeg; en

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

“(f) die maatskappy ophou om 'n inwoner te wees in die mate wat winste en reserwes van daardie maatskappy beskikbaar is vir uitkering onmiddellik voor dit aldus opgehou het om 'n inwoner te wees (waarby ingesluit word enige bedrag wat ingevolge die omskrywing van ‘dividend’ in artikel 1 geag word 'n wins beskikbaar vir uitkering te wees): Met dien verstande dat enige verbod of beperking op enige uitkering in die maatskappy se akte van oprigting en statute of stigtingsverklaring of in enige ooreenkoms vervat, verontagsaam word.”.

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(2) Subsection (1) shall be deemed to have come into operation on 26 February 2003 and shall apply in respect of any company that ceases to be a resident on or after that date.

Amendment of section 4 of Act 91 of 1964, as amended by section 2 of Act 105 of 1969, section 2 of Act 110 of 1979, sections 3 and 15 of Act 98 of 1980, section 2 of Act 84 of 1987, section 4 of Act 59 of 1990, section 1 of Act 105 of 1992, section 1 of Act 98 of 1993, section 2 of Act 45 of 1995, Schedule 3 to Act 34 of 1997, section 58 of Act 30 of 1998, section 47 of Act 53 of 1999, section 115 of Act 60 of 2001 and section 43 of Act 30 of 2002

39. Section 4 of the Customs and Excise Act, 1964, is hereby amended by the addition in subsection (3) to paragraph (b) of the following subparagraph:

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

Amendment of section 47B of Act 91 of 1964, as inserted by section 59 of Act 30 of 2000

40. (1) Section 47B of the Customs and Excise Act, 1964, is hereby amended by the substitution in subsection (2) for the words in subparagraph (i) of paragraph (b) preceding the proviso of the following words:

“(i) The tax shall be charged at the rate of [R100] R110 on the carriage of each chargeable passenger departing on a flight.”

(2) Subsection (1) shall come into operation on 1 July 2003, and shall apply to any carriage of a chargeable passenger on any flight which commences on or after that date: Provided that the provisions of subsection (1) shall not apply in respect of the carriage of any chargeable passenger, where the ticket in respect of that flight was purchased and issued before the date of promulgation of this Act.

Amendment of Schedule No. 1 to Act 91 of 1964, as amended by section 19 of Act 95 of 1965, section 15 of Act 57 of 1966, section 2 of Act 96 of 1967, section 22 of Act 85 of 1968, section 37 of Act 105 of 1969, section 9 of Act 98 of 1970, section 2 of Act 89 of 1971, section 12 of Act 103 of 1972, section 6 of act 68 of 1973, section 3 of Act 64 of 1974, section 13 of Act 71 of 1975, section 13 of Act 105 of 1976, section 38 of Act 112 of 1977, section 3 of Act 114 of 1981, section 27 of Act 86 of 1982, section 10 of Act 89 of 1984, section 14 of Act 101 of 1985, section 11 of Act 69 of 1988, section 19 of Act 68 of 1989, section 40 of Act 59 of 1990, section 3 of Act 111 of 1991, section 15 of Act 105 of 1992, section 13 of Act 98 of 1993, section 12 of Act 19 of 1994, section 74 of Act 45 of 1995, section 8 of Act 44 of 1996, section 15 of Act 27 of 1997, section 75 of Act 30 of 1998, section 7 of Act 32 of 1999, section 64 of Act 30 of 2000, section 52 of Act 19 of 2001 and section 53 of Act 30 of 2002

41. (1) Schedule No. 1 to the Customs and Excise Act, 1964, is hereby amended as set out in Schedule 2 to this Act.

(2) Subject to the provisions of section 58(1) of the Customs and Excise Act, 1964, subsection (1) shall be deemed to have come into operation on 26 February 2003.

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(2) Subartikel (1) word geag op 26 Februarie 2003 in werking te getree het en is van toepassing ten opsigte van enige maatskappy wat op of na daardie datum ophou om 'n inwoner te wees.

Wysiging van artikel 4 van Wet 91 van 1964, soos gewysig deur artikel 2 van Wet 105 van 1969, artikel 2 van Wet 110 van 1979, artikels 3 en 15 van Wet 98 van 1980, artikel 2 van Wet 84 van 1987, artikel 4 van Wet 59 van 1990, artikel 1 van Wet 105 van 1992, artikel 1 van Wet 98 van 1993, artikel 2 van Wet 45 van 1995, Bylae 3 van Wet 34 van 1997, artikel 58 van Wet 30 van 1998, artikel 47 van Wet 53 van 1999, artikel 115 van Wet 60 van 2001 en artikel 43 van Wet 30 van 2002

39. Artikel 4 van die Doeane- en Aksynswet, 1964, word hierby gewysig deur die volgende subparagraaf by paragraaf (b) van subartikel (3) te voeg:

“(v) aan die President van die Suid-Afrikaanse Reserwebank of enige ander persoon aan wie die bevoegdheide, funksies of verpligtinge deur die Minister gedelegeer is ingevolge die Deviesebeheerregulasies, 1961, uitgereik ingevolge artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No. 9 van 1933), die inligting te verskaf wat nodig is vir doeleindes van die uitoefening van enige bevoegdheid of uitvoering van enige funksie of plig ingevolge daardie Regulasies.”.

