Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 10453

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1964.

19 September 1986

No. 1964.

19 September 1986

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

1986.

No. 108 van 1986: Wysigingswet op Belastingwette,

assented to the following Act which is hereby published for general information:—

It is hereby notified that the State President has

No. 108 of 1986: Taxation Laws Amendment Act, 1986.

Act No. 108, 1986

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Income Tax Act, 1962, so as to provide for the taxation or exemption from taxation of certain income derived from building societies and mutual building societies; to make further provision relating to a LIFO reserve where a commercial or industrial undertaking has been acquired by one company from another; to provide that a debtors allowance granted in any year of assessment shall be included in income in the following year of assessment; and to further provide for the determination of the cash equivalent of the value of the taxable benefit derived from the private use of a motor vehicle; to amend the Stamp Duties Act, 1968, so as to effect certain textual alterations; to amend the Sales Tax Act, 1978, so as to provide for the display of a notice where certain exemptions apply; to further provide for an adjustment in respect of cancelled financial leases or defects in leased property let under financial leases; to provide for the payment of sales tax where any registration certificate has been cancelled in certain circumstances; and to provide that there shall be a tax period ending on the date on which a registration certificate is cancelled in certain circumstances; and to provide for matters connected therewith.

> (English text signed by the State President.) (Assented to 10 September 1986.)

B^E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

1. (1) Section 1 of the Income Tax Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 58 of 1962

(a) by the insertion after the definition of "bonus debentures or securities" of the following definition:
"'building society' means a building society registered

under the Building Societies Act, 1986 (Act No. 82 of 1986);";

(b) by the substitution in the definition of "dividend" for the words preceding paragraph (a) of the following words:

pany (not being a **[permanent]** mutual building society or an institution to which section 10 (1) (d) applies) to its shareholders or any amount distributed out of the assets pertaining to any unit portfolio referred to in paragraph (e) of the definition of 'company' in this section to shareholders in relation to such unit portfolio (including, in the case of any co-operative society or company referred to in section 27, any amount distributed on or after 1

April 1977 to its members, whether divided among Act 88 of 1969, section 6 of Act 82 of 1970, section 4 of Act 88 of 1971, section 4 of Act 88 of 1971, section 4 of

section 1 of Act 58 of 1962 as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965 section 5 of Act 55 of 1966, section 5 of Act 95 of 1967 section 5 of Act 76 of 1968,

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TAXATION LAWS AMENDMENT ACT. 1986

the members in accordance with their rights as shareholders or according to the value of business transactions between individual members and such society or company or on some other basis), and in this definition the expression 'amount distributed'

includes—"; and (c) by the insertion after the definitions of "mining operations" and "mining" of the following definition: 'mutual building society' means a mutual building so-

ciety registered under the Mutual Building Societies Act, 1965 (Act No. 24 of 1965);".

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82 of 1986).

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Act 90 of 1972. section 4 of Act 65 of 1973, section 4 of Act 85 of 1974, section 4 of Act 69 of 1975, section 4 of Act 103 of 1976, section 4 of Act 113 of 1977, section 3 of Act 101 of 1978. section 3 of Act 104 of 1979. section 2 of Act 104 of 1980, section 2 of Act 96 of 1981. section 3 of Act 91 of 1982, section 2 of Act 94 of 1983, section 1 of Act 30 of 1984, section 2 of Act 121 of 1984, section 2 of Act 96 of 1985 and section 2 of Act 65 of 1986.

2. (1) Section 9 of the principal Act is hereby amended by the Amendment of substitution for subsection (2) of the following subsection:

"(2) Any interest which has been received by or has accrued to any person (other than a company) who is ordinarily resident in the Republic or has been received by or has Act 90 of 1962, accrued to any domestic company, in respect of any loan to or deposit in any building society or mutual building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965)] or any similar institution wheresoever it is incorporated, formed or established or any dividend or share of profits distributed by any [such society] mutual building society or similar institution wheresoever it is incorporated, formed or established which has been received by or has accrued to any such person or company, shall be deemed to have been derived from a source within the Republic, wheresoever such loan or deposit is made or held or any share to which such dividend or share of profits relates is subscribed for or held or such interest, dividend or share of profits is payable.'

