

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.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

Vol. 156]

CAPE TOWN, 23 JUNE 1978

[No. 6077

KAAPSTAD, 23 JUNIE 1978

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1304.

23 June 1978.

No. 1304.

23 Junie 1978.

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

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

No. 95 of 1978: Revenue Laws Amendment Act, 1978.

No. 95 van 1978: Wysigingswet op Inkomstewette, 1978.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Marketable Securities Tax Act, 1948, so as to provide for a further exemption from marketable securities tax; to amend the Transfer Duty Act, 1949, so as to provide for further exemptions from transfer duty; to amend the Estate Duty Act, 1955, so as to increase the amounts that may be deducted from the net value of an estate in the determination of the dutiable amount of the estate; to amend the Stamp Duties Act, 1968, so as to extend the instruments in respect of which duty shall not be chargeable; to permit an authorized revenue officer or a banker to deface adhesive revenue stamps on certain instruments at any time before the expiry of the period allowed for stamping; to abolish the stamp duty payable in respect of certain leases of movable property; to provide for a further exemption from the payment of stamp duty in respect of the issue and registration of transfer of certain marketable securities; and to provide for an exemption from stamp duty relating to a sale of marketable securities in certain circumstances; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16 June 1978.)

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

1. (1) Section 3 of the Marketable Securities Tax Act, 1948, is hereby amended by the substitution for paragraph (c) of the following paragraph:

- “(c) in respect of the purchase of marketable securities issued by—
- (i) the Government of the Republic or of any colony now forming part of the Republic; **[or by]**
 - (ii) any local authority;
 - (iii) the Rand Water Board;
 - (iv) the Land and Agricultural Bank of South Africa;
 - (v) a water board established under Chapter VII of the Water Act, 1956 (Act No. 54 of 1956);
 - (vi) a Regional Water Services Corporation constituted under section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal;
 - (vii) the Electricity Supply Commission; **[or]**
 - (viii) the South African Broadcasting Corporation;
 - (ix) the South African Gas Distribution Corporation Limited; or

Amendment of section 3 of Act 32 of 1948, as amended by section 12 of Act 64 of 1960, section 36 of Act 77 of 1968, section 2 of Act 88 of 1974 and section 2 of Act 114 of 1977.

REVENUE LAWS AMENDMENT ACT, 1978.

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(x) the Uranium Enrichment Corporation of South Africa Limited.

(2) Subsection (1) shall be deemed to have come into operation on 1 March 1978.

5 2. (1) Section 9 of the Transfer Duty Act, 1949, is hereby amended—

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

10 “(b) any divisional council, rural council, municipal council, town council, village council, town board, local board, village management board, health committee or other committee of a similar nature, or any district council or any local or general council established or deemed to have been established under the Bantu Affairs Act, 1959 (Act No. 55 of 1959), or a Bantu Affairs Administration Board established under the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971), or the Evaton Bantu Township Liaison Committee as constituted under Part II of Schedule B to Proclamation No. 54 of 1959, or the Far West Rand Dolomitic Water Association formed on the sixth day of July, 1964, or the Rand Water Board or the body established under section 2 of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal;” and

(b) by the addition of the following subsection:

30 “(11) No duty shall be payable in respect of the acquisition by way of a transaction concluded on or after 1 April 1978, by a natural person of the full ownership in—

35 (a) any property consisting of land and any dwelling-house thereon or of a residential apartment and an undivided share in common property held under a sectional title deed contemplated in the Sectional Titles Act, 1971 (Act No. 66 of 1971), if the value of such property, determined in accordance with the provisions of sections 5, 6, 7 and 8, does not exceed twenty thousand rand; or

40 (b) any unimproved land acquired for the purpose of erecting a dwelling-house thereon, if the value of such land, determined in accordance with the provisions of sections 5, 6, 7 and 8, does not exceed eight thousand rand.”

45 (2) Paragraphs (a) and (b) of subsection (1) shall be deemed to have come into operation on 26 November 1971 and 1 April 1978, respectively.

50 3. (1) Section 4A of the Estate Duty Act, 1955, is hereby amended by the substitution for the word “twenty-five”, wherever it occurs, of the word “thirty”.

(2) The amendment effected by subsection (1) shall apply in respect of the estate of any person who died or dies on or after 1 April 1978.

55 4. (1) Section 4 of the Stamp Duties Act, 1968, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

60 “(b) any instrument if the duty thereon would be legally payable and borne by any divisional council, rural council, municipal council, town council, village council, town board, local board, village management board, health committee or other committee of a similar nature, or any district council or any local or general council established or deemed to have been established under the Bantu Affairs Act, 1959 (Act No. 55 of 1959), or a

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 1953, section 12 of Act 80 of 1959, section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972, section 3 of Act 66 of 1973, section 5 of Act 88 of 1974 and section 77 of Act 54 of 1976.