Wysiging van artikel 47B van Wet 91 van 1964, soos ingevoeg deur artikel 59 van Wet 30 van 2000

40. (1) Artikel 47B van die Doeane- en Aksynswet, 1964, word hierby gewysig deur in subartikel (2) die woorde in subparagraaf (i) van paragraaf (b) wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Die belasting word teen die koers van [R100] R110 gevorder op die vervoer van elke belasbare passasier wat op 'n vlug vertrek.”.

(2) Subartikel (1) tree op 1 Julie 2003 in werking in is van toepassing ten opsigte van enige vervoer van 'n belasbare passasier op 'n vlug wat op of na daardie datum 'n aanvang neem: Met dien verstande dat die bepalings van subartikel (1) nie van toepassing is nie ten opsigte van die vervoer van 'n belasbare passasier waar die kaartjie ten opsigte van daardie vlug voor die datum van afkondiging van hierdie Wet aangekoop en uitgereik is.

Wysiging van Bylae No. 1 by Wet 91 van 1964, soos gewysig deur artikel 19 van Wet 95 van 1965, artikel 15 van Wet 57 van 1966, artikel 2 van Wet 96 van 1967, artikel 22 van Wet 85 van 1968, artikel 37 van Wet 105 van 1969, artikel 9 van Wet 98 van 1970, artikel 2 van Wet 89 van 1971, artikel 12 van Wet 103 van 1972, artikel 6 van Wet 68 van 1973, artikel 3 van Wet 64 van 1974, artikel 13 van Wet 71 van 1975, artikel 13 van Wet 105 van 1976, artikel 38 van Wet 112 van 1977, artikel 3 van Wet 114 van 1981, artikel 27 van Wet 86 van 1982, artikel 10 van Wet 89 van 1984, artikel 14 van Wet 101 van 1985, artikel 11 van Wet 69 van 1988, artikel 19 van Wet 68 van 1989, artikel 40 van Wet 59 van 1990, artikel 3 van Wet 111 van 1991, artikel 15 van Wet 105 van 1992, artikel 13 van Wet 98 van 1993, artikel 12 van Wet 19 van 1994, artikel 74 van Wet 45 van 1995, artikel 8 van Wet 44 van 1996, artikel 15 van Wet 27 van 1997, artikel 75 van Wet 30 van 1998, artikel 7 van Wet 32 van 1999, artikel 64 van Wet 30 van 2000, artikel 52 van Wet 19 van 2001 en artikel 53 van Wet 30 van 2002

41. (1) Bylae No. 1 by die Doeane- en Aksynswet, 1964, word hierby gewysig soos in Bylae 2 by hierdie Wet uiteengesit.

(2) Behoudens die bepalings van artikel 58(1) van die Doeane- en Aksynswet, 1964, word subartikel (1) geag op 26 Februarie 2003 in werking te getree het.

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Amendment of section 1 of Act 77 of 1968, as amended by section 16 of Act 103 of 1969, section 5 of Act 66 of 1973, section 7 of Act 88 of 1974, section 19 of Act 106 of 1980, section 3 of Act 118 of 1984, section 17 of Act 87 of 1988, section 36 of Act 9 of 1989, section 3 of Act 69 of 1989, section 5 of Act 136 of 1991, section 4 of Act 20 of 1994, section 77 of Act 30 of 1998, section 74 of Act 53 of 1999, section 40 of Act 5 of 2001, section 54 of Act 19 of 2001 and section 141 of Act 60 of 2001 5

42. (1) Section 1 of the Stamp Duties Act, 1968 is hereby amended—
 (a) by the substitution for the definition of “fixed deposit” of the following definition:
 “‘fixed deposit’ means a negotiable certificate of deposit”; and 10
 (b) by the deletion of the definition of “policy of life insurance”.
 (2) Subsection (1) shall be deemed to have come into operation on 1 April 2003.

Amendment of section 7 of Act 77 of 1968, as amended by section 18 of Act 103 of 1969, section 10 of Act 89 of 1972, section 8 of Act 66 of 1973, section 3 of Act 70 of 1975, section 5 of Act 87 of 1982, section 7 of Act 118 of 1984, section 5 of Act 69 of 1989 and section 55 of Act 19 of 2001 15

43. (1) Section 7 of the Stamp Duties Act, 1968 is hereby amended by the deletion in subsection (1) of paragraph (i).
 (2) Subsection (1) shall be deemed to have come into operation on 1 April 2003.

Repeal of section 24 of Act 77 of 1968 20

44. (1) Section 24 of the Stamp Duties Act, 1968 is hereby repealed.
 (2) Subsection (1) shall be deemed to have come into operation on 1 April 2003.