(2) Subsection (1) shall come into operation on the date of 35 commencement of the Building Societies Act, 1986 (Act No. 82 of 1986).

section 9 of Act 58 of 1962. as amended by section 7 of section 6 of Act 72 of 1963, section 7 of Act 90 of 1964, section 9 of Act 95 of 1967. section 12 of Act 89 of 1969, section 6 of Act 65 of 1973, section 9 of Act 85 of 1974. section 8 of Act 103 of 1976, section 9 of Act 121 of 1984, section 5 of Act 96 of 1985 and section 6 of Act 65 of 1986.

3. (1) Section 10 of the principal Act is hereby amended— (a) by the substitution for subparagraph (xii) of paragraph (i) of subsection (1) of the following subparagraph:

"(xii) so much of the aggregate of the amounts credited

(aa) dividends on subscription shares by all mutual building societies; and

(bb) interest on subcription deposits by all building societies,

during the year of assessment as

[(aa) in respect of the year of assessment ending 28 February 1982, in the case of any one person, does not exceed an amount of simple interest section 8 of calculated on a total capital sum of R100 000 Act 76 of 1968,

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.

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at a rate equal to the highest rate of dividends section 13 of Act 89 of 1969, so credited during such year; section 9 of (bb) in respect of the year of assessment ending 28 Act 52 of 1970, February 1983, in the case of any one person, section 7 of Act 90 of 1972. 5 does not exceed an amount of simple interest section 7 of calculated on a total capital sum of R50 000 at Act 65 of 1973, a rate equal to the highest rate of dividends so section 10 of credited during such year; and Act 85 of 1974, section 8 of (cc) in respect of any year of assessment ending on Act 69 of 1975, section 9 of 10 or after 29 February 1984] in the case of any taxpayer does not exceed an amount of simple Act 103 of 1976, interest calculated on a total capital sum of section 8 of Act 113 of 1977 R50 000 at a rate [equal to the highest rate of section 4 of dividends so credited during such year] ap-Act 101 of 1978. 15 proved by the Minister of Finance from time section 7 of Act 104 of 1979, to time for the purposes of this exemption: section 7 of Provided that-Act 104 of 1980, section 8 of (a) this exemption shall not apply [if the] to Act 96 of 1981, any such dividends or interest [so received section 6 of Act 91 of 1982, 20 or accrued during the year of assessment section 9 of exceed in the aggregate an amount calcu-Act 94 of 1983, lated on the total amount invested in such section 10 of Act 121 of 1984 shares] calculated at a rate exceeding the section 6 of rate so approved by the Minister of Fi-Act 96 of 1985 25 nance I from time to time for the purposes and section 7 of Act 65 of 1986. of this exemption: Provided further that]; (b) for the purposes of this subparagraph— 'dividend' shall be deemed to include any 30 bonus or other distribution of profits [which becomes payable on or after 1 April 1982]; and 'subscription deposit' shall mean a deposit made in a building society and which 35 in the opinion of the Registrar of Building Societies having regard to the terms and conditions subject to which such deposit is accepted, equivalent to a subscription share in a mutual building society;"; 40 (b) by the substitution for subparagraph (xiiA) of paragraph (i) of subsection (1) of the following subparagraph: "(xiiA) interest received by or accrued to any person from deposits in any savings account with any building 45 society or mutual building society under the State-Aided Home-Ownership Savings Scheme;"; (c) by the substitution for subparagraph (xiii) of paragraph (i) of subsection (1) of the following subparagraph: 50 "(xiii) in the case of a taxpayer who is a natural person, dividends and interest received or accrued on so much of the total amount invested in-(aa) Special Tax-Free Indefinite Period Shares in mutual building societies; and 55 (bb) indefinite period deposits in building societies, as does not exceed the amount of R20 000: Provided thatthis exemption shall not apply [if the] to any such dividends or interest [so received or ac-

crued during the year of assessment exceed in

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TAXATION LAWS AMENDMENT ACT, 1986

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the aggregate an amount calculated on the total amount so invested] calculated at a rate exceeding a rate approved by the Minister of Finance from time to time for the purposes of this exemption [Provided further that]; and

(b) for the purposes of this subparagraph-'dividend' shall be deemed to include any bonus or other distribution of profits [which becomes payable on or after 1 April

'indefinite period deposit' shall mean a deposit made in a building society and which in the opinion of the Registrar of Building Societies having regard to the terms and conditions subject to which such deposit is accepted, is equivalent to a Special Tax-Free Indefinite Period Share in a mutual building society;";