Amendment of section 4A of Act 45 of 1955 as inserted by section 6 of Act 92 of 1971.

Amendment of section 4 of Act 77 of 1968, as amended by section 17 of Act 103 of 1969, section 5 of Act 72 of 1970, section 6 of Act 66 of 1973 and section 8 of Act 88 of 1974.

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5 Bantu Affairs Administration Board established under
the Bantu Affairs Administration Act, 1971 (Act No. 45
of 1971), or the Rand Water Board, or any regional
 10 water services corporation constituted under section 7 of
 the Water Services Ordinance, 1963 (Ordinance No. 27
 of 1963), of Natal, or any water board established under
 Chapter VII of the Water Act, 1956 (Act No. 54 of
 1956), or the Electricity Supply Commission, or the
 15 Evaton Bantu Township Liaison Committee as consti-
 tuted under Part II of Schedule B to Proclamation No.
 54 of 1959, or the body established under section 2 of
 the Transvaal Board for the Development of Peri-Urban
 Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of
 the Transvaal, or the Magistrate of the District of
 Rehoboth in the exercise and execution of the powers,
 functions and duties vested in and conferred and
 imposed upon him by section 1 of the Rehoboth Affairs
 Proclamation, 1924 (Proclamation No. 31 of 1924), of
 20 the Administrator of the territory of South-West
 Africa.”

(2) Subsection (1) shall be deemed to have come into operation
 on 26 November 1971.

5. (1) Section 10 of the Stamp Duties Act, 1968, is hereby
 amended by the substitution for paragraph (d) of subsection (1) of
 25 the following paragraph:

Amendment of
 section 10 of
 Act 77 of 1968.

“(d) in the case of any other instrument, by the person liable
 under this Act to stamp the instrument or by any party
 thereto or by an authorized revenue officer or by a
 banker to whom the instrument has been presented in
 30 the ordinary course of such banker’s business.”

(2) Subsection (1) shall be deemed to have come into operation
 on 1 October 1968.

6. (1) Section 22 (4) of the Stamp Duties Act, 1968, is hereby
 amended by the deletion of paragraph (c).

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

35 (2) Subsection (1) shall be deemed to have come into operation
 on 1 April 1978.

7. (1) Item 14 of Schedule 1 to the Stamp Duties Act, 1968, is
 hereby amended—

Amendment of
 Item 14 of
 Schedule 1 to
 Act 77 of 1968,
 as amended by
 section 19 of
 Act 114 of 1977.

40 (a) by the substitution for the words preceding paragraph
 (1) of the following words:

45 “Lease or agreement of lease (including any instru-
 ment intended or operating as a lease or sub-lease or as
 an agreement to let or sub-let) whereby **movable or**
 immovable property is let, whether with or without other
 assets or rights, provided transfer duty is not chargeable
 in respect of such lease or agreement.”;

50 (b) by the substitution for the proviso to paragraph (1) of
 the following proviso:

“Provided that if in any case it is shown to the
 satisfaction of the Secretary that **an** the aggregate
 amount of rent and any other consideration payable
 under any such lease or agreement of lease **is payable**
 in respect of immovable property and that the total
 amount thereof exceeds the full selling value of
 55 **such property** the property leased, duty shall be
 payable only on the amount of such full selling value
plus the aggregate amount of rent and any other
consideration payable under such lease or agreement
as in the opinion of the Secretary relates to movable
property.”; and

60 (c) by the deletion of the Exemptions.

REVENUE LAWS AMENDMENT ACT, 1978.

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(2) Subsection (1) shall be deemed to have come into operation on 1 April 1978.

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

5 (a) by the substitution for the words preceding paragraph (1) of the following words:

10 “*Marketable security*, including any scrip, certificate, warrant or any other like instrument representing any share, stock or debenture, or any right of option to acquire any share, stock or debenture, of any company or other corporate body (other than a local authority, the Rand Water Board, the Electricity Supply Commission, the Land and Agricultural Bank of South Africa, the South African Gas Distribution Corporation Limited, the

15 Uranium Enrichment Corporation of South Africa Limited, a water board established under Chapter VII of the Water Act, 1956 (Act No. 54 of 1956), a regional water services corporation constituted under section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal, or a building society:”;

20 (b) by the substitution for subparagraph (i) of paragraph (j) of “Exemptions from the duty under paragraph (3)” of the following subparagraph:
 25 “(i) such registration is effected at the request of a bank or broker in consequence of the purchase or sale of such marketable security by such broker on behalf of a client of such broker or by a broker on behalf of a client of any broker or bank by whom the nominee company is controlled; and”.

30 (2) Paragraphs (a) and (b) of subsection (1) shall be deemed to have come into operation on 1 March 1978 and 1 April 1977, respectively.

9. This Act shall be called the Revenue Laws Amendment Act, 1978. Short title.

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 and section 20 of Act 114 of 1977.