Repeal of Item 18 of Schedule 1 to Act 77 of 1968

45. (1) Item 18 of Schedule 1 to the Stamp Duties Act, 1968, is hereby repealed.
 (2) Subsection (1) is deemed to have come into operation on 1 April 2003. 25

Amendment of section 33 of Act 90 of 1989, as amended by section 3 of Act 39 of 1997

46. Section 33 of the South African Reserve Bank Act, 1989, is hereby amended by the insertion after subsection (1) of the following subsection:
 “(1A) The provisions of subsection (1) shall not be construed as preventing any 30
 director, officer or employee of the Bank who is responsible for exercising any power or performing any function or duty under the Exchange Control Regulations, 1961, issued in terms of section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), from disclosing to the Commissioner for the South African Revenue Service any information as may be required for purposes of exercising 35
 any power or performing any function or duty in terms of any Act administered by the Commissioner.”.

**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 22 of Act 97 of 1993, section 9 of Act 20 of 1994, section 18 40
 of Act 37 of 1996, section 23 of Act 27 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 and section 114 of Act 74 of 2002**

47. Section 1 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for paragraph (a) of the definition of “commercial accommodation” of the 45
 following paragraph:

“(a) lodging or board and lodging, together with domestic goods and services, in any house, flat, apartment, room, motel, hotel, inn, guest house, boarding house, residential establishment, holiday accommodation unit, chalet, tent,

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Wysiging van artikel 1 van Wet 77 van 1968, soos gewysig deur artikel 16 van Wet 103 van 1969, artikel 5 van Wet 66 van 1973, artikel 7 van Wet 88 van 1974, artikel 19 van Wet 106 van 1980, artikel 3 van Wet 118 van 1984, artikel 17 van Wet 87 van 1988, artikel 36 van Wet 9 van 1989, artikel 3 van Wet 69 van 1989, artikel 5 van Wet 136 van 1991, artikel 4 van Wet 20 van 1994, artikel 77 van Wet 30 van 1998, artikel 74 van Wet 53 van 1999, artikel 40 van Wet 5 van 2001, artikel 54 van Wet 19 van 2001 en artikel 141 van Wet 60 van 2001

42. (1) Artikel 1 van die Wet op Seëlregte, 1968, word hierby gewysig—
 (a) deur die omskrywing van “lewensversekeringspolis” te skrap; en
 (b) deur die omskrywing van “vaste deposit” deur die volgende omskrywing te vervang:
 “‘vaste deposito’ ’n verhandelbare depositosertifikaat.”
 (2) Subartikel (1) word geag op 1 April 2003 in werking te getree het.

Wysiging van artikel 7 van Wet 77 van 1968, soos gewysig deur artikel 18 van Wet 103 van 1969, artikel 10 van Wet 89 van 1972, artikel 8 van Wet 66 van 1973, artikel 3 van Wet 70 van 1975, artikel 5 van Wet 87 van 1982, artikel 7 van Wet 118 van 1984, artikel 5 van Wet 69 van 1989 en artikel 55 van Wet 19 van 2001

43. (1) Artikel 7 van die Wet op Seëlregte, 1968, word hierby gewysig deur paragraaf (i) van subartikel (1) te skrap.
 (2) Subartikel (1) word geag op 1 April 2003 in werking te getree het.

Herroeping van artikel 24 van Wet 77 van 1968

44. (1) Artikel 24 van die Wet op Seëlregte, 1968, word hierby herroep.
 (2) Subartikel (1) word geag op 1 April 2003 in werking te getree het.

Herroeping van item 18 van Bylae 1 by Wet 77 van 1968

45. (1) Item 18 van Bylae 1 by die Wet op Seëlregte, 1968, word hierby herroep.
 (2) Subartikel (1) word geag op 1 April 2003 in werking te getree het.

Wysiging van artikel 33 van Wet 90 van 1989, soos gewysig deur artikel 3 van Wet 39 van 1997

46. Artikel 33 van die Wet op die Suid-Afrikaanse Reserwebank, 1989, word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:
 “(1A) Die bepalinge van subartikel (1) word nie so uitgelê nie om enige direkteur, beampte of werknemer van die Bank wat vir die uitoefening van enige bevoegdheid of uitvoering van enige funksie of plig kragtens die Deviesebeheerregulasies, 1961, ingevolge artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No. 9 van 1933), uitgereik, verantwoordelik is, te verhoed om aan die Kommissaris van die Suid-Afrikaanse Inkomstediens enige inligting wat nodig is vir doeleindes van die uitoefening van enige bevoegdheid of uitvoering van enige funksie of plig ingevolge enige Wet wat deur die Kommissaris geadministreer word, te openbaar 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 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 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 en artikel 114 van Wet 74 van 2002

47. Artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur paragraaf (a) van die omskrywing van “kommersiële huisvesting” deur die volgende paragraaf te vervang:
 “(a) inwoning of kos en inwoning, tesame met die verskaffing van huishoudelike goed en dienste, in enige huis, woonstel, vertrek, hotel, motel, herberg, gastehuis, losieshuis, huishoudelike inrigting, vakansieverblyfteenheid, cha-

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caravan, camping site, houseboat or similar establishment, which is regularly or systematically supplied and where the total annual receipts from the supply thereof exceeds [R48 000] R60 000 per annum or is reasonably expected to exceed [R48 000] R60 000 per annum, but excluding a dwelling supplied in terms of an agreement for the letting and hiring thereof;”

5

Amendment of section 6 of Act 89 of 1991, as amended by section 20 of Act 37 of 1996, section 34 of Act 34 of 1997, section 88 of Act 30 of 1998, section 66 of Act 19 of 2001, section 150 of Act 60 of 2001 and section 116 of Act 74 of 2002

48. Section 6 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the addition of the word “or” at the end of paragraph (e) of subsection (2); 10
and

(b) by the addition to subsection (2) of the following paragraph:

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

15

Amendment of section 2 of Act 38 of 1996, as amended by section 107 of Act 30 of 1998 20

49. (1) Section 2 of the Tax on Retirement Funds Act, 1996, is hereby amended by the substitution in the words preceding paragraph (a) for the expression “25 per cent” of the expression “18 per cent”.