(d) by the substitution for paragraph (v) of subsection (1) of the following paragraph:

"(v) interest received by or accrued to any person (other than a company) who is ordinarily resident in the territory (including the Eastern Caprivi Zipfel) in respect of any loan to or deposit in any building society or mutual building society [registered under the Building Societies Act, 1965 (Act No. 24 of 1965)] made through any branch or agency of such building society or mutual building society in that territory, or any dividend or share of profits distributed by any [such] mutual building society to any such person in respect of any share in such society applied or subscribed for by such person through any such branch or agency;"; and

(e) by the substitution for paragraph (vA) of subsection (1) of the following paragraph:

"(vA) In the case of interest received by or accrued to any person (other than a company) who is ordinarily resident in a country or territory other than the Republic and South West Africa, in which a building society or mutual building society [registered 40 under the Building Societies Act, 1965 (Act No. 24 of 1965) is under the provisions of [section 22 (1) (mA) of that Act any law empowered to conduct its business, or [in the case of] a company which is managed and controlled in such country or territory, [interest received by or accrued to such person or company] in respect of any loan to or deposit in [such] a building society or mutual building society made through any branch or agency of such build-50 ing society or mutual building society in that country or territory, or any dividend or share of profits distributed by [such] a mutual building society to such person or company in respect of any share in such mutual building society applied or subscribed 55 for by such person or company through any such branch or agency;".

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82 of 1986).

4. (1) Section 19 of the principal Act is hereby amended by Amendment of the substitution for subsection (5A) of the following subsection:

section 19 of Act 58 of 1962.

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TAXATION LAWS AMENDMENT ACT, 1986

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"(5A) Subject to the provisions of subsection (6), income received by or accrued to any person other than a company by way of—

(a) a dividend (including any bonus or distribution of profits) on shares in any [permanent] mutual building society; and

(b) interest on any deposit made in a building society which in the opinion of the Registrar of Building Societies having regard to the terms and conditions subject to which such deposit is accepted, is equivalent to a share in a mutual building society,

shall, notwithstanding the definition of 'dividend' in section 1, be deemed for the purposes of this section to be income derived by such person in the form of dividends: Provided that the provisions of this subsection shall not apply in respect of any such dividend or interest which [became or becomes payable on or after 1 September 1982 if such dividend] is calculated at a rate exceeding the rate approved by the Minister of Finance from time to time in respect of dividends on shares of the relevant class or interest on deposits of the relevant class."

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82 of 1986).

as amended by section 15 of Act 90 of 1962, section 6 of Act 6 of 1963. section 17 of Act 88 of 1965. section 17 of Act 88 of 1971. section 14 of Act 90 of 1972, section 18 of Act 85 of 1974, section 14 of Act 104 of 1980. section 17 of Act 96 of 1981, section 15 of Act 91 of 1982 section 17 of Act 94 of 1983, section 17 of Act 121 of 1984, section 12 of Act 96 of 1985 and section 12 of Act 65 of 1986.

25 5. (1) Section 22 of the principal Act is hereby amended—

(a) by the addition at the end of subparagraph (ii) of paragraph (f) of subsection (5) of the word "and";

(b) by the substitution for subparagraph (iii) of the said

paragraph (f) of the following subparagraph:

"(iii) a LIFO reserve has been determined in relation to the last-mentioned company [has adopted the basis of trading stock valuation referred to in paragraph (a); and];"and

(c) by the deletion of subparagraph (iv) of the said paragraph (f)

graph(f).

(2) Subsection (1) shall be deemed to have taken effect as from the commencement of years of assessment ended or ending on or after 1 April 1984.

Amendment of section 22 of Act 58 of 1962 as amended by section 8 of Act 6 of 1963, section 14 of Act 90 of 1964, section 21 of Act 89 of 1969 section 20 of Act 69 of 1975, section 15 of Act 103 of 1976, section 20 of Act 94 of 1983. section 19 of Act 121 of 1984 and section 14 of Act 65 of 1986.

6. (1) Section 24 of the principal Act is hereby amended by 40 the addition to subsection (3) of the following proviso:

Amendment of section 24 of Act 58 of 1063

"Provided that any deduction so allowed shall be included as income in the taxpayer's return for the following year of assessment and shall form part of his income.".

