

## SOUTH AFRICAN REVENUE SERVICE

NO. R. 1069

09 OCTOBER 2020

**AMENDMENT OF PARAGRAPH 8 OF SCHEDULE 1 TO THE VALUE-ADDED TAX ACT, 1991 (ACT NO. 89 OF 1991) IN TERMS OF SECTION 74(3)(a) TO INSERT ITEM 406.00 IN CONSEQUENCE OF THE INSERTION OF REBATE ITEM 406.04 IN SCHEDULE NO. 4 OF THE CUSTOMS AND EXCISE ACT, 1964 (ACT NO. 91 OF 1964)**

By virtue of the power vested in me by section 74(3)(a) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991) (the Act), I, Tito Titus Mboweni, Minister of Finance, hereby amend paragraph 8 of Schedule 1 to the Act to regulate the exemption from value-added tax on the importation of goods for official use by an organisation or institution in terms of an agreement entered into by the Republic of South Africa.



**TT MBOWENI  
MINISTER OF FINANCE**

**GENERAL EXPLANATORY NOTES:**

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

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

## SCHEDULE

Schedule 1 to the Value-Added Tax Act, 1991 (Act No. 89 of 1991), is hereby amended -

(a) by the amendment of item 406.00 and an insertion in paragraph 8 after item No. 406.03/00.00/01.00 of item Nos. 406.04/00.00/01.00 of the following:

“406.00

NOTES:

1. This exemption (excluding item no.'s 406.03 and 406.04) is conditional upon reciprocal treatment accorded by the government of the mission requiring this exemption.
2. This exemption (excluding item no.'s 406.03 and 406.04) is allowed only if the Director-General: [Foreign Affairs] International Relations and Cooperation or an official acting on his or her authority has certified that a person requiring this exemption is listed in the register maintained by the Department of [Foreign Affairs] International Relations and Cooperation in accordance with the Diplomatic Immunities and Privileges Act, 2001.
3. For the purposes of item no.'s 406.03 and 406.04, "an organisation or institution" means an organisation which the Director-General: [Foreign Affairs] International Relations and Cooperation or an official acting under his or her authority has certified as an organisation or institution with which the Republic has concluded a formal agreement, which provides, *inter alia*, for the granting of such exemption.
5. A motor vehicle exempted in terms on items no.'s 406.02, 406.03, 406.04, 406.05 or 406.07, may not be offered, advertised, lent, hired, leased or given away, exchanged, sold or otherwise disposed of within a period of two years from the date of importation: Provided that any of the foregoing acts with this vehicle within a period of two years from date of importation renders the importer of the vehicle liable to pay tax as determined by the Commissioner in consultation with the Director-General: [Foreign Affairs] International Relations and Cooperation.

**406.04/00.00/01.00 Goods imported for the official use by an organisation or institution in terms of an agreement as provided for in Note no. 3.**

**SUID-AFRIKAANSE INKOMSTEDIENS**

NO. R. 1069

09 OKTOBER 2020

**WYSIGING VAN PARAGRAAF 8 BY BYLAE 1 VAN DIE WET OP BELASTING OP TOEGEVOEGDE WAARDE, 1991 (WET NO. 89 VAN 1991), INGEVOLGE ARTIKEL 74(3)(a) OM ITEM 406.00 IN TE VOEG AS GEVOLG VAN DIE INVOEGING VAN KORTINGITEM 406.04 IN BYLAE NO. 4 VAN DIE DOEANE- EN AKSYNSWET, 1964 (WET NO. 91 VAN 1964)**

Kragtens die bevoegdheid aan my verleen deur artikel 74(3)(a) van die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991) (die Wet), bepaal ek, Tito Titus Mboweni, Minister van Finansies, hierby dat paragraaf 8 van Bylae 1 by die Wet gewysig word om die vrystelling te reguleer van Belasting op Toegevoegde Waarde op die invoer van goedere vir amptelike gebruik deur 'n organisasie of instelling ingevolge 'n ooreenkoms aangegaan deur die Republiek van Suid-Afrika.



**TT MBOWENI  
MINISTER VAN FINANSIES**

**ALGEMENE VERDUIDELIKENDE OPMERKINGS**

[...] Woorde in vetdruk in vierkantige hakies dui aan weglating van bestaande wetgewing

— Woorde onderstreep met 'n soliede lyn dui aan invoegings in bestaande wetgewing

**BYLAE**

Bylae 1 by die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991), word hierby gewysig –

(a) deur die wysiging van item 406.00 en 'n invoeging in paragraaf 8 na item No. 406.03/00.00/01.00 van item No. 406.04/00.00/01.00 van die volgende:

“406.00

**OPMERKINGS:**

1. Hierdie vrystelling (uitgesonderd item **no.'s 406.03 en 406.04**) is voorwaardelik op die wederkerige behandeling deur die regering van die missie of persoon wat op hierdie vrystelling aanspraak maak.
2. Hierdie vrystelling (uitgesonderd item **no.'s 406.03 en 406.04**) sal slegs van toepassing wees indien die Direkteurgeneraal: **[Buitelandse Sake] Internasionale Betrekkinge en Samewerking** of 'n beampte onder sy of haar beheer gesertifiseer het dat 'n persoon wat op hierdie vrystelling aanspraak maak, by die Departement van **[Buitelandse Sake] Internasionale Betrekkinge en Samewerking** gelys is volgens die register wat bygehou word in ooreenstemming met die Wet op Diplomatieke Immunitete en Voorregte, 2001.
3. Vir doeleindes van item **no.'s 406.03 en 406.04**, beteken “'n organisasie of instelling” dié wat deur die Direkteur-Generaal: **[Buitelandse Sake] Internasionale Betrekkinge en Samewerking** of 'n beampte onder sy of haar beheer, gesertifiseer is as 'n organisasie of instelling met wie die Republiek 'n formele ooreenkoms aangegaan het wat, onder andere, voorsiening maak vir die toestaan van sodanige vrystelling.

5. 'n Motorvoertuig wat vrygestel is ingevolge item no.'s. 406.02, 406.03, **406.04**, 406.05 of 406.07, mag nie binne 'n tydperk van 2 jaar na die datum van invoer aangebied, geadverteer, geleen, verhuur, verpag, verpand, weggee, verruil, verkoop of andersins vervreem word nie: Met dien verstande dat enigeen van voormelde handeling met die voertuig binne 'n tydperk van 2 jaar na die datum van invoer die invoerder van die voertuig aanspreeklik sal wees vir die betaling van belasting soos deur die Kommissaris bepaal in oorleg met die Direkteurgeneraal: **[Buitelandse Sake] Internasionale Betrekkinge en Samewerking.**

**406.04/00.00/01.00 Goedere ingevoer vir amptelike gebruik deur 'n organisasie of instelling ingevolge die ooreenkoms soos voorsien in Opmerking no. 3.**