(2) Subsection (1) shall be deemed to have come into operation on 1 March 2003. 25

Continuation of certain amendments of Schedules Nos. 1 to 6 and 8 to Act 91 of 1964

50. (1) Every amendment or withdrawal of or insertion in Schedules Nos. 1 to 6, inclusive, and 8 to the Customs and Excise Act, 1964, made under section 48, 56, 60(3) or 75(15) of that Act during the calendar year ending on 31 December 2002 shall not lapse by virtue of the provisions of section 48(6), 56(3), 60(4) or 75(16) of that Act. 30

(2) The amendments of Part 2 and Part 5 of Schedule No. 1 of the Customs and Excise Act, 1964, made under section 48 of that Act by Government Notice R.479 of 1 April 2003 in respect of the said Part 2 and Government Notice R.480 of 2 April 2003 in respect of the said Part 5, shall not lapse by virtue of the provisions of section 48(6) of that Act. 35

Short title and commencement

51. (1) This Act shall be called the Exchange Control Amnesty and Amendment of Taxation Laws Act, 2003.

(2) Save in so far as is otherwise provided in this Act or the context otherwise indicates, the amendments effected to the Income Tax Act, 1962, by this Act shall for purposes of assessments in respect of normal tax under the Income Tax Act, 1962, be deemed to have come into operation as from the commencement of years of assessment ending on or after 1 January 2004. 40

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let, tent, karavaan, kampeerplek, huisboot, of soortgelyke inrigting wat gereeld of stelselmatig verskaf word en waar die totale jaarlikse ontvangste uit die lewering daarvan [R48 000] R60 000 per jaar oorskry of redelikerwys verwag word [R48 000] R60 000 te oorskry, maar met uitsluiting van 'n woning wat ingevolge 'n ooreenkoms vir die huur en verhuring daarvan verskaf word;”.

Wysiging van artikel 6 van Wet 89 van 1991, soos gewysig deur artikel 20 van Wet 37 van 1996, artikel 34 van Wet 34 van 1997, artikel 88 van Wet 30 van 1998, artikel 66 van Wet 19 van 2001, artikel 150 van Wet 60 van 2001 en artikel 116 van Wet 74 van 2002

48. Artikel 6 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

- (a) deur die woord “of” aan die einde van paragraaf (e) van subartikel (2) te voeg; en
- (b) deur die volgende paragraaf by subartikel (2) te voeg:
 - “(f) aan die President van die Suid-Afrikaanse Reserwebank of enige ander persoon aan wie die bevoegdheide, funksies of verpligtinge deur die Minister gedelegeer is ingevolge die Deviesebeheerregulasies, 1961, uitgereik ingevolge artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No. 9 van 1933), die inligting te verskaf wat nodig is vir doeleindes van die uitoefening van enige bevoegdheid of uitvoering van enige funksie of plig ingevolge daardie Regulasies.”.

Wysiging van artikel 2 van Wet 38 van 1996, soos gewysig deur artikel 107 van Wet 30 van 1998

- 49.** (1) Artikel 2 van die Wet op Belasting op Uittreefondse, 1996, word hierby gewysig deur in die woorde wat paragraaf (a) voorafgaan die uitdrukking “25 persent” deur die uitdrukking “18 persent” te vervang.
- (2) Subartikel (1) word geag op 1 Maart 2003 in werking te getree het.

Voortdoring van sekere wysigings van Bylaes Nos. 1 tot 6 en 8 by Wet 91 van 1964

- 50.** (1) Elke wysiging of intrekking van of invoeging in Bylaes Nos. 1 tot 6, insluitend, en 8 by die Doeane-en Aksynswet, 1964, wat kragtens artikel 48, 56, 60(3) of 75(15) van daardie Wet gedurende die kalenderjaar wat op 31 Desember 2002 geëindig het, aangebring is, verval nie uit hoofde van die bepalings van artikel 48(6), 56(3), 60(4) of 75(16) van daardie Wet nie.
- (2) Die wysigings van Deel 2 en Deel 5 van Bylae No. 1 by die Doeane-en Aksynswet, 1964, wat kragtens artikel 48 van daardie Wet deur Goewermentskennisgewing R.479 van 1 April 2003 ten opsigte van bedoelde Deel 2 en Goewermentskennisgewing R.480 van 2 April 2003 ten opsigte van bedoelde Deel 5, verval nie uit hoofde van die bepalings van artikel 48(6) van daardie Wet nie.