(2) Subsection (1) shall be deemed to have taken effect as 45 from the commencement of years of assessment ended or ending on or after 1 January 1986.

Amendment of section 24 of Act 58 of 1962, as substituted by section 16 of Act 65 of 1986.

7. (1) Section 64B of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph:

Amendment of section 64B of Act 58 of 1962

50 "(d) any amount accruing to any shareholder in a mutual as substitute building society out of the profits of such society shall be deemed to be interest;".

Act 38 of 196 as substitute section 33 of Act 94 of 196

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82 of 1986).

Amendment of section 64B of Act 58 of 1962, as substituted by section 33 of Act 94 of 1983.

Amendment of section 64C of

Act 58 of 1962,

as inserted by

Act 95 of 1967 and amended by

section 15 of

Act 76 of 1968. section 36 of

Act 89 of 1969.

Act 52 of 1970,

Act 88 of 1971.

section 21 of

section 26 of

section 20 of Act 90 of 1972.

section 42 of

Act 85 of 1974 section 22 of

Act 113 of 1977.

Act 104 of 1980.

Act 96 of 1981.

Act 91 of 1982,

Act 94 of 1983. section 29 of

Act 121 of 1984

and section 18 of

section 14 of Act 104 of 1979,

section 22 of

section 24 of

section 21 of

section 34 of

section 20 of

TAXATION LAWS AMENDMENT ACT, 1986

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8. (1) Section 64C of the principal Act is hereby amended by the substitution for paragraphs (f), (fA) and (fB) of the following paragraphs, respectively:

(f) any amount credited in respect of any subscription share in any mutual building society or any subscription deposit in any building society as contemplated in para-

graph (b) of the proviso to section 10 (1) (i) (xii):

(fA) any amount accruing to any natural person as a dividend on Special Tax-Free Indefinite Period shares in any mutual building society or as interest on any indefinite period deposit in any building society as contemplated in paragraph (b) of the proviso to section 10 (1) (i) (xiii): Provided that this exemption shall not apply in respect of any such dividend or interest the rate of which exceeds a rate approved from time to time by the

Minister of Finance;

(fB) interest [accruing] received by or accrued to any person (other than a company) who is ordinarily resident in a country or territory other than the Republic in which a building society or mutual building society [registered under the Building Societies Act, 1965 (Act No. 24 of 1965)] is under the provisions of [section 22] (1) (mA) of that Act] any law empowered to conduct its business or [to] a company which is managed and controlled in such country or territory, in respect of any loan to or deposit in [such] a building society or mutual Act 65 of 1986. building society made through any branch or agency of such building society or mutual building society in that country or territory, or [interest accruing to any such person or company by way of any dividend or share of profits distributed by [such] a mutual building society to such person or company in respect of any share in such mutual building society applied or subscribed for by such person or company through any such branch or

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82

of 1986).

agency;

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9. (1) Paragraph 18 of the Fourth Schedule to the principal Amendment of 40 Act is hereby amended by the substitution for subitem (iii) of item (d) of subparagraph (1) of the following subitem:

"(iii) will not be derived otherwise than from remuneration, as added by interest, dividends, dividends on shares in any [permanent] mutual building society or rental from the letting of fixed property.".

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82 of 1986).

paragraph 18 of 4th Schedule to and amended by section 28 of Act 104 of 1979 and section 26 of Act 65 of 1986.

10. (1) Paragraph 7 of the Seventh Schedule to the principal Amendment of 50 Act is hereby amended—

(a) by the substitution for item (a) of subparagraph (4) of the following item:

"(a) as respects each such month, be an amount determined in accordance with the following scale, hav-

paragraph 7 of 7th Schedule to Act 58 of 1962, as added by section 46 of

Act 58 of 1962, section 19 of Act 6 of 1963 Act 90 of 1964, section 42 of Act 88 of 1971. section 49 of Act 85 of 1974, section 19 of

Act No. 108, 1986

ing regard to the determined value of such vehicle section 30 of and the engine capacity thereof:

	Value of private use			
Determined value	Engine capacity			
	0 - 1600cc	1601 - 2000cc	2001 - 3000cc	Over 3000cc
0 — R 20 000 R20 001 — R 25 000 R25 001 — R 35 000 R35 001 — R 35 000 R40 001 — R 45 000 R45 001 — R 50 000 R55 001 — R 65 000 R55 001 — R 65 000 R65 001 — R 65 000 R65 001 — R 70 000 R70 001 — R 75 000 R75 001 — R 80 000 R75 001 — R 80 000 R75 001 — R 85 000 R85 001 — R 90 000 R80 001 — R 85 000 R85 001 — R 90 000 R95 001 — R 100 000 Over R100 000	R 130 150 170 190 210 230 250 270 290 310 330 350 370 390 410 430 450 470	R 160 180 200 220 240 260 280 300 320 340 360 380 400 420 440 460 480 500	R 190 210 230 250 270 290 310 330 350 370 390 410 430 450 470 490 510 530	R 220 240 260 280 300 320 340 360 380 400 420 440 460 480 500 520 540 560

Provided that where the employee-

(i) bears the cost of all fuel used for the purposes of the private use of the vehicle (including travelling between the employee's place of residence and his place of employment), the value of private use for each such month as determined in accordance with the foregoing provisions of this subparagraph shall be re-

duced by an amount of R50;

(ii) bears the full cost of maintaining the vehicle (including the cost of repairs, servicing, lubrication and tyres), the value of private use for each such month as determined in accordance with the foregoing provisions of this subparagraph shall be reduced by an amount of R30; and"; and

(b) by the substitution for subparagraph (6) of the fol-

lowing subparagraph:

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"(6) Where more than one motor vehicle is made available by an employer to a particular employee at the same time and the Commissioner is satisfied that each such vehicle was used by the employee during the year of assessment primarily for business purposes, the value to be placed on the private use of all the said vehicles shall be deemed to be the value of the private use of the vehicle having the highest [determined value] value of private use or such other vehicle as the Commissioner may direct: Provided that the preceding provisions of this subparagraph shall not apply where the provisions of subparagraph (7) or (8) are applied.".

(2) Subsection (1) shall come into operation on 1 September 1986.

11. Paragraph 15 of the Seventh Schedule to the principal Act Amendment of is hereby amended by the addition to subparagraph (2) of the paragraph 15 of 7th Schedule to following item:

Act 58 of 1962,

Act No. 108, 1986

TAXATION LAWS AMENDMENT ACT, 1986

"(d) the cash equivalent of any taxable benefit determined as added by under paragraph 7 in respect of any month or part of a month commencing on or after 1 September 1986.".

section 46 of Act 121 of 1984 and amended by section 38 of Act 96 of 1985 and section 37 of Act 65 of 1986.

12. (1) Item 13 of Schedule 1 to the Stamp Duties Act, 1968, 5 is hereby amended by the substitution for the words preceding the "Exemptions" of the following words:

"Fixed deposit receipt, including any certificate or other instrument whereby any fixed deposit is acknowledged or is

expressed to have been received, deposited or paid:

If given for or in respect of any fixed deposit made with any bank, legally established building society, mutual building society, company or association, whether corporate of unincorporate: for every R200 (or part thereof) of the amount of the fixed deposit and for every period of twelve months (or part thereof) for

For the purposes of this item a share certificate issued in respect of any 'paid-up share' as defined in the Mutual Building Societies Act, 1965 (Act No. 24 of 1965), in any legally established mutual building society shall be deemed to be a fixed deposit receipt in respect of a fixed deposit of an amount equal to the amount stated in the certificate, and such deposit shall be deemed to have been made for a period of twenty-four months.".

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82

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13. (1) Item 15 of Schedule 1 to the Stamp Duties Act, 1968, 30 is hereby amended by the substitution for paragraph (xi) of the following paragraph:

(xi) a mutual building society;"

(2) Subsection (1) shall come into operation on the date of commencement of the Building Societies Act, 1986 (Act No. 82 35 of 1986).

Amendment of Item 13 of Schedule 1 to Act 77 of 1968, as amended by section 12 of Act 92 of 1983.

Amendment of Item 15 of Schedule 1 to Act 77 of 1968 as substituted by section 13 of Act 89 of 1972 and amended by section 16 of Act 66 of 1973, section 21 of Act 88 of 1974, section 3 of Act 104 of 1976. section 20 of Act 114 of 1977 section 8 of Act 95 of 1978, section 8 of Act 102 of 1979, section 21 of Act 106 of 1980, section 9 of Act 99 of 1981, section 7 of Act 87 of 1982, section 14 of Act 92 of 1983, section 11 of Act 118 of 1984, section 11 of Act 81 of 1985 and section 5 of Act 71 of 1986.