Kort titel en inwerkingtreding

51. (1) Hierdie Wet heet die Wet op Deviesebeheeramnestie en Wysiging van Belastingwette, 2003.

(2) Behalwe vir sover hierdie Wet anders bepaal of dit uit die samehang anders blyk, word die wysigings aan die Inkomstebelastingwet, 1962, by hierdie Wet aangebring, vir die doeleindes van aanslae ten opsigte van normale belasting ingevolge die Inkomstebelastingwet, 1962, geag in werking te getree het met ingang van die begin van jare van aanslag wat op of na 1 Januarie 2004 eindig.

**Act No. 12, 2003 EXCHANGE CONTROL AMNESTY AND AMENDMENT
OF TAXATION LAWS ACT, 2003**

SCHEDULE 1

RATES OF NORMAL TAX PAYABLE BY PERSONS (OTHER THAN COMPANIES) IN RESPECT OF THE YEARS OF ASSESSMENT ENDING 29 FEBRUARY 2004, AND BY COMPANIES IN RESPECT OF YEARS OF ASSESSMENT ENDING DURING THE PERIOD OF 12 MONTHS ENDING 31 MARCH 2004

(Section 32)

1. The rates of normal tax referred to in section 32 of this Act in respect of persons (other than companies) are as follows:—

- (a) in respect of the taxable income of any person (other than a person in respect of which paragraph (b) applies), an amount of tax calculated in accordance with the table below:

Taxable Income	Rates of Tax
Where the taxable income— does not exceed R70 000	18 per cent of each R1 of the taxable income;
exceeds R70 000 but does not exceed R110 000	R12 600 plus 25 per cent of the amount by which the taxable income exceeds R70 000;
“ R110 000 “ “ “ “ R140 000	R22 600 plus 30 per cent of the amount by which the taxable income exceeds R110 000;
“ R140 000 “ “ “ “ R180 000	R31 600 plus 35 per cent of the amount by which the taxable income exceeds R140 000;
“ R180 000 “ “ “ “ R255 000	R45 600 plus 38 per cent of the amount by which the taxable income exceeds R180 000;
“ R255 000	R74 100 plus 40 per cent of the amount by which the taxable income exceeds R255 000.

- (b) in respect of the taxable income of any trust (other than a special trust), an amount of 40 cents on each rand of taxable income.

2. The rates of normal tax referred to in section 32 of this Act in respect of companies are, subject to the provisions of paragraph 4, as follows:—

- (a) on each rand of the taxable income of any company (excluding taxable income referred to in subparagraphs (b), (c), (d), (e), (f), (g) and (h)), 30 cents, or, in the case of a company which mines for gold on any gold mine and which is in terms of an option exercised by it exempt from the payment of secondary tax on companies, 38 cents;
- (b) in respect of the taxable income of any company which qualifies as a small business corporation as defined in section 12E of the Income Tax Act, 1962, on each rand of the taxable income as does not exceed R150 000, 15 cents, and on each rand of the taxable income of such company as exceeds R150 000, 30 cents;
- (c) on each rand of the taxable income of any employment company as defined in section 12E of the Income Tax Act, 1962, 35 cents;
- (d) on each rand of the taxable income derived by any company from mining for gold on any gold mine with the exclusion of so much of the taxable income as the Commissioner for the South African Revenue Service determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (j) of the definition of “gross income” in section 1 of the Income Tax Act, 1962, but after the set-off of any assessed loss in terms of section 20(1) of that Act, a percentage determined in accordance with the formula:

$$y = 37 - \frac{185}{x}$$

BYLAE 1

**SKALE VAN NORMALE BELASTING BETAALBAAR DEUR PERSONE
(BEHALWE MAATSKAPPE) TEN OPSIGTE VAN DIE JARE VAN AANSLAG
EINDIGENDE OP 29 FEBRUARIE 2004, EN DEUR MAATSKAPPE TEN
OPSIGTE VAN JARE VAN AANSLAG WAT EINDIG GEDURENDE DIE
TYDPERK VAN 12 MAANDE EINDIGENDE OP 31 MAART 2004**

(Artikel 32)

1. Die skale van normale belasting bedoel in artikel 32 van hierdie Wet ten opsigte van persone (behalwe maatskappe) is soos volg:—

- (a) Ten opsigte van die belasbare inkomste van 'n persoon (behalwe 'n persoon ten opsigte waarvan subparagraaf (b) van toepassing is), 'n bedrag aan belasting wat ooreenkomstig die tabel hieronder bereken word:

Belasbare inkomste	Skale van belasting
Waar die belasbare inkomste—	
R70 000 nie te bowe gaan nie	18 persent van elke R1 van die belasbare inkomste;
R70 000 te bowe gaan, maar nie R110 000 nie	R12 600 plus 25 persent van die bedrag waarmee die belasbare inkomste R70 000 oorskry;
R110 000 “ “ “ “ R140 000 nie	R22 600 plus 30 persent van die bedrag waarmee die belasbare inkomste R110 000 oorskry;
R140 000 “ “ “ “ R180 000 nie	R31 600 plus 35 persent van die bedrag waarmee die belasbare inkomste R140 000 oorskry;
R180 000 “ “ “ “ R255 000 nie	R45 600 plus 38 persent van die bedrag waarmee die belasbare inkomste R180 000 oorskry;
R255 000 te bowe gaan	R74 100 plus 40 persent van die bedrag waarmee die belasbare inkomste R255 000 oorskry.

- (b) ten opsigte van die belasbare inkomste van 'n trust (behalwe 'n spesiale trust), 'n bedrag van 40 sent van elke rand van belasbare inkomste.

2. Die skale van normale belasting bedoel in artikel 32 van hierdie Wet ten opsigte van maatskappe is, behoudens die bepalings van paragraaf 4, soos volg:—

- (a) op elke rand van die belasbare inkomste van 'n maatskappy (met uitsondering van belasbare inkomste in subparagrafe (b), (c), (d), (e), (f), (g) en (h) bedoel), 30 sent, of, in die geval van 'n maatskappy wat vir goud myn op 'n goudmyn en wat ingevolge 'n keuse deur hom uitgeoefen van die betaling van sekondêre belasting op maatskappe vrygestel is, 38 sent;
- (b) ten opsigte van die belasbare inkomste van 'n maatskappy wat as 'n kleinsakekorporasie soos in artikel 12E van die Inkomstebelastingwet, 1962, omskryf kwalifiseer, op elke rand van die belasbare inkomste wat nie R150 000 te bowe gaan nie, 15 sent, en op elke rand van die belasbare inkomste wat R150 000 te bowe gaan, 30 sent;
- (c) op elke rand van die belasbare inkomste van 'n werknemersmaatskappy soos in artikel 12E van die Inkomstebelastingwet, 1962, omskryf, 35 sent;
- (d) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die myn van goud op 'n goudmyn verkry word met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris van die Suid-Afrikaanse Inkomstediens toe te skryf is aan die inrekening by bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van “bruto inkomste” in artikel 1 van die Inkomstebelastingwet, 1962, maar na die verrekening van enige vasgestelde verlies ingevolge artikel 20(1) van die Inkomstebelastingwet, 1962, 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 37 - \frac{185}{x}$$

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or, in the case of a company which is in terms of an option exercised by it exempt from the payment of secondary tax on companies, in accordance with the formula:

$$y = 46 - \frac{230}{x}$$

in which formulae y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion, but before the set-off of any assessed loss or deduction which is not attributable to the mining for gold from the said mine) bears to the income so derived (with the said exclusion);

- (e) on each rand of the taxable income of any company, the sole or principal business of which in the Republic is, or has been, mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, which the Commissioner for the South African Revenue Service determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (j) of the definition of "gross income" in section 1 of the Income Tax Act, 1962, a rate equal to the average rate of normal tax or 30 cents, whichever is higher: Provided that for the purposes of this subparagraph, the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with this subparagraph for the period assessed) paid by the company in respect of its aggregate taxable income from mining for gold on any gold mine for the period from which that company commenced its gold mining operations on that gold mine to the end of the period assessed, by the number of rands contained in the said aggregate taxable income;
- (f) on each rand of the taxable income derived by any company from carrying on long-term insurance business in respect of its individual policyholder fund, company policyholder fund and corporate fund, 30 cents;
- (g) on each rand of the taxable income (excluding taxable income referred to in subparagraphs (b), (c), (d), (e), (f) and (h)) derived by a company which has its place of effective management outside the Republic and which carries on a trade through a branch or agency within the Republic, 35 cents;
- (h) on each rand of the taxable income derived by a qualifying company as contemplated in section 37H of the Income Tax Act, 1962, subject to the provisions of the said section, zero cents:

Provided that the tax determined in accordance with any of subparagraphs (a) to (h), inclusive, shall be payable in addition to the tax determined in accordance with any other of the said subparagraphs.

3. The rates set forth in paragraphs 1 and 2 shall be the rates required to be fixed by Parliament in accordance with the provisions of section 5(2) of the Income Tax Act, 1962.

4. For the purposes of paragraph 2, income derived from mining for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of mining for gold, and any other income which results directly from mining for gold.

5. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Income Tax Act, 1962, bears the meaning so assigned.

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of, in die geval van 'n maatskappy wat ingevolge 'n keuse deur hom uitgeoefen van die betaling van sekondêre belasting op maatskappye vrygestel is, ooreenkomstig die formule:

$$y = 46 - \frac{230}{x}$$

in welke formules y bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreeë belasbare inkomste (met genoemde uitsluiting, maar voor die verrekening van enige vasgestelde verlies of aftrekking wat nie aan die myn van goud uit bedoelde goudmyn toeskryfbaar is nie) staan tot die aldus verkreeë inkomste (met genoemde uitsluiting);