14. (1) Section 10 of the Sales Tax Act, 1978, is hereby amen- Amendment of ded by the substitution for subsection (6) of the following subsection:

"(6) Every vendor-

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who has been authorized by the Commissioner under Act 111 of 1979 the proviso to subsection (2) to recover tax by including and section 6 of Act 99 of 1984.

section 10 of Act 103 of 1978, as amended by section 6 of

Act No. 108, 1986

such tax as part of the price or amount charged by the seller to the purchaser, or

who is entitled to an exemption under section 6(1)(g). shall, in respect of any enterprise carried on by him, be re-5 quired to display prominently at all entrances to the premises in which the enterprise is carried on and at all points in such premises where payments are effected a notice, in such form as the Commissioner may prescribe, indicating that tax at the appropriate rate is included as part of the 10 price or amount charged or that the vendor is entitled to such exemption, as the case may be.".

(2) Subsection (1) shall be deemed to have come into operation on 4 July 1986.

15. (1) Section 11 of the Sales Tax Act, 1978, is hereby Amendment of 15 amended-

(a) by the substitution for subparagraphs (aa) and (bb) of paragraph (i) of subsection (2) of the following subpa-

ragraphs:

tax period; or

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"(aa) in respect of the cancellation or termination of any sale of goods by the vendor to the purchaser or any financial lease or any rental agreement or any agreement for the rendering of a taxable [services] service by the vendor to the purchaser or any and section 4 of agreement for the supply by the vendor to the purchaser of board and lodging or accommodation, if the consideration payable by the purchaser in respect of such sale, rental agreement, [services] taxable service, board and lodging or accommodation or the cash value of the leased property under such financial lease, as the case may be, has been included in any taxable value taken into account under this subsection in respect of the said enterprise, whether for the tax period or any previous

(bb) by way of a reduction of the consideration payable by the purchaser in respect of any sale of goods, rental agreement, taxable service, board and lodging or accommodation or the cash value of any leased property let under a financial lease, in conse quence of any defect in the goods so sold or let or in such taxable service, board and lodging, accommodation or leased property, if the full amount of such consideration or cash value, as the case may be, has been included in any taxable value taken into account under this subsection in respect of the said enterprise, whether for the tax period or any previous tax period"; and

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

50 "(4A) Where any registration certificate issued to a vendor under section 12 has in terms of the provisions of section 13 (9) been surrendered to or seized by the Commissioner for cancellation, the vendor shall furnish the Commissioner with details of any 55 trading stock held by the vendor and not disposed of by him on the date of surrender of such certificate together with the cost thereof and the vendor shall, in the manner prescribed by section 17

Act 103 of 1978, as amended by section 7 of Act 111 of 1979, section 2 of Act 40 of 1982, section 6 of Act 95 of 1983, section 7 of Act 99 of 1984 Act 70 of 1986.

Act No. 108, 1986

(3), pay tax in respect of the taxable value of such trading stock as if such stock had been disposed of at such cost under a sale concluded by him on the date of surrender of such certificate.".

(2) The amendments effected by paragraph (b) of subsection (1) shall be deemed to have come into operation on 4 July 1986.

16. (1) Section 16 of the Sales Tax Act, 1978, is hereby Amendment of amended by the substitution for subparagraph (iii) of paragraph Act 103 of 1978

(a) of subsection (1) of the following subparagraph:

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"(iii) Where a vendor dies or his estate is sequestrated or section 4 of he ceases to carry on the enterprise or he disposes of the en- Act 105 of 1980. terprise as a whole or any part interest therein or, where the vendor is a partnership, the partnership is dissolved, whether by operation of law or otherwise, or his registration certificate has been surrendered for cancellation under section 13 (9), there shall, unless the Commissioner otherwise directs, be a tax period ending on the date of the vendor's death or the date of the sequestration of the vendor's estate or the date on which the vendor ceases to carry on the enterprise or on the day before the date on which the disposal of the enterprise or the interest therein takes effect or on the day before the date from which the partnership is dissolved or the date on which the vendor's registration certificate is surrendered for cancellation;".

(2) The amendments effected by subsection (1) shall be deemed to have come into operation on 4 July 1986.

17. This Act shall be called the Taxation Laws Amendment Short title. Act. 1986.

Act 103 of 1978. as amended by