- (e) op elke rand van die belasbare inkomste van 'n maatskappy wie se enigste of vernaamste besigheid in die Republiek die myn van goud is of was en waarvan die vasstelling van die belasbare inkomste vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, wat volgens vasstelling van die Kommissaris van die Suid-Afrikaanse Inkomstediens toe te skryf is aan die inrekening by sy bruto inkomste van 'n bedrag bedoel in paragraaf (j) van die omskrywing van "bruto inkomste" in artikel 1 van die Inkomstebelastingwet, 1962, 'n skaal gelyk aan die gemiddelde skaal van normale belasting of 30 sent, watter ook al die hoogste is: Met dien verstande dat vir die doeleindes van hierdie subparagraaf die gemiddelde skaal van normale belasting vasgestel word deur die totale normale belasting (met uitsondering van die belasting wat vir die tydperk van aanslag ooreenkomstig hierdie subparagraaf vasgestel is) wat deur die maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud op enige goudmyn vir die tydperk van wanneer daardie maatskappy sy goudmynbedrywigheede op daardie goudmyn begin het tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal rande wat genoemde totale belasbare inkomste bevat;
- (f) op elke rand van die belasbare inkomste wat deur 'n maatskappy uit die dryf van langtermynversekeringsbesigheid verkry word ten opsigte van sy individuele polishouersfonds, maatskappypolishouersfonds en korporatiewe fonds, 30 sent;
- (g) op elke rand van die belasbare inkomste (uitgesonderd belasbare inkomste bedoel in subparagraawe (b), (c), (d), (e), (f) en (h)) wat deur 'n maatskappy verkry word wie se plek van effektiewe bestuur buite die Republiek geleë is en wat 'n bedryf deur 'n tak of agentskap binne die Republiek beoefen, 35 sent;
- (h) op elke rand van die belasbare inkomste wat deur 'n kwalifiserende maatskappy, soos beoog in artikel 37H van die Inkomstebelastingwet, 1962, verkry word, behoudens die bepalinge van gemelde artikel, nul sent:

Met dien verstande dat die belasting ooreenkomstig enige van subparagraawe (a) tot en met (h) vasgestel, benewens die belasting vasgestel ooreenkomstig enige ander van genoemde subparagraawe betaalbaar is.

3. Die skale uiteengesit in paragraawe 1 en 2 is die skale wat deur die Parlement ooreenkomstig die bepalinge van artikel 5(2) van die Inkomstebelastingwet, 1962, vasgestel moet word.

4. By die toepassing van paragraaf 2, sluit inkomste uit die myn van goud verkry inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin word, en enige ander inkomste wat regstreeks uit die myn van goud voortvloei.

5. In hierdie Bylae, tensy uit die samehang anders blyk, het enige woord of uitdrukking waaraan daar in die Inkomstebelastingwet, 1962, 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf.

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SCHEDULE 2

**AMENDMENTS TO SCHEDULE NO. 1 TO THE CUSTOMS AND EXCISE
ACT, 1964**

(Section 41)

Tariff item	Tariff heading	Description	Present rate of duty		Proposed rate of duty	
			Excise	Customs	Excise	Customs
104.00		Prepared foodstuffs; beverages, spirits and vinegar; tobacco				
104.01	19.01	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion, by mass, of less than 50 per cent, not elsewhere specified or included; food preparations of goods of headings nos. 04.01 to 04.04, not containing cocoa powder or containing cocoa powder in a proportion, by mass, of less than 10 per cent, not elsewhere specified or included:				
.10		Preparations, based on sorghum flour, put up for making beverages	34.7c/kg	34.7c/kg	34.7c/kg	34.7c/kg
104.10	22.03	Beer made from malt	2563c/l of absolute alcohol	2563c/l of absolute alcohol	2819.3c/l of absolute alcohol	2819.3c/l of absolute alcohol
104.15	22.04	Wine of fresh grapes, including fortified wines; grape must, other than that of heading no. 20.09				
	22.05	Vermouths and other wine of fresh grapes flavoured with plants or aromatic substances				
	22.06	Other fermented beverages (for example, cider, perry and mead: such as mixtures of wine and water, etc.)				
.05		Sorghum beer (excluding beer made from preparations based on sorghum flour)	7.82c/l	7.82c/l	7.82c/l	7.82c/l
.10		Unfortified still wine	80.7c/l	80.7c/l	89.6c/l	89.6c/l
.40		Fortified still wine	182.5c/l	182.5c/l	200.75c/l	200.75c/l
.50		Other still fermented beverages, unfortified	130.5c/l	130.5c/l	143.55c/l	143.55c/l
.60		Other still fermented beverages, fortified	231.4c/l	231.4c/l	254.54c/l	254.54c/l
.70		Sparkling wine	227.6c/l	227.6c/l	252.6c/l	252.6c/l
.80		Other fermented beverages (excluding sorghum beer)	275.2c/l	275.2c/l	302.72c/l	302.72c/l
104.20	22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 per cent volume or higher; ethyl alcohol and other spirits, denatured, of any strength				
	22.08	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 per cent volume; spirits, liqueurs and other spirituous beverages:				
.10		Wine spirits, manufactured in the Republic by the distillation of wine	3 671c/l of absolute alcohol	—	4 038.1c/l of absolute alcohol	—
.15		Spirits, manufactured in the Republic by the distillation of any sugar cane product	3 671c/l of absolute alcohol	—	4 038.1c/l of absolute alcohol	—
.25		Spirits, manufactured in the Republic by the distillation of any grain product	3 671c/l of absolute alcohol	—	4 038.1c/l of absolute alcohol	—

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BYLAE 2

WYSIGINGS VAN BYLAE NO. 1 BY DIE DOEANE- EN AKSYNSWET, 1964

(Artikel 41)

Tarief- item	Tarief- pos	Beskrywing	Huidige skaal van reg		Voorgestelde skaal van reg	
			Aksyns	Doeane	Aksyns	Doeane
104.00		Bereide voedsels; drank, spiritus en asyn; tabak				
104.01	19.01	Moutekstrak, voedselbereidinge van meelblom, meel stysel of moutekstrak, wat nie kakaopoeier bevat nie of wat kakaopoeier met 'n verhouding, volgens massa, van minder as 50 persent bevat, nie elders vermeld of ingesluit nie; voedselbereidinge van goedere van poste 04.01 tot 04.04, wat nie kakaopoeier bevat nie of wat kakaopoeier met 'n verhouding, volgens massa, van minder as 10 persent, bevat, nie elders vermeld of ingesluit nie:				
.10		Preparate, op sorghummeelblom gebaseer, vir die maak van koeldrank bemark	34.7c/kg	34.7c/kg	34.7c/kg	34.7c/kg
104.10	22.03	Bier van mout gemaak	2563c/l absolute alkohol	2563c/l absolute alkohol	2819.3c/l absolute alkohol	2819.3c/l absolute alkohol
104.15	22.04	Wyn van vars druiwe, met inbegrip van gefortifiseerde wyn; druiwemos, behalwe dié wat in pos 20.09 vermeld word				
	22.05	Vermoet, en ander wyn van vars druiwe met plante of ander aromatiese stowwe gegeur				
	22.06	Ander gegiste drank (byvoorbeeld, appelsider, peersider en mee: soos mengsels van wyn en water, ens.)				
.05		Sorghum bier (uitgesonderd bier wat van preparate wat op sorghummeelblom gebaseer is, gemaak is)	7.82c/l	7.82c/l	7.82c/l	7.82c/l
.10		Ongefortifiseerde nie-vonkelende wyn	80.7c/l	80.7c/l	89.6c/l	89.6c/l
.40		Gefortifiseerde nie-vonkelende wyn	182.5c/l	182.5c/l	200.75c/l	200.75c/l
.50		Ander nie-vonkelende gegiste drank, ongefortifiseerd	130.5c/l	130.5c/l	143.55c/l	143.55c/l
.60		Ander nie-vonkelende gegiste drank, gefortifiseerd	231.4c/l	231.4c/l	254.54c/l	254.54c/l
.70		Vonkelwyn	227.6c/l	227.6c/l	252.6c/l	252.6c/l
.80		Ander gegiste drank (uitgesonderd sorghumbier)	275.2c/l	275.2c/l	302.72c/l	302.72c/l
104.20	22.07	Ongedenatureerde etielalkohol met 'n sterkte van minstens 80 persent alkohol volgens volume; etielalkohol en ander spiritus, gedenatureer, van enige sterkte				
	22.08	Ongedenatureerde etielalkohol met 'n sterkte van minder as 80 persent alkohol volgens volume; spiritus, likeure en ander spiritus drank:				
.10		Wynspiritus, in die Republiek vervaardig deur die distillering van wyn	3 671c/l absolute alkohol	—	4 038.1c/l absolute alkohol	—
.15		Spirit, in die Republiek vervaardig deur die distillering van enige suikerrietproduk	3 671c/l absolute alkohol	—	4 038.1c/l absolute alkohol	—
.25		Spirit, in die Republiek vervaardig deur die distillering van enige graanproduk	3 671c/l absolute alkohol	—	4 038.1c/l absolute alkohol	—

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Tariff item	Tariff heading	Description	Present rate of duty		Proposed rate of duty	
			Excise	Customs	Excise	Customs
.29		Other spirits, manufactured in the Republic	3 671c/l of absolute alcohol		4 038.1c/l of absolute alcohol	
.60		Imported spirits of any nature, including spirits in imported spirituous beverages (excluding liqueurs, cordials and similar spirituous beverages containing added sugar) and in compound alcoholic preparations of an alcoholic strength exceeding 1,713 per cent alcohol by volume		3 575c/l of absolute alcohol or 1 537c/l		3 942.1c/l of absolute alcohol or 1 695c/l
.70		Spirits of any nature in imported liqueurs, cordials and similar spirituous beverages containing added sugar, with or without flavouring substances		3 575c/l of absolute alcohol		3 942.1c/l of absolute alcohol
104.30	24.02	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes				
.10		Cigars	76 670c/kg net	76 670c/kg net	106 600c/kg net	106 600c/kg net
.20		Cigarettes	175.40c/10 cigarettes	175.40c/10 cigarettes	194.25c/10 cigarettes	194.25c/10 cigarettes
104.35	24.03	Other manufactured tobacco and manufactured tobacco substitutes, "homogenised" or "reconstituted" tobacco extracts and essences				
.10		Cigarette tobacco	10 297c/kg	10 297c/kg	12 447c/kg	12 447c/kg
.20		Pipe tobacco	5 251c/kg net	5 251c/kg net	5 824c/kg net	5 824c/kg net

